

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 459 (2021)¹ Holding referendums at local level

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

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

b. the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144);

c. Recommendation 1704 (2005) of the **Parliamentary** Assembly of the Council of Europe “Referendums: towards good practices in Europe”;

d. Resolution 2251 (2019) of the Parliamentary Assembly of the Council of Europe “Updating guidelines to ensure fair referendums in Council of Europe member States”;

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

f. the Venice Commission’s Revised Guidelines on the Holding of Referendums (2020);

g. the Priorities of the Congress for 2017-2020 and also the new priorities for 2021-2026 which put a great emphasis on promoting an increased and active participation of citizens in local and regional life in order to improve local democracy in the Council of Europe member States;

h. the United Nations Sustainable Development Goal 16 on peace, justice and strong institutions, and Target 16.7 on ensuring responsive, inclusive, participatory and representative decision-making at all levels.

1. Debated and adopted by the Congress on 16 June 2021, 2nd sitting (see Document CG(2021)40-11, explanatory report), rapporteur: Vladimir PREBILIC, Slovenia (L, SOC/G/PD).

2. The Congress points out that:

a. referendums have increasingly been used as a tool of direct democratic involvement for resolving issues which are of fundamental importance for peoples’ lives. In this context, referendums can become a point of controversy due to the potentially divisive nature of their questions and problems that may occur during the respective referendum campaigns;

b. although national referendums nowadays attract much public attention, it is in fact local referendums that are most widespread in the Council of Europe member States. Local referendums are essential for sounding out the will of citizens on issues that directly affect their everyday lives;

c. bearing this in mind, effective guidelines are needed for member States to use local referendums responsibly within the framework which is in line with Council of Europe standards, most notably the European Charter of Local Self-Government, as well as with international standards and best practices.

3. In light of the foregoing and against the backdrop of principles and standards anchored in the European electoral heritage, the Congress invites the Committee of Ministers to call on member States to:

a. implement existing guidelines and good practices regarding the holding of referendums, in particular as defined by the Venice Commission in the Code of Good Practice in Electoral Matters and in the Revised Guidelines on the Holding of Referendums, at the national level and, when applicable, also at the local level;

b. make more use of citizens’ assemblies and similar deliberative democracy tools to accompany the holding of local referendums in order to alleviate tensions and better inform citizens’ decisions;

c. by analogy with the provisions on participation in local elections as contained in the Convention on the Participation of Foreigners in Public Life at Local Level, to grant the right to vote in local referendums to foreigners who have been residing legally in their country for a period of five years.

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