

Speech by **Vladimir PREBILIC, Slovenia (L, SOC/G/PD)**

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Debate on Monitoring of the European Charter of Local Self-Government: Turkey

Dear colleagues,

My co-rapporteur David ERAY from Switzerland and I paid an on-site visit in Turkey on 1 December 2021. Our objective was to update a report on monitoring the application of the Charter in Turkey that had been previously approved in 2020 together with a draft recommendation and resolution following two parts of a monitoring visit (held in October 2019 and in November 2019).

As you know, the final adoption was delayed due to the pandemic and in the meantime, both former rapporteurs on Turkey, Jos WIENEN and Yoomi RENDSTRÖM have left the Congress.

So, we were appointed as new rapporteurs, visited Turkey again and today we will present you for adoption the updated draft resolution and recommendation that were approved at the Monitoring Committee meeting on 28 February 2022.

I would like to highlight from the outset that we have modified only very slightly the report, recommendation and resolution. We have added a section about the pandemic and updated information about the mayors removed from office. But globally, the content and substance of the report have remained unchanged.

Turkey ratified the Charter in 1992 without ratifying many of its provisions. In fact, today Turkey is among the countries with the highest number of non-ratified provisions.

The last regular monitoring visit in Turkey was carried out in 2010. As a result of the visit, the Congress adopted, in 2011, a Recommendation on local and regional democracy in Turkey.

Since then, the situation in Turkey has been a regular item on the Congress' agenda. The reason for it is a worrying situation with an increasing number of elected mayors and municipal councillors being detained, removed from office, and replaced by non - elected officials.

This issue was also in focus of the Congress two fact-finding missions in Turkey, which were carried out in 2016.

Given the gravity of the situation with local elected representatives in Turkey, we have devoted to it a separate part of our report.

David Eray will elaborate on this issue later in his part of the presentation. I will now focus on other findings which have been reflected in the report.

Let me start however on a positive note. The turnout in 2019 local elections in Turkey was impressive - above 84%. This is probably one of the highest in the Council of Europe member states. In our opinion, this reveals a strong interest among Turkish citizens in local self-government.

However, our conclusions reveal, as you will have seen from reading the report, that many efforts still need to be applied to achieve a good level of application of the Charter. In fact, Turkey does not comply with several provisions of the Charter, and some of them are only partially respected.

The principle of administrative tutelage is still enshrined in the constitution and extensively applied in practice.

The governor, appointed by Presidential decree, combines the function of a State agent and a chairman of the provincial executive committee.

The state continues to overregulate and carries out efficiency control over local authorities' own tasks.

The general level of communication and dialogue between the central and local government is unsatisfactory.

A high proportion of local revenues (more than a half) still comes from the State budget thus limiting local financial autonomy.

Finally, a critical point of concern is the situation with the Supreme Election Council's refusal to grant the certificates of elections ("*mazbata*") to several candidates from opposition parties who won mayoral elections in the south-east of Turkey.

I need to explain that when *Mazbata* is denied to a successful candidate who won the elections, he or she cannot assume mayoral functions. In our view, this practice of denial of electoral certificate is inconsistent with the principle of fairness of elections and should be reversed.

Such conclusion has also been reached by the Venice Commission in its opinion adopted in June 2020 about the conformity with democratic standards and legally accepted practices of a number of decisions regarding elected candidates and mayors taken after the 31 March 2019 local elections in the south-east of Turkey.

In the draft recommendation we therefore call on the Turkish authorities to ensure that the candidates who were admitted running in the elections and won them can effectively enjoy their right to carry out their mandate.

My colleague will continue the presentation.

Thank you for your attention.