

47th Session of the Congress of Local and Regional Authorities - Strasbourg, France, 15-17 October 2024

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Debate on observation of local elections in Türkiye (31 March 2024) (Part 2)

17 October 2024

Dear colleagues,

Let me highlight a few other important points of the draft recommendation.

For the Congress delegation, it was clear that certain provisions of the legal framework remained in contradiction with international standards in electoral matters and with the case law of the European Court of Human Rights, in particular with regard to freedom of expression and assembly, the independence of the judiciary and limitations on the right to vote for conscripts and convicts. We deplored the very worrying media situation in Türkiye, which, particularly during election periods, did not allow journalists to work freely and without fear of prosecution.

The draft recommendation therefore calls on the authorities, as a matter of priority, to

- improve the clarity of electoral legislation and harmonise all election laws to provide a coherent framework for elections and ensure a level playing field;

- to put an end to overly broad restrictions on freedom of assembly and expression in order to re-establish a climate that is fully conducive to genuinely democratic elections.

We were also informed of many reports of judicial and administrative bias at all levels and we regretted that the electoral administration still lacks the necessary transparency and communicates only inadequately on decisions, results and complaints, contributing to a widely shared perception of the lack of independence of the electoral dispute resolution mechanism.

Finally, an administrator, or a “trustee” was appointed by the Ministry of Interior to replace the elected mayor in the municipality of Hakkari, in what constituted the most recent application of a long-standing practice of trustees, considered by the Congress and the Venice Commission to undermine the very nature of local self-government. Voters in Hakkari have been denied the opportunity to be represented by a mayor of their choice for the third consecutive time since 2016. Fortunately, no other cases were recorded since then, but our recommendation is firm on this point and calls on the authorities to

- ensure that the ineligibility of candidates is assessed before the elections;
- to repeal the controversial section of the Municipalities Act allowing this trustee system;
- and, in the event of a mayor's dismissal, to consider other solutions to respect the will of the electorate, such as allowing municipal councils to choose a replacement mayor or repeating the municipal elections.

In our opinion, it is high time to abolish this practice of trustees in order to strengthen local democracy in the east of the country, and we have continued to highlight this problem in the context of post-monitoring. It would be a significant step forward and a particularly positive outcome of our political dialogue with the authorities if we were able to make progress on this point.

Finally, in order to make future elections more inclusive, some other points for improvement are raised in the draft recommendation, such as continuing to ensure the accuracy of electoral registers, increasing the still too low participation of women and young people as candidates, through quotas and incentives, and continuing efforts to guarantee the accessibility of polling stations at all levels.

Last but not least, the legal framework still does not provide for the possibility of independent observation of the elections, and although the delegation appreciated the authorities' invitation, it nevertheless recommends that provisions be introduced to guarantee this right to local and international observers in accordance with Türkiye's international commitments.

Before concluding, I would like to highlight the fact that the Turkish authorities have agreed to enter into a political dialogue with the Congress in order to implement the recommendations recently adopted by the Congress, which already include some of the recommendations reiterated in this draft recommendation. We have already had fruitful discussions with the Turkish authorities earlier this year, so we are confident that we will be able to agree on some substantive changes that will form part of a roadmap that has just been submitted to the Turkish authorities for their consideration. We see this ongoing political dialogue as an important step and we wanted to highlight this development today.

Thank you for your attention. I hope you will adopt the explanatory memorandum and approve the draft recommendation.