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Local elections in Turkey and Mayoral re-run in Istanbul (31 March and 23 June 2019)

Committee on the Honouring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (Monitoring Committee)

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Summary

Following an invitation of the Turkish authorities, the Congress carried out a mission to observe the local elections in Turkey held on 31 March 2019 and the re-run of metropolitan mayoral election in Istanbul on 23 June 2019. This was the first time that the Congress observed local elections in Turkey. Prior to the main mission, a reduced Congress Delegation visited Ankara from 13 to 15 March to carry out a pre-electoral visit. The Delegation to observe the 31 March local elections was deployed from 27 March to 1 April 2019 and involved 23 participants from 20 different countries. On the Election Day, the Delegation was divided into ten teams, which visited some 140 polling stations across the country and observed the voting as well as part of the counting process. The Delegation to observe the repeat election in Istanbul on 23 June comprised 14 observers from 13 countries and stayed in Turkey from 20 to 24 June. On the Election Day, six observer teams were deployed to observe some 90 polling stations in about 30 districts of the city.

Against the background of the challenging economic situation and the oppressive atmosphere for different sectors of society including opposition parties, parts of the judiciary, civil service employees, journalists and civil society, despite the lifting of the state of emergency in 2018, the 2019 local elections in Turkey were momentous. Commentators therefore described these elections as of supra-regional importance and as a test case for President Erdogan's rule. The omnipresence of the President of the Republic in the pre-March 31 election campaign contributed to the impression that this was far more than a local political vote. The campaign environment and the political discourse were correspondingly heated, characterised by confrontational, even aggressive and threatening rhetoric.

¹ Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC: Socialist Group
ILDG: Independent Liberal and Democratic Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

Despite the freedom of expression principally enshrined in the Constitution of Turkey, the framework conditions for ensuring a level playing field for all contestants and genuine media freedom have proved weak in these elections and thus have led to questions from the Congress Delegation regarding democratic media plurality and conditions that are objectively fair to all political parties and candidates in all respects.

Notwithstanding these limitations, which are caused by the legislative framework for elections, which is in need of reform, the Congress Delegation noted that Turkey, as one of the early founders of the Council of Europe, can be proud of its democratic culture, which was reflected - not least - in the competitiveness of these elections, great interest of the population and a remarkable turnout on 31 March in the whole country and on 23 June 2019 in Istanbul. As consequence of the technical proficiency of the election administration in Turkey, the Congress Delegation saw professionally organised elections in the majority of polling stations visited on 31 March and 23 June 2019.

Apart from the equal playing field for all parties and candidates, which is an absolute prerequisite for genuinely free, fair and democratic elections, the Congress Delegation sees room for improvement in various areas of elections. The most urgent reform steps are set out in the Recommendation of this report and include, in particular, the Supreme Election Council (SEC) of Turkey, against whose decisions no appeal is possible. The events after 31 March 2019, which have led to the highly criticised annulment of the result in Istanbul and, eventually, to the rerun on 23 June, demonstrate the urgency of reform in order to achieve transparency, consistency of the decision-making and independence.

RESOLUTION 450 (2019)²

1. Further to the observation of the 2019 local elections in Turkey, carried out by the Congress of Local and Regional Authorities based on the invitation 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 on the Congress of Local and Regional Authorities of the Council of Europe;

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

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

4. The Congress endorses the assessment of the report on local elections in Turkey and Mayoral re-run in Istanbul (31 March and 23 June 2019) requiring different improvements including the following aspects: harmonisation of all election-related laws; transparency and consistency of decision-making of the election administration at all levels, in particular, the SEC (Supreme Election Council) and its institutional independence; effective regulations on campaign periods, on party and campaign financing and related to the misuse of administrative resources during campaigning; freedom of expression and related undue restrictions based on anti-terror legislation and defamation provisions; media plurality and critical journalism; transparent and impartial complaints and appeals procedures; the organisational and practical side of elections, notably the status of civil servants required for Presidents and Deputies of Ballot Box Committees; the merger and move 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 Istanbul Metropolitan Mayor election on 23 June, and with regard to the denial of the mayoral mandate for successful HDP candidates 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 (GIE) to carry out an analysis in view of a possible request for legal Opinion of the European Commission for Democracy through Law (Venice Commission) on the constitutionality of these decisions and their compliance with general principles of rule of law.

² 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).

RECOMMENDATION 439 (2019)³

1. Following the invitations from the State authorities, dated 22 February and 20 May 2019, to observe the local elections held in Turkey on 31 March and the re-run of the metropolitan mayoral election held in Istanbul on 23 June 2019, the Congress of Local and Regional Authorities refers to:

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

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

3. The 2019 local elections in Turkey were the second elections held since the 2017 Constitutional referendum transforming the country from a parliamentary into a presidential system. The political parties largely campaigned in two groupings – one pro, the other against the government and the president. This, together with the challenging economic situation for the country and the president's and the government's responses to the ongoing security situation, made the local vote an opportunity to cast a judgment on the president's rule. It also elevated the importance of these elections both nationally and internationally which was reflected, not least, in a broad international media coverage.

4. The Congress welcomes the fact that both polling days, by and large, were orderly and well-managed. Overall, the Ballot Box Committees (BBCs) performed their technical and procedural tasks competently. The vast majority of electoral staff had been trained and had guidance and support available to them. Training and support were stepped up during the Istanbul repeat election on 23 June. In part this may have been because the decision of the Supreme Election Council (SEC) to re-run the Istanbul mayoral election was based on procedural irregularities. There was a high, impressive turnout rate in both elections.

5. Both Election Days were preceded by a competitive and dynamic campaign. The run-up to the elections on 31 March was characterised by a strong presence of members of the Government and the President of the Republic. The language used in the campaign was often confrontational, even aggressive, and overshadowed by many examples of inflammatory rhetoric including allegations that candidates or political parties supported terrorists or terrorism. Positively, in the run-up to the repeat election of the Mayor of Istanbul held on 23 June, the two main candidates confronted their views in a TV debate which was the first time in Turkey in 17 years.

6. The official election campaign period began only ten days before the Election Day and ended at 18:00 on the day prior to the vote. Stricter regulations, notably with regard to the misuse of administrative resources, applied only during this ten day period. Different rules applied to the Government Ministers and members of Parliament compared to the President of the Republic. The President's presence in the campaigns was unregulated. In the campaign before the 31 March elections his image was prominently displayed.

7. Turkish law does not contain comprehensive regulations on party and campaign finance and there was a lack of transparency of financing political parties which is not conducive to a level playing field during the election campaign.

8. Media plurality and fair access for the political parties had been weakened in recent years. The governing party had a dominant presence both in broadcast media and newspapers. Journalists reported to the Congress Delegation that they were sometimes the subject of threats and intimidation. Broadcasters suggested they were subject to undue restrictions that fettered their ability to tell the stories they wanted to – although the State broadcast regulator emphatically denied censorship. It was

³ See footnote 2

evident that there was a lively social media campaign and the opposition parties used it to get their message across.

9. Opposition parties, vis-à-vis the Congress Delegation, alleged that the Government was ensuring that members of the security forces were added to the voters' lists in various locations, predominantly in Kurdish areas, in an attempt to sway the vote.

10. Although the state of emergency had been lifted since the presidential and parliamentary elections held in June 2018, some of the emergency decrees were still resonating in the larger context of the 2019 local elections with repercussions on various sectors of society, including local self-government in Turkey. Further to the 31 March elections, some successful mayoral candidates were subsequently disqualified from taking office after they had been elected and the second placed candidates were promoted.

11. Legal amendments made in 2018 affected also the conduct of the local elections held in Turkey on 31 March and the mayoral repeat elections in Istanbul on 23 June 2019. This concerned, in particular, new rules according to which only civil servants can become Chairmen or Deputies of Ballot Box Committees (BBC). The required civil servant status of the BBC leadership required by law was decisive for the decision by the Supreme Election Council (SEC) to repeat the election in Istanbul.

12. Similarly, voters residing in the same building can now be assigned to different polling stations on grounds of secrecy of the vote and polling stations can be moved and merged on grounds of security. Together with new regulations for the increased presence of law enforcement units in and around polling stations this raised concern among the opposition and civil society, especially for their impact specifically on constituencies in south-east Turkey. Importantly, these measures were originally introduced during the state of emergency and then transformed into regular legislation.

13. Legislation does not allow the presence of domestic civil society observers and international observers which is contrary to some of Turkey's international commitments. The Congress Delegation was granted the accreditation by the SEC's special measures which was very much appreciated and made the Congress the only international organisation observing the 2019 local elections. It should be noted that some members of our Delegation faced unreasonable and unnecessary hostility in some locations.

14. The Constitution of Turkey generally provides for the right to freedom of expression, but also allows relatively broad restrictions on media in accordance with Anti-Terror and Internet Laws, as well as the Criminal Code containing extensive defamation provisions for offending the nation and the State, public officials and the President. This created an overall oppressive atmosphere for critics of the Government and critical journalists also in the context of the 2019 local elections.

15. Turkey can be rightly proud that so many of its citizens exercised the right to vote. Turkey's electoral rules permit the use of mobile ballot boxes to support citizens who are unable to travel to the polling stations through disability or infirmity. More use of such arrangements could ensure easier accessibility of these groups to the polling stations and strengthen suffrage at the local level.

16. In light of the above, the Congress invites the authorities of Turkey, in particular, to:

a. enhance clarity of election legislation and harmonise all election-related laws in order to provide a cohesive framework for elections;

b. remove overly restrictive limitations of freedoms of association, assembly and expression in order to re-establish an environment fully conducive to genuinely democratic elections in line with Turkey's international commitments;

c. revise 2018 legal amendments affecting the conduct of elections, in particular the regulation on the status of civil servant required for Presidents and Deputies of Ballot Box Committees in the light of Opinion 926(2018) of the Council of Europe Venice Commission;

d. likewise, review regulations according to which polling stations can be moved and merged, concerning increased presence of enforcement units on security grounds and the assignment of voters residing in the same building to different polling stations on grounds of secrecy of the vote;

- e. increase transparency of the decision-making at all levels of election administration in order to ensure consistency, integrity of the process and a stable electoral framework; strengthen effective judicial remedy and the legal integrity of the election dispute mechanism;
- f. sound out possibilities for strengthening the independence and impartiality of the SEC and consider subjecting SEC's decisions to a final review by an independent judicial body;
- g. step-up training of members of Ballot Box Committees, including those nominated by political parties, on the electoral legislation and Election Day procedures as well as on the role and importance of domestic and international election observers present in the polling station;
- h. introduce regulations with regard to the elections of neighbourhood Mukhtars, in particular with regard to the campaign environment and the unified design of ballots;
- i. remove restrictions on voting rights for military cadets and conscripts as well as other blanket restrictions on suffrage rights;
- j. pay further attention to the accuracy of voters' lists in line with Congress Resolution 378(2015);
- k. pay attention also to the voting rights of migrants and IDPs in line with Congress Resolution 431(2018);
- l. remove overly restrictive conditions for candidate registration and harmonise the election legislation so that candidates eligible to run in Parliamentary elections are also allowed to run in local elections; candidates admitted to run must be able to assume mandate if elected;
- m. revise campaign period regulations by lengthening them, step-up provisions on the prevention of misuse of administrative resources generally and especially during the entire campaign period including both phases as defined by law, and establish fair and equal rules binding all politicians including the President of the Republic and how they may participate in elections;
- n. improve regulations on party and campaign financing, e.g. through setting a campaign expenditure ceiling, and introduce an effective oversight mechanism to ensure transparency, integrity and accountability, as recommended by the Council of Europe's Group of States against Corruption (GRECO);
- o. review regulations on the media environment generally and especially during the entire election campaign period, establish an impartial and effective media monitoring system to ensure a level playing field with regard to the media coverage prior, during and after elections;
- p. revise anti-terrorism legislation allowing prosecution of journalists based solely on the content of their reporting; defamation of the nation and the State, public officials and the President should be decriminalised, and media should be able to operate free from intimidation or pressure;
- q. revise legislation regarding the accreditation of domestic and international election observers and make election observation by such actors a normal procedure without referring to special measures;
- r. undertake measures to strengthen the participation of women in politics as voters, candidates and members of election administration across the hierarchy and at all levels;
- s. ensure that voters are able to vote free from intimidation and fear of retribution; the police presence in and around polling stations should be limited to ensuring public order and safety;
- t. encourage greater use of mobile ballot boxes to support voters with impaired mobility or other disability, review the rules that govern the support that can be given to voters when casting their votes taking account, in particular, of problems of sight and dexterity where manual support in voting is needed.

17. The Congress calls on the Committee of Ministers, the Parliamentary Assembly and other relevant institutions of the Council of Europe to take account of this recommendation regarding the 2019 local elections in Turkey and of the accompanying explanatory memorandum in their activities relating to this member State.

EXPLANATORY MEMORANDUM⁴

I. INTRODUCTION

1. Following an invitation of the Turkish authorities, the Congress of Local and Regional Authorities carried out a mission to observe the local elections in Turkey held on 31 March 2019 and the re-run of metropolitan mayoral election in Istanbul on 23 June 2019. This was the first time that the Congress observed local elections in Turkey.

2. Prior to the main mission, a reduced Congress Delegation visited Ankara from 13 to 15 March to carry out a pre-electoral visit to establish links with interlocutors and set the stage for the main mission. The Delegation to observe the 31 March local elections was deployed from 27 March to 1 April 2019 and involved 23 participants from 20 different countries. As far as the 31 March elections are concerned, on the Election Day, the Delegation was divided into ten teams, which visited some 140 polling stations in Ankara, Istanbul, Antalya, Adana, Diyarbakir, Izmir and Erzurum and observed the voting as well as part of the counting process.

3. The Delegation to observe the repeat election in Istanbul on 23 June comprised 14 observers from 13 countries and stayed in Turkey from 20 to 24 June. On the Election Day, six observer teams were deployed to observe some 90 polling stations in about 30 districts of the city. Mr Andrew DAWSON, United Kingdom (R, ECR), served in all missions as Head of Delegation and Rapporteur.

4. The present report is based on the Delegation's exchanges with different interlocutors during the pre-mission and the two subsequent missions as well as on observations made in the field on the Election Day and provides assessment of both, the local elections held on 31 March and the metropolitan mayoral re-run in Istanbul on 23 June. The Congress wishes to thank all those who met the delegation for their open and constructive dialogue. It thanks the Turkish authorities and the members of Supreme Election Council (SEC).

II. BACKGROUND

5. The 2019 local elections took place against the backdrop of a challenging economic situation in Turkey and a tense and competitive atmosphere between the two major party alliances, the People's Alliance comprised of the Justice and Development Party (AKP) and Nationalist Movement Party (MHP), both government parties, and the Nation's Alliance uniting the Republican People's Party (CHP), the Good Party (İYİ), the Felicity Party (Saadet) and the Democratic Party. The Peoples' Democratic Party (HDP) ran on its own but had agreed with Nation's Alliance parties (mainly CHP) not to compete in traditional strongholds of one another in order to maximise election gains vis-à-vis the People's Alliance. The campaign in the run-up to the vote on 31 March was characterised by a strong presence of the members of Government and the President of the Republic. The inflammatory and polarising language used at election rallies and the appearance of prominent national political figures in the campaign for local elections was seen by many as highly controversial.

6. The local elections were held to elect Provincial and Municipal Councillors, Mayors of regular municipalities as well as Metropolitan municipalities, including Istanbul, Ankara and other large cities. Highly competed were also the positions of Mukhtars and members of Alderman Councils in villages and city neighbourhoods. These non-party positions have recently experienced some re-evaluation but their election remains largely unregulated by election law.⁵

7. The 2019 local elections were the second elections held since the 2017 Constitutional referendum transforming Turkey from a Parliamentary to a Presidential system. These elections were the first elections that took place after all constitutional amendments approved in the referendum came fully into force. According to domestic and international stakeholders, including the Council of Europe Venice Commission, the newly established constitutional system resulted in a limited independency of judiciary and reduced the balance of powers among State institutions in favour of extensive presidency, thus significantly restricting the principle of separation of powers.⁶

⁴ Prepared with the contribution of Congress expert Prof. Angel Moreno Molina, Spain.

⁵ <https://www.tccb.gov.tr/en/news/542/3406/president-erdogan-addresses-to-mukhtars-the-vision-to-become-a-great-state-begins-at-the-local-level>.

⁶ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)005-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)005-e).

8. Unlike the early presidential and parliamentary elections held in June 2018, this year's local elections were not conducted under the state of emergency, declared after the July 2016 failed coup attempt and ceased after the elections in 2018. However, mass arrests and prosecution of more than 100.000 persons, including many journalists among others, and dismissals of more than 150.000 civil servants by emergency decrees were still resonating in the society, affecting especially the judiciary where about one third of civil servants had been dismissed.⁷ Last but not least, many of the measures adopted during the state of emergency had been in the meantime made regular laws and thus relevant provisions became applicable also in the 2019 local elections.

9. Of special concern for the Congress were the concrete impacts of the state-of-emergency measures on the local self-government in Turkey. Dozens of local elected Mayors and Councillors (mostly HDP) in more than fifty towns, especially in the south-east of the country, were placed in pre-trial detention on grounds of accusations of terrorist links and were replaced with trustees appointed by the central authorities.⁸

III. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

10. Local elections in Turkey are held every five years, following a calendar determined by the election administration.⁹ The legal framework for local elections is defined by the 1982 Constitution; the 1961 Law on Basic Provisions for Elections and Voter Registers; the 1983 Law on Political Parties; the 1983 Law on Meetings and Demonstrations; the 1984 Law on Elections of Local Administrations and Neighbourhood Mukhtars and Aldermen Council. A new Law on the Supreme Election Council (SEC) was adopted in November 2017 to mainly regulate and expand the body's organisational structure.

11. Turkey has ratified key international and regional human rights instruments setting the standards for democratic elections. The most important international commitments of Turkey regarding democratic elections at local and regional level include the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of Persons with Disabilities (CRPD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the European Convention on Human Rights (ECHR), the European Charter of Local Self-Government and the OSCE Copenhagen Document. Although the Constitution provides for precedence of these standards over national laws, it contains provisions that restrict several fundamental rights and freedoms in contradiction to Turkey's international commitments.¹⁰

12. Significant legal amendments were made in March and May 2018 affecting also the conduct of this year's local elections (Laws No. 7102, No. 7140). Based on these amendments, only civil servants can become Chairs and Deputies of the Ballot Box Committees (BBC) having been selected by a lottery, as stipulated by law. Polling stations can be moved and merged on grounds of security conditions at the request of State authorities as previously introduced by state of emergency decrees and now legalised. Similarly, now voters residing in the same building can be assigned to different polling stations on grounds of secrecy of the vote. As for counting procedures, unstamped ballots due to the negligence of BBC members are considered valid. Finally, presence of law enforcement units in and around polling stations can be increased, including entry upon the call of a BBC member or any voter present in the polling station.¹¹ Interlocutors from the opposition parties and civil society voiced concerns regarding these amendments during meetings with the Congress Delegation.

13. As regards administrative structure of local self-government, there are three types of local government units in the country: Provincial administrations, Municipalities and Villages. In large cities with a population of over 750.000 a specific model of metropolitan government has been established.

⁷ <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-en.asp?FileID=25349&lang=en>;
<http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=24505&lang=EN>.

⁸ <https://rm.coe.int/16806fbf0d>.

⁹ Art 127 of Constitution; Art 8 of Law on Elections of Local Administrations and neighbourhood Mukhtars and Aldermen Council.

¹⁰ For instance, regional-based political parties are banned, political parties are prohibited from promoting certain political agendas including the existence of minorities and challenges to the territorial integrity of the state, and insult of the president, other public figures and certain state institutions is criminalised.

¹¹ Venice Commission Opinion No. 926/2018/OSCE – Turkey, Joint Opinion on amendment to the electoral legislation and related “harmonization laws” adopted in March and April 2018.

It consists of a two-layer structure made up of Metropolitan Municipalities as well as several District Municipalities. For the election of the Provincial Council members, each District is an electoral district. For the election of the Mayor and the members of the Municipal Council, every town is an electoral district. The electoral district in the election of the Metropolitan Mayor is composed of boundaries of metropolitan municipality.

14. For local elections, two different voting systems are used: Mayors are elected according to a first-past-the-post system, while Municipal and Provincial Councillors are elected according to a proportional representation system with a ten per cent electoral threshold, with seats allocated through the D'Hondt method.¹² On the level of villages and neighbourhoods, Mukhtars together with members of Alderman Councils are elected on a single ballot by the first-past-the-post system.¹³

15. While the law generally provides for a robust legal framework for democratic elections, Congress interlocutors pointed to many areas containing legal gaps and shortcomings as well as to the lack of legal harmonisation. The Constitution and several statutory laws insufficiently guarantee some of the fundamental rights and freedoms and permit overly restrictive limitations of freedoms of association, assembly and expression which are essential for an environment conducive to genuinely democratic elections. On the other hand, areas such as conduct of election campaign, equal access to the media and political party and campaign finance lack sufficient regulation which, according to Congress interlocutors, resulted in an inability of authorities to ensure level playing field in elections.

IV. ELECTION ADMINISTRATION

16. The election administration is a four-level structure with the Supreme Election Council (SEC) at the top. The four layers are structured in a hierarchical manner, where the SEC stands as the supreme regulator, manager and final dispute-resolution body. The SEC is a permanent body composed of 11 members (seven principal and four substitute members) who are senior judges appointed for a six-year term.¹⁴ None of the current SEC members is a woman. Even though only 7 judges are regular SEC members, while the remaining 4 are substitutes, SEC adopts decisions at session where all 11 members vote. In January, Parliament extended the terms of office of three judges close to retirement by a special decree for one more year.¹⁵ Four political parties that received most votes in the previous Parliamentary elections can appoint non-voting members to the SEC.

17. The law stipulates that the SEC is an independent and impartial body when performing its duties and exercising its powers. However, the Venice Commission noted that, after the 2017 Constitutional reform, important safeguards of judicial independence were removed. Accordingly, this can reduce also the independence of the SEC which is largely dependent on the Council of Judges and Prosecutors whose majority of members are appointed by the President of the Republic and Government authorities.¹⁶ The alleged politicisation of the SEC was frequently brought up by various Congress interlocutors, especially in light of SEC's past controversial decisions which were seen as inconsistent, partial and in favour of the Government.¹⁷ The SEC President himself confirmed during a meeting with the Congress Delegation that every election the body finds itself under an immense pressure from various actors but declined that SEC ever yielded to this pressure.

18. The second highest level of administration, the Provincial Election Board (PEB), resides in each of the 81 Provinces of Turkey. Each of the 81 PEBs consist of the three most senior judges in the Province, appointed for two-year terms. The four political parties that received the highest number of votes in the Province in the last Parliamentary elections can each nominate a non-voting member to that board. Thus, similarly to the SEC, only judicial officials can vote on PEB's decisions which is detrimental to PEB's independence and contrary to Venice Commission Opinion that composition of election administration bodies should be as broad and pluralistic as possible, to secure

¹² The ten per cent election threshold is at odds with the case law of the European Court of Human Rights (ECtHR), and the recommendations of international organisations. See the ECtHR case of Yumak & Sadak v. Turkey from 8 July 2008.

¹³ Arts 2 and 32 of Law on Elections of Local Administrations and neighbourhood Mukhtars and Aldermen Council.

¹⁴ Art 79 of Constitution.

¹⁵ Art 10 of Law No. 7159 of December 2018.

¹⁶ pp 11-12 of <https://www.osce.org/odihr/elections/turkey/407078?download=true>; See also [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)005-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)005-e)

¹⁷ Such as the highly controversial SEC's decision No 560 from 16 April 2017 on validity of unstamped ballots during the constitutional referendum in 2017; see more p 21 of <https://www.osce.org/odihr/elections/turkey/324816?download=true>; See also relevant parts of <https://www.osce.org/odihr/elections/turkey/397046?download=true> and <https://www.osce.org/odihr/elections/turkey/219201?download=true>.

independence.¹⁸ PEBs main tasks include: to ensure fair and orderly conduct of elections in their area of responsibility; to coordinate the distribution of election materials; to adjudicate complaints against District Election Boards (DEBs) decisions; to announce constituency candidate lists and to receive objections; to provide guidance to DEBs on implementing election legislation; to tabulate results in a Province by summarising the DEB protocols.

19. On the District level, 957 District Election Boards are composed of a Chairman who is a top senior judge in the respective District and six members serving for two years. Two of these members are civil servants and the remaining four members are taken from political parties with a party branch in the District and with the greatest number of votes in recent general elections. The main functions of a DEB are: to ensure fair and orderly conduct of the elections and scrutinising the procedures of the election throughout the District; to establish the Ballot Box Committees; to dispatch ballot boxes and all other election related materials; to review and decide on complaints related to Ballot Box Committees (BBCs); to respond to BBCs inquiries concerning the implementation of election procedures; to tabulate results at District level.

20. The lowest level of election administration is composed of around 196.000 Ballot Box Committees (BBCs) appointed ahead of each election and responsible for conducting opening, polling and counting procedures on Election Day. BBCs consist of seven members of which are, after the March 2018 amendment, two civil servants selected by lottery, president and deputy, while the remaining five regular members are nominated by the five political parties which received the most votes in the District in the previous Parliamentary elections. According to reports of different Congress interlocutors from within and outside the election administration, the law was not consistently applied with regards to conducting a lottery for selection of BBC chairs and deputies and instead in many cases those were directly appointed by the DEB.¹⁹

21. As far as the 23 June Istanbul re-run is concerned, 76 DEBs and some 31.000 BBCs were established in all 39 Districts of Istanbul. The Congress observers noted on Election Day that in most polling stations visited the BBC Chairs and Deputies were different from those operating during the 31 March election. The Istanbul PEB Chair told the Congress Delegation that 10% of all BBC Chairs and Deputies serving on 31 March were changed on grounds of not being civil servants. According to Congress interlocutors, BBC members, especially Chairs and Deputies, as well as DEB members found themselves under an increased pressure during the 23 June election after a number of criminal proceedings had been taken up against some BBC and DEB members for alleged procedural failures on 31 March.²⁰ The Istanbul PEB reported to the Congress Delegation that a high number of applications had been filed by selected civil servants to be excused from serving in the BBC. They were mostly rejected as unsubstantiated.

22. According to Congress interlocutors, prior to the 31 March local elections, no lists of BBC Chairs and Deputies were provided to the political parties for scrutiny and possible objections regarding the procedure. This had an impact on the post-election developments and the eventual repetition of the Metropolitan Mayoral election in Istanbul. In turn, for the Istanbul re-run, the political parties were provided with such lists by the SEC on 21 June, and thus had an opportunity to object the names of BBC members prior to the E-Day.

23. While BBC Chairs and Deputies received training from the respective DEB, the political party representatives were trained by their political parties. For the Metropolitan Mayor re-run in Istanbul, additional training was provided for BBC Chairs and Deputies which, according to the SEC, included more in-depth instructions on filling in the election protocols and the necessary paperwork.

24. The March 2018 amendment to the Law on the Basic Provisions on Elections and Voter Registers establishing that BBC Chairs and Deputies have to be civil servants was criticised by the Venice Commission on grounds of the perceived lack of independence of Turkey's civil service from political powers.²¹ On basis of the amended Article 104 of the Constitution, civil servants are fundamentally subject to the authority of the executive branch of power and are thereby under the authority of the President of Turkey. This is contrary to the principle of impartiality of election administration as

¹⁸ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)005-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)005-e).

¹⁹ Based on the observations made by Congress observers on E-Day during the 23 June Istanbul re-run, majority of BBC chairs and deputies in visited polling stations answered that no lottery had been conducted.

²⁰ <https://www.reuters.com/article/us-turkey-election-board/turkeys-high-election-board-says-to-re-run-istanbul-election-on-june-23-statement-idUSKCN1SC1ZV>; <https://www.dailysabah.com/elections/2019/06/05/disciplinary-proceedings-criminal-complaints-underway-for-istanbul-election-officials-involved-in-irregularities>.

²¹ <https://www.osce.org/odihr/elections/turkey/407078?download=true>.

required by the Venice Commission Code of Good Practice in Electoral Matters.²² Moreover, according to the law, the DEB Chair appoints “the presidents from those who do not have any obstacle”. The term “obstacle” is not defined and, according to the Venice Commission, this could lead to the exclusion from the post of president of BBCs on arbitrary grounds.²³ Overall, the lack of criteria for appointees leaves the process vulnerable to abuse and lacks transparency. This opened room for controversies after the elections as explained in the below section on complaints and appeals.

25. In the run-up to the 31 March elections, some Province Governors and PEB presidents, who are high ranking civil servants, requested a SEC order based on which almost one thousand of polling stations be merged and relocated on grounds of security. This affected around 100.000 voters, especially in the south-east of the country, and made voting more difficult for them. According to some Congress interlocutors, these measures were aimed to lower the turnout specifically in traditional HDP strongholds. The Venice Commission criticised also this measure, introduced by the March 2018 amendments, on grounds of lacking strict, clear and objective parameters in the legislation ensuring that the right to vote is not unduly restricted. Moreover, the Venice Commission found that the provision defined in law as “if it is deemed necessary in terms of the election security” leaves room for a wide margin of appreciation, which could be abused, and lacks the transparency necessary to maintain stakeholder confidence in the process.²⁴

26. On both Election Days and in the pre-election periods, the election administration managed the process generally in an efficient and orderly manner, although Congress interlocutors voiced concerns in certain areas, such as voter registration and resolution of complaints. The Supreme Election Council (SEC) produced circulars with instructions for lower levels of election administration and regular communication on procedures was maintained between the SEC and the Ballot Box Committees on Election Day. This procedure was stepped up during the 23 June Mayoral re-run in Istanbul. However, doubts about the independence of the election administration and the effects of unclear legal provisions regulating its functioning added to the perceived lack of its impartiality, in particular after the controversial decisions adopted by SEC in the post-election period following 31 March as expressed by various stakeholders.

V. VOTER REGISTRATION AND RIGHT TO VOTE

27. Citizens over 18 years of age on the Election Day have the right to vote, except people called to military service, cadets, citizens declared legally incompetent or banned from public service by court, and prisoners convicted of crimes defined by law as “intentional”. Disenfranchisement of conscripts and cadets, as well as the blanket restrictions on the right to vote for the latter three categories are disproportionate and at odds with international standards.²⁵ In 2013 and 2014, the European Court of Human Rights (ECtHR) ruled that the ban on prisoners is too broad and in breach of the right to free elections.²⁶

28. Turkey has a passive system of voter registration and some 57 million voters were registered for the 2019 local elections. All eligible voters are included in a central voters’ register maintained by the Supreme Election Council (SEC), tasked with ensuring its accuracy and integrity. The voter registration is based on a personal identification number, which is linked to the civil and address registry operated by the Ministry of the Interior. Data on ineligible voters is provided by the Ministry of Justice and the Ministry of Defence. The voter register is kept online and regularly updated. Voters who are registered and eligible to vote may be fined 2 500 TRY if they do not exercise their right to vote.²⁷ However, this provision is not applied.

22 Code of Good Practice in Electoral Matters, II.3.1; CCPR General Comment No. 25, par. 20.

23 pp 11-12 of <https://www.osce.org/odihr/elections/turkey/407078?download=true>.

24 p 13 <https://www.osce.org/odihr/elections/turkey/407078?download=true>; See also Law No 657 On Civil Service

25 Article 25 of the UN ICCPR; Paragraph 14 of General Comment No. 25 to the ICCPR; Paragraph 58 of the Recommendation CM/REC(2010)4 of the Council of Europe Committee of Ministers on human rights of members of the armed forces; Article 12 of the 2006 UN CRPD provides for the equal recognition of persons with disabilities before the law. Article 29 of the 2006 UN CRPD requires States to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”.

26 ECtHR judgments Soyler v. Turkey from 2013 and Murat Vural v. Turkey from 2014.

27 Provisional art 4 of Law on Elections of Local Administrations and Neighbourhood Mukhtars and Board of Alderman

29. For the 23 June Metropolitan Mayoral re-run in Istanbul, around 10,5 million voters were registered to vote. The Congress Delegation was informed by the SEC that certain changes were made to the voters' lists compared to the regular local elections held in the metropolitan municipality on 31 March. According to the information provided by SEC and the Istanbul PEB, a number of voters who were eligible to vote on 31 March were deleted from the list for the re-run, including newly conscripted military cadets, recent convicts of intentional crimes, persons newly declared incapacitated by court, deceased persons, people who changed their permanent residence for place other than Istanbul and persons who had renounced Turkish citizenship. Voters who changed their residency within the city of Istanbul were kept on the list. Altogether, between 44 800 (according to the SEC) and 68 000 (according to the Istanbul PEB) voters were removed from the voters' lists for the Istanbul re-run, while no voter was added. According to Congress interlocutors, this number of voters removed from the voters' lists had a certain significance considering that the margin between the two candidates who came first and second in the 31 March Metropolitan Mayor election in Istanbul was 13 729 votes.

30. Voters can review their information online but also in their respective DEB. The SEC compiles voters' lists and forwards them to DEBs for posting and public review for two weeks.²⁸ The voters' lists are finalised 45 days prior to the elections and DEBs assign voters to determined BBCs according to their addresses. Special voters' lists were compiled for eligible imprisoned and detained voters. Internally displaced persons (IDPs), internal migrants and homeless people could vote only if registered at an address, thus being de facto deprived of their voting rights contrary to Congress Recommendation 419(2018).²⁹ Positively, voters with physical disabilities and impaired mobility could newly apply for casting their ballot through mobile ballot boxes brought to their homes or, alternatively, could vote in easier accessible polling stations situated at the ground floor of the buildings.

31. Contrary to previous common practice, a legal amendment of March 2018 remains in place allowing DEBs to assign voters registered in the same building to polling stations, though in the same constituency, but other than those corresponding to their actual address on grounds of protection of the secrecy of vote. This raised concerns among Congress interlocutors regarding the difficulty for voters, parties and observers to verify accuracy of voters' lists for voters from the same address who are newly split up to different polling stations. Another concern raised by Congress interlocutors was the considerable distance of some polling stations newly assigned to some of the voters. Notwithstanding the fact that these concerns did not immediately substantiate themselves, the amendment has a potential to lower the trust in the integrity of the voters' lists as it creates room for manipulations as stated by the Venice Commission.³⁰

32. Some Congress interlocutors voiced concerns prior to the 31 March elections about police and military personnel being intentionally stationed in traditionally HDP-voting constituencies in the south-east of the country and registered there to vote in order to influence the election results in these areas in favour of the Government.³¹ There was also concern among Congress interlocutors that this provision could potentially be misused for carousel voting in multiple polling stations.³² At least some of these allegations have proven some credibility when AKP surprisingly won in the traditional HDP stronghold Şırnak in the south-east of the country where thousands of security forces were deployed on the Election Day.³³

33. Despite serious issues related mainly to constituencies in the south-east of Turkey, overall, most Congress interlocutors expressed general, although at times reserved, confidence in the accuracy of the voters' lists. Accuracy of the voters' lists became a point of controversy during the pre-election period when numerous instances of suspiciously large numbers of voters registered in one place and instances of deceased persons on the voters' lists were reported by the media. The election administration informed the Congress Delegation about their efforts to address this issue and some corrections in the voters' lists were confirmed by Congress interlocutors.

²⁸ Art 40 of Law on Basic Provisions for Elections and Voter Registers.

²⁹ <https://rm.coe.int/voting-rights-at-local-level-as-an-element-of-successful-long-term-int/16808e49f4>; See also UN Guiding Principles on Internal Displacement, 2004.

³⁰ p16 of <https://www.osce.org/odihr/elections/turkey/407078?download=true>.

³¹ According to data collected by HDP, a total of 14.284 persons belonging to law enforcement units were registered to vote in the south-east of Turkey.

³² Carousel voting is a fraudulent election tactic in which voters are transported from one place to another in order to cast multiple votes.

³³ <https://www.alaraby.co.uk/english/news/2019/4/1/kurdish-majority-provinces-split-in-turkeys-tightly-fought-local-elections>.

VI. CANDIDATE REGISTRATION

34. Every Turkish citizen older than 18 years with primary education is eligible to be elected as Mayor, member of Municipal Council, member of Provincial Council, Mukhtar and member of Alderman Council.³⁴ Citizens deprived of their legal capacity are not eligible to stand. Citizens may not stand for election if they have not fulfilled their military service (if they have such an obligation), or are currently doing it, if they have been banned from public service or if they have been convicted of a non-exhaustive list of a broad range of crimes, including minor criminal offences, even if pardoned.³⁵ The eligibility age for Mayors, Mukhtars and members of Alderman Councils was lowered from 25 years to 18 years since the previous local elections which is a positive change as it enlarges the suffrage³⁶. For Mukhtars and members of Alderman Councils, candidates can run on condition that they are literate and have lived in the village or neighbourhood at least six months. Positively, both party members and independents can stand as candidates.³⁷

35. In accordance with international standards, aforementioned restrictions other than the age requirement are discriminatory and incompatible with the principle of universal suffrage.³⁸ According to Congress interlocutors, around 125 000 persons were not eligible to run in the local elections on grounds of having been dismissed from office by state-of-emergency decrees, mostly due to terrorism-related charges. It was drawn to the Congress' attention that these persons were not banned from running in the Parliamentary elections which created an obvious inconsistency in law. Six formerly standing HDP Mayors who were dismissed from office based on terrorism-related proceedings were not admitted to running for office even though no final decision of courts had been reached on their criminal charges.

36. The law foresees as an option that political parties conduct primary elections. If this is not the case, political parties must notify the election administration about their internal principles and methods used to determine their own candidates.³⁹ No gender quota for candidates are required by law but, positively, some political parties applied their own gender quotas. Political parties present their candidates lists (by electoral zone) to the District Election Board (DEB) and to the Provincial Election Board (PEB) in case of candidates for Mayors in Metropolitan Cities. Those who want to run as independents for Mayor, Municipal Council or Provincial Council, apply to the presidency of their DEB with a petition indicating that they are eligible. Independent candidates must as well deposit an amount of money equal to the gross monthly wage of a high rank public servant. Twenty days prior to the Election Day, final lists of candidates are announced by the election administration. No rules apply for registration of Mukhtars and members of Alderman Councils. The period for Mukhtars to register as candidates lasts until very shortly before the Election Day.⁴⁰

37. The number of political parties that registered candidates in the 2019 local elections was thirteen.⁴¹ Besides, a high number of individuals were running as independents and registered for the elections. An overwhelming majority of candidates were men, while there were only few female candidates. According to authorities, in total, some 110 000 candidates competed over the seats of Metropolitan Mayors, Municipality Mayors, Provincial Councillors and Municipal Councillors.⁴²

34 Arts 9 and 31 of Law on Elections of Local Administrations and Neighbourhood Mukhtars and Board of Alderman as amended by Law No 7102; Art 11 of Law on Parliamentary Elections.

35 It includes those who have been sentenced to a prison term of at least one year for intentional offences; those convicted for dishonourable offences such as embezzlement, corruption, bribery, theft, fraud, forgery, breach of trust, fraudulent bankruptcy, smuggling, conspiracy in official bidding or purchasing, disclosure of state secrets, involvement in acts of terrorism or incitement and encouragement of such activities, even if they have been granted an amnesty.

36 p 14 <https://www.osce.org/odihr/elections/turkey/407078?download=true>

37 Art of 10 Law on Elections of Local Administrations and Neighbourhood Mukhtars and Board of Alderman.

38 Paragraph 15 General Comment No. 25 to Article 25 of the 1960 ICCPR, persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation.

39 Law on Elections of Local Administrations and Neighbourhood Mukhtars and Board of Alderman.

40 Ibid. art 31.

41 Justice and Development Party, Republican People's Party, Good Party, Nationalist Movement Party, Peoples' Democratic Party, Felicity Party, Democratic Left Party, Democratic Party, Communist Party, Patriotic Party, Great Union Party, Homeland Party, Independent Turkey Party.

42 See Appendix I.

38. The process of candidate registration was conducted in a generally orderly manner and no major shortcomings were reported by political parties and other Congress interlocutors. However, unreasonable restrictions on the right to be elected limited the number and variety of candidates which certain political parties could nominate. This affected mainly HDP whose number of party members were affected by the emergency decrees during the period of state of emergency.

VII. ELECTION CAMPAIGN

39. The legal framework for election campaign is set by the Law on Basic Provisions which aims to regulate the campaign activities in a way ensuring fair and equitable conditions for competing candidates. According to the law, there are two pre-election periods. The first period for the 2019 local elections began on 1 January 2019, 90 days prior to the Election Day, when SEC released the election calendar and certain campaign regulations started to be applied.⁴³ However, stricter regulations and broader equitable campaign principles applied only during the official campaign period, which began 10 days before Election Day and ended at 18:00 on 30 March 2019. This left a larger part of the campaign process largely unregulated.

40. During the official 10-day campaign period, the law explicitly prohibits Ministers and members of the Parliament from the misuse of State resources, including the use of public vehicles and civil servants while campaigning.⁴⁴ However, the provision does not apply to the President of the Republic and thus sets unequal conditions for contestants. Notably, this worked in favour of AKP candidates for whom the President regularly campaigned. According to Congress interlocutors, there was a widespread misuse of administrative resources, such as engaging civil servants in election rallies and using official vehicles for campaign purposes. Government officials were actively involved in the election campaign. This resulted in the lack of level playing field during the campaign for the 31 March local elections whereby mostly candidates belonging to the Government parties were clearly advantaged over other contenders.

41. The SEC published an official Code of Conduct for political parties on their conduct during the campaign based on a review of relevant campaign regulations. However, according to Congress interlocutors, the election administration (notably the DEBs) did not systematically scrutinise the conduct of campaign rallies and other campaign activities and no enforcement of these rules was realised. An overwhelming presence of campaign banners of the AKP and other election materials was noted during the Congress' pre-mission in Ankara from March 13 to March 15. Reportedly, also public spaces were used for banners which in many cases amounted to a misuse of administrative resources.

42. The election campaign for 2019 local elections was dynamic and took place against the backdrop of a challenging economic situation. Candidates from all camps were frequently using confrontational and aggressive language against contenders from opposite camps. The overall political climate was deeply divisive and polarised between the coalition of Government parties on the one side and the opposition coalition and HDP (standing on its own) on the other side. HDP reported instances of harassment during their campaign rallies, participants intimidated by the police. Government representatives including the President of the Republic, on many occasions, accused the rival candidates of being terrorists or supporting terrorism. An important feature of the campaign prior to 31 March election, apart from strong involvement of the President, was extreme and inflammatory language. At one occasion, while addressing AKP supporters at a campaign rally, the President used a video footage of the Christchurch mosque massacre.⁴⁵

43. The tense campaign tone continued also after the 31 March Election Day, especially with regards to the contested results in the capital Ankara, in Istanbul and some municipalities in the south-east of the country. Numerous allegations were made by unsuccessful candidates from AKP as well as by government officials, including President, concerning alleged electoral frauds in several municipalities which further raised tensions and contributed to an atmosphere of distrust. In the run-up to the

43 <http://www.hurriyetdailynews.com/countdown-begins-for-turkeys-local-elections-140164>.

44 Art 35 of Law on Elections of Local Administrations and Neighbourhood Mukhtars and Board of Alderman; Art 65 of Law on Basic Provisions for Elections and Voter Registers.

45 <https://www.theguardian.com/world/2019/mar/18/erdogan-shows-christchurch-attack-footage-at-rallies>.

Istanbul mayoral re-run, a party chief of CHP, Kemal Kilicdaroglu, was attacked by protesters at a military funeral in Ankara.⁴⁶

44. According to Congress interlocutors, voters (especially in Istanbul) were not always voting along the usual ideological lines but instead were more often interested in concrete candidates and their stances on economic topics, such as the high unemployment and raising food prices. A new trend in voter behaviour was noted by public opinion researchers showing that voters' support was increasingly shifting between political parties, thus contributing to a higher competitiveness of the race.

45. The election campaign was dynamic, competitive and confrontational, at times overshadowed by inflammatory rhetoric and aggressive language. The active presence of the President was a remarkable feature of the campaign up to the 31 March elections, constituting an exceptional involvement of a Head of State in the face of local elections. The lack of clear and effective campaign regulation was detrimental to the equality of opportunities for all contenders during the campaign. A widespread misuse of administrative resources was reported by Congress interlocutors. In places visited by the Congress Delegation, there was evidence of a lack of level playing field in terms of visibility and the presence of campaign banners.

VIII. CAMPAIGN FINANCING

46. Turkish election legislation provides for very limited regulation of election campaign financing. There is no campaign expenditure ceiling for candidates and political parties running in local elections. Civil servants are prohibited by law from making donations to political parties or candidates during the election period.⁴⁷ Donations by legal entities and from foreign sources during campaign period, as well as loans, are prohibited. The law does not prescribe any sanctions for irregularities other than transfer of unspent donations and those over the permissible limit to the State Treasury.

47. Broader regulations apply with regards to the general rules on political party financing. Political parties that received at least three per cent of votes in the last Parliamentary elections are entitled to annual public funding on a proportional basis. In addition, parties are financed from membership fees and private donations. Donations from public legal entities, State and public organisations and foreign sources are prohibited. There is no ceiling for annual party and campaign-related expenditure.⁴⁸

48. Parties declare their campaign funds solely through annual financial reports; these reports do not include incomes and expenditures incurred by candidates nor by third-parties. The Constitutional Court audits the reports upon the request of the Supreme Court of Appeals but only publishes the auditing results years later. Independent candidates declare their campaign funds through personal tax declarations. Possible sanctions for breaches include warnings, imprisonment from three months to three years, monetary fines and dissolution of the party. However, according to Congress interlocutors, the institutions mandated with oversight do not have expertise in auditing and meaningful and consistent enforcement of rules is thus limited.

49. Overall, the legislative framework does not provide for comprehensive regulations on political party and campaign financing. The lack of substantial and pro-active oversight is detrimental to the transparency, integrity and accountability of political finance which was criticised by the Council of Europe's Group of States against Corruption (GRECO)⁴⁹. Accordingly, Congress interlocutors made strong allegations concerning the lack of transparency of financing of political parties and stated that legislation was very soft and was loosely implemented.

IX. FREEDOM OF EXPRESSION AND MEDIA

50. The 2019 local elections were widely reflected in the media. The developments after 31 March and the decision by the SEC to repeat the Mayoral election in Istanbul was covered also

⁴⁶ <https://www.bbc.com/news/world-europe-48005481>.

⁴⁷ Art 63 of Law on Basic Provisions for Elections and Voter Registers.

⁴⁸ Paragraph 159 of the 2010 Venice Commission Guidelines on Political Party Regulation states that, "The regulation of political party funding is essential to guarantee parties independence from undue influence created by donors and to ensure the opportunity for all parties to compete in accordance with the principle of equal opportunity and to provide for transparency in political finance. Funding of political parties through private contributions is also a form of political participation."

⁴⁹ <https://rm.coe.int/third-evaluation-round-fourth-interim-compliance-report-on-turkey-incr/1680792e28>.

internationally. According to Congress interlocutors, the media landscape was dominated by newspapers, TV channels and radio stations owned by persons and entities considered as affiliated with the Government or dependent on public contracts. This limited the diversity of presented news and only limited space for the opposition existed, in particularly regarding HDP. There was also a lively social media campaign and the opposition parties used it to get their message across.

51. There was an overwhelming presence of the President of the Republic on TV. The private newspapers are often dependent on public advertisement and thus do not produce impartial coverage. Although television is still predominant, the Internet becomes ever more relevant source of information, especially with regards to the social networks used primarily in urban areas. Positively, in the run up to the re-run mayoral election in Istanbul, two main candidates confronted their views in a TV debate, for the first time in Turkey in 17 years.

52. The Constitution of Turkey generally provides for the right to freedom of expression⁵⁰, but also allows relatively broad restrictions on media in accordance with Anti-Terror and Internet Laws. The Criminal Code contains broad defamation provisions, including for offending the nation and the State, public officials and the President.⁵¹ Reportedly, this provision has been used extensively against critics of the Government and critical journalists, in particular during and prior to the election campaign. As of 31 December 2018, the Council of Europe established that 110 journalists were in detention.⁵² Congress interlocutors also voiced concerns about physical attacks and other instances of pressure on journalists.

53. According to the law, media are obliged to produce impartial coverage of the campaign and guarantee that eligible contestants be provided equal access rights to present their programmes. According to HDP, no campaign HDP sponsored content was aired on TRT during the pre-election period. Paid advertising is allowed in all media, including public. According to Congress interlocutors, the Turkish public broadcaster TRT is exposed to direct political influence from the Government, in particular through political appointments to managerial positions which, in turn, results in imbalanced coverage biased in favour of the Government and predominantly negative coverage about the opposition parties.

54. Regulation of the media environment during election campaign period is entrusted with the Radio and Television Supreme Council (RTSC). In line with its mandate, the RTSC claimed to monitor only radio and television which left a large part of the campaign in the media uncovered. While the Constitution requires that representatives of each Parliamentary group are represented in the RTSC Board, no representative of HDP was in place. For many Congress interlocutors this cast doubts over the ability of the RTSC to perform its duties impartially. Based on Congress' meeting with representatives of the RTSC, the body conducted no analysis of time-allocation for different parties and candidates on TV and radio, thus having no overview if parties and candidates were provided equal coverage. Additionally, RTSC's impartiality was brought into question after the body decided that the President's and Government official's presence in the media is not to be considered as part of the election campaign. Finally, a 2017 Government's emergency decree repealed the SEC's power to sanction television and radio stations for unbalanced and biased campaign coverage which rendered RTSC effectively powerless to enforce any regulations.⁵³ The RTSC's limited powers coupled with its inactivity left the media without effective oversight which resulted into an unlevel playing field in the media.

55. The local elections were widely covered by domestic media and gained also international coverage. The elections took place in an environment where freedom of expression is substantially restricted by legal provisions imposing excessive sanctions against defamation. The repercussions of the restrictive measures against journalists after the failed coup of July 2016 still resonate in the society, with numerous journalists persecuted on grounds of suspected links to terrorism or defamation of State institutions. The unclear ownership of the private media raises suspicions of (self-)censorship and the Government's control over public media limits the diversity of presented

⁵⁰ Art 28 Constitution of Turkey.

⁵¹ Arts 125, 299 and 301.

⁵² Council of Europe, Democracy at risks: threats and attacks against media freedom in Europe, Annual Report by the Partner Organisations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists, 2019; The OSCE Representative on Freedom of the Media has repeatedly called on the authorities "to engage in a fundamental reform of the laws that criminalise journalistic work.

⁵³ According to the journalists met during the pre-election mission, Decree No 687 adopted on February 9, 2017, makes effective regulation of media environment impossible, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-REF\(2017\)011-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-REF(2017)011-e).

views. An overall oppressive atmosphere for critical journalism and the general lack of level playing field in the media remained an issue during the 2019 local elections.

X. DOMESTIC AND INTERNATIONAL OBSERVERS

56. According to the law, observers representing political parties and candidates (proxies) running in elections are allowed to be present in polling stations and follow the voting and counting procedures on Election Day.⁵⁴ In general, the Turkish election legislation does not allow presence of domestic civil society observers and international observers which is contrary to some of Turkey's international commitments.⁵⁵ Several domestic election observation groups, such as Human Rights Association and Vote and Beyond, were denied accreditation on this basis and they had to apply as observers on behalf of political parties. The Congress delegation was granted the accreditation by SEC's special measure. The Congress was the only international organisation observing the 2019 local elections in Turkey and the Mayoral re-run in Istanbul.

57. Political party and civil society observers, acting on behalf of parties or candidates, mostly volunteers, were present in polling stations in considerable numbers and their presence was even higher during the June Mayoral re-run in Istanbul. Observers followed all Election Day procedures and carried out cross-checks of counting. Some observers were sending photos of election protocols via an online application in order to conduct parallel tabulation of results. Besides observers, some political parties, most notably CHP, assigned lawyers to every polling station centre in Istanbul to provide legal advice especially on counting procedures later on the Election Day.

58. The elections were widely observed by observers from political parties. There was also great interest among the civil society organisations to conduct citizen observation. However, Turkish law allows neither citizen nor international observers to be present in polling stations, contrary to international standards. As for international observers, the Congress Delegation was given a special accreditation by the SEC and observed both Election Days as the only international organisation present in the country.

XI. ELECTION DAYS

59. On 31 March, ten Congress teams were deployed across Turkey and visited some 140 randomly selected polling stations in the Provinces of Ankara, Istanbul, Antalya, Adana, Diyarbakir, Izmir and Erzurum where they observed opening, voting and part of the counting procedure in various urban and rural locations.

60. For the Mayoral re-run in Istanbul on 23 June, six observer teams were deployed to observe some 90 polling stations in about 30 Districts of the city, following the same procedure as on the previous mission, observing the entire polling procedure, including counting.

61. In general, the polling observed by the Congress on both Election Days can be described as calm and orderly, albeit in tense circumstances. The Congress observers found that the majority of members of the Ballot Box Committees (BBC) were able to manage the process efficiently despite some isolated inconsistencies, for example, regarding the signing of the voters' lists and the sealing of the ballot boxes. There were also occasional instances of overcrowding in some polling stations. BBC members seemed, overall, well prepared and knowledgeable about procedures and performed their technical and procedural tasks competently. This holds true also for the Mayoral re-run in Istanbul where BBC Chairs and Deputies in all visited polling stations were different from those serving on 31 March.

62. On 31 March, Congress observers were given full access to the voting procedures, mostly in an open and friendly way. However, on the Election Day of 23 June, several Congress teams experienced instances of an outright refusal of a Ballot Box Committee to provide any information and give full access to observe voting. Moreover, there were a few attempts to intimidate Congress teams, sometimes by people who appeared to be party representatives in individual cases.

⁵⁴ Art 25 of Law on Basic Provisions for Elections and Voter Registers.,
⁵⁵ Paragraph 8 of the 1990 OSCE Copenhagen Document.

63. Overall, on 31 March, Congress observers were surprised by an overwhelming presence of security forces in and around polling stations, especially in the south-east of the country. Security officers were regularly entering areas in an immediate proximity to ballot boxes without having been invited to do so by BBC members or voters, as required by law. Some Congress teams counted up to 25 police officers in one polling station and found policemen in each and every polling station, at least temporarily. According to the authorities, some 60.000 law enforcement officers were deployed to the regions, to ensure security on Election Day.

64. The Congress observers noticed great number of voters coming to polling stations on both Election Days. A turnout rate of around 84% which is extraordinary in European comparison. The voters had a broad choice of political parties, 13 in total during the 31 March vote, and 17 candidates (4 political party candidates and the rest independent candidates) on the 23 June vote. On 31 March, there were around 110 000 candidates for the different offices throughout the country.

65. The race for the positions of village and neighbourhood Mukhtars turned out to be very energetic in many polling stations, also as a result of insufficient regulation of this part of election by election law. Candidates for Mukhtar were seen by Congress teams campaigning on the 31 March Election Day in and around polling stations and in several places, as reported by media, this race turned in some places violent and resulted in casualties.⁵⁶ No regulation exists on issuance of official ballot papers for Mukhtar elections and candidates printed their own ballots which were then distributed to the respective polling stations.

66. In the majority of visited polling stations, a number of party observers, or civil society observers accredited on behalf of political parties, observed the polling. Domestic observers reported no major shortcomings in the process and were not restrained in their access to the polling stations. During the 23 June re-run in Istanbul, the Congress teams noted the presence of a large number of lawyers in polling stations, notably on behalf of CHP.

67. As regards participation of women, the Congress teams were disappointed not to see more women in charge of Ballot Box Committees and taking a leading role in politics more generally. However, Congress observers were pleased to see many younger women acting as observers which is a positive sign for the future. More women were seen in the positions of BBC Chairs and Deputies on the 23 June during the Istanbul re-run.

68. In most polling stations visited, there were some provisions in place to allow elderly and persons with disabilities to use a ballot box at the ground floor. Some Congress teams also observed mobile ballot box committees. However, in some cases the arrangements in polling stations for voters with disabilities were unnecessarily unhelpful and the option to vote through mobile ballot boxes should be made more available for a broader group of voters with disabilities, including, for example, visually impaired voters.

69. At the end of both Election Days, Congress teams observed transparent and, by and large, efficient counting procedures. In some instances, the counting process of the 31 March elections was lengthy due to a large number of candidates for Mukhtars. On 23 June, the lawyers present in visited polling stations on behalf of CHP occasionally provided advice to BBC members on procedures, especially during the counting (concerning for example validity of ballots).

70. Regrettably, during the observation of the repeat election for the Metropolitan Mayor of Istanbul on 23 June, two Congress teams were given less than friendly reception in four polling stations and they suffered from verbal assaults in the Districts of Sultangazi and Beykoz. This included an instance of outright refusal of a Ballot Box Committee to provide any information and – more generally – aggressive and argumentative encounters which were perceived by the Congress observers as attempts to intimidate them. Positively, the Turkish police helped to defuse some of these situations.

56 <http://www.hurriyetdailynews.com/two-killed-at-polling-station-in-turkeys-malatya-142307>.

XII. COMPLAINTS AND APPEALS

A. General remarks

71. Eligible voters, political parties, their Chairs and Deputies, political parties' observers and candidates can submit complaints. Notably, civil society organisations are not allowed by law to do so. Decisions of lower election administration bodies can be appealed to higher levels. Province Election Boards (PEBs) decisions related to the formation of District Election Boards (DEBs) and Ballot Box Committees (BBCs), and DEB and PEB decisions on voter registration are final and cannot be appealed. For remaining electoral matters, the Supreme Election Council (SEC) is the final instance for all elections-related complaints/appeals.⁵⁷ There is thus no independent judicial review of SEC's decisions including those concerning constitutionally guaranteed rights and the final result of elections.⁵⁸ There is no legal deadline for the SEC's handling and finalising of post-election complaints. Finally, the law does not provide for a framework for lodging campaign-related complaints, thus creating lack of clarity.⁵⁹

72. Owing to the structure of the complaints and appeals mechanism, the electoral process and election results are not under the final authority of a court, as the SEC is primarily an administrative body. This denies the opportunity for effective judicial remedy in electoral disputes and goes against legal integrity of the process, contrary to some of Turkey's international commitments and international good practice.⁶⁰ This adds to the remarks made in Section IV on the reduced independence and perceived lack of impartiality of the election administration in Turkey.

73. Although the Congress was not in the position to follow the complaints and appeals process systematically, the few cases on which Congress focused showed that handling of complaints and appeals lacked transparency as sessions were held closed-door and decisions were rarely published or reasoned which did not contribute to the overall trust in the election administration in general. Various Congress interlocutors stressed the lack of trust in the independence and impartiality of the election disputes resolution as a fundamental problem.⁶¹

B. The aftermath of the 31 March elections

74. During the post-election period, the Congress closely followed two major developments. Namely, the denial of the Mayoral mandate for successful HDP candidates in the south-east of Turkey and the decision to repeat the Metropolitan Mayoral election in Istanbul. Congress representatives expressed concerns in different statements and declarations.⁶² Congress has also noted a considerable disproportion in admitted complaints between post-election objections against election results filed by parties of the People's Alliance on the one hand, and the opposition parties on the other.⁶³

75. On April 11, the SEC decided to confirm the ruling earlier made by the respective DEBs to deny the Mayoral mandates of six successful HDP candidates in the District Municipalities of Diyarbakir,

57 Arts 111-181 of Law on Basic Provisions for Elections and Voter Registers.

58 Note that in 2015, the Constitutional Court of Turkey ruled that the Article 79 of the Constitution, which states that SEC's decisions are final and are not subjected to judicial review, also precludes individual petitions to the Constitutional Court against the SEC for alleged violations of fundamental rights and freedoms (see also Article 45 of the Law on the Constitutional Court); As regards possible appeal against final decision of the SEC at the European Court of Human Rights (ECHR), a ruling of the Constitutional Court in 2014 on a challenge to a result of local elections stated that only Parliamentary election rights are within the scope of the ECHR.

59 In practice, such petitions were filed with governors, lower election bodies, courts, and law enforcement.

60 Including section II.3.3.a of the Venice Commission's Code of Good Practice stating that "The appeal body should be either an electoral commission or a court. In any case, final appeal to a court must be possible."; Further, under Article 2.3(a) of the ICCPR States obligated themselves "To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity."; See also Paragraph 18.4 of the Moscow Document states that "the participating States will endeavour to provide for judicial review of such regulations and decisions" and Paragraph 5.10 of the 1990 OSCE Copenhagen Document which states that "Everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity."

61 Among other issues, the Human Rights Association, a civil society organisation in Turkey, expressed serious doubts about the effectiveness of SEC's handling of complaints against inaccurate entries in the electoral register during the pre-election period., p 7 of <https://ihd.org.tr/en/ihd-report-on-the-local-electoral-process-and-31-march-elections/>.

62 Press release CG023(2019) of 4 April (Congress urges Turkey to ensure that the recounting judges work freely and without interference); press release CG026(2019) of 12 April (Congress calls on Turkey to respect the voter's decision in the 31 March local elections).

63 For example, according to a study cited by the Human Rights Association, only 3 out of 17 objections raised by HDP were admitted by election administration, while 68 out of 78 were admitted for the AKP. See pp 7, 12 of <https://ihd.org.tr/en/ihd-report-on-the-local-electoral-process-and-31-march-elections/>.

Erzurum, Kars and Van. SEC ordered that, instead, candidates that came second, all of them from AKP, should take up these mandates. This decision was grounded on the fact that these HDP candidates had been dismissed from public office in 2016 due to terrorism charges during the state of emergency. Apart from the six HDP Mayors also 62 HDP Municipal and Provincial Councillors were denied their mandates after being elected in the local elections. The HDP filed appeals against these decisions to the SEC and to the Constitutional Court but these were dismissed by the SEC and considered inadmissible by the Constitutional Court. The Congress President denounced this decision since it is contrary to the principle of fairness in elections where rules that applied prior to the Election Day must also apply after the E-Day. Candidates who were reviewed by the SEC during the pre-election period and admitted to running in elections must also have the effective right to carry out their mandate if elected.⁶⁴

76. On May 6, the SEC ruled to annul the result of the Metropolitan Mayor election in Istanbul and called for a re-run. This was in response to two separate extraordinary complaints filed by the AKP in April against the result of Metropolitan Mayor election.⁶⁵ These were admitted by the SEC while a number of other complaints against election results were dismissed on various grounds.⁶⁶

77. On 22 May, two weeks after the decision was reached, the SEC published a 250 pages reasoning of which large part was composed of dissenting opinions. Four out of eleven SEC members voted against, among them the President of the SEC, Mr Sadi Güven. The reasoning for the decision as well as dissenting opinions were discussed in-depth with President Güven and Vice-President Erhan Ciftci during the visit of the Congress Delegation in Istanbul on June 21, prior to the observation of the re-run in Istanbul.

78. The SEC's decision to repeat the Metropolitan Mayor election in Istanbul was made on two major grounds, namely illegally serving BBC members and procedural irregularities. According to the reasoning provided by SEC, 754 BBC chairpersons were not civil servants as required by law.⁶⁷ Given the margin of only 13.729 votes between the winning candidate from CHP and the second candidate from AKP, the SEC concluded that the fact that some 200.000 voters voted in these potentially compromised BBCs requires the vote to be repeated, even though no illegal interferences were proven. Although elections for other levels of local government in Istanbul were administered by the same BBCs, the SEC ruled only for repeat of Metropolitan Mayor election since the admitted complaint by the AKP concerned particularly this race.

79. In addition, SEC grounded its decision on election irregularities involving incorrect entries in the electoral roll for Istanbul, where some 700 people were proven to vote illegally, and procedural shortcomings in 108 election result protocols, for example missing signatures. However, the Congress interlocutors expressed serious doubts about the real impact of these shortcomings on the election result and deemed the SEC's decision inconsistent and politicised, also in view to public statements made by government officials and the President of the Republic prior to SEC's decision, putting in question SEC's independence and impartiality. Concerns were also raised by the Congress representatives regarding the process that had led to this decision.⁶⁸

80. The complaints and appeals mechanism lacks transparency, with cases discussed and decided in closed sessions and reasonings, if released, not published in a timely manner. This reduced public trust in the process of dispute resolution prior and after elections, especially when decision reached

⁶⁴ Over summer, the situation of the HDP mayors in south-east Turkey took a new turn and on 19 August elected Mayors of the three Metropolitan cities Diyarbakir, Mardin and Van were removed from office by an order of the Ministry of the Interior and replaced by Governors; the President of the Congress denounced this measure and referred to criticism expressed by the Congress in the past regarding the excessive use of legal proceedings against local elected representatives and their replacement by appointed officials; press release CG of 20 August.

⁶⁵ Importantly, two sorts of complaints have been lodged, ordinary complaints and extraordinary complaints, of which the latter involves criminal acts and is not delimited by any timeframe for submission with the SEC after elections. Reportedly, this led to a confusion among stakeholders in view to lodging post-election complaints.

⁶⁶ For example, the IYI Party filed an "ordinary" objection against allegedly unlawful formation of BBCs in the Mustafakemalpaşa district of Bursa which the SEC denied due to the fact that the objection had been filed after the legal deadline of 2 March. Further, the IYI Party appealed against the results in Balıkesir and Party Uşak where AKP candidates narrowly won the election. The AKP contested results in 19 districts in the province of Antalya where a CHP candidate won.

⁶⁷ Among them, for example, retired public officers, private hospital employees, retired teachers, teachers at private education institution, corporate employees.

⁶⁸ Press release CG029(2019) of 7 May (Congress President calls on the Turkish authorities to guarantee the electoral process for the repeated elections in Istanbul); Piero Fassino, President of the Socialist Group in the Congress in a statement of 9 May: "An undemocratic decision in Istanbul"; exchange of views with Congress Rapporteur Andrew Dawson, PACE Monitoring Committee meeting, 16 May 2019.

by the election administration seemed inconsistent. When handling complaints and appeals related to the situation of HDP Mayors in the south-east Turkey and to the Mayoral re-run in Istanbul, the election administration bodies faced numerous accusations by various stakeholders for perceived lack of independence and impartiality, notably after pressure was publicly exerted on the SEC by Government officials and the President.

XIII. CONCLUSIONS

81. Against the background of the challenging economic situation and the oppressive atmosphere for different sectors of society including opposition parties, parts of the judiciary, civil service employees, journalists and civil society, despite the lifting of the state of emergency in 2018, the 2019 local elections in Turkey were momentous. Commentators therefore described these elections as of supra-regional importance and as a test case for President Erdogan's rule. The omnipresence of the President of the Republic in the pre-March 31 election campaign contributed to the impression that this was far more than a local political vote. The campaign environment and the political discourse were correspondingly heated, characterised by confrontational, even aggressive and threatening rhetoric.

82. Despite the freedom of expression principally enshrined in the Constitution of Turkey, the framework conditions for ensuring a level playing field for all contestants and genuine media freedom have proved weak in these elections and thus have led to questions from the Congress Delegation regarding democratic media plurality and conditions that are objectively fair to all political parties and candidates in all respects.

83. Notwithstanding these limitations, which are caused by the legislative framework for elections, which is in need of reform, the Congress Delegation noted that Turkey, as one of the early founders of the Council of Europe, can be proud of its democratic culture, which was reflected - not least - in the competitiveness of these elections, great interest of the population and a remarkable turnout on 31 March in the whole country and on 23 June 2019 in Istanbul. As consequence of the technical proficiency of the election administration in Turkey, the Congress Delegation saw professionally organised elections in the majority of polling stations visited on 31 March and 23 June 2019.

84. Apart from the equal playing field for all parties and candidates, which is an absolute prerequisite for genuinely free, fair and democratic elections, the Congress Delegation sees room for improvement in various areas of elections. The most urgent reform steps are set out in the Recommendation of this report and include, in particular, the Supreme Election Council (SEC) of Turkey, against whose decisions no appeal is possible. The events after 31 March 2019, which have led to the highly criticised annulment of the result in Istanbul and, eventually, to the rerun on 23 June, demonstrate the urgency of reform in order to achieve transparency, consistency of the decision-making and independence.

XIV. EXECUTIVE SUMMARY

85. While the law generally provides for a robust legal framework for democratic elections, Congress interlocutors pointed to many areas containing legal gaps and shortcomings as well as to the lack of legal harmonisation. The Constitution and several statutory laws insufficiently guarantee some of the fundamental rights and freedoms and permit overly restrictive limitations of freedoms of association, assembly and expression which are essential for an environment conducive to genuinely democratic elections. On the other hand, areas such as conduct of election campaign, equal access to the media and political party and campaign finance lack sufficient regulation which, according to Congress interlocutors, resulted in an inability of authorities to ensure level playing field in elections.

86. On both Election Days and in the pre-election periods, the election administration managed the process generally in an efficient and orderly manner, although Congress interlocutors voiced concerns in certain areas, such as voter registration and resolution of complaints. The Supreme Election Council (SEC) produced circulars with instructions for lower levels of election administration and regular communication on procedures was maintained between the SEC and the Ballot Box Committees on Election Day. This procedure was stepped up during the 23 June Mayoral re-run in Istanbul. However, doubts about the independence of the election administration and the effects of unclear legal provisions regulating its functioning added to the perceived lack of its impartiality, in

particular after the controversial decisions adopted by SEC in the post-election period following 31 March as expressed by various stakeholders.

87. Despite serious issues related mainly to constituencies in the south-east of Turkey, overall, most Congress interlocutors expressed general, although at times reserved, confidence in the accuracy of the voters' lists. Accuracy of the voters' lists became a point of controversy during the pre-election period when numerous instances of suspiciously large numbers of voters registered in one place and instances of deceased persons on the voters' lists were reported by the media. The election administration informed the Congress Delegation about their efforts to address this issue and some corrections in the voters' lists were confirmed by Congress interlocutors.

88. The process of candidate registration was conducted in a generally orderly manner and no major shortcomings were reported by political parties and other Congress interlocutors. However, unreasonable restrictions on the right to be elected limited the number and variety of candidates which certain political parties could nominate. This affected mainly HDP whose number of party members were affected by the emergency decrees during the period of state of emergency.

89. The election campaign was dynamic, competitive and confrontational, at times overshadowed by inflammatory rhetoric and aggressive language. The active presence of the President was a remarkable feature of the campaign up to the 31 March elections, constituting an exceptional involvement of a Head of State in the face of local elections. The lack of clear and effective campaign regulation was detrimental to the equality of opportunities for all contenders during the campaign. A widespread misuse of administrative resources was reported by Congress interlocutors. In places visited by the Congress Delegation, there was evidence of a lack of level playing field in terms of visibility and the presence of campaign banners.

90. Overall, the legislative framework does not provide for comprehensive regulations on political party and campaign financing. The lack of substantial and pro-active oversight is detrimental to the transparency, integrity and accountability of political finance which was criticised by the Council of Europe's Group of States against Corruption (GRECO). Accordingly, Congress interlocutors made strong allegations concerning the lack of transparency of financing of political parties and stated that legislation was very soft and was loosely implemented.

91. The local elections were widely covered by domestic media and gained also international coverage. The elections took place in an environment where freedom of expression is substantially restricted by legal provisions imposing excessive sanctions against defamation. The repercussions of the restrictive measures against journalists after the failed coup of July 2016 still resonate in the society, with numerous journalists persecuted on grounds of suspected links to terrorism or defamation of State institutions. The unclear ownership of the private media raises suspicions of (self-) censorship and the Government's control over public media limits the diversity of presented views. An overall oppressive atmosphere for critical journalism and the general lack of level playing field in the media remained an issue during the 2019 local elections.

92. The elections were widely observed by observers from political parties. There was also great interest among the civil society organisations to conduct citizen observation. However, Turkish law allows neither citizen nor international observers to be present in polling stations, contrary to international standards. As for international observers, the Congress Delegation was given a special accreditation by the SEC and observed both Election Days as the only international organisation present in the country.

93. The complaints and appeals mechanism lacks transparency, with cases discussed and decided in closed sessions and reasonings, if released, not published in a timely manner. This reduced public trust in the process of dispute resolution prior and after elections, especially when decision reached by the election administration seemed inconsistent. When handling complaints and appeals related to the situation of HDP Mayors in the south-east Turkey and to the Mayoral re-run in Istanbul, the election administration bodies faced numerous accusations by various stakeholders for perceived lack of independence and impartiality, notably after pressure was publicly exerted on the SEC by Government officials and the President.

APPENDIX I**NUMBER OF CANDIDATES AND CONTESTED SEATS IN THE 31 MARCH LOCAL ELECTIONS****Number of contested seats:**

30 Metropolitan Mayors, 973 District Mayors, 386 Town Mayors

1.272 Provincial Council Representatives

20.745 Municipal Council Representatives

Number of registered candidates running:**METROPOLITAN MAYORAL ELECTIONS**

PARTY/INDEPENDENT	Number of Candidates
SAADET PARTİSİ	30
BAĞIMSIZ TÜRKİYE PARTİSİ	30
TÜRKİYE KOMÜNİST PARTİSİ	30
VATAN PARTİSİ	30
CUMHURİYET HALK PARTİSİ	19
ADALET VE KALKINMA PARTİSİ	27
DEMOKRAT PARTİ	18
MİLLİYETÇİ HAREKET PARTİSİ	3
İYİ PARTİ	13
HALKLARIN DEMOKRATİK PARTİSİ	13
DEMOKRATİK SOL PARTİ	30
INDEPENDENT	73
TOTAL	316

MUNICIPAL COUNCIL ELECTIONS

PARTY/INDEPENDENT	Number of Candidates
SAADET PARTİSİ	1.342
BAĞIMSIZ TÜRKİYE PARTİSİ	1.033
TÜRKİYE KOMÜNİST PARTİSİ	135
VATAN PARTİSİ	299
BÜYÜK BİRLİK PARTİSİ	355
CUMHURİYET HALK PARTİSİ	863
ADALET VE KALKINMA PARTİSİ	1.261
DEMOKRAT PARTİ	321
MİLLİYETÇİ HAREKET PARTİSİ	814
İYİ PARTİ	549
HALKLARIN DEMOKRATİK PARTİSİ	220
DEMOKRATİK SOL PARTİ	394
INDEPENDENT	368
TOTAL	7.954

MUNICIPAL MAYORAL ELECTIONS

PARTY/INDEPENDENT	Number of Candidates
SAADET PARTİSİ	762
BAĞIMSIZ TÜRKİYE PARTİSİ	299
TÜRKİYE KOMÜNİST PARTİSİ	14
VATAN PARTİSİ	387
BÜYÜK BİRLİK PARTİSİ	474
CUMHURİYET HALK PARTİSİ	1.151
ADALET VE KALKINMA PARTİSİ	2.484
DEMOKRAT PARTİ	320
MİLLİYETÇİ HAREKET PARTİSİ	1.363
İYİ PARTİ	911
HALKLARIN DEMOKRATİK PARTİSİ	393
DEMOKRATİK SOL PARTİ	99
INDEPENDENT	62
<u>TOTAL</u>	<u>8.719</u>

PROVINCIAL COUNCIL ELECTIONS

PARTY/INDEPENDENT	Number of Candidates
SAADET PARTİSİ	11.502
BAĞIMSIZ TÜRKİYE PARTİSİ	1.109
TÜRKİYE KOMÜNİST PARTİSİ	1.772
VATAN PARTİSİ	1.600
BÜYÜK BİRLİK PARTİSİ	4.243
CUMHURİYET HALK PARTİSİ	15.446
ADALET VE KALKINMA PARTİSİ	36.053
DEMOKRAT PARTİ	2.876
MİLLİYETÇİ HAREKET PARTİSİ	12.503
İYİ PARTİ	8.645
HALKLARIN DEMOKRATİK PARTİSİ	4.157
DEMOKRATİK SOL PARTİ	2.230
INDEPENDENT	196
<u>TOTAL</u>	<u>102.332</u>

APPENDIX II

PROGRAMME OF THE PRE-ELECTORAL MISSION TO TURKEY (13-15 MARCH 2019)

OBSERVATION OF THE ELECTIONS ON 31 MARCH 2019

Delegation

Members of the Congress Delegation:

Mr Andrew DAWSON, (R, ECR/CRE) United Kingdom (Head of Delegation)

Ms Barbara TOCE, Italy (SOC, L), Vice-President of the Congress

Mr Robert GRUMAN, Romania (R, EPP-CCE/PPE-CCE)

Ms Kateryna MARCHENKO, Ukraine (L, SOC)

Mr Vladimir PREBILIC, Slovenia (L, SOC)

Expert

Prof. Angel M. MORENO, President of the Congress' Group of Independent Experts on the European Charter of Local Self-Government, expert on electoral matters

Congress Secretariat

Ms Renate ZIKMUND, Acting Head of Service, Department of Statutory Activities, Division of Local and Regional Election Observation

Mr Adam DRNOVSKY, Election Observation Officer, Local and Regional Election Observation

Ms Martine ROUDOLFF, Assistant, Local and Regional Election Observation

Wednesday, 13 March 2019

Various times **Arrival of the Congress Delegation in Ankara**

Thursday, 14 March 2019

07:45 – 08:15	Breakfast briefing for the Delegation with the Congress Secretariat, <i>Venue: Hotel Hilton, Ankara, Greenhouse Restaurant</i>
09:15 – 10:30	Meeting with the Deputy Head of Missions of the EUD, Belgium, Romania, Slovenia and the United Kingdom <i>Venue: Hotel Hilton, Ankara, Room Çankaya 3</i>
11:00 – 12:30	Meeting with members of the Supreme Election Council <i>Venue: Mithatpaşa Caddesi No:12 06420 Kızılay-Ankara</i>
12:30 – 14:00	Lunch break
14:15 – 15:30	Meeting with representatives of NGOs and independent Thinktanks <ul style="list-style-type: none"> • Vote and Beyond • Association for the Monitoring of Equal rights (AMER) • Freedom Research Association <i>Venue: Hotel Hilton, Ankara, Room Çankaya 3</i>
15:45 – 16:45	Meeting with Mr Erol ÖNDEROĞLU, correspondent for Reporters Without Borders in Turkey and editor of independent press agency Bianet <i>Venue: Hotel Hilton, Ankara, Room Çankaya 3</i>

- 17:00 – 18:00 Meeting with Mr Ahmet KAZAN, General Secretary of the Union of Municipalities of Turkey, and Mr Şefik AYGÖL, General Secretary of the Union of Provincial Services
Venue: Hotel Hilton, Ankara, Room Çankaya 3
- 19:30 De-briefing and dinner

Friday, 15 March 2019

- Various times **Departure of the Congress Delegation**

APPENDIX III

PRESS RELEASE (PRE-ELECTORAL MISSION TO TURKEY)

OBSERVATION OF THE ELECTIONS ON 31 MARCH 2019

Local elections in Turkey: Congress organises pre-election visit to Ankara

Strasbourg, 8 March 2019 - A delegation from the Congress of Local and Regional Authorities of the Council of Europe, led by Mr Andrew DAWSON (ECR, United Kingdom), will carry out a pre-election mission in Ankara, on 14 March 2019, in order to evaluate the campaign and preparations of the local elections to be held in Turkey on 31 March 2019.

The delegation will meet with representatives of the diplomatic corps in Ankara and members of the Supreme Electoral Council. Exchanges are also scheduled with representatives of national associations of local authorities, media representatives and NGOs.

This pre-election visit will be followed, from 27 March to 1 April 2019, by a Congress election observation mission including 24 international observers. On Election Day, eleven Congress teams will be deployed to polling stations throughout the country.

Members of the Congress Pre-Election Delegation:

- Mr Andrew DAWSON, (ECR, United Kingdom), Head of Delegation
- Ms Barbara TOCE (SOC, Italy), Vice-President of the Congress
- Mr Robert GRUMAN (EPP-CCE Romania)
- Ms Kateryna MARCHENKO (SOC, Ukraine)
- Mr Luc MARTENS (PPE-CCE Belgium)
- Mr Vladimir PREBILIC (SOC Slovenia)
- Prof. Angel M. MORENO, President of the Congress' Group of Independent Experts on the European Charter of Local Self-Government, expert on electoral matters
- Ms Renate ZIKMUND, Acting Head of Service, Department of Statutory Activities, Division of Local and Regional Election Observation
- Mr Adam DRNOVSKY, Election Observation Officer, Local and Regional Election Observation
- Ms Martine ROUDOLFF, Assistant, Local and Regional Election Observation

APPENDIX IV

PROGRAMME OF THE MAIN ELECTORAL MISSION TO TURKEY (27 MARCH – 1 APRIL 2019)

OBSERVATION OF THE ELECTIONS ON 31 MARCH 2019

Delegation

Members of the Congress Delegation:**Mr Andrew DAWSON**, United Kingdom (R, ECR), Head of Delegation**Ms Liisa ANSALA**, Finland (L, ILDG), Vice-President of the Congress**Ms Barbara TOCE**, Italy (L, SOC), Vice-President of the Congress**Mr Robert GRUMAN**, Romania, (R, EPP-CCE), Chair of the Congress Governance Committee**Mr Leo AADEL**, Estonia (R, ILDG)**Ms Henrietta BERO**, Hungary (L, EPP/CCE)**Ms Majlinda BUFI**, Albania (L, SOC)**Ms Violeta CRUDU**, Republic of Moldova (L, EPP/CCE)**Mr David ERAY**, Switzerland (R, ILDG)**Mr Mario GAUCI**, Malta (L, EPP/CCE)**Ms Nino KAVTARADZE**, Georgia (L, EPP-CCE)**Ms Kateryna MARCHENKO**, Ukraine (L, SOC)**Mr Luc MARTENS**, Belgium (L, EPP-CCE)**Ms Isabelle MOINET**, Belgium (R, EPP/CCE)**Ms Randi MONDORF**, Denmark (R, ILDG)**Mr Sasa PAUNOVIC**, Serbia (L, SOC)**Mr Vladimir PREBILIC**, Slovenia (L, SOC)**Mr Hannes WENINGER**, Austria (L, SOC)**Expert****Prof Angel M. MORENO**, President of the Congress' Group of Independent Experts on the European Charter of Local Self-Government, expert on electoral matters**Congress Secretariat****Ms Renate ZIKMUND**, Acting Head of Service, Department of Statutory Activities, Division of Local and Regional Election Observation**Mr Adam DRNOVSKY**, Election Observation Officer, Local and Regional Election Observation**Ms Martine ROUDOLFF**, Assistant, Local and Regional Election Observation**Mr Sandro WELTIN**, Council of Europe Communication Directorate, Photographer

Wednesday, 27 March 2019

Various times **Arrival of the Congress Delegation in Ankara**

Thursday, 28 March 2019

08:30 – 09:00 Breakfast briefing for the Delegation with the Congress Secretariat
Venue: Hotel Hilton, Ankara, Room Anadolu 1

- 09:15 – 10:45 Briefing with representatives from the Diplomatic Corps
- Austria: **Mr Georg OBERREITER**, Deputy Head of Mission
 - Belgium: **Mr Michel MALHERBE**, Ambassador
 - Denmark: **Ms Katrine THORUP**, Political Officer
 - EU: **Mr Gabriel MUNUERA VINALS**, Deputy Head of Mission
 - Finland: **Mr Jussi SOINI**, Deputy Head of Mission
 - France: **Mr Sylvain GUIAUGUÉ**, Deputy Head of Mission
 - France: **Ms Virginie HERVO**, First Secretary
 - Romania: **Ms Alina HUSZAR**, Deputy Head of Mission
 - Slovenia: **Ms Maja JERANČIČ**, Deputy Head of Mission
 - Spain: **Mr Eduardo IBÁÑEZ**, Chargé d'Affaires
 - Switzerland: **Mr Tiziano BALMELLI**, Deputy Head of Mission
 - United Kingdom: **Ms Jennifer ANDERSON**, Deputy Head of Mission
 - USA: **Mr Azer IBADOV**, Political Officer, Second Secretary
- Venue: Hotel Hilton, Ankara, Room Anadolu 1*
- 12:45 – 14:30 Lunch Break
- 14:30 – 15:15 Meeting with **Mr Ali URKUT**, a party representative from HDP
Venue: Hotel Hilton, Ankara, Room Anadolu 1
- 17:30 – 18:30 Debriefing of the day (Congress Secretariat)
Venue: Hotel Hilton, Ankara, Room Anadolu 1
- 19:30 Dinner

Friday, 29 March 2019

- 09:00 – 10:15 Meeting with media representatives, **Mr Faruk BILDIRICI**, Hürriyet, and **Mr Sedat BOZKURT**, HaberTurk TV
Venue: Hotel Hilton, Ankara, Room Anadolu 1
- 10:30 – 12:30 Meeting with representatives from NGOs and Thinktanks, **Mr Kerem ALTIPARMAK**, Head of Human Rights Commission of Ankara Bar Association, **Mr Öztürk TÜRKDOĞAN**, Head of Human Rights Association, **Ms Feray SALMAN**, General Coordinator of the Human Rights Joint Platform
Venue: Hotel Hilton, Ankara, Room Anadolu 1
- 11:00 – 13:00 **Sub-delegation:** Meeting at the Ministry of Environment and Urbanisation, together with a representative from the Supreme Election Council
- **Mr Turan KONAK**, Director General of Local Administrations
 - **Mr Kemalettin SAKIN**, Deputy Director General
 - **Mr Halil ŞENER**, Head of the Department
 - **Mr Selim SOLMAZ**, Expert
 - **Mr Onur DEMIR**, Head of Department for SEC Affairs and Decisions
- Venue: Ministry of Environment and Urbanisation*
- 13:00 – 14:30 Lunch Break
- 14:30 – 15:30 Meeting with representatives from the Radio and Television Supreme Council (RTSC)
- **Mr İlker ILGIN**, RTSC Vice-President
 - **Mr Nihat ÇAYLAK**, Acting Head of Department for International Relations
 - **Mr Yaşar UĞURLU**, Acting Head of Department for Monitoring and Evaluation
 - **Mr Murat ELLIALTI**, Deputy Head of Department for Monitoring and Evaluation
- Venue: Hotel Hilton, Ankara, Room Anadolu 1*
- 15:45 – 16:45 Internal technical briefing for the E-Day (Congress Secretariat)
Venue: Hotel Hilton, Ankara, Room Anadolu 1

17:00 – 18:00 Technical briefing with interpreters and drivers
Venue: Hotel Hilton, Ankara, Room Anadolu 1

Saturday, 30 March 2019

Various times Departure of teams from Ankara to the areas of deployment: Istanbul, Antalya, Adana, Diyarbakir, Izmir, Erzurum (see Deployment Plan)

As from 10.45 Meeting with representatives of a District Election Board in Ankara
 Briefings with NGOs in Istanbul

Sunday, 31 March 2019 – ELECTION DAY

07:00 – 16:00 Observation of the Election Day for teams in Diyarbakir and Erzurum

08:00 – 17:00 Observation of the Election Day for rest of the teams
 Teams stay in selected polling stations to observe part of the closing and counting procedures (see Deployment Plan)

Monday, 1 April 2019

Various times Departure of the Congress Delegation from the country

10:00 – 11:00 Press release event with journalists to present preliminary conclusions with the Head of Delegation
Venue: Hotel Hilton, Ankara, Room Anadolu 1

APPENDIX V**DEPLOYMENT PLAN****OBSERVATION OF THE ELECTIONS ON 31 MARCH 2019**

Congress teams	Composition of the Congress teams	Area of Deployment
Team 1	Andrew DAWSON Angel MORENO Renate ZIKMUND Sandro WELTIN	ANKARA (Mamak, Cankaya, Altındağ, Şereflikoçhisar)
Team 2	Hannes WENINGER Martine ROUDOLFF	ANKARA (Yenimahalle, Keçiören, Sincan)
Team 3	Barbara TOCE Mario GAUCI	ISTANBUL (Beykoz, Maltepe)
Team 4	Isabelle MOINET-JOIRET Luc MARTENS	ISTANBUL (Besiktas, Kartal, Uskudar, Kadikoy)
Team 5	Henrietta BERO Liisa ANSALA	ISTANBUL (Küçükçekmece, Avcılar, Büyükçekmece, Beylikdüzü, Beyoğlu)
Team 6	Violetta CRUDU Majlinda BUFI	ANTALYA
Team 7	Kateryna MARCHENKO Sasa PAUNOVIC	ADANA
Team 8	Robert GRUMAN David ERAY Adam DRNOVSKY	DIYARBAKIR
Team 9	Leo AADEL Nino KAVTARADZE	IZMIR
Team 10	Randi MONDORF Vladimir PREBILIC	ERZURUM

APPENDIX VI

PRESS RELEASE

OBSERVATION OF THE ELECTIONS ON 31 MARCH 2019

Congress observer delegation calls on Turkey to seize the opportunity of local elections to continue normalisation and enhance local democracy

1ST APRIL 2019

Speaking at a press conference after the local elections held in Turkey on 31 March, the Head of the delegation of the Congress of Local and Regional Authorities of the Council of Europe, Andrew DAWSON (United Kingdom, ECR), presented preliminary conclusions in Ankara. "Our observation mission comprised 22 observers from 20 different European countries who witnessed voting taking place in around 140 polling stations throughout Turkey including Ankara, Istanbul, Izmir, Antalya, Adana, Erzurum and Diyarbakir."

"Apart from some isolated inconsistencies observed, the Ballot Box Committees performed their technical, and procedural tasks competently. Without in any way minimising the tragedy of deaths which overshadowed the Election Day, we note that the elections were conducted in an orderly way," he said highlighting the high turnout rate of 84%, the broad choice of political parties, as well as the technical proficiency of the election at all levels from the Supreme Election Council down to the individual Ballot Box Committees.

"However, sound election administration and technical skills implementing the law are only parts of the overall picture that makes up the assessment of elections," underlined the Head of Delegation. "In order to assess elections as being genuinely democratic and in accordance with the Council of Europe principles of democracy, rule of law and human rights, it needs more: a political environment where there is genuine freedom of expression, an atmosphere where media freedom is absolutely ensured, equal access for all parties running in elections to the media, a fair and reasonable legal framework overseen by a robust judiciary", he explained.

"That legal framework, and this is essential for us from the Congress of Local and Regional Authorities, must allow locally elected representatives to exercise their political mandate - freely and without fear of accusations and repressions for supposed terrorist connections," he added noting that Turkey's definition of terrorism was not consistent with Council of Europe standards, notably the case law of the European Court of Human Rights.

"We from the Congress of the Council of Europe are not fully convinced that Turkey currently has the free and fair electoral environment which is necessary for genuinely democratic elections in line with European values and principles. But we do take the fact that many parties have been successful as a positive sign of Turkey's democratic resilience," he stressed.

Regarding the Kurdish question, the Head of Delegation mentioned the Recommendation adopted by the Congress in 2017 which urged the Turkish authorities to restrict the measures on government appointing trustees and to restore the capacity of Municipal Councils to choose for themselves a suitable replacement mayor in cases where a mayor is removed or suspended from office.

"We call on the Turkish authorities to take the 31 March local elections as an opportunity to alter course and continue normalisation. The local representatives elected yesterday must be able to exercise their mandate freely and in accordance with the European Charter of Local Self-Government of the Congress of the Council of Europe to which Turkey is a Party, » stated the Head of Delegation. "These elections are a chance for the full reinstatement of the principle of direct democratic mandate in Turkey: please seize this opportunity," Andrew DAWSON concluded.

APPENDIX VII

PROGRAMME OF THE MISSION TO TURKEY (20 – 24 JUNE 2019)

OBSERVATION OF THE ELECTIONS ON 23 JUNE 2019 IN ISTANBUL

Delegation

Members of the Congress Delegation:

Mr Andrew DAWSON, United Kingdom (R, ECR), Head of Delegation

Ms Liisa ANSALA, Finland (L, ILDG), Vice-President of the Congress

Ms Barbara TOCE, Italy (L, SOC), Vice-President of the Congress

Mr Robert GRUMAN, Romania, (R, EPP-CCE), Chair of the Congress Governance Committee

Ms Violeta CRUDU, Republic of Moldova (L, EPP/CCE)

Mr Mario GAUCI, Malta (L, EPP/CCE)

Ms Kateryna MARCHENKO, Ukraine (L, SOC)

Mr Luc MARTENS, Belgium (L, EPP-CCE)

Mr Sasa PAUNOVIC, Serbia (L, SOC)

Expert

Prof Angel M. MORENO, President of the Congress' Group of Independent Experts on the European Charter of Local Self-Government, expert on electoral matters

Congress Secretariat

Mr Jean-Philippe BOZOULS, Director, Congress of Local and Regional Authorities

Ms Renate ZIKMUND, Acting Head of Service, Department of Statutory Activities, Division of Local and Regional Election Observation

Mr Adam DRNOVSKY, Election Observation Officer, Local and Regional Election Observation

Ms Martine ROUDOLFF, Assistant, Local and Regional Election Observation

Mr Sandro WELTIN, Council of Europe Communication Directorate, Photographer

Thursday, 20 June 2019

Various times

Arrival of the Congress Delegation in Ankara

Friday, 21 June 2019 (Ankara)

- | | |
|---------------|---|
| 08:00– 08:15 | Briefing for the Delegation with the Congress Secretariat
<i>Venue: Hotel Hilton, Ankara, Room Anadolu 3</i> |
| 08:30 – 09:30 | Briefing with representatives from thinktanks, NGOs, media representatives
- Ms Feray SALMAN , General Coordinator of the Human Rights Joint Platform
- Mr Öztürk TÜRKDOĞAN , Head of Human Rights Association
- Mr Nejat TAŞTAN , Association for Monitoring Equal Rights
- Ms İklim ÖNGEL , News Director of Cumhuriyet
<i>Venue: Hotel Hilton, Ankara, Room Anadolu 3</i> |
| 10:00 – 11.00 | Meeting with Mr Sadi GÜVEN , President, Mr Erhan ÇİFTÇİ , Vice-President,
Mr Halit FILİZ , Chief of Cabinet, Supreme Election Council of Turkey (YSK)
<i>Venue: Mithatpaşa Caddesi No:12 06420 Kızılay-Ankara</i> |

12:00 – 14:00	Lunch
15:00 – 16:30	Briefing with some 30 representatives from the Diplomatic Corps (EU, Council Europe, USA and Canada) <i>Venue: Hotel Hilton, Ankara, Room Anadolu 3</i>
17.00	Departure of the Delegation for Istanbul

Saturday, 22 June 2019 (Istanbul)
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08:00 – 08:30	Briefing for the Delegation with the Congress Secretariat <i>Venue: Hotel Dedeman, Istanbul, Room Esen</i>
08:45 – 09:30	Briefing with IAE Research Istanbul (Think tank) - Mr Can SELÇUKI <i>Venue: Hotel Dedeman, Istanbul, Room Esen</i>
11.00 – 12.00	Meeting with Mr Ekrem İMAMOĞLU , CHP Candidate for Mayor of Istanbul <i>Venue: Atatürk Kültür ve Sanat Merkezi</i>
14.30 – 15.00	Technical briefing with the interpreters and drivers - preparation of the E-Day <i>Venue: Hotel Dedeman, Istanbul, Room Esen</i>
15:00 – 15:45	Briefing with Vote and beyond, domestic election observers - Mr Mustafa KÖKSALAN <i>Venue: Hotel Dedeman, Istanbul, Room Esen</i>
16:00 – 16:45	Briefing with the Chairman of the Istanbul Bar Association, Mr Mehmet DURAKOĞLU <i>Venue: Hotel Dedeman, Istanbul, Room Esen</i>
17:30 – 18:30	Meeting with the Chairperson of the Istanbul Province Election Board, Ziya Bülent ÖNER <i>Venue: Istanbul Courthouse A1, -2B Conference Hall, Merkez Mahallesi, Abide-i Hürriyet Cd No:223, 34381 Şişli/İstanbul</i>
21:00	Dinner

Sunday, 23 June 2019 – ELECTION DAY
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08:00 – 17:00	Observation of the Election Day
	Late-night de-briefing

Monday, 24 June 2019

Various times	Departure of the Congress Delegation from Istanbul
11:00	Press Conference by the Head of the Delegation to present the preliminary conclusions of the delegation <i>Venue: Hotel Dedeman, Istanbul, Room Esen</i>

APPENDIX VIII

DEPLOYMENT PLAN

OBSERVATION OF THE ELECTIONS ON 23 JUNE 2019 IN ISTANBUL

Congress teams	Composition of the Congress teams	Area of Deployment
Team 1	Andrew DAWSON Renate ZIKMUND Angel MORENO Interpreter: Hacer Nurhayat DALGIÇ	Şişli, Kağıthane, Beşiktaş, Beyoğlu, Gaziosmanpaşa, Bayrampaşa (population approx. 2 mil.)
Team 2	Violeta CRUDU Adam DRNOVSKY Interpreter: Hande ÇAĞLAYANSU	Küçükçekmece, Bahçelievler, Bağcılar, Güngören, Zeytinburnu, Fatih, Bakırköy (population approx. 3 mil.)
Team 3	Robert GRUMAN Jean-Philippe BOZOULS Sandro WELTIN Interpreter: Dilara DİLMEN	Büyükkçekmece, Beylikdüzü, Avcılar, Esenyurt (population approx. 2 mil.)
Team 4	Luc MARTENS Martine ROUDOLFF Interpreter: Tolga YILMAZ	Sarıyer, Eyüp, Sultangazi, Esenler, Başakşehir (population approx. 2 mil.)
Team 5	Lüisa ANSALA Sasa PAUNOVIC Interpreter: Nilay GULESER ODABAŞ :	Beykoz, Çekmeköy, Üsküdar, Kadıköy, Ümraniye (population approx. 2 mil.)
Team 6	Barbara TOCE Kateryna MARCHENKO Mario GAUCI Interpreter: Seha KARADENİZ	Ataşehir, Sultanbeyli, Sancaktepe, <u>Maltepe</u> , Kartal (population approx. 2 mil.)

APPENDIX IX

PRESS RELEASE

OBSERVATION OF THE ELECTIONS ON 23 JUNE 2019 IN ISTANBUL

Congress observation of the mayoral repeat election in Istanbul: a well-organised and transparent vote, under tense circumstances

Strasbourg, 24 June 2019 - A delegation from the Congress of Local and Regional Authorities led by Andrew DAWSON (United Kingdom, CRE), Rapporteur and Head of the delegation, observed the re-run of the mayoral election in Istanbul on 23 June 2019. At the invitation of the Turkish authorities, 14 observers from 13 different European countries visited some 90 Ballot Box Committees in about 30 districts of Istanbul.

"The Congress teams had credentials provided by the Supreme Electoral Council of Turkey and were largely welcome to observe the voting procedures, although in a few isolated cases they faced aggressive attitudes towards them," said the Head of the delegation at a press conference today in Istanbul.

"Today, we can say that in the vast majority of the polling stations we visited, the members of the Ballot Box Committees performed their duties competently and in compliance with the applicable rules," he added, welcoming the organisational effort with more than 60,000 Bashkans and Vice-Chairs of Ballot Box Committees, and nearly 125,000 people trained in electoral procedures. "Technically speaking, overall, the voting was conducted in an orderly manner for the majority of the 10.5 million voters," he underlined, noting that several thousand lawyers were reportedly deployed by political parties to provide immediate legal advice.

"Democratic elections are not limited to counting votes. They imply respect for the will of the people and the intention of the individual voter, ensuring that all candidates have the same fair and equal opportunities," Mr Dawson recalled. "Above all, it means respect for the Council of Europe's fundamental values: democracy, the rule of law and legal security, as well as human rights, freedom of expression and freedom of the media," he stressed.

Reverting to the decision of the Supreme Electoral Council taken on 6 May to annul the election of the Mayor of Istanbul, Mr Dawson recalled the need for an independent judiciary free from political interference. "Ultimately, the Supreme Electoral Council still owes us - and perhaps even more importantly, owes the Turkish people - an answer to the central question: to what extent did the alleged procedural irregularity of not having civil servants as Chairpersons and deputies in the 754 Ballot Box Committees affect the outcome of the March 31 elections," he said. The Congress could ask the Council of Europe legal experts from the Venice Commission to examine this issue in greater depth and prepare a legal opinion on the constitutionality of the cancellation of the 31 March 2019 mayoral election in Istanbul.

"Electoral rules must be fair and applied consistently before and after the elections," he said. "Candidates accepted as eligible before the Election Day shall have the opportunity to take office if they win the election and to freely exercise their mandate in accordance with the European Charter of Local Self-Government which binds the 47 member States of the Council of Europe, including Turkey."

"Yesterday, the citizens of Istanbul elected a new mayor in a well-organised and transparent vote, albeit under tense circumstances. The result is very clear. We hope that the freely expressed will of the voters will be respected. The ballot box, not the court, is the best place to decide on elections. Polling stations must be full of voters. It should not be necessary to fill them with lawyers," Mr Dawson concluded.

The conclusions of the Congress observation mission will be discussed at the meeting of the Congress Bureau on 28 June in Brussels and at the meeting of the Congress Monitoring Committee on 3 July in Oslo. A full report on the entire local election observation mission in Turkey, including the repeat election in Istanbul, will be presented at the Congress Plenary Session to be held from 29 to 31 October 2019 in Strasbourg.