

27th SESSION
Strasbourg, 14-16 October 2014

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Municipal elections in the Netherlands (19 March 2014)

Recommendation 358 (2014)¹

1. Following an invitation by the Minister of Foreign Affairs of the Kingdom of the Netherlands to observe the municipal elections in the Netherlands on 19 March 2014, the Congress of Local and Regional Authorities of the Council of Europe refers to:

a. the principles laid down in the European Charter of Local Self-Government (ETS No. 122) which was ratified by the Netherlands on 20 March 1991, and its Additional Protocol, ratified by the Netherlands on 13 December 2010;

b. Congress Resolution 306(2010)REV on observation of local and regional elections – strategy and rules of the Congress;

c. Congress Resolution 353(2013)REV on Congress post-monitoring and post-observation of elections: developing political dialogue.

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

3. The Congress was pleased to see the transparency, openness and inclusiveness of voting processes in the Netherlands and the high-level democratic commitment of the staff involved in the organisation of the municipal elections on 19 March 2014.

4. It observed with satisfaction the pragmatic approach to electoral management in the Netherlands which is well-embedded in the overall socio-cultural set-up and the long-standing democratic tradition of the country.

5. The Congress continues to follow with great interest the open consultation and informed debate in the country concerning a secure system of electronic voting and counting.

6. It is, however, concerned about the absence of regulations on party and campaign financing, limitations on campaign expenditure and conditions for sponsorship of political parties.

¹ Debated and approved by the Chamber of Local Authorities on 14 October 2014 and adopted by the Congress on 15 October 2014, 2nd sitting (see Document [CPL\(27\)3FINAL](#), explanatory memorandum), rapporteur : Pearl PEDERGNANA, Switzerland (L, SOC).

7. The Congress therefore encourages the Dutch authorities to pursue:

- a.* the course taken in view of adopting – as soon as possible – regulations on party and campaign financing;
- b.* the policy aimed at improving the counting procedures and the possibility of introducing legal provisions for the re-count of votes;
- c.* the strategy to minimise the risk of fraud with regard to the long-established system of proxy voting in the Netherlands and to consider the testing of early voting by post as an alternative system.

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Observation of pre-term local elections in Ukraine (25 May 2014)

Recommendation 359 (2014)¹

1. Following the invitation sent on 4 April 2014 by the Ukrainian authorities to observe the pre-term local elections in Ukraine held on 25 May, the Congress of Local and Regional Authorities of the Council of Europe refers to:

a. the principles laid down in the European Charter of Local Self-Government (ETS No. 122) which was ratified by Ukraine on 11 September 1997; and its Additional Protocol on the right to participate in the affairs of a local authority signed by Ukraine on 20 October 2011;

b. Congress Resolution 306(2010)REV on observation of local and regional elections – strategy and rules of the Congress;

c. Congress Resolution 353(2013)REV on Congress post-monitoring and post-observation of elections: developing political dialogue.

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

3. The Congress welcomes the fact that – despite the fragile political environment and prevailing security issues – the pre-term local elections held on 25 May were characterised by high turnout, demonstrating the wish of voters, in most parts of the country, for a fresh start. Overall, international electoral standards and fundamental freedoms were respected.

4. It is pleased to note that important shortcomings in the elections observed in 2010 have been addressed by the Ukrainian authorities who had taken into consideration previous recommendations, in particular with regard to the election of the Mayor of Kyiv, the compilation of the voters' list, and more transparent procedures.

¹ Debated and approved by the Chamber of Local Authorities on 14 October 2014 and adopted by the Congress on 15 October 2014, 2nd sitting (see Document [CPL\(27\)4FINAL](#), explanatory memorandum), rapporteur : Nigel MERMAGEN, United Kingdom (L, ILDG).

5. The Congress highlights that further improvements can be made in respect of electoral legislation and the practical side of electoral management and therefore invites the Ukrainian authorities to:

a. allow independent candidates to run for mayoral election not only in villages and settlements but also in larger localities;

b. take measures to improve professional standards in counting procedures and in the training of the electoral staff, in particular with regard to vote counting at the end of election day;

c. ensure adequate staffing of polling stations, in particular in urban areas, and a more tamper-proof system for selecting the members of election commissions;

d. further improve access to polling stations for those of reduced mobility and adjust the maximum number of voters registered in the precinct to the real local conditions on the premises.

6. More specifically, the Congress recommends organising the next general local elections in 2015 separately from any other national vote.

7. In general, it encourages the Ukrainian authorities to strengthen journalistic freedoms and media pluralism, increase transparency of party and campaign financing and reinforce anti-corruption measures.

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Observation of local elections in Georgia (15 June 2014)

Recommendation 360 (2014)¹

1. Following the invitation by the Minister of Foreign Affairs of Georgia to observe the local elections held in the country on 15 June 2014, the Congress of Local and Regional Authorities refers to:

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

b. Congress Resolution 306(2010)REV on Observation of local and regional elections – strategy and rules of the Congress;

c. Congress Resolution 353(2013)REV on Congress post-monitoring and post-observation of elections: developing political dialogue.

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

3. The Congress welcomes the fact that – further to a controversial campaign in a heated atmosphere – the local elections held on 15 June 2014 were carried out in an overall calm and peaceful manner and were generally well run, despite local incidents and individual irregularities.

4. It is pleased to note that the electoral environment, in particular with regard to the working conditions for journalists covering the campaign and the possibility for voters to cast their ballot without the exertion of influence or pressure, has improved compared to previous elections.

5. It also acknowledges the efforts made by the Georgian authorities to prevent electoral fraud by the introduction of a new system of verification of voters' identity including digital photos on the voters' list.

6. The Congress welcomes, in particular, the fact that Mayors and *Gamgebelis* (town managers) are now directly elected in Georgia and that by the 50% plus one vote-threshold the heads of local executive bodies were elected by the majority of citizens who used their right to vote. This contributes to the accountability of local representatives and to a competitive electoral environment and is in line with Congress recommendations.

¹ Debated and approved by the Chamber of Local Authorities on 14 October 2014 and adopted by the Congress on 15 October 2014, 2nd sitting (see Document [CPL\(27\)5FINAL](#), explanatory memorandum), rapporteur : Jos WIENEN, Netherlands (L, EPP/CCE).

7. The Congress highlights the fact that further improvements can be made in respect of the electoral legislation and the practical side of electoral management and therefore invites the Georgian authorities to:

a. revise the composition of precinct and district election commissions to ensure a more equal representation of parties in power and in opposition;

b. allow for independent candidates to run in the elections through the right of initiative groups to nominate candidates for mayor/*gamgebeli*;

c. strengthen the confidence-building role and the effectiveness of the Inter Agency Task Force for Free and Fair Elections (IATF) through monitoring of the implementation of recommendations made by IATF and increasing party neutrality at the managerial level of the institution;

d. step up training programmes for members of precinct and district election commissions, in order to improve the electoral documentation and the counting procedures.

8. In addition, the Congress encourages the Georgian authorities to revise specific legal provisions including residence requirements for passive voting rights at local level, equality of the vote and no-confidence procedures against the directly elected mayors and *gamgebelis*.

9. With regard to future elections, pro-active policies should be conceived by the authorities to avoid aggressive rhetoric, violent action and pressure being applied to candidates during the campaign.

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Promoting equal opportunities for people with disabilities and their participation at local and regional levels

Recommendation 361 (2014)¹

1. An estimated 15% of Europeans live with a disability, and one in four has a family member with a disability. The Council of Europe recognised the need to promote and protect the rights of persons with disabilities and committed to implementing its Disability Action Plan 2006-2015, adopted by the Committee of Ministers' Recommendation CM/Rec(2006)5. This commitment was developed further in Recommendation CM/Rec(2009)8 on achieving full participation through Universal Design; Recommendation CM/Rec (2010)2 on deinstitutionalisation and community living of children with disabilities; Recommendation CM/Rec(2011)14 on the participation of persons with disabilities in political and public life; Recommendation CM/Rec(2012)6 on the protection and promotion of the rights of women and girls with disabilities; and Recommendation CM/Rec(2013)2 on ensuring full inclusion of children and young persons with disabilities into society.

2. Referring to its Resolution 371 (2014) on promoting equal opportunities for people with disabilities and their participation at local and regional levels, the Congress notes with concern, however, that many people with disabilities in Europe continue to face difficulties in exercising their right to vote and to participate in decision making, as well as a lack of access to both physical (built) and non-physical (policy) environments, which represents a major barrier to their self-realisation, full integration into society and meaningful participation in democracy. They also experience difficulties with having access to education and vocational training, health care, employment and housing, and with maintaining an adequate standard of living. The impact of the economic crisis has further undermined progress towards full realisation of their rights, as austerity measures and budgetary cuts to social programmes contribute to exposing people with disabilities to higher risks of exclusion, poverty, discrimination, marginalisation, illiteracy and negative stereotypes.

3. The Congress is convinced that mainstreaming disability in national, regional and local policies is key to promoting equal opportunities for people with impairments, and that such mainstreaming requires both the inclusion of disability issues in the design, implementation, monitoring and evaluation of policies and programmes at all levels of governance, and the participation of persons with disabilities and their representative organisations as an integral part of this process. In this regard, local and regional authorities can make a genuine difference in ensuring equal opportunities for persons with disabilities, their participation in decision making and their access to social rights, by adapting the built environment and inclusion policies and practices, and by providing individually tailored social support.

¹ Debated and adopted by the Congress on 14 October 2014, 1st sitting (see Document [CG \(27\)8FINAL](#), explanatory memorandum), rapporteur: Josef NEUMANN, Germany (R, SOC).

4. The Congress is also convinced that the right of people with disabilities to vote and to stand as a candidate in elections, together with their meaningful involvement in policy decision-making, constitute essential components of their participation in political life.

5. In the light of the above, the Congress requests that the Committee of Ministers invite member States of the Council of Europe to:

a. ratify, if they have not yet done so, the 2006 UN Convention on the Rights of Persons with Disabilities, and establish appropriate mechanisms to monitor its implementation;

b. ensure the compliance of their national legal frameworks with the provisions of the Council of Europe Disability Action Plan 2006-2015 and the Committee of Ministers' recommendations referred to in paragraph 1 above;

c. in particular, revise the legal provisions as appropriate in order to ensure the effective exercise of legal capacity for persons with certain types of impairments and their right to vote and to stand as a candidate in elections;

d. develop and implement, with the participation of local and regional authorities and disabled people's organisations (DPOs), national strategies and action plans for ensuring equal rights and opportunities for persons with disabilities and their participation, focusing on mainstreaming disability in national development policies and programmes, improving accessibility of the built environment and ensuring access to social rights;

e. set up mechanisms to co-ordinate the implementation of these strategies and action plans at subnational level, aimed at building synergies with local and regional measures and providing support to local and regional action plans on disability;

f. establish national mechanisms for the effective involvement of disabled people's organisations in decision-making processes;

g. ensure sufficient budgetary funds for social services at local and regional levels in order to enable the full participation of people with disabilities.

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Adequate financial resources for local authorities

Recommendation 362 (2014)¹

1. Article 9 of the European Charter of Local Self-Government protects the right of local authorities to adequate and commensurate financial resources of their own, within national economic policy.

2. However, recent Congress monitoring visits in the framework of the application of the European Charter of Local Self-Government have highlighted serious problems in some member states concerning the financial resources of local authorities, which are not limited to the effects of the financial crisis.

3. The Congress is also receiving an increasing number of complaints from national associations of local authorities concerning restrictions to local financial autonomy and resources.

4. A survey conducted by the Group of Independent Experts on the European Charter of Local Self-Government in 2013 reveals that, in a number of member states, the revenues of local authorities are so low that they are unable to finance their mandatory tasks and functions, suggesting that the national authorities in question are not respecting the commitments that they entered into in ratifying Article 9 of the Charter.

5. The Congress is aware that the Committee of Ministers, in its reply² to Congress Recommendation 79 (2000)⁴, shares its view that a proper balance needs to be found between the delegation of responsibilities to local authorities and the financial resources available to these authorities, whether through grants or taxation.

6. The Congress point out that:

a. Member States party to the European Charter of Local Self-Government have undertaken to provide local authorities with financial resources which are adequate and match the competences that they have been attributed; these financial resources should come partly from local taxes and charges, of which, within the limits of the law, they have the power to determine the rate;

b. local authorities should be consulted on the way in which redistributed resources are allocated to them;

¹ Debated and approved by the Chamber of Local Authorities on 14 October 2014 and adopted by the Congress on 15 October 2014, 2nd sitting (see Document [CPL\(27\)2FINAL](#), explanatory memorandum), rapporteur : Gilbert ROGER, France (L, SOC).

² [CM/Cong\(2001\)Rec79final](#)

c. the legal authority and responsibility to perform certain functions is meaningless if local and regional authorities are deprived of financial resources to carry them out;

d. Member States have considerable freedom to find a way to ensure adequate resources for local authorities; central grants; share of central taxes; charges and fees for public services; local taxes amongst others;

e. most member States do not restrict how local authorities spend their financial resources, in theory, but in practice the majority of local revenues are spent on their own and delegated “mandatory tasks” and functions leaving little left for own-decision spending priorities.

7. The Congress is concerned that:

a. in many member States, local and regional authorities still do not have the power to determine the rate of local taxes or charges, within the limits of statute;

b. local authorities in some member states do not have enough financial resources to cover the mandatory tasks and functions allocated to them by national and regional authorities;

c. there is a tendency in some countries to recentralise tasks and finances in the name of austerity and rationalisation programmes, removing decisions from the level closest to the citizens;

d. there are still member States which transfer competencies to the local and regional level without the commensurate transfer of funds.

8. Bearing in mind:

a. Congress Recommendation 79 (2000) on the financial resources of local authorities in relation to their responsibilities: a litmus test for subsidiarity and the Deputies’ reply of 14 March 2001 which states that “the Committee of Ministers shares the view of the Congress that the right balance should be found between the implementation of decentralisation of responsibilities and the financial resources of local authorities.”;

b. Committee of Ministers’ Recommendation Rec (2005) 1 on the financial resources of local and regional authorities which contains guidelines for central authorities, and underlines the fact that local self-government implies a degree of financial autonomy;

c. Congress Recommendation 340 (2013) on local and regional authorities responding to the economic crisis;

d. the Kyiv declaration and Kyiv Guidelines, adopted by the Ministers Responsible for Local and Regional Government at their Conference in Kyiv (Ukraine) in 2011, calling for joint action by national governments and local and regional authorities in responding to the economic crisis;

e. Parliamentary Assembly Resolution 1886 (2012) on the impact of the economic crisis on local and regional authorities in Europe, and Resolution 1884 (2012) on austerity measures;

f. The overview of “recurrent issues” encountered by the Congress in the course of its monitoring activities, submitted by the Congress President to the Committee of Ministers on 13 December 2013;

9. The Congress therefore asks the Committee of Ministers to invite member states:

a. to ensure that :

- i. decisions taken on a national and/or regional level concerning the allocation of financial resources to the local level are done so in a public and transparent manner;
- ii. the balance between mandatory tasks and functions and the resources available to local authorities is regularly reviewed and discussed between the different levels of government concerned;
- iii. effective consultation mechanisms are established to ensure the views of local authorities are taken into account during budget planning;

b. to provide local authorities, within the national economic policy with;

- i. adequate finances to meet mandatory tasks and functions;
- ii. the powers to raise their own revenues, to match their responsibilities with respect to expenditure;
- iii. the freedom to decide on expenditure priorities;

10. The Congress asks the Committee of Ministers:

a. to invite those member states which have not done so to consider ratifying Article 9.5 of the European Charter of Local-Self Government, which provides for the protection of weaker local authorities through the use of financial equalisation measures, to enable local authorities to provide a consistent level of public services;

b. to include, in its political dialogue with the Congress on the situation of local and regional democracy in Europe, the issue of adequate financial resources for local authorities, at least once during every Congress mandate (every four years).

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Inter-regional cooperation in Europe **Trends and prospects**

Recommendation 363 (2014)¹

1. Recent years have seen a surge in bilateral and multilateral cooperation initiatives involving Europe's regions. These have evolved from being a special interest of federated states to becoming a general trend throughout Europe and beyond.
2. Inter-regional cooperation may be understood as the direct involvement of regional governments and parliaments in bilateral or multilateral cooperation schemes, other than those represented by trans-frontier cooperation, with regional governments in other countries.
3. This form of cooperation has begun to demonstrate its potential with respect to territorial development and cohesion, furthering the Council of Europe's aim to achieve greater unity among its members. Economic benefits are being realised by increased trade, economies of scale, better use of resources and the forging of strategic economic alliances to better compete with large economies on the global stage. Political benefits include the erosion of barriers resulting from historical, political or cultural differences and more effective representation of common interests in international fora.
4. The Congress notes that the intergovernmental sector of the Council of Europe has already done much with regard to identifying and addressing obstacles to transfrontier cooperation and believes that it would be appropriate to carry out similar work with regard to facilitating inter-regional cooperation.
5. Inter-regional cooperation remains for the most part little known and poorly understood. There is a clear need for greater visibility and sharing of experience in this field, to make national and regional governments more aware of what is possible and how best to proceed.
6. A key feature of the success of such initiatives lies in good consultation and coordination between national and regional governments, to ensure maximum coherence in policies and strategies.

¹ Debated and approved by the Chamber of Regions on 14 October 2014 and adopted by the Congress on 15 October 2014, 2nd sitting (see Document [CPR\(27\)2FINAL](#), explanatory memorandum), rapporteur : Stewart DICKSON, United Kingdom (R, ILDG).

7. Protocol No.3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (Madrid Convention) concerning Euroregional Co-operation Groupings (ECGs), CETS No.206, has created new possibilities for inter-regional cooperation, paving the way for the development of a new generation of cooperation initiatives and projects which will better meet the needs and expectations of the parties concerned.

8. Convinced of the value of further developing such cooperation, the Congress therefore asks the Committee of Ministers to invite national governments to:

- a. encourage their regional governments to develop their cooperation with counterparts in other states;
- b. facilitate such inter-regional cooperation initiatives;
- c. encourage the representation of regions in international bodies;
- d. facilitate the opening of representation offices in other countries by those regions which seek to do so.

9. The Congress invites the Committee of Ministers to:

- a. consider undertaking a stock-taking of the obstacles to inter-regional cooperation in Europe, to complement the work that it has already undertaken with regard to obstacles to transfrontier cooperation;
- b. encourage the representation of regional governments in its intergovernmental committees;
- c. encourage member States to sign and ratify Protocol No.3 to the Madrid Convention.

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The role of regional media as a tool for building participatory democracy

Recommendation 364 (2014)¹

1. Media play vital roles in pluralist democratic societies, such as acting as public or social watchdogs, circulating information and ideas, and providing forums for public debate. Those democratic roles assume particular importance at the regional level due to the proximity of the relationship between regional media and populations from the areas and communities they serve, which tends to be closer, stronger and more representative than at the national level. The proximity of regional media to their target communities is also political in character as regional journalism fosters engagement with regional politics and issues that are either underrepresented in, or absent from, national media. The importance of media pluralism and diversity of media content is especially evident at the regional level due to politico-economic considerations particular to regional media.

2. Over the past years, the media sector has undergone tremendous technology-driven changes, with the digitalisation of media services, emergence of new media and 'citizen journalism', and development of community media. This transformation has led to unprecedented levels of interaction and engagement by users, offering new opportunities for democratic citizenship and for users' participation in the process of creating and disseminating information and content, thus blurring the boundaries between public and private communication. The evolving relationship between traditional and new media prompts a need to re-examine the existing media policy at all levels of governance, in order to offer a policy framework which guarantees an appropriate level of protection to all media actors and provides a clear indication of their duties and responsibilities.

3. The Council of Europe has adopted a range of instruments relevant to the operation of media across its 47 member States. The Congress notes in this regard the most recent conclusions of the 1st Council of Europe Conference of Ministers responsible for Media and Information Society (Belgrade, 7-8 November 2013), including the Political Declaration on "Freedom of Expression and Democracy in the Digital Age: Opportunities, rights, responsibilities", and resolutions on internet freedom, on preserving the essential role of media in the digital age and on safety of journalists. However, references to regional media are dispersed across relevant provisions of these texts, and a considerable dot-joining exercise is required in order to draw a coherent picture.

¹ Debated and approved by the Chamber of Regions on 14 October 2014, 1st sitting and adopted by the Congress on 15 October 2014, 2nd sitting (see Document CPR (27)3FINAL, explanatory memorandum), rapporteur: Johan van den HOUT, Netherlands (R, SOC).

4. At the same time, the Congress notes with concern that the general situation of media freedom and safety of journalists in Europe is becoming increasingly worrisome. In their Resolution on Safety of Journalists, the Ministers responsible for media and information society expressed their deep concern about continuing physical violence including killings, inhuman treatment, harassment, judicial intimidation, threats, as well as arbitrary measures such as detentions, expulsions, surveillances, searches and seizures. Media pluralism and content diversity, including at the regional level, also continue to be threatened by growing monopolisation of the media market and insufficiency of financial means, as well as excessive concentration of ownership and centralised control over media, leading to a loss of editorial independence and disguised censorship.

5. The Congress notes in this regard the current work of the Council of Europe aimed at protecting media freedom and ensuring the safety of journalists, including the Committee of Ministers' decision to develop a Council of Europe Internet-based platform on violations of media freedom, the holding of a round table on "Safety of Journalists: From Commitment to Action" in Strasbourg on 19 May 2014, and the planned conference on "Media freedom and the safety of journalists", to be organised by the Council of Europe Parliamentary Assembly in December 2014.

6. Referring to its Resolution 374 (2014) on "The role of regional media as a tool for building participatory democracy", the Congress is convinced that improving the operation of regional media is an important factor for promoting media freedom and requires adaptation of legal frameworks to the new media environment, taking into account recommendations and policy guidelines elaborated by the Council of Europe.

7. In the light of the foregoing, the Congress asks the Committee of Ministers to undertake a review of the existing instruments, with a particular attention to the state and prospects of regional media in a reconfigured media environment, and to elaborate a new recommendation to Council of Europe member States addressing the key aspects of the regional media situation.

8. The Congress further asks the Committee of Ministers to invite the member States of the Council of Europe to:

a. recognise the role of regional media in promoting participatory democracy in European regions, and revise the existing regulatory frameworks to adapt to the specific situation of regional media in a new media environment, taking into account the relevant provisions of the Committee of Ministers' recommendations in the media field, the conclusions of the 1st Council of Europe Conference of Ministers responsible for Media and Information Society (Belgrade, 7-8 November 2013), as well as Recommendation 119 (2002), Recommendation 173 (2005) and Recommendation 263 (2009) of the Congress;

b. include the safety of journalists and journalism as part of a wider notion of media freedom, i.e. not only related to physical threats and attacks but also to legislation and practice contradicting Council of Europe standards on freedom of expression, and establish mechanisms to ensure the safety and protection of journalists and journalism and to prevent or promptly investigate alleged violations of media freedom;

c. include regional media within the existing media subsidies and use specific subsidy schemes for the promotion of regional journalism;

d. support regional efforts to maintain regional public service media, and to develop non-profit media, in particular community media;

e. take financial and regulatory measures necessary to protect and promote structural pluralism of audiovisual and print media, seeking greater transparency in media ownership rules;

f. support measures to bridge the 'digital divide' and promote media literacy at the regional level, taking into account Recommendation 263 (2009) of the Congress on "The digital divide and e-inclusion in the regions".

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Promoting diversity through intercultural education and communication strategies

Recommendation 365 (2014)¹

1. The population of Europe is rapidly diversifying, and it is now the case that not just major cities, but also small municipalities and authorities more and more frequently have local populations of a very wide range of ethnic, cultural and religious origins. Ethnic minorities, foreign residents, migrants, asylum-seekers, refugees and residents of migrant origin form a European population which is not only growing more strongly than in the previous decades, but has also become an integral part of the fabric of our societies. They are now a major force, thanks to their economic, social and cultural contribution.

2. Their diversity represents a wide-ranging resource for innovation, growth and local economic, social and cultural development, making possible an opening up to other cultures and an inflow of new knowledge, methodologies, skills and ideas which increase a society's creativity and make it better able to face up to new situations, crises and challenges. In the cultural sphere, diversity is a source of enrichment which is perceptible in literature, films, the arts, sport, cookery and fashion, and in many forms of expression and types of activity. That creativity is also a source of job creation, attracting industries and firms in search of innovative ideas.

3. Thus the paradigm for society-building in Europe has changed. Whereas, in the past, we sought to achieve social cohesion on the basis of homogeneity, we now find ourselves in an intercultural society. The Report of the Group of Eminent Persons of the Council of Europe entitled *Living together. Combining diversity and freedom in 21st-century Europe*,² identified European diversity as the main challenge facing modern democracy. That same report highlighted the crucial role played by local and regional authorities in responding effectively, as well as their role in building harmonious intercultural relations between the different population groups.

¹ Debated and adopted by the Congress on 15 October 2014, 2nd sitting (see Document CG(27)6FINAL, explanatory memorandum), rapporteure: Nawel RAFIK-ELMRINI, France (L, SOC).

² *Living together. Combining diversity and freedom in 21st-century Europe*, Report of the Group of Eminent Persons of the Council of Europe, © Council of Europe, May 2011.

4. When it comes to accepting cultural diversity as an enriching factor, there is still a degree of resistance and reluctance among the local population, fuelled by prejudice and misconceptions based on rumours, stereotyping and misinformation. That prejudice, often stemming from ignorance of other cultures, continues to affect the way in which people regard others. That resistance also comes from a more subjective and unconscious perception that the concept of cultural diversity is linked to the idea of the “foreign”, “immigrant” or “minority” culture constituting a threat to the majority culture. Ignorance of the benefits of diversity is thus a major obstacle to intercultural action.

5. The Congress is certain that the diversity and cultural heritage of populations represent two of the main assets of European societies, and that a precondition for a change in attitudes to diversity is a better knowledge of its advantages in both populations and authorities, necessitating the development of policies encompassing all social, ethnic and cultural groups and an educational effort based on intercultural communication and teaching.

6. In this respect, the Congress reaffirms the relevance of its Recommendations 261 (2009) on “Intercultural cities”, 304 (2011) on “Meeting the challenge of inter-faith and intercultural tensions at local level”, 347 (2013) on “Migrants’ access to regional labour markets” and 343 (2013) on “Integration through self-employment: promoting migrant entrepreneurship in European municipalities”, as well as of Recommendation CM/Rec(2010)7 on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education³ and of Parliamentary Assembly Recommendation 2005(2014) on “Identities and diversity within intercultural societies”.

7. The Congress notes the work under way within the Council of Europe to draft a recommendation to member states on intercultural integration, and awaits with interest its adoption by the Committee of Ministers, in the firm belief that its implementation will also contribute to local and regional action in this sphere.

8. In this context, the Congress draws the attention of the Committee of Ministers to the initiatives already started at local and regional level, amongst them its own European Local Democracy Week (ELDW) and the Council of Europe programme on “Intercultural cities”, the Practical guide for applying the *Urban model of intercultural integration*⁴ produced in the frame of that programme, as well as associated projects such as: Shaping Perceptions and Attitudes to Realise Diversity Advantage (SPARDA), Communication for Integration (C4I) and Diversity in the Economy and Local Integration (DELI).

9. The Congress also refers to the project Attitudes to Migrants, Communication and Local Leadership (AMICALL) and to the action plan drawn up by the European Coalition of Cities against Racism (ECCAR), as well as to numerous other campaigns and initiatives by authorities, such as the Cosmopolitan Strasbourg in France, the “anti-rumour” campaign in Barcelona and in other cities in Spain, as well as other “demystification campaigns”, Radio Diversity projects, and so on.

10. In the light of the foregoing, the Congress asks the Committee of Ministers to adopt as soon as possible the recommendation to member states on intercultural integration, and to invite the member states of the Council of Europe to:

a. produce an overall intercultural vision based on the experience of, and with a contribution from, the authorities;

b. formulate intercultural communication and education strategies of a general nature, with a view to promoting a consistent approach to diversity amongst the different government structures and the different levels of governance, and to raise society’s awareness of the advantages of diversity in order to derive maximum benefit from it;

c. to develop the curriculum, textbooks and teacher-training courses for schools, higher education establishments and schools of journalism, so as to improve intercultural skills and the vision of diversity;

³ Recommendation CM/Rec(2010)7 on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education (May 2010)

⁴ *The intercultural city step by step - Practical guide for applying the urban model of intercultural integration*, © Council of Europe, March 2013, ISBN 978-92-871-7818-3.

- d.* set up a system of intercultural mediation at every level of governance, with a sustainable budgetary allocation;
- e.* stop using political discourse about immigration as an instrument, and emphasise instead in politics and discussions about migratory movements the processes of mutual adaptation and migrant integration;
- f.* encourage the commitment of cultural and arts institutions to the promotion of diversity, and provide support to cultural projects which highlight diversity;
- g.* establish partnerships for the introduction of programmes relating to diversity, inter alia with authorities, players from civil society, national media and businesses;
- h.* support local and regional action in this sphere and provide continuity of budgets for the introduction of relevant programmes on the ground;
- i.* work in general against negative stigma, taking account of different dimensions which affect social reality, both objective (work, housing, access to public services) and subjective (feelings of belonging).

27th SESSION
Strasbourg, 14-16 October 2014

Local and regional democracy in Belgium

Recommendation 366 (2014)¹

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

a. Article 2, paragraph 1.b, of Statutory Resolution CM/Res (2011)2 on the Congress, which provides 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 2, paragraph 3, of Statutory Resolution CM/Res (2011) on the Congress, which provides 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, in particular, that the principles of the European Charter of Local Self-Government are implemented”;

c. Congress Resolution 299 (2010), which provides that the Congress will use the Council of Europe Reference Framework for Regional Democracy in its monitoring activities, as well as the reply given by the Committee of Ministers to Congress Recommendation 282 (2010) [CM/Cong(2011)Rec282final] encouraging the governments of member states to take account of the aforementioned Reference Framework in their policies and reforms;

d. the attached explanatory memorandum on local and regional democracy in Belgium.

2. The Congress notes that:

a. Belgium signed the European Charter of Local Self-Government (“the Charter”) on 15 November 1985 and ratified it on 25 August 2004. The Charter entered into force in Belgium on 1 December 2004. The provisions not ratified relate to Articles 3.2, 8.2 and 9.2, 9.6 and 9.7. In accordance with Article 13 of the Charter, the Kingdom of Belgium stated that it intended to confine the scope of the Charter to the provinces and municipalities (*communes*). Pursuant to the same article, the provisions of the Charter do not apply to the social services centres (*Centres publics d’Aide sociale*, CPAS) in the territory of the Brussels-Capital Region;

b. Belgium also 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) on 16 November 2009 but has not yet ratified it. In addition, Belgium has signed the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (CETS No. 106). It has not yet ratified the Framework Convention for the Protection of National Minorities or the European Charter for Regional or Minority Languages;

¹ Debated and adopted by the Congress on 15 October 2014, 2nd sitting (see Document [CG\(27\)7FINAL](#) explanatory memorandum) rapporteurs: Henrik HAMMAR, Sweden (L, EPP/CCE) and Urs WÜTHRICH-PELLOLI, Switzerland (R, SOC).

c. the Congress's Monitoring Committee appointed Henrik HAMMAR (Sweden, L, EPP/CCE) and Urs WÜTRICH-PELLOLI (Switzerland, R, SOC) as rapporteurs and tasked them with drawing up and submitting to the Congress a report on local and regional democracy in Belgium;

d. the Congress delegation made two visits on 8 and 9 October 2013 (Brussels and Tervueren) and a further visit was made to Brussels from 4 to 6 February 2014.

3. The Congress would like to thank the Permanent Representation of Belgium to the Council of Europe, the Belgian authorities at all territorial levels and everyone to whom they spoke for making themselves available, for their interest in the work of the Congress and for their co-operation throughout the visit.

4. The Congress notes the following with satisfaction:

a. local and regional democracy in Belgium generally complies with the commitments made under the Charter, the legal foundation of local self-government is fully complied with in all regions of Belgium, in particular Articles 2, 5, 7, 10 and 11 of the Charter;

b. the entry into force of the Sixth State Reform;

c. the introduction in 2006 of a procedure for the automatic *de jure* appointment of burgomasters elected in Wallonia;

d. the passage of a special act in July 2012, endorsed by two judgments of the Constitutional Court on 3 April 2014, under which burgomasters whose appointment is refused may appeal to the Council of State, which can issue a final appointment decision;

e. the appointment in December 2013 by the Flemish Minister of the Interior of a burgomaster for the municipality of Wezembeek-Oppem and the appointment in June 2014 by the general assembly of the Council of State of a burgomaster for the municipality of Kraainem, neither of which had had appointed burgomasters since 2006;

f. the desire expressed by the authorities of the Flemish region, the Walloon region, the German-speaking Community and the Brussels-Capital Region to reconsider the provisions of the Charter that have not yet been ratified with a view to possible ratification.

5. The Congress nevertheless expresses concern about the following:

a. the overlapping of some responsibilities between municipal and provincial level;

b. the financial difficulties which the local authorities in the three regions encounter, in particular because of the burden of staff pension costs paid by the local authorities;

c. the inadequacy of Belgian municipalities' and provinces' resources in relation to their responsibilities.

6. In the light of the above, the Congress asks the Committee of Ministers to invite the Belgian authorities to:

a. continue the implementation of all aspects of the Sixth State Reform in line with the timetable indicated;

b. clarify Belgian local authorities' powers so as to strengthen their ability to manage their affairs in the light of Article 3.1 of the Charter and strengthen, *de facto and de jure*, local and provincial democracy in Belgium (Article 4.2);

c. envisage the introduction of a system, in Flanders and in the Brussels-Capital Region, for the election of burgomasters by the municipal councils or by the citizens, which implies the automatic nomination of burgomasters;

d. improve and systematise the procedure for consulting local authorities about matters that directly concern them, in particular in the Walloon Region and the Brussels-Capital Region (Article 4.6);

e. review the financial burden of the staff pensions paid by local authorities, which account for a significant proportion of local government expenditure in Belgium (unlike the pensions paid at regional level, which are funded at federal level) and recommend that the federal level take structural measures to balance the relevant expenditure (Articles 6.2 and 9.1);

f. urge the community and regional authorities to pay particular attention to the financial situation of municipalities and provinces, making sure that they have diversified and adequate financial resources deriving from local taxes and charges, of which they have the power to determine the rate within the meaning of Articles 9.3 and 9.4 of the Charter in all the entities in Belgium;

g. reconsider ratifying the provisions of the Charter that have not yet been accepted;

h. consider ratifying 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) and the Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 159).

27th SESSION
Strasbourg, 14-16 October 2014

Revision of the Congress Charter

Recommendation 367 (2014)¹

1. The key role of local and regional democracy in building a Europe run for, and in close contact with, its citizens has become increasingly acknowledged over the last decade. The Congress, as the pan-European political assembly of local and regional elected representatives from all 47 member states of the Council of Europe is therefore more than ever relevant.

2. In order to meet this challenge of relevance, focusing on the core issues of democracy, human rights and the rule of law at the local and regional level, the Congress Bureau decided, in 2010, to review the Congress' mission and political role, its working structures and working methods with a view to revitalising it and increasing its efficiency.

3. Based on the Bureau's proposals, the Congress thoroughly reformed its priorities, processes and internal organisation, in line with the aims of the concurrent reform of the intergovernmental structures launched by Secretary General Thorbjørn Jagland.

4. The Congress has undertaken an ongoing process of refining and revising its working methods and approach and, four years after its large-scale reform, the Bureau believes the time has come to appraise and take stock of the Congress' new way of functioning as well as the innovative political dimensions of its work.

5. In February 2014, the Bureau therefore tasked its rapporteurs, Marc Cools (Belgium, L, ILDG) and Urs Wüthrich-Pelloli (Switzerland, R, SOC), with examining the Congress' two key administrative texts, the Charter and Rules of Procedure, to ensure that they:

- a. describe accurately and clearly the Congress' current procedure and practice;
- b. reflect the evolution of the Congress' work in the field;
- c. eliminate discrepancies, and
- d. establish a clearer separation of content and scope between the Charter and the Rules.

¹ Debated and adopted by the Congress on 16 October 2014, 3rd Sitting (see Document [CG\(27\)10FINAL](#) explanatory memorandum), rapporteurs Marc COOLS, Belgium (L, ILDG) and Urs WÜTHRICH-PELLOLI, Switzerland (R, SOC).

6. In light of the above, the Congress endorses the rapporteurs' proposals for revision and recommends that the Committee of Ministers amend the Charter of the Congress of Local and Regional Authorities of the Council of Europe, last amended by the Committee of Ministers on 19 January 2011, along the lines of the proposals contained in the appendix to Statutory Resolution CM/Res(X)x which is attached to this recommendation.

7. The Congress decides to incorporate the amended provisions of the Charter, and any other changes deemed necessary for its improvement, into the Rules of Procedure following the adoption of the revised Statutory Resolution and Charter by the Committee of Ministers.

Appendix

Preliminary draft Statutory Resolution CM/Res(2014)2X relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised charter appended thereto

*(adopted by the Committee of Ministers on ~~19 January 2011~~XXX
at the ~~1103rd~~XX meeting of the Ministers' Deputies²)*

The Committee of Ministers, under the terms of Articles 15.a and 16 of the Statute of the Council of Europe,

Having regard to Statutory Resolution Res(94)3 relating to the setting up of the Congress of Local and Regional Authorities of Europe;

Having regard to the Statutory Resolution Res(2000)1 relating to the Congress of Local and Regional Authorities of Europe;

~~Having regard to the Statutory Resolution CM/Res(2007)6 relating to the Congress of Local and Regional Authorities of Europe and the revised charter appended thereto;~~

Having regard to Congress Recommendation 162 (2005) on the revision of the Charter of the Congress of Local and Regional Authorities of the Council of Europe;

Having regard to Statutory Resolution CM/Res(2007)6 and Statutory Resolution CM/Res(2011)2 relating to the Congress of Local and Regional Authorities of Europe and the revised charter appended thereto:

Considering that one of the bases of a democratic society is the existence of a solid and effective local and regional democracy in conformity with the principle of subsidiarity included in the European Charter of Local Self-Government whereby public responsibilities shall be exercised, in preference, by those authorities which are closest to the citizens, having regard to the extent and nature of the public tasks and the requirements of efficiency and economy;

Bearing in mind that the creation of a consultative organ genuinely representing both local and regional authorities in Europe was approved in principle by the Heads of State and Government of the Council of Europe at the Vienna Summit;

Having regard to the conclusions of the Warsaw Summit deciding to “pursue, in partnership with the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe, intergovernmental co-operation on democracy and good governance at all levels” and stating that “the Congress of Local and Regional Authorities of the Council of Europe must continue to promote local democracy and decentralisation, taking into account the internal organisation of the countries concerned, so as to reach all levels of European society”;

Wishing to enhance and develop the role of local and regional authorities within the institutional structure of the Council of Europe;

Considering that the provisions hereinafter set out are not inconsistent with the Statute of the Council of Europe,

² The same day, the Committee of Ministers adopted the Charter of the Congress of Local and Regional Authorities of the Council of Europe set out in the appendix to this resolution.

Resolves as follows:

Article 1

The Congress of Local and Regional Authorities of the Council of Europe (hereinafter referred to as the Congress) is a consultative organ composed of representatives of local and regional authorities. Its membership and functions are regulated by the present articles, by the Charter adopted by the Committee of Ministers and by the Rules of Procedure adopted by the Congress.

Article 2

1. The Congress, in addition to its consultative functions, furthermore undertakes activities the aims of which shall be:

a. to ensure the participation of local and regional authorities in the implementation of the ideal of European unity, as defined in Article 1 of the Statute of the Council of Europe, as well as their representation and active involvement in the Council of Europe's work;

b. to submit proposals to the Committee of Ministers in order to promote local and regional democracy;

c. to promote co-operation between local and regional authorities;

d. to maintain, within the sphere of its responsibilities, contact with international organisations as part of the general external relations policy of the Council of Europe;

e. to work in close co-operation, on the one hand with the national, democratic associations of local and regional authorities, and, on the other hand, with the European organisations representing local and regional authorities of the member states of the Council of Europe, and notably with the Committee of the Regions of the European Union.

2. The Committee of Ministers and the Parliamentary Assembly shall consult the Congress on issues which are likely to affect the responsibilities and essential interests of the local and/or regional authorities which the Congress represents.

3. 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, in particular, that the principles of the European Charter of Local Self-Government are implemented.

4. The Congress shall also prepare reports and recommendations following the observation of local and/or regional elections.

5. Recommendations and opinions of the Congress shall be sent as appropriate to the Parliamentary Assembly and/or the Committee of Ministers as well as to European and international organisations and institutions. Resolutions and other adopted texts which do not entail possible action by the Assembly and/or the Committee of Ministers shall be transmitted to them for their information.

Article 3

1. The Congress shall be composed of representatives of local or regional authorities, in conformity with Article 2.1 of the Congress Charter. Delegates shall be appointed according to the criteria and procedure established in the Charter, which will be adopted by the Committee of Ministers, each state ensuring in particular an equitable representation of its various types of local and regional authorities.

2. Each member state shall have the right to the same number of seats in the Congress as it has in the Parliamentary Assembly. Each member state may send a number of substitutes equal to the number of representatives appointed according to the same criteria and procedure.

3. Representatives and substitutes shall be appointed for a period of four years and shall maintain their functions until the opening of the session following the expiration of that period, referred to as renewal session, except in cases referred to in Article 2.6 of the Charter.

Article 4

1. The Congress shall meet in session at least once a year. Sessions shall be held at the seat of the Council of Europe unless the Congress or its Bureau and the Committee of Ministers decide by common consent that the session should be held elsewhere.

2. The Congress is composed of two chambers: the Chamber of Local Authorities which represents local authorities and the Chamber of Regions which represents regional authorities. Within the limits of available resources allocated to it and considering the priorities of the Council of Europe, the Congress shall undertake its activities and may set up the following bodies: a Bureau, a Statutory Forum, committees and ad hoc working groups, which are necessary to perform its tasks. The Congress will inform the Committee of Ministers on the setting up of its committees.

Article 5

The number of seats in the committees will be set by the Congress in its Rules of Procedure.

Article 6

1. The present text replaces Statutory Resolution [CM/Res\(2011\)2](#) ~~CM/Res(2007)6~~ relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, adopted by the Committee of Ministers [on 19 January 2011 at the 1103rd](#) ~~on 2 May 2007 at the 994th~~ meeting of the Ministers' Deputies.

2. The text of the Charter of the Congress appended to the current statutory resolution replaces the text of the Charter adopted by the Committee of Ministers [on 19 January 2011 at the 1103rd](#) ~~on 2 May 2007 at the 994th~~ meeting of the Ministers' Deputies.

Appendix to Statutory Resolution CM/Res(~~2011~~2014)~~X~~2

Charter of the Congress of Local and Regional Authorities of the Council of Europe

(adopted by the Committee of Ministers on ~~19 January 2011~~
at the ~~1103rd~~~~X~~ meeting of the Ministers' Deputies)

Article 1

The Congress of Local and Regional Authorities of the Council of Europe is a consultative organ composed of representatives of local and regional authorities of the member states of the Council of Europe. Its objectives are set out in Article 2 of Statutory Resolution CM/Res(2011~~4~~)~~2~~~~X~~ relating to the Congress of Local and Regional Authorities of the Council of Europe.

Article 2

1. The Congress shall be composed of representatives of local and regional bodies who either hold a ~~general-specific~~ local or regional authority mandate resulting from direct elections or are politically accountable to a directly elected assembly, on the condition that they can be individually dismissed by, or following the decision of the aforementioned assembly and that dismissal is provided for by law.

2. The membership of each member state's delegation to the Congress shall be such as to ensure:
 - a. a balanced geographical distribution of members from the member state's territory;
 - b. equitable representation of the various types of local and regional authorities in the member state;
 - c. equitable representation of the various political forces reflecting either the latest local and regional elections or the effective political distribution within ~~in~~ the statutory bodies of local and regional authorities in the member state;
 - d. equitable representation of women and men ~~on the statutory bodies of local and regional authorities in the member state,~~ meaning that all delegations must include members of both sexes with a minimum participation of at least 30% of the under-represented sex among the representatives and among the substitutes.
3. Each member state shall have the right to the same number of seats in the Congress as it has in the Parliamentary Assembly. Each member state sends a number of substitutes equal to the number of representatives it sends. Substitutes shall be members of the chambers in the same capacity as representatives.
4. With regard to the Chamber of Regions, members must be from authorities placed between central government and local authorities and enjoying prerogatives either of self-organisation or of a type normally associated with the central authority and having a genuine competence to manage, on their own responsibility and in the interests of their populations, a substantial share of public affairs, in accordance with the principle of subsidiarity. If a country has authorities which cover a large area and exercise both local and regional responsibilities, representatives of such authorities shall also be entitled to sit in the Chamber of Regions. A list of these authorities shall be provided in the context of the national appointment procedure. Member states which do not have regional authorities within the meaning of this paragraph shall be able to send members to the Chamber of Regions and its organs in an advisory capacity. The list of these countries shall be determined by the Bureau of the Congress on the proposal of the ~~Governance Committee of the Congress, committees concerned,~~ following consultation of the national delegations.
5. The rules and procedures governing the choice of representatives to the Congress shall also apply to substitutes.
6. Representatives and substitutes shall be appointed for a period of four years. In the event of the death or resignation of a representative or substitute, or of loss of the mandate referred to in paragraph 1 above, a replacement shall be chosen, in accordance with the same rules and procedure, for the remainder of his or her predecessor's mandate. A representative or substitute who has lost his or her mandate, referred to in paragraph 1 may not remain a member of the Congress for more than six months after the loss of his or her mandate. In case of local and/or regional elections taking place up to four months prior to a renewal session, the four year mandate foreseen in Article 3.3 of the Statutory Resolution may be extended for a maximum of six months after the election.

Article 3

1. Representatives and substitutes to the Congress shall be appointed by an official procedure specific to each member state. In particular, it shall provide for consultation in each member state of the relevant associations and/or institutional bodies and shall specify the principles to be adhered to in apportioning members in the two chambers. Each government shall inform the Secretary General of the Council of Europe of this procedure. Such a procedure shall be approved by the Congress in conformity with the principles contained in its Rules of Procedure.
2. Each member state, when notifying the Secretary General of the Council of Europe of the composition of its delegation, shall indicate those representatives and substitutes who will be members of the Chamber of Local Authorities and those who will be members of the Chamber of Regions. Each state shall appoint the same number of members to each chamber. Countries having regions within the meaning of paragraph 4 of Article 2 of the Charter must appoint as far as possible the same number of

representatives to the Chamber of Regions as to the Chamber of Local Authorities, or as close as possible a number in case of national delegations with an odd number of representatives.

Article 4

1. Whenever representatives and substitutes have been appointed, the Bureau shall check their credentials. Its conclusions shall be put to the vote in the Congress during sessions and in the Statutory Forum between sessions.
2. In case a national delegation does not comply with Article 2.2 of the Charter, its members will only be able to sit in the Congress without any right to vote or reimbursement of expenses.
3. A representative or substitute whose credentials are not ratified shall not be considered a member of the Congress and may not therefore receive allowances for attending Congress meetings.

Article 5

~~1. International associations of local and regional authorities which have participatory status with the Council of Europe shall have observer status with the Congress. Other organisations may, on request, obtain observer status with the Congress, and/or with one of its Chambers, in accordance with the Rules of Procedure.~~

~~2. The Congress may, on request, grant special guest status to delegations from local and regional authorities in European non-member states which have such status with the Parliamentary Assembly of the Council of Europe. The Bureau of the Congress shall assign to each special guest state the same number of seats as it has in the Parliamentary Assembly. The appointment of special guest delegations shall be based on the same criteria set out in Articles 2 and 3.~~

~~3. Observers and members of the delegations mentioned in paragraph 2 shall take part in the proceedings of the Congress and of its Chambers, with the right to speak, subject to the president's consent, but not to vote. The other conditions of their participation in the, Statutory Forum, committees and in working groups shall be laid down in the Rules of Procedure of the Congress.~~

The Congress shall, in its Rules of Procedure, determine the forms and conditions of participation, in its work and in that of its chambers, of pertinent associations, organisations or delegations from member and non-member states. The Rules of Procedure shall also specify the ways in which the Congress will consult and work with the national associations of local and regional authorities involved in the process of appointing national delegations.

Article 6

1. The Congress shall meet in session at least once a year. Sessions shall be held at the Council of Europe's headquarters, unless otherwise decided, by common consent, by the Congress or its Bureau and the Committee of Ministers. Sessions of the Congress and its chambers shall be public.
2. The sessions of each of the two chambers shall be held either immediately before and/or after the session of the Congress. On the proposal of the Bureau of the Congress, either chamber may hold other sessions.
3. The political groups of the Congress shall meet principally on the occasion of sessions and Statutory Forum meetings.

Article 7

1. Within the framework of the Congress, work is also organised in the two chambers: the Chamber of Local Authorities and the Chamber of Regions. Each chamber has at its disposal a number of seats equal to that of the Congress itself.
2. Each chamber shall elect its bureau from among its representatives for a period of two years. It shall be composed of the president of the chamber and seven vice-presidents, respecting as far as possible a fair geographical distribution among member states. No member state shall have more than

one representative on the Bureau of either chamber. The Bureaux of the chambers may only meet on the occasion of a meeting of the Bureau of the Congress.

Article 8

1. The Statutory Forum shall act on behalf of the Congress between sessions. In particular, it shall adopt reports, and organise debates and hearings in accordance with the objectives of the Congress.
2. The Statutory Forum shall be composed of the heads of all national delegations together with the members of the Congress Bureau. The Statutory Forum shall be convened, as necessary, by the president upon decision of the Bureau.

Article 9

1. The Bureau of the Congress is composed of the bureaux of the chambers plus the President of the Congress, and shall be responsible, in the period between the sessions of the Statutory Forum and the Congress, for ensuring the continuity of the Congress's work. Presidents of the political groups and chairs of the committees will be *ex officio* members of the Bureau without voting rights.
2. The Bureau shall also be responsible for the preparation of the session of the Congress, the co-ordination of the work of the two chambers, in particular the distribution of questions between the two chambers, the co-ordination of the work of the committees and of the ad hoc working groups, preparation of the budget and the balanced allocation of budgetary resources between the Congress and the two chambers. As regards the distribution of questions, no question may be considered in both chambers. Any matter in which both chambers would have an interest shall be considered in the Congress. The mandate of the Bureau and its role shall be detailed in the Rules of Procedure.
3. The Bureau of the Congress shall be presided over by the President of the Congress.

Article 10

1. When a question falls within the competence of the two chambers, the Bureau of the Congress may, in exceptional cases, set up an ad hoc working group common to both chambers.
2. After the distribution of questions between the two chambers and the committees in accordance with Article 9, the bureau of the chamber competent to deal with a question may, in exceptional cases, set up an ad hoc working group with a limited number of members empowered with specific terms of reference (preparation of reports, organisation of conferences, follow-up to co-operation projects or to specific intergovernmental activities of the Council of Europe).
3. Organisation of the work of ad hoc working groups shall be governed by the Rules of Procedure.

~~4. The Congress and its two Chambers may, in accordance with the provisions to be set out in their Rules of Procedure, consult and work with representatives of international associations of local and regional authorities mentioned in Article 5 as well as national associations of local and regional authorities involved in the process of appointing national delegations. As a general rule, the cost of participation shall be borne by such organisations or associations.~~

Article 11

1. All the recommendations and opinions to be addressed to the Committee of Ministers and/or the Parliamentary Assembly as well as the resolutions addressed to the local and regional authorities as a whole shall be adopted by the Congress in plenary sitting or by the Statutory Forum.
2. However, when a question is considered by the Bureau of the Congress as falling exclusively within the competence of a chamber:
 - a. the recommendations and opinions relating to such questions which are addressed to the Committee of Ministers and/or to the Parliamentary Assembly shall be adopted either by the Congress or by the Statutory Forum between sessions, but without any consideration of the substance of the matter.

In exceptional cases, the Bureau of the Congress may authorise the other chamber to formulate an opinion on these draft texts;

b. the resolutions relating to the question and which are addressed to the authorities that the chamber represents shall be adopted either by the Congress or by the Statutory Forum between sessions, without consideration of the substance of the matter.

Article 12

The conditions under which the Committee of Ministers and the Parliamentary Assembly may be collectively represented in the debates of the Congress or of the chambers and those under which their representatives may, in an individual capacity, speak therein shall be drawn up by the Committee of Ministers after consultation with the Congress and inserted in the Rules of Procedure of the latter.

Article 13

1. The Congress adopts its own Rules of Procedure which also concerns the chambers. In particular, each set of rules shall provide for:

- a. the modalities for assessing compliance with the criteria of Article 2.2 of the Charter;
- b. a quorum;
- c. questions concerning the right to vote and the majorities required, it being understood that the recommendations and opinions addressed to the Committee of Ministers and the Parliamentary Assembly, and also recommendations addressed to a country ~~following observation of local or regional elections~~, shall be adopted by a majority of two-thirds of the votes cast;
- d. the procedure for the election of the President of the Congress and the president and vice-presidents of each chamber;
- e. the procedure for the establishment of the agenda and its transmission to members;
- f. the organisation of the work of the committees and of the ad hoc working groups.

2. Moreover, the rules of the Congress shall provide for the time-limit and method of notification of the names of representatives and substitutes and the procedure for the examination of their credentials, by taking into account in particular Articles 2, 3 and 7 of the present Charter.

Article 14

1. The Congress shall elect its president from the members, who are representatives, of each chamber on an alternating basis. The president shall remain in office for two years.

2. Each chamber of the Congress shall elect from among its representatives a president who shall remain in office for two years.

Article 15

1. The Secretariat of the Congress shall be provided by the Secretary General of the Congress, elected by the Congress. The Secretary General of the Congress shall be answerable to the Congress and its organs and act under the authority of the Secretary General of the Council of Europe. Candidates shall be free to submit their applications directly to the Secretary General of the Council of Europe, who will transmit them to the President of the Congress, together with his or her opinion. Following examination of these candidatures, the Bureau shall submit a list of candidates to the vote of the Congress. The ~~Statutory Forum, on behalf of the Congress~~, shall establish the procedure for the election of the Secretary General of the Congress on the basis of a proposal by the Bureau of the Congress, ~~in order to clarify points which are not dealt with in the current Charter~~.

2. The Congress shall elect its Secretary General for a renewable term of five years, although he or she may not exceed the age limit applicable to all Council of Europe staff.

3. The Secretary General of the Council of Europe shall appoint a Director, following consultation with the Bureau of the Congress.

4. The Secretariat of each chamber shall be provided by the executive secretary of the chamber who is appointed by the Secretary General of the Council of Europe after an informal exchange of views with the president of the chamber concerned, during which he or she shall communicate his or her intentions and the reasons for his or her choice.

Article 16

1. The Committee of Ministers shall adopt the budget of the Congress, as part of the Ordinary Budget of the Council of Europe.

2. This budget shall be designed, in particular, to cover the expenditure occasioned by the Congress sessions, by the meetings of the two chambers and Congress organs, and by all other clearly identifiable expenditure linked to the activities of the Congress. For plenary sessions, only the participation costs of representatives shall be defrayed by this budget.

3. The budget of the Congress shall constitute a specific vote of the Council of Europe budget.

4. The Congress shall inform the Secretary General of the Council of Europe and the Committee of Ministers of its budgetary needs. Its requests shall be examined in the general context of the draft budget presented by the Secretary General of the Council of Europe.

5. The rates and methods of calculating Congress members' per diem allowances shall be subject to a specific decision by the Committee of Ministers.

6. The Secretary General of the Congress shall implement the Congress' work programme on the basis of the political priorities defined by the Bureau and adopted by the Congress. In this context he/she shall be responsible for managing the budget of the Congress on the basis of the financial authority and responsibility delegated to him/her by the Secretary General of the Council of Europe. ~~budget of the Congress (apart from the remuneration of permanent staff and the amounts allocated to political groups) shall constitute a package which the Bureau of the Congress will be responsible for managing. However, the Bureau~~ The Secretary General of the Congress shall abide by the financial regulations of the Council of Europe and see to it that the necessary funds are earmarked for the functioning of the statutory bodies of the Congress and of the two chambers. ~~It~~ The Secretary General may not exceed the limit of the overall budgetary provision allocated to the Congress. The Secretary General shall regularly inform the Bureau of the state of consumption of the budget.

27th SESSION
Strasbourg, 14-16 October 2014

Verification of new members' credentials and new appointment procedures

Resolution 370 (2014)¹

The Congress,

1. With regard to the official appointment procedures for national delegations to the Congress:

a. approves the new appointment procedures for Cyprus and Latvia;

b. approves the new appointment procedure for Turkey and notes that the metropolitan councils as well as the provinces have been added to the list of authorities that compose the regional delegation to the Congress;

c. regrets that, despite the reminders sent to member States, some countries have still not revised their official procedure;

d. invites countries which have not yet done so to use the form prepared by the Congress secretariat for this purpose to present their appointment procedures.

3. Regarding the gender balance in the Congress delegations:

a. reiterates the fact that a delegation which complies with Article 2.2.d of the Congress Charter must include a minimum of 30% of members of the under-represented sex among the representatives and 30% among the substitutes;

b. reminds delegations that, when the quota of 30% of members of the under-represented sex is no longer attained due to a death, resignation, or a loss of mandate, any new designations must re-establish the quota of the under-represented sex.

4. With regard to the electoral mandate of Congress members and the provisions of Article 2.6 of the Congress Charter:

a. reminds delegations that a Congress member is appointed for a four-year term of office and may only be replaced in the case of death, loss of mandate or resignation;

¹ Debated and adopted by the Congress on 14 October 2014, 1st sitting (see Document [CG\(27\)2](#)), rapporteurs : Anders KNAPE, Sweden (L, EPP/CCE) and Ludmila SFIRLOAGA, Romania (R, SOC)

b. reminds delegations that members of the Congress having lost their mandate should be replaced as soon as possible and that such members may not retain membership for more than six months after their mandate has expired;

c. regrets that, following local or regional elections, the name of the members of a delegation who have lost their mandate is not always immediately communicated to the Congress and that, as such, some non-re-elected members have remained in their delegations well beyond the six-month deadline;

d. reminds delegations that the resignation of members cannot be used to avoid implementing the provisions of Article 2.6 of the Congress Charter.

5. Proposes that the credentials of the members of the national delegations, as contained in the appendix to this resolution, be approved.

27th SESSION
Strasbourg, 14-16 October 2014

Promoting equal opportunities for people with disabilities and their participation at local and regional levels

Resolution 371 (2014)¹

1. An estimated 15% of Europeans live with a disability, and one in four has a family member with a disability. If those living in institutions are taken into account, the overall incidence is likely to be even higher. Persons with disabilities are entitled to enjoy the same human and fundamental rights, and equal opportunities for a life without discrimination in all its dimensions, as anyone else, regardless of the nature and severity of their impairments. The United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), adopted in December 2006, represents a major step towards the recognition of disability as a human rights issue, and a commitment to enable people with disabilities to play an active role in policy decision making and participatory democracy.

2. The 'social model of disability' established under the UN CRPD moves away from the impairment of the individual to the ability — or inability — of society to ensure equal access to his or her rights. It recognises that it is the environment that is disabling and not the impairment itself, and that disability is the result of the dynamic interaction between persons with impairments and the social, physical and attitudinal barriers they face. This approach shifts policy and action on disability from protection to inclusion, stressing that people with impairments are not a vulnerable group in need of protection from public administrations but active players in policy decision making, with their unique potential, talents and strengths.

3. The Council of Europe recognised the need to promote and protect the rights of persons with disabilities and committed to implementing its Disability Action Plan 2006-2015, adopted by the Committee of Ministers' Recommendation CM/Rec(2006)5. This commitment was developed further in Recommendation CM/Rec(2009)8 on achieving full participation through Universal Design; Recommendation CM/Rec (2010)2 on deinstitutionalisation and community living of children with disabilities; Recommendation CM/Rec(2011)14 on the participation of persons with disabilities in political and public life; Recommendation CM/Rec(2012)6 on the protection and promotion of the rights of women and girls with disabilities; and Recommendation CM/Rec(2013)2 on ensuring full inclusion of children and young persons with disabilities into society.

¹ Debated and adopted by the Congress on 14 October 2014, 1st sitting (see Document [CG \(27\)8FINAL](#), explanatory memorandum), rapporteur: Josef NEUMANN, Germany (R, SOC).

4. The Congress notes with concern, however, that many people with disabilities in Europe continue to face difficulties in exercising their right to vote and to participate in decision making, as well as a lack of access to both physical (built) and non-physical (policy) environments, which represents a major barrier to their self-realisation, full integration into society and meaningful participation in democracy. They also experience difficulties with having access to education and vocational training, health care, employment and housing, and with maintaining adequate standard of living. The impact of the economic crisis has further undermined progress towards full realisation of their rights, as austerity measures and budgetary cuts to social programmes contribute to exposing people with disabilities to higher risks of exclusion, poverty, discrimination, marginalisation, illiteracy and negative stereotypes.

5. The Congress is convinced that local and regional authorities can make a genuine difference in ensuring equal opportunities for persons with disabilities, their participation in decision making and their access to social rights, by adapting the built environment and inclusion policies and practices, and by providing individually tailored social support. The Congress notes in this regard the continued relevance of its Resolution 227(2007) on access to public spaces and amenities for people with disabilities.

6. The Congress is also convinced that mainstreaming disability in national, regional and local policies is key to promoting equal opportunities for people with impairments, and that such mainstreaming requires both the inclusion of disability issues in the design, implementation, monitoring and evaluation of policies and programmes at all levels of governance, and the participation of persons with disabilities and their representative organisations as an integral part of this process.

7. In the light of the above, the Congress invites local and regional authorities of the Council of Europe member states to implement, within the remit of their competences, the relevant provisions of the Council of Europe Disability Action Plan 2006-2015 and the Committee of Ministers' recommendations referred to in paragraph 3 above, as well as Resolution 227(2007) of the Congress on access to public spaces and amenities for people with disabilities, and in particular to:

a. develop, with the participation of disabled people's organisations (DPOs), local and regional strategies and action plans for ensuring equal rights and opportunities for persons with disabilities and their participation, focusing on:

- i. mainstreaming disability in local and regional development policies and programmes, in particular those dealing with social protection and inclusion;
- ii. improving accessibility of the built environment, goods and services, information and communication;
- iii. ensuring access to social rights such as inclusive education, employment and vocational training, health care and housing.

b. set up, as appropriate, local and regional disability councils to co-ordinate the implementation of these strategies and action plans, and establish mechanisms for the effective involvement of persons with disabilities and their representative organisations in all stages of decision-making processes at regional and community level;

c. develop operational guides on how to foster access to education, employment, health, social protection and community-based services for persons with disabilities, and facilitate synergies between local and regional stakeholders in the education system, the employment sector, the welfare sector and the health sector;

d. implement specific programmes and measures addressing disadvantages of persons with disabilities in their vocational training and recruitment programmes as well as working environment;

e. pursue inclusive education policies providing for the enrolment of pupils with disabilities into mainstream schools, involvement of young disabled people as well as their parents and representative organisations in educational policy making, and adaptation of schooling facilities;

f. provide targeted training programmes for health-care workers, general practitioners and service providers aimed at equipping them with adequate knowledge and skills on how to manage the health-care needs of people with disabilities and to improve their access to comprehensive health-care services.

8. The Congress instructs its Current Affairs Committee to continue to address questions related to improving the opportunities available to people with disabilities and their participation at local and regional levels, and to ensure that the relevant good practices are disseminated to local and regional authorities, *inter alia* through their national and European associations.

27th SESSION
Strasbourg, 14-16 October 2014

Adequate financial resources for local authorities

Resolution 372 (2014)¹

1. Effective local self-government requires adequate financial resources in order to manage a substantial share of public affairs under their own responsibility in a meaningful manner. That is to say, financial resources which are commensurate with the responsibilities attributed to local authorities by national and regional governments, whether in the constitution or by-laws and government decisions. The principle of connectivity -“who orders pays”- should, if possible, be anchored in national or federal state constitutions. The constitutional incorporation of that principle is the most powerful legal instrument to protect municipal interests.”Article 9 of the European Charter of Local Self-Government protects the right for local authorities to have their own resources, which the Congress believes is a prerequisite to effective and accountable local governance.

2. The Congress has noted, through its country reports on the implementation of the Charter in member states and complaints received from national associations, that many local authorities are facing increasing difficulties to cover their mandatory tasks and functions and few have the power to raise their own revenues, through charges and local taxes, or to determine their expenditure priorities.

3. A fundamental duty of local elected representatives is to make political choices in weighing the benefits of local authority activities against the cost to the local taxpayers and service users. These activities include the provision of local public services, as well as a range of other local authority responsibilities such as cultural activities and activities in favour of integration and social cohesion. Although overall spending limits may be set at a national level, it should be borne in mind that local authorities are accountable first and foremost to their electorates for the services that they provide.

4. The Congress is concerned that in some member states the balance of central transfers has changed, with earmarked or ring-fenced transfers becoming increasingly dominant at the expense of general grants, which are at the discretion of the local authority to decide where the money is spent. The result is that local authorities have too little discretion in developing their policies and activities.

¹ Debated and approved by the Chamber of Local Authorities on 14 October 2014 and adopted by the Congress on 15 October 2014, 2nd sitting (see Document [CPL\(27\)2FINAL](#), explanatory memorandum), rapporteur : Gilbert ROGER, France (L, SOC).

5. The Congress is also concerned about the tendency in some countries to recentralise competences and the related financial resources in the name of austerity and rationalisation programmes.

6. The Congress, aware of the need to ensure that local financial resources are spent efficiently and effectively on local priority needs, welcomes improvements in financial methods and techniques to ensure value for money in the delivery of public services and functions and resolves to encourage innovation, training and sharing of good practice in local financial management.

7. In December 2013, in the framework of its dialogue with the Committee of Ministers, the Congress identified the lack of adequate financial resources as one of the “recurring issues” it encountered in the course of its monitoring activities.

8. The Congress asks:

a. its Monitoring Committee to continue to bring to the attention of the Congress those countries which are in non-compliance with their commitments under Article 9 of the Charter and to undertake, where possible, post-monitoring and cooperation activities to improve the situation;

b. its Governance Committee to undertake, within the next four years, a review of those countries which are facing particular problems meeting their undertakings under Article 9, and to use the results of this exercise as the basis of discussions with the Committee of Ministers, in order to raise awareness of the need in Council of Europe member states to improve the consultation processes between the different levels of government to ensure a better match between competences and resources;

c. its Governance Committee to present good examples of local authorities’ involvement and consultation in the procedures and processes of the distribution of tax revenues according to their responsibilities, as well as endowing local authorities with their own resources.

9. The Congress asks national associations of local authorities and the national delegations to:

a. continue to defend and explain the needs of local and regional authorities during national and regional budget negotiations and ensure that regular reviews are conducted of the actual costs of mandatory tasks;

b. in those countries where it does not yet exist, to continue to lobby for transparent and public publication of the criteria and methods used to calculate central transfers and financial equalisation.

27th SESSION
Strasbourg, 14-16 October 2014

Inter-regional cooperation in Europe **Trends and prospects**

Resolution 373 (2014)¹

1. Horizontal cooperation between territorial authorities in different states lies at the heart of the Council of Europe's vision of territorial democracy and for this reason is one of the rights enshrined in the European Charter of Local Self-Government, now in force in all Council of Europe member states, as well as in the Council of Europe's Reference Framework for Regional Democracy.

2. Inter-regional cooperation may be understood as the direct involvement of regional governments and parliaments in bilateral or multilateral cooperation schemes, other than those represented by trans-frontier cooperation, with regional governments in other countries.

3. The last twenty years have witnessed a remarkable surge in such cooperation within and beyond Europe. Regional governments are becoming increasingly active in this field, developing more and more projects with their counterparts in other countries, both inside and outside of Europe. There are many factors behind this boom, which is linked to developments in globalisation, improvements in communications and increased mobility through low-cost travel and easing of visa regimes.

4. Such cooperation, characterised by the adaptability, flexibility and fluidity of its arrangements and the lightness of its structures, is leading regions to discover new, effective and imaginative ways of working together and is becoming an important engine for European integration and creative territorial cohesion. Regions are cooperating in an increasingly diverse range of fields, including infrastructure projects, investment in research and technology, exchanges and training programmes, intercultural dialogue and promotion of shared cultural heritage, serving the interests of citizens, local and regional authorities, NGOs, cultural associations and business enterprises.

5. The Congress, in particular its Chamber of Regions, is well placed to act as a catalyst and facilitator in this field, and has for more than twenty years been taking a pioneering role in promoting such cooperation and campaigning to improve the legal framework, including the Council of Europe's treaty law, within which such cooperation can develop.

¹ Debated and approved by the Chamber of Regions on 14 October 2014 and adopted by the Congress on 15 October 2014, 2nd sitting (see Document [CPR\(27\)2FINAL](#), explanatory memorandum), rapporteur : Stewart DICKSON, United Kingdom (R, ILDG).

6. The rapid evolution of this sphere of activity makes it all the more important for regional authorities to pool their experiences and work together to share experiences, identify good practices and establish indicators for evaluating projects.

7. The Congress therefore, bearing in mind:

a. its Resolution 227 (1991) on the external relations of local and regional authorities;

b. its Resolution 248 (1993) on inter-territorial co-operation;

c. the recent entry into force of Protocol No.3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (Madrid Convention) concerning Euroregional Co-operation Groupings (ECGs), CETS No.206;

8. Convinced that it has an important role to act as a catalyst and facilitator of inter-regional cooperation, in addition to transfrontier cooperation;

9. Resolves to:

a. encourage its members in the states parties to Protocol No.3 to make use of this new international treaty to further develop cooperation between regions in their respective states and regions in other states parties, whether these are adjacent or not;

b. set up a database and register of inter-regional cooperation initiatives involving European regions, to be available to the general public through the Congress website;

c. continue to promote and facilitate inter-regional cooperation initiatives (and share good practice);

d. organise a conference on inter-regional cooperation in 2015, to discuss the political, legal and technical aspects of such cooperation, promote good practice and encourage greater networking and coordination of approaches;

10. Reaffirms its commitment to:

a. overcoming obstacles to inter-regional cooperation;

b. working closely with its main partners, the Association of European Border Regions (AEBR), the Council of European Municipalities and Regions (CEMR) and the Assembly of European Regions (AER), to extend and deepen such cooperation;

c. supporting European networks of regional authorities as a way to address common interests and challenges;

11. Calls upon its national delegations and associations of territorial authorities to:

a. support its work of promoting Protocol No.3 and to lobby their national authorities to ratify this treaty if they have not already done so;

b. promote inter-regional cooperation projects in the interests of increasing European territorial cohesion and meeting the challenges of the economic downturn;

c. regularly provide the Congress with information on such initiatives;

d. support the Congress 2015 conference on this theme.

27th SESSION
Strasbourg, 14-16 October 2014

The role of regional media as a tool for building participatory democracy

Resolution 374 (2014)¹

1. Pluralist democracy necessarily requires a plurality of sources, voices and functionalities in the media sector. Independent and diverse media are a prerequisite for freedom of expression to flourish, while the freedom of expression and media freedom are in turn closely linked to the question of citizen participation. The right to freedom of expression and the right to participate in public affairs together constitute a crucial element of pluralist democracy.

2. Media play vital roles in pluralist democratic societies, such as acting as public or social watchdogs, circulating information and ideas, and providing forums for public debate. Over the past years, the media sector has undergone tremendous technology-driven changes, with the digitalisation of media services, emergence of new media and 'citizen journalism', and development of community media. This transformation has led to unprecedented levels of interaction and engagement by users, offering new opportunities for democratic citizenship and for users' participation in the process of creating and disseminating information and content, thus blurring the boundaries between public and private communication. The evolving relationship between traditional and new media prompts a need to re-examine the existing media policy at all levels of governance, in order to offer a policy framework which guarantees an appropriate level of protection to all media actors and provides a clear indication of their duties and responsibilities.

3. The democratic role of the media assumes particular importance at the regional level due to the proximity of the relationship between regional media and populations from the areas and communities they serve, enhancing the participatory potential of citizens. This relationship tends to be closer, stronger and more representative than at the national level. The proximity of regional media to their target communities is also political in character as regional journalism fosters engagement with regional politics and issues that are either underrepresented in, or absent from, national media. The importance of media pluralism and diversity of media content is especially evident at the regional level due to politico-economic considerations particular to regional media.

¹ Debated and approved by the Chamber of Regions on 14 October 2014, 1st sitting and adopted by the Congress on 15 October 2014, 2nd sitting (see Document [CPR \(27\)3FINAL](#), explanatory memorandum), rapporteur: Johan van den HOUT, Netherlands (R, SOC).

4. The Council of Europe has adopted a range of instruments relevant to the operation of media across its 47 member States, which are also relevant to regional media. In this regard, the Congress notes in particular the Committee of Ministers' Recommendation R(99)14 on "Universal community service concerning new communication and information services"; its Recommendation Rec(2003)9 on "Measures to promote the democratic and social contribution of digital broadcasting"; its 2007 Declaration on "Protecting the role of the media in democracy in the context of media concentration"; its Recommendation CM/Rec(2007)2 on "Media pluralism and diversity of media content"; its Recommendation CM/Rec(2007)11 on "Promoting freedom of expression and information in the new information and communications environment"; its 2008 Declaration on "The role of community media in promoting social cohesion and intercultural dialogue"; its 2011 Recommendation on "A new notion of media"; and its 2012 Declaration and Recommendation on "Public service media governance".

5. The Congress also notes the conclusions of the 1st Council of Europe Conference of Ministers responsible for Media and Information Society (Belgrade, 7-8 November 2013), including the Political Declaration on "Freedom of Expression and Democracy in the Digital Age: Opportunities, rights, responsibilities", and resolutions on "Internet freedom, on preserving the essential role of media in the digital age and on safety of journalists". Furthermore, the Congress reiterates the continued relevance of its Resolution 145(2002) on "The state of regional print media in Europe – Pluralism, independence and freedom in regional press", its Resolution 203(2005) on "Regional media and transfrontier co-operation", and its Resolution 282(2009) on "The digital divide and e-inclusion in the regions".

6. At the same time, the Congress notes with concern that the general situation of media freedom and safety of journalists in Europe is becoming increasingly worrisome. In their Resolution on "Safety of Journalists", the Ministers responsible for media and information society expressed their deep concern about continuing physical violence including killings, inhuman treatment, harassment, judicial intimidation, threats, as well as arbitrary measures such as detentions, expulsions, surveillances, searches and seizures. Media pluralism and content diversity, including at the regional level, also continue to be threatened by growing monopolisation of the media market and insufficiency of financial means, as well as excessive concentration of ownership and centralised control over media, leading to a loss of editorial independence and disguised censorship.

7. The Congress is convinced that a robust and forward-looking new system of media governance is essential for the successful transition of public service media to a new media environment and for the development of new media, including at regional level. In the light of the above, the Congress invites regional authorities of the Council of Europe member states to:

a. recognise the role of regional media in promoting participatory democracy, and revise the existing regional regulatory frameworks to adapt them to the new media environment, taking into account the relevant provisions of the Committee of Ministers' recommendations referred to in paragraph 4 above, as well as Resolutions 145(2002) and 203(2005) of the Congress;

b. ensure continued support for regional public service media, enjoying independent editorial control and organisational autonomy and providing distinctive content on all services and platforms;

c. support and facilitate the development of nonprofit media, especially community media, in particular by avoiding licensing regimes for new media, ensuring sufficient frequency allocation and exploring various funding possibilities – for example, using a 'volunteer model' whereby only a limited number of professional staff train and help volunteers largely responsible for content creation;

d. establish mechanisms to ensure the safety and protection of journalists and journalism at local and regional level, and to prevent or promptly investigate alleged violations of media freedom;

e. revise, as appropriate, media ownership rules to seek greater transparency in order to protect and promote structural pluralism of audiovisual and print media;

f. put in place effective safeguards to prevent the risks of political influence and a lack of transparency in regional media, for example by declaring executive positions within regional media incompatible with holding a political mandate, and integrating political oversight of media financing within a system of checks and balances that guarantees editorial independence;

g. take measures to bridge the 'digital divide' and promote media literacy, using as a reference Resolution 282(2009) of the Congress on "The digital divide and e-inclusion in the regions", as well as best practices of the European Broadcasting Union (EBU) for encouraging online engagement and facilitating interaction and creativity to promote media literacy.

8. The Congress instructs its Current Affairs Committee to continue to address questions related to improving the functioning of regional media, and to ensure that the relevant good practices are disseminated to regional authorities, inter alia through their national and European associations.

9. The Congress also invites its Governance Committee to include in its work programme, as aspects of good regional governance, the question of the good functioning of regional media, and to undertake a review of the existing legal framework and practices, leading to a new resolution and recommendation on the state and prospects of regional media in a reconfigured, new media environment.

27th SESSION
Strasbourg, 14-16 October 2014

Promoting diversity through intercultural education and communication strategies

Resolution 375 (2014)¹

1. The population of Europe is rapidly diversifying, and it is now the case that not only major cities, but also small municipalities and authorities more and more frequently have local populations of a very wide range of ethnic, cultural and religious origins. Ethnic minorities, foreign residents, migrants, asylum-seekers, refugees and residents of migrant origin form a European population which is not only growing more rapidly than in the previous decades, but has also become an integral part of the fabric of our societies. They are now a major force, thanks to their economic, social and cultural contribution.

2. Their diversity represents a wide-ranging resource for innovation, growth and local economic, social and cultural development, making possible an opening up to other cultures and an inflow of new knowledge, methodologies, skills and ideas which increase a community's creativity and make it better able to face up to new situations, crises and challenges. In the cultural sphere, diversity is a source of enrichment which is perceptible in literature, films, the arts, sport, cookery and fashion, and in many other forms of expression and types of activity. That creativity is also a source of job creation, attracting industries and firms in search of innovative ideas.

3. Thus the paradigm for society-building in Europe has changed. Whereas, in the past, we sought to achieve social cohesion on the basis of homogeneity, we now find ourselves in an intercultural society. The Report of the Group of Eminent Persons of the Council of Europe entitled "Living together. Combining diversity and freedom in 21st-century Europe"², identifies European diversity as the main challenge facing modern democracy. That same report highlights the crucial role played by local and regional authorities in responding effectively, as well as their role in building harmonious intercultural relations between the different segments of the population.

4. When it comes to accepting cultural diversity as an enriching factor, yet there is still a degree of resistance and reluctance among the local population, fuelled by prejudice and misconceptions based on rumours, stereotyping and misinformation. That prejudice, often stemming from ignorance of other cultures, continues to affect the way in which people regard others. That resistance also derives from a more subjective and unconscious perception that the concept of cultural diversity is linked to that of the "foreign", "immigrant" or "minority" culture constituting a threat to the majority culture. Ignorance of the benefits of diversity is thus a major obstacle to intercultural action.

¹ Debated and adopted by the Congress on 15 October 2014, 2nd sitting (see Document [CG \(27\)6FINAL](#), explanatory memorandum), rapporteur: Nawel RAFIK-ELMRINI, France (L, SOC).

² "Living together. Combining diversity and freedom in 21st-century Europe", Report of the Group of Eminent Persons of the Council of Europe, © Council of Europe, May 2011.

5. The Congress is certain that the diversity and cultural heritage of Europe's populations represent two of the main assets at the disposal of local and regional authorities, and that these authorities can contribute to changing people's perceptions, bringing about a better understanding of other cultures, raising awareness of the advantages of diversity and approaching diversity in a context of interaction between different local groups. That work must include the implementation of strategies on intercultural education for the population and the training of public officials in intercultural skills, as well as effective strategies for making local residents aware of the assets of diversity. In this context, new information and communication technologies now, more than ever, provide a huge "area of knowledge" which could be an excellent tool for learning about diversity.

6. The Congress is also sure that it is necessary, in order to promote the benefits of diversity, to develop policies encompassing all social, ethnic and cultural groups. In this context, the Congress reaffirms the relevance of its Resolutions 280 (2009) on "Intercultural cities", 323 (2011) on "Meeting the challenge of inter-faith and intercultural tensions at local level" and 332 (2011) on "Education for democratic citizenship – tools for cities", as well as of Recommendation CM/Rec(2010)7 of the Committee of Ministers of the Council of Europe on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education.³

7. The Congress notes the work under way within the Council of Europe to draft a recommendation to member states on intercultural integration, and awaits with interest its adoption by the Committee of Ministers, in the firm belief that its implementation will also contribute to local and regional action in this sphere.

8. The Congress also notes two resolutions of the Parliamentary Assembly: Resolution 1972 (2014) on "Migrants: ensuring they are a benefit for European host societies" and Resolution 2005 (2014) on "Identities and diversity within intercultural societies", which emphasise the important role of local and regional authorities in the building of an intercultural society.

9. In this respect, the Congress welcomes the initiatives already started at local and regional level, amongst them its own European Local Democracy Week (ELDW) and the Council of Europe programme on "Intercultural cities", the Practical guide for applying the *Urban model of intercultural integration*⁴ produced in the frame of that programme, as well as associated projects such as: Shaping Perceptions and Attitudes to Realise Diversity Advantage (SPARDA), Communication for Integration (C4I) and Diversity in the Economy and Local Integration (DELI).

10. The Congress also refers to the project Attitudes to Migrants, Communication and Local Leadership (AMICALL) and to the action plan drawn up by the European Coalition of Cities against Racism (ECCAR), as well as to numerous other campaigns and initiatives by authorities, such as the Cosmopolitan Strasbourg in France, the "anti-rumour" campaign in Barcelona and in other cities in Spain, as well as other "demystification campaigns", *Radio Diversity* projects, and so on.

11. In this context, the Congress reiterates its call to both local and regional authorities, first made in Resolution 280 (2009) on "Intercultural cities", to develop proper policies to promote interculturalism in their areas, making possible interaction and exchanges between the different local cultural groups, especially in respect of the design of employment, housing and leisure facilities, and particularly calls on them to express explicitly their common commitment in favour of an intercultural policy approach, and to set up intercultural awareness training activities for politicians and for key policy and front-line staff in public services.

12. The Congress emphasises the role played in this process by civil society (especially by associations of migrants and minorities, including Roma), youth organisations, the media, educational institutions, trade unions and the private sector (including migrants' businesses), as well as the growing role of the new media and social networks.

³ Recommendation CM/Rec(2010)7 on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education (May 2010).

⁴ *The intercultural city step by step - Practical guide for applying the urban model of intercultural integration*, © Council of Europe, March 2013, ISBN 978-92-871-7818-3.

13. In the light of the above, the Congress invites the local and regional authorities of Council of Europe member states to set up “local partnerships for diversity” – platforms for co-operation and coordination with the aforementioned stakeholders, in order to promote the advantages of diversity. The objectives of these platforms should be to:

a. produce a fact-based overall intercultural vision for their areas on the basis of research and the collection of targeted data;

b. formulate intercultural communication and education strategies of a general nature, with a view to promoting a consistent approach to diversity amongst the different local and regional authorities, raising public awareness of the advantages of diversity and deriving maximum benefit from it;

c. draw up action plans for the implementation of these strategies;

d. set up a system of intercultural mediation (“local intercultural mediator”) between the different cultural groups, with a sustainable budgetary allocation and stable employment conditions – either through qualified mediators or, preferably, by offering training in intercultural competences and mediation to the local and regional administrations and staff in public services.

14. The Congress *inter alia* invites local and regional authorities to make use of the Practical Guide for applying the *Urban model of intercultural integration* produced by the Intercultural cities on the basis of participating cities’ experience, with a view to re-examining administrative functions through an “intercultural prism”, particularly in respect of education, public areas, housing, public services and the authorities, and to setting up intercultural governance structures.

15. In particular, where intercultural communication and education are concerned, the Congress invites local and regional authorities to:

a. draw inspiration from a communication strategy prepared by the SPARDA project so as to establish a lasting intercultural dialogue within their areas, and also from the recommendations of the AMICALL project and from the action plan drawn up by the European Coalition of Cities against Racism (ECCAR);

b. set up training courses in intercultural skills for local and regional administrative departments, local and regional staff and social services staff, in order to raise their awareness of intercultural and diversity issues, the importance of which was also highlighted by the Congress in Resolution 362 (2013) on “Migrants’ access to regional labour markets” and Resolution 358 (2013) on “Integration through self-employment: promoting migrant entrepreneurship in European municipalities”;

c. co-operate with educational institutions, including schools, higher education establishments and schools of journalism, to develop their curriculum and textbooks, as well as teacher-training courses intended to improve local minority groups’ intercultural skills, vision of diversity and knowledge of cultures;

d. ensure that minority groups and migrants learn the local languages, and that new arrivals, in particular, with the help of their associations, are taught about the host country’s culture as well as its local laws and traditions;

e. promote cultural exchanges, *inter alia* through twinning arrangements, with the cities of minority populations’ countries of origin;

f. engage in structured co-operation with civil society, and particularly with youth organisations, with a view to promoting the teaching of diversity and the communication of diversity advantages;

g. co-operate with the media, and particularly with local and regional media, to improve professionals’ intercultural understanding and capacities, to appeal to the sense of responsibility of journalists in the preparation of reports on diversity issues, and ensure that leading personalities of the city are able to act as spokespersons on intercultural issues;

h. make sure that information on diversity which is based on facts is disseminated through the media and civil society, as well as on local and regional administrative departments' own sites, taking advantage of the new information and communication technologies and social networks;

i. set up neighbourhood intercultural centres and organise activities involving the whole local population so as to make possible intercultural interaction and exchanges in such forms as festivals, celebrations and campaigns, giving a greater visibility to ethnic and cultural minorities;

j. encourage the commitment of cultural and arts institutions to the promotion of diversity, and provide support to cultural projects which highlight diversity;

k. communicate more about ethnocultural subjects and the history of immigration, and hold regular "critical discussions" on current issues and diversity-related matters, so as to deal with complex and sensitive issues with the participation of experts, representatives of the different cultural groups and other appropriate persons;

l. stop using the question of immigration as an instrument in local political discussions, and emphasise instead in politics and discussions about migratory movements the processes of mutual adaptation and migrant integration.

16. Lastly, the Congress invites local and regional authorities to develop network-based work, making more use of international networks to exchange information between local and regional administrative departments, and, in particular, join the "Intercultural cities" programme and the European Coalition of Cities against Racism (ECCAR), and play an active part in European Local Democracy Week.

17. The Congress instructs its Current Affairs Committee to continue to address questions related to the promotion of the advantages of cultural diversity and to ensure that the relevant good practices are disseminated to local and regional authorities, *inter alia* through their national and European associations.

18. The Congress also invites its Governance Committee to include in its work programme, as aspects of good local and regional governance, intercultural issues and the advantages of diversity.

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Strasbourg, 14-16 October 2014

Partner for Local Democracy status

Resolution 376 (2014)¹

1. The changes which have been taking place since 2011 in the countries of the southern Mediterranean, particularly Tunisia and Morocco, have opened up historic opportunities for democratic development in the Arab world, including at local and/or regional level. The Congress has always expressed its wish to contribute to this process as part of the Council of Europe's neighbourhood policy, initiated at the Istanbul ministerial session in May 2011, in partnership with the European Union.

2. Further to the Istanbul decisions, the Council of Europe embarked upon bilateral co-operation with Morocco, Tunisia and Jordan, and the Congress began preparing and implementing specific activities in Morocco and Tunisia. These co-operation programmes and activities have been undertaken over a three-year period (2012-2014). In addition, Council of Europe Offices have been opened in Morocco and Tunisia, memoranda of understanding have been signed with the countries concerned, and existing contacts have been strengthened at all levels.

3. The Congress has played its part in the fresh impetus given to the co-operation activities with the countries on the southern shores of the Mediterranean, in particular in the context of its partnership with the Venice Commission and the Council of Europe's Directorate General of Democracy. The introduction of genuine local and/or regional democracy is a fundamental factor in the development and consolidation of genuine and pluralist democracy based on respect for human rights and the rule of law.

4. The Congress devoted a significant part of its 23rd Session in October 2012 to debating two reports which led to the adoption of Resolution 342 and Recommendation 325 on "The changes under way in the Arab countries – opportunities for local and regional democracy", and Resolution 343 "Policy of the Council of Europe towards neighbouring regions: the role of the Congress", which have since become a veritable "road map" for the Congress's activities in this field. They include a decision in principle to adopt, in due course, a "partner for local democracy" status for our neighbouring countries to the south and east.

¹ Debated and adopted by the Congress on 16 October 2014, 3rd Sitting (see Document [CG\(27\)9FINAL](#) explanatory memorandum), rapporteurs: Jean-Claude FRECON, France (L, SOC), Marie-Madeleine MIALOT MULLER, France (R, SOC).

5. Now that discussions are in progress between the Council of Europe and the countries concerned to renew/strengthen co-operation over a new three-year period (2015-2017), the time would appear to be right to create, in this new institutional framework, a “partner for local democracy” status which would formalise relations between the Congress and the political authorities in the neighbouring countries, including the local and regional authorities and their representative associations, based on what has been happening between the Parliamentary Assembly and the countries or entities which have been granted “partner for democracy” status, introduced in 2010 at parliamentary delegation level (Kyrgyzstan, Morocco, Palestine).

6. This “partner for local democracy status” supplements the other forms of participation in the work of the Congress already provided for in the Congress’s Rules of Procedure.

7. A formal request to be granted “partner for local democracy status”, addressed to the President of the Congress, must be drawn up jointly by the government of the requesting state and one or more associations of local and/or elected representatives in that state.

8. Upon receipt of the request, it will be forwarded for consideration to the Bureau of the Congress, which will adopt a position in the light of the information available on the existing state of relations between the country concerned and the Council of Europe. This will involve verifying whether the country in question is participating in the Council of Europe’s neighbourhood policy, whether it implements joint action and/or a co-operation programme with the Organisation, whether it is a Party to the Council of Europe’s open Conventions or enlarged partial agreements (in particular the Venice Commission and the North-South Centre) and whether it has partner for democracy status with the Parliamentary Assembly.

9. The formal request shall contain an explicit reference to the aspiration of the authorities concerned to uphold, respect and promote at all levels of government the values and principles of the Council of Europe, and a commitment to:

a. initiate a process of devolution and/or regionalisation, based on the principles of the European Charter of Local Self-Government and/or the Council of Europe Reference Framework for Regional Democracy;

b. hold regular free and fair elections at local and/or regional level in accordance with the relevant international standards and, as far as possible, observed by a delegation of elected members of the Congress;

c. on behalf of the elected representatives who would take part in the work of the Congress, base their activity on the principles of the European Code of Conduct for the political integrity of local and regional elected representatives;

d. inform the Congress, timely before the meeting of the Bureau preceding a renewal session, of the progress made and obstacles encountered, in connection with developments in the Council of Europe’s neighbourhood policy.

10. Each request must be accompanied by details of the procedure specific to each country, stipulating the arrangements for consulting associations of local and/or regional associations in the process of appointing members of the delegation.

11. With regard to each “partner for local democracy” delegation:

a. the number of members will be laid down by the Congress based on the practice in place in the Parliamentary Assembly of the Council of Europe;

b. the composition of the delegation shall respect, as far as possible, the principles laid down in the Charter and the Congress’s Rules of Procedure, including the provisions relating to a balanced gender representation and shall be updated, in accordance with the relevant procedures, at each renewal session of national delegations to the Congress;

c. the costs arising from the participation of the delegation will not be charged to the Congress’s ordinary budget;

d. the forms and conditions of participation in the work of the Congress and of its chambers and committees will be specified by the Congress in its Rules of Procedure.

12. The decision to grant, suspend or withdraw partner for local democracy status shall be taken by the Congress in plenary session, on the basis of a draft resolution from the Bureau of the Congress together with, if appropriate, the opinion of one or more committees to which the Bureau may wish to refer the matter.

13. The Congress shall instruct its Bureau to draw up the relevant amendments to its Rules of Procedure in accordance with this resolution.

27th SESSION
Strasbourg, 14-16 October 2014

Separatist tensions in Ukraine and neighbouring countries

Declaration 3 (2014)¹

1. In the spirit of the "Chisinau Declaration", adopted by the Committee on the Honouring of Obligations and Commitments by Member States of the European Charter of Local Self Government, the Congress expresses its grave concern about the situation in Ukraine and other countries of the region.

2. During its last session, the Congress condemned the annexation of the Crimea and the city of Sevastopol by the Russian Federation.

3. Today, the Congress condemns Russia's military intervention in the east of Ukraine, and condemns all forms of pressure by Russia on its neighbours.

4. The security of this continent is seriously threatened by the Russian Federation's repeated failure to comply with international rules and the principles and values of the Council of Europe that it signed up to when it joined the Organisation.

5. For years, we have been working to improve local and regional autonomy in Europe. We are convinced that subsidiarity benefits all levels of governance. That is why we encourage the Ukrainian authorities to pursue their reforms to deepen local and regional democracy and decentralisation in line with the recommendations made by the Congress in this regard. The Congress will continue its efforts to accompany these reforms.

6. The principles of international law, such as territorial integrity, sovereignty and the inviolability of the internationally recognised borders of states are imperative for the peaceful settlement of conflicts in Georgia, Ukraine, Azerbaijan and the Republic of Moldova faced with separatist movements. Armed separatism, supported by mercenaries and the intervention of foreign troops, is the antithesis of all that the Congress stands for and has created a humanitarian crisis that the national authorities and the international community must resolve together.

7. The Congress calls for an independent and thorough international investigation into all human rights violations committed in Ukraine during and since the Maidan events of February 2014.

8. The Congress supports the initiatives and activities of the Secretary General of the Council of Europe and its other bodies aimed at promoting a peaceful settlement in Ukraine.

¹ Adopted by the Congress on 16 October 2014, 3rd Sitting (see Document CG(27)16FINAL), rapporteur: Marc COOLS, Belgium (L, ILDG).

9. What has taken place in the Crimea (Ukraine), in South Ossetia and Abkhazia (Georgia), and in Transnistria (Republic of Moldova), and what is happening today in the east of Ukraine is totally contrary to the Europe of the regions that we are striving to achieve. At the same time, the Congress reaffirms its commitment to a peaceful dialogue on the basis of European values, especially the respect for human rights, including language rights of national minorities. With regard to the east of Ukraine, a cease-fire has been agreed in Minsk between the different parties concerned by the conflict. This cease-fire must be effectively and comprehensively implemented and must be followed by a political dialogue to enable Ukraine to recover its territorial integrity.