

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 450 (2019)¹ Local elections in Turkey and mayoral re-run in Istanbul (31 March and 23 June 2019)

1. Further to the observation of the 2019 local elections in Turkey carried out by the Congress of Local and Regional Authorities of the Council of Europe, based on the invitations from the State authorities dated 22 February and 20 May 2019, the Congress refers to:

a. Article 2, paragraph 4, of the Committee of Ministers' Statutory Resolution CM/Res(2015)9 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto;

b. the principles laid down in the European Charter of Local Self-Government (ETS No. 122), which was ratified by Turkey on 9 December 1992;

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

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

3. It welcomes the report on the observation of the 2019 local elections in Turkey, which states that both polling days were orderly and well-managed overall by largely competent electoral staff and preceded by a pluralist and dynamic campaign.

4. The Congress endorses the assessment of the report on local elections in Turkey and the re-run of the election for Mayor of Istanbul (on 31 March and 23 June 2019 respectively), which requires various improvements including the following aspects: harmonisation of all election-related laws; transparency and consistency of decision making by the election administration at all levels, in particular, the Supreme Election Council (SEC) and its institutional independence; the adoption of effective regulations on campaign periods, on party and campaign financing and the misuse of administrative resources during campaigning; removal of undue restrictions to freedom of expression, including media plurality and critical journalism, based on anti-terror legislation and defamation provisions; transparency and impartiality of complaints and appeals procedures; the organisational and practical side of elections, notably the status of civil servant required for presidents and deputies of ballot box committees; the merger and movement of polling stations on security grounds; the use of mobile ballot boxes to support voters with impaired mobility and other disabilities; and the accreditation of domestic and international election observers in local elections.

5. Considering the issues drawn to the Congress' attention by interlocutors with regard to the decision taken by the SEC on 6 May 2019 to repeat the election for Mayor of Istanbul metropolitan municipality on 23 June 2019, and with regard to the denial of the mayoral mandate for successful candidates of the Peoples' Democratic Party (HDP) in the south-east of the country, the Congress will commission a member of its Group of Independent Experts on the European Charter of Local Self-Government to carry out an analysis in view of a possible request for a legal opinion by the European Commission for Democracy through Law (Venice Commission) on the constitutionality of these decisions and their compliance with general principles of the rule of law.

1. Debated and adopted by the Congress on 30 October 2019, 1st sitting (see Document [CG37\(2019\)14](#), explanatory memorandum), rapporteur: Andrew DAWSON, United Kingdom (R, ECR).