

## 47th SESSION

Report  
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## Local elections in Türkiye (31 March 2024)

Committee on the Monitoring of the implementation of the European Charter of Local Self-Government and on the respect of Human Rights and the Rule of Law at local and regional levels (Monitoring Committee)

Co-Rapporteurs:<sup>1</sup> David ERAY, Switzerland (R, EPP/CCE)  
Vladimir PREBLIC, Slovenia (L, SOC/G/PD)

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### Summary

Following an invitation by the authorities of Türkiye, the Congress deployed an election observation mission to assess the local elections held on 31 March 2024 in the country. On the election day, 11 teams visited some 140 polling stations to observe the election procedures, from opening to closing and counting. Prior to the main mission, Congress observers held preliminary meetings online on 7-8 March 2024.

Overall, the Congress delegation found that the 2024 elections were conducted in a calm and professional manner, despite deficiencies observed during the pre-election period and against the background of a challenging economic situation and post-earthquake reconstruction. It commended the level of commitment of voters and candidates to local democracy down to the level closest to the citizens and welcomed the wide acceptance of results. The campaign was therefore highly competitive and offered voters with substantial alternatives. At the same time, it remained excessively focused on national politics and marred by widespread allegations of misuse of public resources and official positions.

The delegation noted that most 2019 Congress recommendations remained unaddressed and most importantly, measures to guarantee an equal level playing field for all candidates, which remain a prerequisite for genuine democratic elections at local and regional levels. In order to make future elections more inclusive, the Congress delegation also recommended revising the broad restrictions on the right to vote and stand in elections, as well as on the freedom of expression, enhancing the

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1. L: Chamber of Local Authorities / R: Chamber of Regions.  
EPP/CCE: European People's Party Group in the Congress.  
SOC/G/PD: Group of Socialists, Greens and Progressive Democrats.  
ILDG: Independent Liberal and Democratic Group.  
ECR: European Conservatives and Reformists Group.  
NR: Members not belonging to a political group of the Congress.

accuracy of electoral rolls, strengthening the participation of women and youth in elections and pursuing efforts to ensure accessibility of polling stations. Finally, the Congress delegation welcomed the fact that the post-electoral developments seemed to show a successful democratic transition of power, but once again, deplored the decision of the Ministry of the Interior to resort to controversial articles of the Municipality Law to appoint a trustee in lieu of an elected mayor.

**RECOMMENDATION 519 (2024)<sup>2</sup>**

1. The Congress of Local and Regional Authorities of the Council of Europe (“the Congress”) refers to:

a. Article 1, paragraph 3 of the Committee of Ministers’ Statutory Resolution CM/Res (2020)1 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 Türkiye on 9 December 1992;

c. Chapter XIX of the Rules and Procedures on the practical organisation of election observation missions;

d. the previous Congress Recommendation 439 (2019) on the Local elections in Türkiye and Mayoral re-run in Istanbul (31 March and 23 June 2019);

e. the invitation by the authorities of Türkiye, dated 18 January 2024, to observe local elections held in the country on 31 March 2024.

2. The Congress reiterates the fact that genuinely democratic local and regional elections are part of a process to establish and maintain democratic governance and that observation of grassroots elections is a key element in the Congress’ role as guardian of democracy at local and regional level. It therefore highly regrets that one of the Congress delegation members was not granted accreditation by the authorities.

3. The Congress acknowledges that, overall, the legal framework still contains significant gaps and broad restrictions which are not fully conducive to democratic elections at local and regional levels, and notably, on the freedom of expression, restrictions of the right to vote and stand in elections and the independence of the judiciary. Some of these shortcomings are not in line with international and European standards in the field of elections and the case-law of the European Court of Human Rights.

4. The Congress notes with satisfaction that:

a. the election day was calm and well-organised and the election administration, headed by the Supreme Election Council (SEC), was well trained and worked in a timely and efficient manner, including in areas hit by the 2023 earthquakes;

b. the campaign was competitive and fewer restrictions were imposed on contestants in their interactions with voters than in 2019; it was perceived to some extent as less centred around security concerns, as well as less confrontational than previous electoral campaigns since the failed coup attempt;

c. Turkish citizens showed their genuine commitment to local and regional democracy down to the level closest to them by turning up to vote and by standing as candidates in large numbers but also by actively participating in the work of the election administration;

d. a three-month residency requirement for being registered to vote was implemented to curb fraudulent voter migration and was complemented with a safeguard mechanism to limit disenfranchisement of voters;

e. the use of mobile ballot boxes and tools to support voters with visual impairments contributed to a more inclusive ballot, in addition to the satisfactory accessibility of most polling stations located on the ground floors, to which voters with mobility impairments could be assigned;

f. the preliminary results were quickly acknowledged by all contestants, even in cases leading to political alternation, and recounts were handled swiftly;

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<sup>2</sup> Debated and adopted by the Congress on 17 October 2024 (see document CG(2024)47-16, explanatory memorandum), co-rapporteurs: David ERAY, Switzerland (R, EPP/CCE) and Vladimir PREBLIC, Slovenia (L, SOC/G/PD).

g. some political parties strived to get more women to take part in local politics including in leadership positions, which was reflected in the small but noteworthy increase in women in decision-making positions;

h. there have been positive developments since 2019, with only one case of a provincial electoral administration replacing an elected mayor (in Van) with the candidate who obtained the second highest score; this case was subsequently annulled by a decision of the SEC;

i. despite the absence of a legal framework regulating election observation, Congress observers were granted unimpeded access to the electoral process thanks to the efforts of the SEC.

5. At the same time, the Congress expresses its concern on the following issues:

a. while technically proficient, the election administration still suffered from a perceived lack of independence and transparency and only partially communicated with the larger public on preliminary results, decisions and meetings;

b. restrictions to the right to vote persisted, including for conscripts and convicts, as well as limitations on eligibility due to the revocation of civil rights, which *de facto* banned thousands of people from running in elections, predominantly in the southeast;

c. issues related to the accuracy of electoral rolls impacted the integrity of the electoral process and notably due to credible allegations of fraudulent voter migration in the east and voters from the same address being registered in different polling stations;

d. as the official campaign only ran for 10 days, most of the campaign remained under or unregulated and did not guarantee a level playing field among contestants, which is a prerequisite for genuine democratic elections;

e. in parallel the campaign was also marred by numerous allegations of misuse of State resources and official positions which gave an unjustified advantage to the ruling party candidates; it was perceived as a national contest in which the President was the most active protagonist and was not bound to electoral silence. This situation contributed to excessively focussing the campaign on national politics and to blurring the line between the State and the ruling party;

f. despite the citizens' increasing demands for transparency, party and campaign finance remained underregulated therefore challenging the principle of equitable campaigning conditions for all contestants;

g. the deteriorated situation of the freedom of expression and of the media, creating a climate of intimidation, repression and pervasive self-censorship to avoid criminal proceedings, did not provide the citizens with unbiased and balanced information; at the same time, rules ensuring impartiality of media coverage were routinely disregarded, including by public agencies in charge of their oversight;

h. on election day, some inconsistencies were observed in particular, the lack of regulations and confusion on the organisation of mukhtar elections, the presence of candidates near polling stations which, in some instances, culminated in physical confrontations, the substantial presence of security forces which could be perceived as intimidating in certain cases, the instances of overcrowding and the rushed counting procedures;

i. accessibility was not always ensured in some premises, in particular in polling stations not located on the ground floors, and the assisted voting procedure was not applied homogeneously; mobile ballot boxes were only available for bedridden voters living in district and provincial centres, which *de facto* created a difference in treatment for voters living in villages;

j. the limited transparency of the resolution of election disputes which remained held behind closed doors and continued to be perceived as politically biased and was not subjected to final independent judicial review;

k. women and youth remain underrepresented in decision-making positions at local and regional levels and women were also underrepresented at all levels of the election administration;

l. a trustee was appointed by the Ministry of Interior to replace an elected mayor in the municipality of Hakkari, constituting the most recent application of a longstanding practice considered by the Congress and the Venice Commission to undermine the very nature of local self-government and to be based on a very broad interpretation of terrorism-related offenses;

m. last but not least, election observation is not allowed in Turkish legislation and thus independent domestic observers were not granted access to the full electoral process, in contradiction with Türkiye's international commitments.

6. In light of the above, the Congress invites the authorities of Türkiye to:

a. improve clarity of election legislation and harmonise all election-related laws in order to provide a cohesive framework for elections and to guarantee an equal level playing field;

b. terminate overly broad limitations of freedoms of assembly and expression in order to re-establish an environment fully conducive to genuinely democratic elections;

c. enhance transparency of the decision-making at all levels of election administration by providing recordings, opening to the public or streaming meetings of the SEC, publishing decisions and results online on time and allowing for domestic election observers to follow the full electoral process;

d. remove restrictions on voting rights for military cadets and conscripts as well as other blanket restrictions on suffrage rights and on the right to stand in elections, to provide for a more inclusive electoral process;

e. continue efforts to further improve the accuracy of voters lists and proactively investigate and sanction fraudulent voter registration; revise measures to move and merge polling stations and to assign voters from the same area to different polling stations, in line with Venice Commission Opinion on the matter;

f. consider extending the official campaign period to cover more than 10 days in order to establish fair and equal rules for all contestants;

g. step up provisions and investigations on cases of misuse of administrative resources and official positions during the pre-election period and clarify the involvement of the President of the Republic in local elections; consider the re-establishment of the practice to nominate technical ministers bound to impartiality to key ministries in charge of elections to reinforce trust in the impartiality of the process;

h. urgently introduce stronger regulations on party and campaign financing, e.g. through setting a campaign expenditure ceiling, and an effective oversight mechanism to ensure transparency, integrity and accountability, as recommended by the Council of Europe's Group of States against Corruption (GRECO);

i. take resolute steps to enhance the overall situation of the media and to establish an effective media monitoring system to ensure impartial media coverage, in particular of public broadcasters, and remove impediments to the freedom of expression of journalists in particular related to the excessive resort to prosecutions and detentions on grounds of anti-terrorism, misleading information or defamation, in particular in electoral contexts;

j. on election day procedures, introduce regulations on the elections of mukhtars, in particular with regard to the campaign environment and presence near polling stations, as a means to decrease overcrowding and physical confrontations, and, if the security situation allows it, consider limiting police presence in and around polling stations and granting the right to invite law enforcement bodies to chairpersons only;

k. continue efforts to guarantee the accessibility of premises and to deploy mobile ballot boxes regardless of the voters' place of residence and further clarify and train polling station officials on assisted voting procedures;

l. consider steps to increase independence and impartiality of the SEC and strengthen effective judicial remedy and the transparency and legal integrity of the election dispute mechanism, including by subjecting SEC's decisions to a final review by an independent judicial body;

m. introduce measures, such as a 30% gender quota, to strengthen the participation of women in decision-making positions in local politics and as members of election administration and consider incentives to support the participation of youth;

n. in line with the 2020 Venice Commission's Opinion on the replacement of elected candidates and mayors, ensure that ineligibility of candidates is assessed prior to the elections and based on a final criminal conviction, repeal Article 45, paragraph 1 added in 2016 to the Municipality Law, and, in the event of a mayor being removed, consider alternative solutions to respect the will of the voters, such as allowing the municipal councils to choose a replacement mayor or repeating the mayoral elections;

o. introduce legislation regarding the accreditation of domestic and international election observers and make election observation by such actors a normal procedure without requesting special measures by the SEC; in additions, refrain from intervening in the composition of future international election observation missions, which the Congress establishes based on its rules and procedures.

7. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this recommendation regarding the 2024 local elections in Türkiye and the accompanying explanatory memorandum in their activities relating to this member State.

## EXPLANATORY MEMORANDUM

### 1. INTRODUCTION

1. Following an invitation by authorities of Türkiye, received on 18 January 2024, the Congress of Local and Regional Authorities deployed an election observation mission to observe the local elections held on 31 March 2024 in Türkiye. Mr David ERAY (Switzerland, R, EPP/CCE) led the delegation, supported by Mr Vladimir PREBILIC (Slovenia, L, SOC/G/PD), which involved 24 observers from 16 countries.

2. The Law on Basic Provisions for Elections and Voter Registers<sup>3</sup> (hereafter Law on Basic Provisions) allows for observers appointed by the political parties and independent candidates to be present during the election day at the polling stations of the constituencies in which they run, and for the public to observe the vote count in their own constituencies. However, there is no legal framework established for domestic and international organisations to observe the full electoral process, contrarily to international standards and past Congress recommendation. The Turkish authorities can give accreditation to observe on an *ad hoc* basis. The Congress is therefore thankful for the support of the Turkish authorities in facilitating the accreditation of its observers.

3. Regrettably, one Congress delegation member was not granted accreditation by the Turkish authorities to take part in the observation mission. It constituted the first time in more than 120 Congress missions, that a member was not accredited by the host authorities. The Congress highly regretted this situation and invites the host authorities to refrain from intervening in the composition of future election observation missions, which the Congress establishes based on its rules and procedures.

4. The onsite deployment was preceded by preliminary meetings with a large range of interlocutors, both online and in presence. Interlocutors included representatives from the national and local authorities, foreign *corps diplomatique*, media, political parties, candidates and NGOs. The programme, composition of the delegation and deployment plan can be found in the appendices.

5. On the Election Day, 11 Congress teams were deployed to the provinces of Ankara, Istanbul, Antalya, Adana/Mersin, Izmir, Diyarbakir, Erzurum, Konya, Gaziantep and Kahramanmaraş, and followed the electoral procedures in 140 randomly selected polling stations, including the counting in 11 polling places.

6. The following report focuses specifically on issues arising out of exchanges during meetings held with Congress interlocutors in the context of the local elections on 7-8 March online, 29-30 March 2024 in Türkiye and on observations made on the election day. The Congress wishes to thank all of those who met with the delegation for their open and constructive dialogue.

### 2. POLITICAL CONTEXT

7. The Republic of Türkiye was traditionally a parliamentary democracy, but following the 2017 constitutional reform, a presidential system was preferred.<sup>4</sup> Since 2014, the President of the Republic is Recep Tayyip ERDOĞAN from the Justice and Development Party (AKP), who previously served as Prime Minister between 2003 and 2014. The changes made to the system of government, consolidating the power of the President, came after a failed coup on 15 July 2016, where sections of the military tried to seize control of the country. The power balance between the parliament and the president progressively changed to the benefit of the latter. The amendments to the Constitution were approved by a referendum on 16 April 2017 following a campaign perceived as unbalanced.<sup>5</sup> According to the Venice Commission, the established constitutional system resulted in limited

3 The Law on Basic Provisions for Elections and Voter Registers is available at: <https://www.mevzuat.gov.tr/mevzuatmetin/1.4.298.pdf>

4 The Constitution of Türkiye is available at: [https://www.anayasa.gov.tr/media/7258/anayasa\\_eng.pdf](https://www.anayasa.gov.tr/media/7258/anayasa_eng.pdf)

5 The Parliamentary Assembly of the Council of Europe and the OSCE/ODIHR observed this referendum and concluded that “referendum “took place on an unlevel playing field and the two sides of the campaign did not have equal opportunities. Voters were not provided with impartial information about key aspects of the reform, and civil society organizations were not able to participate. Under the state of emergency put in place after the July 2016 failed coup attempt, fundamental freedoms essential to a genuinely democratic process were curtailed.”. See Final Report, OSCE/ODIHR at <https://www.osce.org/odihr/elections/turkey/324816>

independence of the judiciary and reduced the balance of powers in favour of an extensive presidency, thus significantly reducing the principle of separation of powers.<sup>6</sup>

8. At national level, political life is competitive, polarised and organised alongside long-established ruling and opposition parties. The Grand Assembly of Türkiye (*Türkiye Büyük Millet Meclisi*) is constituted of 600 members and has been dominated by the ruling AKP since 2002. In the last presidential and parliamentary elections of 2023, ERDOĞAN was re-elected President just as the AKP with the support of the Nationalist Movement Party (MHP), the New Welfare Party (YRP) and the Great Unity Party (BBP) rewon the majority in parliament. International observers noted that these elections were competitive and largely free but that “the incumbent president and ruling coalition enjoyed an unjustified advantage, including through biased media coverage”. They highlighted the continued impact of the dissolution proceedings against the Peoples' Democratic Party (HDP), the third biggest political force.<sup>7</sup> In total, the opposition, led by the Republican People's Party (CHP), scored 274 seats.

9. At local and regional levels, the previous local elections to elect metropolitan and regular mayors, municipal and provincial councillors were held in 2019 in an environment still very much impacted by the post-failed coup crackdown. Electoral alliances, rendered possible by a 2018 amendment and established during the 2018 parliamentary elections, were tested at local and regional levels. While the governing party AKP joined up with MHP in the People's Alliance, the CHP, the main opposition party, together with the Good Party (İYİ), the Future Party (GP) and Democracy and Progress Party (DEVA) formed the Nation Alliance. The HDP did not join the Alliance but chose not to field candidates in key municipalities. While the People's Alliance won more votes than the Nation Alliance, the latter ended up winning the mayoralities in six out of the seven largest cities in Türkiye, including Ankara and Istanbul.

10. Since the failed coup attempt, the practice of replacing elected mayors from the opposition and appointing either unsuccessful AKP candidates or governors as *kayyums* (trustees) instead, has been highly criticised by domestic and international observers, including the Congress.<sup>8</sup> In 2019, six successful HDP mayoral candidates (and several council candidates) in the southeastern part of the country were not granted their mandate – instead the Supreme Election Council (SEC) gave the mayoralities to AKP-candidates. In addition, in August 2019, elected mayors of Diyarbakir, Mardin and Van were removed from office by the Ministry of Interior and replaced by trustees. The practice of appointing trustees originally started in 2016 when the Interior Ministry was granted the right, by a modification of the Municipality Law adopted under the state of emergency (Article 45) to suspend mayors under judicial investigation for terrorism-related offences.<sup>9</sup> Several Council of Europe bodies have called to repeal such laws inherited from the state of emergency. The Congress highly regretted that the practice of replacing locally elected mayors with appointed trustees was not in line with fundamental principles laid out in the European Charter of Local Self-Government and requested an opinion of the Venice Commission on this matter. The opinion concluded that these decisions were “incompatible with basic principles of democracy – the respect of the free expression of the will of the voters and the rights of elected officials – and of the rule of law – including legality, legal certainty and foreseeability of the law”.<sup>10</sup> In parallel, the metropolitan mayoral election in Istanbul was annulled by the SEC and repeated. Even though the CHP candidate Ekrem İMAMOĞLU won a second time with a larger margin, the decision of the SEC was highly criticised and perceived as politically motivated.

6 See CDL-AD(2017)005-e Turkey - Opinion on the amendments to the Constitution adopted by the Grand National Assembly on 21 January 2017 and to be submitted to a National Referendum on 16 April 2017, adopted by the Venice Commission at its 110th Plenary Session (Venice, 10-11 March 2017), at [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)005-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)005-e)

7 See ODIHR Election Observation Mission Final Report, Türkiye, General Elections, 14 May 2023, and Presidential Election, Second Round, 28 May 2023 at <https://www.osce.org/odihr/elections/turkiye/553966>

8 See Folder on the Congress website on the observation of the 2019 elections at: <https://www.coe.int/en/web/congress/-/turkey-congress-adopts-report-on-the-observation-of-local-elections-and-the-istanbul-repeat-mayoral-electi-1>

9 Grounds for dismissal of mayors are generally alleged links or memberships of a terrorist organisation, namely the PKK. The Kurdistan's Workers Party (PKK) is designated a terrorist organisation by Türkiye, the EU and several other countries. However, concerns about the use of these dismissals by the national authorities have been raised by most international stakeholders, including the Congress. The European Parliament also called upon Türkiye to reinstate elected mayors removed by the government in 2019.

10 See CDL-AD(2020)011, TURKIYE: Opinion on the replacement of elected candidates and mayors, 2020, available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2020\)011-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2020)011-e)



11. Overall, the political landscape in Türkiye at the time of the 2024 local elections was competitive, confrontational and polarised, as reflected in the intense struggle for power between the government and the opposition. Local elections in Türkiye are traditionally party-based and are considered very important, as local executives gain access to substantial municipal budgets. At the same time, the local elections were held against the backdrop of several crises including the economy suffering under very high inflation and interest rates, the devastating consequences of the February 2023 earthquakes in southern Türkiye, a constitutional crisis and political and military tensions in neighbouring countries. Indeed, since November 2023, the President and the Constitutional Court were at odds on several rulings of the Court related to the parliamentary immunity of an HDP MP. President ERDOĞAN supported the Court of Cassation which opposed the decisions of the Constitutional Court.<sup>11</sup>

12. The 2024 elections also saw the fragmentation of the opposition and ruling coalitions. Following the defeat of the Nation Alliance in the 2023 presidential and parliamentary elections, the opposition parties decided as of December 2023 to run separately in local elections, reflecting the high interconnectedness between national and local politics in Türkiye. The contest between the two major parliamentary parties of Türkiye, the governing AKP and the opposition CHP, was in many ways replicated in local elections, with geographical nuances since the DEM Party (ex-HDP) remained a main contestant in the Kurdish-dominated areas.<sup>12</sup>

13. In addition, the omnipresence of President ERDOĞAN in the campaign, as observed in 2019 and 2023, helped shape the perception that the 2024 elections were also critical at national level, in particular due to the defeat of the opposition in 2023. Congress interlocutors repeatedly pointed out to the delegation that the mayoral election of Istanbul was particularly nationalised. Not only does the city hold a substantial part of the voters of Türkiye, but the incumbent mayor Ekrem İMAMOĞLU from CHP remains widely considered to be a major challenger to Mr. ERDOĞAN, who was himself the mayor of Istanbul from 1994-98. While predicted to run as the CHP candidate in the 2023 elections, Ekrem İMAMOĞLU was sentenced in December 2022 to two years of imprisonment for insulting the SEC.<sup>13</sup> As the sentence was still under appeal and could have led to his disqualification, the CHP appointed another candidate in the 2023 elections.

### 3. ADMINISTRATIVE STRUCTURE OF LOCAL AND REGIONAL GOVERNANCE

14. The Turkish Constitution stipulates that local administration is regulated by law,<sup>14</sup> while local self-government *per se* is not specified in the Constitution. The 2005 Municipality Law defines administrative and political self-government for the municipalities.<sup>15</sup> The metropolitan municipalities are regulated by the 2004-law,<sup>16</sup> while the Special Provincial Administrations are regulated according to its specific 2005 law.<sup>17</sup>

15. The sub-national administrative system of Türkiye consists of deconcentrated and decentralised administrations. Türkiye is divided into 81 provinces each run by a governor appointed by the Council of Ministers and reporting to the Ministry of Interior. The governor alone heads the provincial administration even though there is an elected district council in place. The provinces are then divided into 922 districts.

16. Decentralised local government part is organised in provincial administrations, metropolitan municipalities and other types of municipalities. At “regional” level, the country is divided into

11 See Balkan Insight, 30 November 2023, <https://balkaninsight.com/2023/11/30/turkeys-judicial-crisis-tests-erdogans-strength-as-elections-loom/>

12 To avoid a potential closure following an upcoming verdict for the HDP by Türkiye’s Constitutional Court, the HDP announced in May 2023 its participation in the general elections under the banner of our party. Formerly known as the Green Left Party, the party changed name in October 2023 to the Peoples’ Equality and Democracy Party (DEM Party).

13 The Congress considered the sentence of Mayor Ekrem İMAMOĞLU as a “direct attack on local democracy”. See Congress President Statement on 16 December 2022 at <https://www.coe.int/en/web/congress/-/istanbul-mayor-ekrem-%C4%B0mamo%C4%9Flu-s-sentence-a-direct-attack-on-local-democracy-says-congress-president-1>

14 The Constitution, Article 127.

15 Law no. 5393, Municipality Law is available at: <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5393&MevzuatTur=1&MevzuatTertip=5>

16 Law no. 5216, Law on Metropolitan Municipalities is available at: <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5216&MevzuatTur=1&MevzuatTertip=5>

17 Law no. 5302, Law on Special Provincial Administration is available at: <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5302&MevzuatTur=1&MevzuatTertip=5>

30 metropolitan municipalities and 51 special provincial administrations (SPAs) covering the territories of the 81 provinces. At lower level, there are 1 403 municipalities of three different kinds: the 30 metropolitan municipalities (the cities with a population of over 750 000 inhabitants), 519 metropolitan district municipalities (each of them parts of one of the metropolitan municipalities), and 854 non-metropolitan municipalities located within the 51 SPAs. Also, approximately 18 300 villages and 32 000 neighbourhoods are established led by mukhtars. Mukhtars have progressively gained more recognition and responsibilities, as one Congress interlocutor called them “the very heart of local government in Türkiye”.<sup>18</sup>

17. All municipalities are headed by a directly elected mayor, elected every five years by simple majority. Each municipality also comprises a municipal council of 9 to 55 councillors depending upon the size of the municipality.<sup>19</sup> In each municipality, an executive committee is established – half of its members are local councillors selected by the council while the other half are municipal administrators selected by the mayor. The tasks of the decentralised local governments are mainly tax collection, permit/licences, water and waste management, public transportation, infrastructure, and urban planning. For metropolitan municipalities these tasks are supplemented with housing, master plans for transport, sport and leisure facilities, cemeteries, municipal police, firefighting, and emergency services etc.

18. Since the failed coup attempt in 2016, the Congress has followed with great attention the issue of replacement of elected candidates and mayors predominantly in eastern Türkiye by trustees or by second best scoring candidates. While the Congress delegation acknowledges that terrorist threats can lead a country to introduce restrictions to protect local democratic institutions, these measures must remain proportionate and based on evidence or may become a clear interference with local self-government. Article 45 (and 46) of the Municipality Law, as amended in 2016, which established the trustee system, constitutes a clear violation of the European Charter of Local Self-Government. In addition, as noted by the Venice Commission in the opinion requested by the Congress on this matter, the suspensions based on allegations of terrorism-related offenses appear to rely on an excessively broad interpretation, including on the offence of making propaganda for a terrorist organisation, and were repeatedly considered by the European Court of Human Rights as going against the Convention. Lengthiness of judicial proceedings, the low number of reinstated representatives and the slim evidence put forward in trials have been mentioned to the Congress delegation as reasons to suspect that these cases were politically motivated.<sup>20</sup> The independence of the judiciary was also noted as a source of concern by both Congress interlocutors and Council of Europe bodies.<sup>21</sup>

19. The Congress delegation refers to Congress Recommendation 471 (2022) on the Monitoring of the application of the European Charter of Local Self-Government in Türkiye and its explanatory memorandum for a more in-depth analysis of local self-government in this country.<sup>22</sup> In the memorandum, the rapporteurs pointed out that the governor’s double function as a state agent and a chairman of the provincial executive committee is contrary to the spirit of the Charter of Local Self-Government. It was also noted that the state tends to overregulate and intervene too much in planning decisions of local authorities, just as boundary changes are enacted by legislation without proper local consultation. They also critically observed that local authorities have limited capacity to set local tax rates, and since a large proportion of local revenues comes from the state budget, financial autonomy enjoyed by local authorities is limited.

20. The delegation highly regretted the recurring appointments of trustees that occurred in the previous mandates of mayors and the suspensions of many municipal and provincial councillors,

18 Data extracted from the Ministry of Interior dedicated page : <https://www.e-icisleri.gov.tr/Anasayfa/MulkildariBolumleri.aspx>  
19 Article 5, Law on Elections of Local Administrations and Neighbourhood Mukhtars and Board of Aldermen, hereafter the Law on Elections of Local Administrations, is available at: <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=2972&MevzuatTur=1&MevzuatTertip=5>

20 The Congress delegation was informed by the DEM Party that since 19 August 2019, the mayors of 48 municipalities, including 3 metropolitan, 5 provincial, 33 district and 7 town municipalities, were suspended by the Ministry of Interior. 14 co-mayors and 48 councillors were stripped of their mandate certificates. 95 municipal councillors were suspended and only 11 reinstated, as well as 21 provincial councillors. While 43 mayors were imprisoned, six were still in prison as of early April 2024. The Congress delegation was informed by representatives of the Ministry of Interior that the mayors were sentenced to a total of 986 years, suggesting that there was enough evidence to tie them to terrorist offences.

21 See for instance, the Country Memorandum of the Commissioner for Human Rights, 5 March 2024.

22 Monitoring Report on Türkiye CG(2022)42-14 (adopted 23 March 2023).

predominantly targeting Kurdish politicians on basis of a broad understanding of terrorist-related offences. It noted with concern that that a trustee was appointed by the Ministry of Interior to replace an elected mayor in the municipality of Hakkari, despite the mayor being allowed to stand in the elections, constituting the most recent application of a longstanding practice considered by the Congress and the Venice Commission to undermine the very nature of local self-government and to be based on a very broad interpretation of terrorism-related offenses. In line with the 2020 Venice Commission's Opinion, the delegation invites the authorities to ensure that ineligibility of candidates is assessed prior to the elections and based on a final criminal conviction, to repeal Article 45, paragraph 1 added in 2016 to the Municipality Law, and, in the event of a mayor being removed, consider alternative solutions to respect the will of the voters, such as allowing the municipal councils to choose a replacement mayor or repeat the mayoral elections.

#### 4. DOMESTIC AND INTERNATIONAL LEGAL FRAMEWORK

##### 4.1. Domestic legal framework and electoral system

21. The legal framework for elections consists of a number of different laws, most importantly: the Constitution, the Law on Basic Provisions for Elections and Voter Registers (1961); the Law on Parliamentary Elections (1983); the Law on Presidential Elections (2012); the Law on Political Parties (1983); the Law on Meetings and Demonstrations (1983); and the Law on Elections of Local Administrations and Neighbourhood Mukhtars and Aldermen Council (1984). The legal framework is supplemented by SEC regulations. While the legal framework provides for regulations of key aspects of the electoral process, legal gaps, lack of harmonisation and broad restrictions to the independence of the judiciary, the freedom of expression and rights to vote and stand in elections do not fully provide a sound basis for democratic local and regional elections. As observed by the Congress in 2019 and other international observers, the current framework is at odds with several international commitments of Türkiye (described in the sections below).

22. In 2018, amendments were adopted which included several changes to the specific arrangements around local elections: electoral alliances between several parties were allowed, rules about invalid votes were clarified, the rule that the chairperson of the Ballot Box Committees (BBC) should be a party representative was changed for a civil servant, a rule was added that law enforcement officers on duty should be allowed into the polling station upon request of voters and BBC members. It was made possible for the electoral administration to move and merge polling stations and to assign voters living in the same building to different polling stations. The Venice Commission considered several of these amendments problematic and was critical about the process of the amendments since these were made just few weeks before the 2018 parliamentary elections in a hasty and non-inclusive manner.<sup>23</sup> The Congress delegation was informed that, while the possibility to move and merge polling stations remained problematic, it had not been used in the context of the 2024 elections.

23. Amendments were also introduced by the ruling coalition in 2022 which contained substantial changes to the legal framework, in particular for national elections. The 2022 amendments replaced the seniority appointment method with a lottery for appointing judges in Provincial and District Electoral Boards, changed the seat allocation method, lowered the parliamentary threshold to 7% (instead of 10%)<sup>24</sup> and imposed more restrictive regulations on political parties. Regarding local elections, the amendments mostly clarified the deadlines for voter registration for local elections in order to avoid mass disenfranchisement of voters. The Venice Commission regretted, in an opinion on the 2022 amendments, once again the lack of inclusivity of the process to adopt these amendments and recommended *inter alia* to include the President among the list of officials subjected to

<sup>23</sup> See CDL-AD(2018)031-e Turkey - Joint Opinion of the Venice Commission and ODIHR on Amendments to the electoral legislation and related "harmonisation laws" adopted in March and April 2018, adopted by the Council for Democratic Elections at its 64th meeting (Venice, 13 December 2018) and by the Venice Commission at its 117th Plenary Session (Venice, 14 and 15 December 2018), at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2018\)031-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2018)031-e)

<sup>24</sup> While there is no internationally agreed threshold for seat distribution, the 10% threshold has been deemed excessive by the European Court of Human Rights in *Yumak and Sadak v. Türkiye* (2007) see <https://hudoc.echr.coe.int/fre#%22itemid%22:%22001-87363%22>

regulations on the misuse of office and to repeal the lottery system for appointments to PEBs and DEBs.<sup>25</sup>

24. According to the Constitution, local elections are held in Türkiye every five years on the last Sunday of March, i.e., on Sunday 31 March 2024. Voters were called to elect 1 402 mayors (including in the 30 metropolitan municipalities), 1 282 provincial councillors and 21 001 municipal councillors, as well as over 32 000 positions as neighborhood mukhtars 18 000 village mukhtars.<sup>26</sup>

25. Article 2 of the Law on Elections of Local Administrations specifies the electoral system applicable to local elections, which differs between the mayor and the council elections. The mayors (provincial, metropolitan, and municipal) are elected by using the first-past-the-post system after which the candidate with the most votes gets elected as mayor. The same system applies to mukhtar and aldermen elections, to the difference that these elections are non-partisan. While a certain number of restrictions apply to all local elections, the legal framework applicable to the elections of mukhtars and aldermen remain incomplete, as was already noted in 2019. There are no gender or minority quotas in local elections in Türkiye.

26. When it comes to the councils (provincial, metropolitan, and municipal) the councillors are elected by a proportional representation system. All councillors are elected on closed lists or as independent candidates. There is a rather excessive electoral threshold (10%) for parties, alliances and independent candidates to participate in seat distribution and the D'Hondt formula is used for seat allocation. This threshold, while lowered at national level, remains excessively high and disadvantages smaller parties, as mentioned by Congress interlocutors.

#### 4.2. Relevant international standards

27. The rights of citizens to vote – and to stand in elections – at periodic, genuine democratic elections are internationally recognised human rights, as stated in Article 21 of the Universal Declaration of Human Rights, which provides that: “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives [...]. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures”.<sup>27</sup>

28. Article 25 of the United Nations Covenant on Civil and Political Rights (ICCPR) also provides for the right to vote and stand in elections: “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors”.<sup>28</sup>

29. At European level, the right of all citizens to free elections is guaranteed by Article 3 of the Protocol No. 1 to the European Convention on Human Rights (ECHR)<sup>29</sup>: “The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature”.

30. With respect to local and regional elections, Article 3.2 of the European Charter of Local Self-Government<sup>30</sup>, ratified by the Republic of Türkiye in 1992, sets out that local self-government shall be: “exercised by councils or assemblies composed of members freely elected by secret ballot on the basis of direct, equal, universal suffrage, and which may possess executive organs responsible

25 See CDL-AD(2022)016 Venice Commission OSCE/ODIHR, Joint Opinion TÜRKİYE: Joint opinion on the amendments to the electoral legislation by Law no. 7393 of 31 March 2022, at [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2022\)016-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2022)016-e)

26 Data collected on the open data website of the SEC and on the website of the [Ministry of Interior](#)

27 The Universal Declaration of Human Rights is available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

28 The International Covenant on Civil and Political Rights is available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

29 Protocol No. 1 to the European Convention on Human Rights (CETS No 009) is available at <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treaty-num=009>.

30 The European Charter of Local Self-Government (CETS No 122) is available at <https://rm.coe.int/168007a088>.



to them". The citizens' rights to exercise their democratic choice is the foundation of political participation at local and regional levels. This principle is also enshrined in the preamble to the Additional Protocol to the European Charter of Local Self-government on the right to participate in the affairs of a local authority, which has not yet been ratified by Türkiye.

31. In addition to the above-mentioned international treaties, soft law instruments also guide Congress observation missions including Congress Resolution 306 (2010) on the Observation of Local and Regional Elections<sup>31</sup> and Resolution 274 (2008) on the Congress Policy in observing local and regional elections<sup>32</sup> as well as the Venice Commission's Code of Good Practice in Electoral Matters, which specifies guidelines on the five principles underlying Europe's electoral heritage, namely "universal, equal, free, secret and direct suffrage".<sup>33</sup>

32. As mentioned, the current legal framework of Türkiye is at odds with a certain number of its international commitments, including the ICCPR and the ECHR. The Constitution of Türkiye (and other legislation) includes broad restrictions to suffrage rights, does not guarantee a strict separation of powers and the independence of the judiciary and curtails some fundamental freedoms in particular the freedom of expression in the media<sup>34</sup> and in political debate,<sup>35</sup> despite European Court of Human Rights judgments and Venice Commission Opinions on this matter.

33. Specifically on election observation, the Congress also refers to Article 8 of 1990 the Copenhagen document which provides that: "The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other Conference on Security and Co-operation in Europe (CSCE) participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level".<sup>36</sup> Currently in Türkiye, there is no legal framework established for domestic and international organisations to observe the full electoral process, contrarily to the Article 8 of the Copenhagen document, despite Türkiye being one of the signatories.

34. Genuine elections to establish democratic governance cannot be achieved without rule of law and unless a wide range of other human rights and fundamental freedoms are guaranteed without discrimination. Consequently, the conclusions of observation reports are also informed by issue-specific resolutions, recommendations, and opinions adopted by the Congress and the Venice Commission which each address different aspects of the electoral process. The Congress specifically addressed the following subjects through the adoption of transversal reports on: electoral lists and voters residing abroad, criteria for standing in elections, the use of administrative resources, local voting rights, elections during crisis situations, and the situation of independent and opposition candidates.<sup>37</sup> The Congress also incorporates the thematic work of the Venice Commission into its reports, notably their standards concerning inter alia the use of technology, campaigns, dispute resolution, gender representation, persons with disabilities, national minorities, electoral systems, and the media.<sup>38</sup>

#### 4.3. Previous Congress recommendations

35. The Congress carried out a mission to observe the local elections in Türkiye held on 31 March 2019 and the re-run of metropolitan mayoral election in Istanbul on 23 June 2019. The

31 Observation of local and regional elections – strategy and rules of the Congress – [Resolution 306 \(2010\)](#).

32 Congress policy in observing local and regional elections – [Resolution 274 \(2008\)](#).

33 The Venice Commission Code of Good Practice in Electoral Matters is available at [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2002\)023rev2-cor-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev2-cor-e).

34 See Memorandum on freedom of expression and of the media, and the situation of human rights defenders and civil society in Türkiye of the Human Rights Commissioner of the Council of Europe, released in March 2024: <https://www.coe.int/en/web/commissioner/-/t%C3%BCrkiye-reverse-a-critically-hostile-environment-for-freedom-of-expression-and-for-journalists-human-rights-defenders-and-civil-society>

35 See Overview of main cases before the Committee of Ministers - Ongoing Supervision – Türkiye, <https://rm.coe.int/mi-turkey-eng/1680a23cae>

36 The 1990 Copenhagen document is available at <https://www.osce.org/odihr/elections/14304>.

37 All Congress transversal reports, resolutions and recommendations in the field of elections are available at <https://www.coe.int/en/web/congress/transversal-reports-local-and-regional-elections>.

38 All Venice Commission standards are available at [https://www.venice.coe.int/WebForms/pages/?p=01\\_01\\_Coe\\_electoral\\_standards](https://www.venice.coe.int/WebForms/pages/?p=01_01_Coe_electoral_standards).

omnipresence of the President of the Republic in the 2019 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. Despite the freedom of expression principally enshrined in the Constitution, the framework conditions for ensuring a level playing field for all contestants and genuine media freedom proved weak in these 2019 elections and thus led to questions from the Congress delegation regarding democratic media plurality and conditions that were objectively fair to all political parties and candidates in all respects.

36. 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 saw room for improvement in various areas of elections. The most urgent reform steps included the Supreme Election Council (SEC), against whose decisions no appeal is possible. The events after 31 March 2019, which have led to the appointment of trustees, the highly criticised annulment of the result in Istanbul and, eventually, the rerun on 23 June, demonstrated the urgency of reform to achieve transparency, consistency of the decision-making and independence.

37. On the legal framework applicable to the 2024 elections, the Congress delegation generally regretted that it still contained gaps and broad restrictions which are not fully conducive to democratic elections at local and regional levels, as was observed in 2019, and notably, on the freedom of expression, restrictions of the right to vote and stand in elections and the independence of the judiciary. Some of these shortcomings are not in line with international and European standards in the field of elections and the jurisprudence of the European Court of Human Rights. It reiterated its recommendation to improve clarity of election legislation and to harmonise election-related laws in order to provide a cohesive framework for elections as well as to terminate overly broad limitations of fundamental freedoms in order to re-establish an environment fully conducive to genuinely democratic elections. The delegation is convinced that these steps are necessary to ensure the respect of Türkiye's international commitments on this matter and to re-establish an environment conducive to genuinely democratic elections at local and regional levels.

38. At the same time, the delegation pointed out the lack of regulations applied to the elections of mukhtars and aldermen, despite their increasing roles, and recommends introducing regulations on this matter and in particular on the campaign environment and on provisions on election day.

39. Last but not least, the Congress delegation regretted that election observation is not allowed in Turkish legislation, in contradiction with Türkiye's international commitments. It recommended introducing legislation regarding the accreditation of domestic and international election observers and making election observation by such actors a normal procedure without requesting special measures by the SEC as well as refraining from intervening in the composition of future international election observation missions, which the Congress establishes based on agreed upon rules and procedures.

## 5. ELECTION ADMINISTRATION

40. According to the Constitution of Türkiye, elections "shall be held under the direction and supervision of the judiciary, in accordance with the principles of free, equal, secret, direct, universal suffrage, and public counting of the votes" (Article 67) and the Supreme Election Council (*Yüksek Seçim Kurulu* - SEC) is responsible for election administration (Article 79). It is supported by different geographically defined units in a hierarchical structure with a total of four levels – below the SEC are 81 Provincial Election Boards (PEBs), 1 094 District Election Boards (DEBs) and 207 865 Ballot Box Committees (BBCs) - one per polling station. Election administration in Türkiye, as prescribed by the Law on Basic Provisions, is composed of judges or civil servants, who chair all levels of administration and party representatives.

41. As the highest electoral authority, the SEC has the overall responsibility for the elections, including not only the organisation of the electoral process but also the handling of electoral disputes. The SEC is established by the Constitution as well as the Law on Basic Provisions. It is an independent body and its rulings are final.<sup>39</sup> The SEC is a permanent body composed by seven

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<sup>39</sup> See also Law no. 7062 on the Organization and Duties of the Supreme Election Council (2017).

judges who are permanent members and four judges who are substitutes and who participate in the meetings and the voting leading to the rulings of the council.<sup>40</sup> The 11 members are appointed for a term of six years, as stipulated by the Constitution, six are appointed by the Supreme Court of Cassation while the remaining five are appointed by the Council of State. Presently, the president of SEC is Ahmet YENER who started his term as president on 16 January 2020. In addition, four non-voting party representatives can take part in the meetings of the SEC, namely one from each of the four political parties which won the most votes in parliamentary elections. They can participate in the meetings, express their opinions and access all documents. While the SEC publishes some of its rulings, its meetings are closed and neither open to the public nor to observers. Regrettably, there are no rules on gender repartition and none of the 11 eleven SEC members are women.

42. The second level of election administration comprises the 81 Provincial Election Boards (Article 15 of the Law on Basic Provisions). Their main task is to ensure the proper conduct of elections within their province. This includes coordination, distribution of election materials, providing guidance to the DEBs on implementing election legislation, adjudication of complaints against DEBs and tabulation of results for each province by summarising DEB protocols. The PEBs are composed of three judges selected by lottery among judges performing duties within the provincial centre and who have not received disciplinary reprimand or penalties. PEB members serve for two-year terms. Comparable to the SEC, the four largest political parties based on the last parliamentary elections are invited to take part in the PEB meetings but have no voting rights.

43. The third highest level of election administration comprises of almost 1 000 District Election Boards (DEB, Article 18, Law on Basic Provisions). The DEBs conduct their sessions on *ad hoc* basis and their main functions are to ensure orderly conduct of elections; to establish Ballot Box Committees; to dispatch ballot boxes and all other election related materials; to review and decide on complaints related to BBCs and to tabulate election results at the district level. The DEBs have seven members and are chaired by a judge selected by lot among judges of the district. Of the six other members of the DEBs, two are civil servants while the remaining four are members of political parties.

44. The lowest level of election administration comprises of the no less than 207 865 Ballot Box Committees (BBCs), representing the backbone of the electoral administration on the ground. The BBCs are appointed by the DEBs ahead of each election and are responsible for setting up the polling stations and for the voting and counting procedures. The BBCs each have seven members and six substitutes. After the procedure was changed by law in March 2018 through an amendment of the Law of Basic Provisions, BBCs are now composed of two civil servants and five party members. The two civil servants are president and deputy of the BBCs and they are selected by lot. The five party members are nominated by the five political parties which received the most votes in the district in the previous parliamentary elections. All BBC members receive a small stipend.

45. Composition of the election administration remains a point of disagreement in Türkiye, as was mentioned by some Congress interlocutors. While no interlocutors doubted the technical abilities of the SEC to run the elections, many considered the SEC as politically biased, due to previous rulings, in particular on trustees and the re-run of the elections in Istanbul, but also due to perceptions that the appointments of the higher spheres of the judiciary are not impartial. The decision to re-run the elections in 2019 in Istanbul was based on AKP-complaints on procedural irregularities concerning the appointment of civil servants as chairpersons of the BBCs in Istanbul, but the other local elections held on the same day and administered by the same BBCs were not annulled. The decision to let incumbent President ERDOĞAN run for a third mandate in the 2023 presidential elections also added to the lack of trust among the opposition and civil society.

46. At PEB and DEB levels, until the 2022 amendments, judges were selected by a seniority system with the PEBs being made up of the three longest-serving judges. The authorities decided to change the rules in order to avoid having elderly judges with health issues serving or recusing themselves. However, this explanation was challenged by the opposition and civil society, as judges could already be excused on health grounds. The Congress delegation was informed that a complaint about the new appointment system was placed to the Constitutional Court by CHP but to no avail.

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<sup>40</sup> The fact that all members vote, including substitutes, has been criticised by the OSCE/ODIHR, as officially only seven members can take part in decision making of the SEC. See OSCE/ODIHR, Final Report 2023, Op.Cit.

The Venice Commission stressed that the new system did not appear to have improved the integrity of the electoral administration, as challenges with transparency of the drawing of the lots procedure were raised. Furthermore, after the failed 2016 coup, the appointment of new judges has not left the independence of the judiciary unquestioned. The old system – which seemed, according to Congress interlocutors, well-functioning and was not criticised – had a high level of predictability in terms of who was appointed, whereas the new system makes appointments subject to suspicion about political pressure and manipulation. In addition, in January 2024, the SEC choose to extend the mandates of judges and civil servants for a year, contrary to the provisions of the law.

47. At the same time, the presence of representatives of political parties at all levels of the election administration, being observers or full members, constitutes a strength of the Turkish system, as it allows for collective supervision and monitoring. However, the appointment method does not allow for independents or smaller parties to take part in the work of the election administration.

48. Training of election administration officials is compulsory for civil servants, but regrettably not for political party appointees. Positively, the SEC provided online materials for the training of the party-appointed members as well and conducted large numbers of in person trainings. However, on election day, the Congress observers noted that diverging views were common between party-appointed members, observers and civil servants, in particular during counting (see section election day). In addition, last minute changes in BBCs due to sickness among members and last-minute call for substitutes, as experienced at some of the polling stations visited by the delegation on election day also created challenging situations. Regrettably, women re also less represented in lower levels of election administration and were not often in decision-making positions.<sup>41</sup>

49. Overall, the election administration worked in a timely and efficient manner, with a high degree of efficiency, considering the logistical and technical challenge that constitutes the organisation of elections in Türkiye including in areas affected by the earthquakes.<sup>42</sup> Over a million citizens were directly involved in the administration of the elections, most of them as members of BBCs. However, some of the more recent amendments to the system have raised concerns as to the independence and impartiality of the actual administration. Furthermore, transparency remains an important area of improvement, as the election administration continues to work in a mostly closed fashion including when handling disputes, which was noted as a source of concern by some Congress interlocutors.

50. Therefore, the Congress delegation noted with satisfaction the technical proficiency of the election administration, despite the challenge of organising these local elections. The election day was calm and well organised and the election administration, headed by the Supreme Election Council (SEC), was well trained and worked in a timely and efficient manner, including in areas hit by the 2023 earthquakes. At the same time, while technically proficient, the election administration still suffered from a perceived lack of independence and transparency and only partially communicated with the larger public on preliminary results, decisions and meetings. The delegation recommended enhancing transparency of the decision-making at all levels of election administration by providing recordings, opening to the public or streaming meetings of the SEC, publishing decisions and results online on time and allowing for domestic election observers to follow the full electoral process including at SEC, PEB and DEB levels. In addition, the delegation also invited authorities to consider revising the 2018 amendments requesting the status of civil servant for presidency of the BBCs, moving back to a seniority-based appointment system, training all party-appointed members of BBCs, strengthening the independence of the SEC and considering subjecting its rulings to independent judicial review. The delegation believes that reinforcing both the independence and the transparency of the election administration would strengthen public trust in electoral processes.

## 6. VOTER REGISTRATION

51. The right to vote is granted to citizens of Türkiye over 18 years of age on election day residing in a municipality three months prior to the start of the election period, i.e., for these elections, on 1 October 2023. General suffrage comes with some significant restrictions, since persons called to military service, military students, prisoners convicted of intentional crimes regardless of their severity,

<sup>41</sup> The SEC informed the Congress Secretariat on 28 June 2024 that 428 885 women participated in the work of the election administration, which constitutes an important number altogether, but women were not often chairpersons of BBC.

<sup>42</sup> The SEC indicated to the Congress delegation that they had organised specific visits to the earthquake-hit areas to ensure all the preparations were conducted efficiently and that the administration was fully prepared.



persons banned from public office by court, and citizens declared legally incompetent are not entitled to cast their vote (Article 67 of the Constitution).<sup>43</sup> The restrictions imposed on military cadets as well as on convicted prisoners have been questioned, since they are at odds with not only international standards but also European Court of Human Rights case law. In particular, in the case of prisoners punished for less severe crimes, the European Court of Human Rights ruled that the restriction of their right to vote was too broad a decade ago.<sup>44</sup>

52. Türkiye uses a passive system of voter registration, based on the citizens' personal identification number. All eligible voters are included in a central register managed by the Supreme Election Council and based on data from the General Directorate of Population and Citizens Affairs. In the 2024 elections, as provided by law, the SEC sent out a compiled voters list to the relevant DEBs for public display. Citizens had two weeks to review their data at the DEBs or online and to inform the DEBs of potential inaccuracies and request changes. Voter registration was finalised on 7 February. A total of 57 766 800 voters were registered for the 2024 elections. Congress interlocutors were satisfied with voter registration but several regretted that the SEC did not investigate the errors and allegations of fraud.

53. Following the adoption of the 2022 amendments, the date for establishing residency, and thus the right to vote in local and regional elections, was set at 1 October 2023, which is in line with international standards in the case of local elections as noted in the 2022 Venice Commission opinion. Some Congress interlocutors, while welcoming this change, regretted that not enough voter education was done on the cutoff date. This welcomed amendment was adopted to quell last-minute voter migration, i.e., changes of addresses of voters during the last weeks before the election day to municipalities where results are expected to be close.

54. The 2022 amendments also addressed another problem pointed out at earlier elections, namely that people moving from one address to another, but who did not have proof of residence for the new address, were just disenfranchised completely.<sup>45</sup> In the revised law, these voters are not removed from the registers but remain registered at their former addresses. However, as elsewhere in Europe, certain groups face more difficulties to prove residence. Homeless people *de facto* lose their voting rights but also internally displaced persons can end up in a situation where they cannot be registered as voters. In the aftermath of the 2023 earthquakes a special concern emerged that displaced persons could not justify their residence anymore, with their homes destroyed, and could not vote for local elections in cities affected by the quakes. The SEC informed the delegation that if they travelled back to their original place of residence in the earthquake zones, voters would be allowed to cast their votes without re-registering and based on a personal declaration.

55. However, the 2024 elections were not devoid of allegations of voter migration. In particular, the DEM Party submitted 32 objections to the election administration regarding the registrations of 54 060 voters in the east, where many Kurds reside. On election day, they alleged a total of 46 901 voters, primarily soldiers and policemen and overwhelmingly men, were transferred to districts in the Kurdish areas in order to sway the results of the vote. The DEM Party believes that in 10 municipalities these alleged transfers were decisive of the DEM Party not winning the mayorship.<sup>46</sup> A video circulated of a long line of young men confronted by a Kurdish voter asking them repeatedly to prove their residence. Other instances of such gatherings were reported, especially in areas near the Syrian border. An unaccredited group of international electoral observers, invited by the DEM Party to look specifically into these allegations, was surprised to see many young men lining up to vote at these polling stations, where allegations were made about transferred voters.<sup>47</sup> The CHP objected to a military drill being planned in Kars on the eve of the election day, which led to the

43 In total, the SEC informed the Congress secretariat that 144 694 were deprived from this right, including 92 206 cadets and conscripts, 41 041 convicts and 11 447 placed under guardianship, as prescribed by articles 405-406 of the Civil Code.

44 *Soyler v. Turkey* (2013) and *Murat Vural v. Turkey* (2014)

45 . *De facto* deprivation of voting rights for groups of people based on inability to prove residence is contrary to Congress Recommendation 419(2018). The Ministry of Interior indicated that 363 555 voters still had errors on their addresses, whom they notified via SMS. 64 348 of them corrected their information. See <https://www.indyturk.com/node/9606/siyaset/31-martta-ka%C3%A7-suriyeli-oy-kullanacak-ileri-bakanlar-bir-s%C3%BCleyman-soylu-a%C3%A7%C4%B1klad%C4%B1>

46 Information note provided by the DEM Party to the Congress delegation.

47 Election Report (23 April 2024) made by Johan Petter Andresen, Norway, Franziska Stier, Germany and Roseline Kisa, France.

registration of 3 500 members of the security forces.<sup>48</sup> The CHP also objected to 2 792 voter registrations in Mersin, but the PEB corrected only 123 of them, despite strong suspicions that many more were fraudulent.<sup>49</sup> Most Congress interlocutors regretted that the election administration did not proactively investigate nor sanction these instances, but the SEC informed the delegation that registration of new voters was only allowed if valid proofs of residence were submitted.

56. At the same time, an amendment to the Article 5 of the Law on Basic Provisions in 2018 allowed DEBs to assign voters to polling stations other than the one which covers the address of the voter, but still in the same constituency. The official reason for opening this possibility was to protect the secrecy of the vote by splitting up voters from the same household to different polling stations. However, as witnessed in the past, this practice raised once again several concerns regarding the accuracy of the voters list. Furthermore, one interlocutor mentioned that this tool could lead in rural areas to voters being forced to go tens of kilometres away to vote, de facto jeopardising their right to vote.

57. For voters with physical disabilities and impaired mobility, it is possible to be assigned to the polling stations on the ground floor of the premises. It is also possible to vote by mobile ballot box which is brought to the home of the voter. Mobile ballot boxes are also used for detainees not stripped for their voting rights. One interlocutor regretted that mobile ballot boxes were only used in urban municipalities, and not in rural areas. The NGO ESHID submitted a request to the SEC to change its decision to allow only voters in provincial/district centres to register for mobile ballot boxes but to no avail.<sup>50</sup> In total, mobile ballot boxes were organised in 278 places of detention.

58. Overall, the Congress delegation noted with satisfaction that voter registration was conducted in a timely and largely efficient manner. It also welcomed that some improvements were brought to voter registers to limit voter migration. However, the delegation noted with concern that restrictions to the right to vote persisted, including for conscripts and convicts, as well as limitations on eligibility due to the revocation of civil rights, which de facto banned thousands of people from running in elections, predominantly in the southeast; despite their non-compliance with both international standards and European Court of Human Rights' rulings. Furthermore, issues related to the accuracy of voters' lists impacted the integrity of the electoral process and notably due to credible allegations of fraudulent voter migration in the east and voters from the same address being registered in different polling stations. The Congress delegation could only regret that these instances are detrimental to local democracy as the elections do not reflect the will of the electorate in tight races. It recommended removing restrictions on voting rights for military cadets and conscripts as well as other blanket restrictions on suffrage rights and on the right to stand in elections and continuing efforts to further improve the accuracy of voters lists and proactively investigate and sanction fraudulent voter registration.

## 7. CANDIDATE REGISTRATION

59. Generally, all citizens of Türkiye over the age of 18 who are allowed to vote are eligible to run in local and regional elections. However, citizens who have not yet fulfilled their military service, who have been barred from public service or have been convicted for a broad range of crimes (including some minor criminal offences) cannot stand for local political office. Convicts' eligibility can be restored under certain conditions. These restrictions are by international standards discriminatory and incompatible with the principle of a universal suffrage and eligibility.

60. For local elections, candidates can run under the label of an approved political party or alliance or can run as independents. It is for the political parties to present their candidate lists to the DEBs while in the case of metropolitan cities and provinces the lists go to the PEBs. Candidates who would like to run as independents must apply with a petition stating that they are eligible and deposit an amount of money equal to the gross monthly wage of a high rank civil servant. For the 2024 elections,

48 See Gazete Duvar, 19 January 2024, <https://www.gazeteduvar.com.tr/chpli-ciftci-karsta-secimden-1-gun-onceye-tatbikat-planlanmis-istiraz-ettik-haber-1662863>

49 See T24, 2 February 2024, <https://t24.com.tr/haber/meclis-te-gundem-usulsuz-secmen-kayitlari-mersin-de-zeytinyagi-fabrikasina-bile-secmen-kaydi-yapilmis.1149978>

50 AMER – Association for Monitoring Equal Rights (March 2024) Applications made to the Supreme Election Council and the Human Rights and Equality Institution of Turkey.

the deposit amounted to TL 7228, or approximately €205.<sup>51</sup> There is no formal nomination procedure for mukhtar as every literate citizen who have had residency in the village/neighbourhood for at least six months can be elected and they can announce their candidacy very close to election day.

61. There are no gender quotas in the legislation, neither in terms of mandatory candidate quotas nor in terms of reserved seats for women. However, at the party level some voluntary gender quotas were put in place. Especially, the system implemented by the DEM Party is quite ambitious, since it is not a general quota on the group of candidates, but a quota-system targeted on the top positions. When the DEM Party wins a mayoralty, they appoint two persons as co-mayors (to share the leadership) and these two persons must be of different gender. Other parties also have gender quotas: CHP have a 30% women candidate quota in their statutes, and the İYİ Party have applied a 25% quota on candidates. However, since these quotas are voluntary and internal, they are not always met, as was the case in the 2024 local elections.<sup>52</sup>

62. On 2 January 2024, the SEC announced that no less than 36 parties were allowed to run in the elections. However, after dropouts (Innovation Party and Youth Party), the final list included 34 political parties.<sup>53</sup> For comparison, the number of parties running at the previous elections of 2019 was 13. This increase highlighted that the 2024 local elections were highly competitive.<sup>54</sup>

63. The competitive element was also demonstrated by the number of candidates running – no less than 163 233 persons were successfully registered to run to be added to the 100 000s more candidates running for mukhtar. Furthermore, the 2024 local elections showed that local politics in Türkiye are very party politicised. Less than 1% of the candidates for municipal and provincial councillors and mayors ran as independents. A notable exception was Istanbul where 25 independents ran for mayor, which was perceived by the CHP as a move to confuse voters and lead to less votes for their candidate. At the same time, internal party competition was also quite intense, with several experienced politicians vying for metropolitan municipalities in Izmir and Hatay for instance. The CHP had initially planned to organise primary elections to determine the most suited candidates but decided to rely on opinion surveys.<sup>55</sup>

64. Women were vastly under-represented among candidates. For instance, among the candidates for metropolitan mayors only 13% of the candidates were women. There are substantial differences among the parties: while seven of the parties did not nominate a single woman for metropolitan mayor, the AK Party nominated only one woman while the CHP nominated eight female candidates out of 30 (27%).

65. In addition, a source of uncertainty also impacted the candidate registration process, as the third political force at national level was still targeted by dissolution proceedings for links with the PKK, raising doubts on the future of Kurdish-oriented parties. For instance, at the 2024 elections two candidate applications were rejected: the Iğdır PEB rejected the applications of DEM Party co-mayor candidate Mehmet Nuri GÜNEŞ, for being jailed for belonging to the PKK, and Hoşhaber town municipality candidate Emine Yöndem KARTAL, on the grounds of fines due to previous statements. Upon objection of the DEM Party to the PEB, the appeal was accepted, and candidates were allowed

51 Amount established by decision of the ESC of 15 January 2024, available at the following address: <https://www.ysk.gov.tr/doc/karar/dosya/46637428/2024-80.pdf>

52 See for instance Bianet 20 January 2024: Going to the local elections: How many female candidates are there? At <https://bianet.org/yazi/yerel-secimlere-giderken-kac-kadin-aday-var-290822> and Medyascope, 21 March 2024, Gender report cards of parties 10 days before the elections: AKP became the party with the lowest percentage of female candidates at : <https://medyascope.tv/2024/03/21/secimlere-10-gun-kala-partilerin-cinsiyet-karnesi-akp-en-dusuk-oranda-kadin-aday-cikaran-parti-oldu/>

53 Justice and Development Party (AK Party), Good Party (İYİ), Left Party (SOL), Great Unity Party (BBP), Homeland Party (Memleket), Motherland Party (ANAP), Democratic Left Party (DSP), New Welfare Party (Yeniden Refah), Peoples' Equality and Democracy Party (DEM Parti), Communist Party of Türkiye (TKP), Anatolian Unity Party (ABP), Victory Party (Zafer Party), People's Liberation Party (HKP), Communist Movement of Türkiye (TKH), Independent Türkiye Party (BTP), Future Party (Future Party), New Türkiye Party (YTP), Republican People's Party (CHP), Labour Party (EMEP), Free Cause Party (HÜDA PAR), Rights and Freedoms Party (HAK-PAR), January Party (Ocak), Justice Union Party (AB Party), Democrat Party (DP), Power Unity Party (GBP), Nation Party (MİLLET), National Path Party (Milli Yol), Justice Party (AP), Enlightenment Democracy Party (ADP), Nationalist Movement Party (MHP), Türkiye Workers Party (TİP), Democracy and Progress Party (DEVA Party), Felicity Party (SAADET), Homeland Party (VP).

54 Figures are available on the open data source of the SEC at: <https://acikveri.ysk.gov.tr/parti-istatistik/secime-katilan-siyasi-partiler>

55 See for instance, "Timing" was taken into account in the "primary election" model in CHP, 24 November 2023 <https://voaturkce.com/a/cipde-on-secim-modelinde-zamanlama-dikkate-alindi/7354068.html>

to run in İğdir. The DEM Party also put forward the candidacy of Ms Gultan KISANAK, in pre-trial detention since 2016, for the metropolitan municipality of Ankara. While allowed to run as no final conviction had been rendered on her case, she had to lead her campaign from jail and tried to raise awareness about detainees.<sup>56</sup>

66. Congress interlocutors mentioned that fear of repression could make recruitment of candidates more difficult. Not least in the east where the trustee system was used after the last elections this could have created a 'fear of winning the election' because electoral victory could mean exposure to removal and replacement by trustees based on criminal charges.

67. Overall, candidate registration was processed in a timely and mostly open manner, but broad restrictions to the right to run in elections are still in place in Türkiye. The delegation was impressed by the competitiveness of all races, including for mukhtars and aldermen. However, the delegation regretted that the restrictions on eligibility are still conflicting with principles of equal suffrage and eligibility and de facto ban many people from running in elections. In case criminal offences should be a determinant for eligibility, decisions should be taken prior to the election day. The delegation also pointed out that the track record of removing elected mayors after the election and prosecuting former candidates affected potential candidates' decision to run under certain party labels in certain areas of the country.

## 8. ELECTION CAMPAIGN

68. The legal framework for the election campaign is stipulated in the Law on Basic Provisions and in the Law on Elections of Local Administrations and has as objective to ensure fair and equitable conditions between the participants during the campaign. The law distinguishes two periods in which different regulations apply. The first one is the election period which begins 1 January in the year of the election, i.e., three months before election day (Law on Elections of Local Administrations, article 8). On that day, the SEC releases the official calendar for the elections and when some of the more general campaign rules start to apply. However, stricter regulations of campaigning activities are not enforced until the official campaign period, which starts 10 days before election day and runs until 6 pm. on the eve of election day, i.e., 30 March 2024 (Law on Basic Provisions, article 49). Therefore, the official campaign period is relatively short (10 days) and leaves a large part of the actual campaigning activities mostly unregulated as nothing prevents candidates to start their campaigning activities earlier.

69. During the short official campaign, the law explicitly prohibits the misuse of public resources. Candidates and/or parties cannot use public servants for campaign purposes, as well as public vehicles, public buildings etc. According to Congress interlocutors, instances of misuse of public resources were witnessed in large numbers since the beginning of the election period, but even after the beginning of the official period, allegations about misusing personnel and materiel were recorded. Some Congress interlocutors regretted that this culture of using public resources for campaign purposes was not limited to the ruling party, as incumbents also made use of local public resources. However, many interlocutors stressed that even if incumbents could misuse local administrative resources, there was no common ground with the misuse of state resources and official positions by the ruling party, tilting the playing field in favour of the latter.

70. Misuse of official positions, while not entirely banned, remains a source of concern in Turkish elections. While ministers are banned to get involved in the campaign during the official period, the President of the Republic is exempted of electoral silence which means that President ERDOĞAN could campaign freely for the candidates of the AK Party. If the purpose of the general rule is to secure an equal playing field for the different candidates/parties during the campaign, this one exemption of the President of the Republic seems at odds with the intentions. President ERDOĞAN was by far the most visible and active politician in the campaign. He participated in dozens of rallies and campaign activities for AKP candidates in key cities. He also mentioned several times eased cooperation and larger budgets to municipalities run by AKP signalling the potential benefits for these voters to vote for the governing party. The blurring of the lines between the state and the party and between the central and the local levels following was not in line with good international practice. In

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<sup>56</sup> On 16 May 2024, Ms KISANAK was acquitted of "undermining the unity and integrity of the state" but found guilty of "membership in a terrorist organisation" and sentenced to 12 years in jail in the context of the Kobané trials. Due to her time spent on pre-trial detention, she was released.

addition, when the 10 days ban on ministers partaking in campaign activities started, it was not stringently followed.<sup>57</sup> Official websites and communication channels of many ministries, including the Ministry for Urbanisation and Climate Change, were significantly used for campaigning purposes for the ruling party.<sup>58</sup> Many Congress interlocutors regretted that a past practice of appointing three non-partisan civil servants in key ministries months ahead of the election day was not in place any longer. Moreover, the CHP alleged the President's office spent extraordinarily huge sums of money from its discretionary funds during the election period and expressed concern for some funds being used for campaign purposes.<sup>59</sup>

71. The campaign was conducted in a situation where the economy of Türkiye was under stress. The very high level of inflation (62%)<sup>60</sup> was incredibly challenging not only for the state budget but also for many households. Therefore, the national political agenda seems to have been relatively more present during the campaign and security concerns pushed in the background, despite the AKP trying to campaign on these issues.<sup>61</sup> The question of political leadership seems to have been quite dominant – again with a certain national twist. Since the opposition won the two major cities Istanbul and Ankara from the AKP at the 2019 local elections, a lot of attention were on these political battlefields in 2024, not least Istanbul where polls gave unreliable results. Other topics were locally relevant such as the environment, public transportation and waste management. In Hatay specifically, the key topic was the perceived mismanagement of residential buildings and corruption by the municipality that led to the deaths of many citizens during the earthquakes. Mukhtar campaigns remained very local, but Congress interlocutors mentioned that these were often the most lively races.

72. Campaign activities were conducted by the individual parties presenting their candidates and their political programme to the voters. These included putting posters with pictures of candidates on outdoor billboards, driving cars with loudspeakers around the streets broadcasting the message of the party, buying political commercials in the media or being interviewed by the media. Campaigning was also very active on the internet and on social media, including through targeted adds.<sup>62</sup> The political campaign at the local elections also very much followed the rally-style typical of Turkish elections. Supporters were invited to take part in large rallies, often in the thousands, to listen to the candidate of their party engaging the voters. For the ruling party, the President of the Republic participated in many of these rallies. There were no debates between candidates. It is illustrating, that when interlocutors were asked for examples on debates, they all mentioned the same example from the last local elections in 2019 when a debate between the two main contestants for the mayoralty of Istanbul was televised. It remained a unique feature in local politics and was not replicated in the 2024 elections.

73. The dominance of the rally-format campaign activities makes the access of smaller political parties/independents to media coverage even more difficult. Furthermore, the rally-format of campaigning made it somewhat trickier to distinguish political rallies from other gatherings. The 2024 local election calendar coincided with the celebrations of the month of Ramadan and Nowruz. People gathered to celebrate the break of the fast in the evenings, and since these gatherings are often attended by incumbents, candidates, and ministers, it was perceived by many Congress interlocutors to serve as a political rally without formally being one. Interlocutors from the NGOs particularly regretted that many charity activities were also related to the local campaign and stressed the excessive use of associations as supporters of political parties.<sup>63</sup> Also, the Nowruz celebrations,

57 For instance allegedly the day after Minister of Interior Ali Yerlikaya was seen campaigning in Istanbul. See Dokuz Haber, 25 March 2024 at: <https://www.dokuz8haber.net/akpli-murat-kuruma-oy-toplayan-ali-yerlikayadan-secim-guvenligi-aciklamasi>

58 See for instance, the publications on the official website of the Ministry: <https://csb.gov.tr/cevre-sehircilik-ve-iklim-degisikligi-bakani-mehmet-ozhaseki-den-cumhur-ittifaki-vurgusu-bizim-ittifakimiz-yerli-ve-milli-bir-ittifak-bakanlik-faaliyetleri-39999> and <https://csb.gov.tr/bakan-mehmet-ozhaseki-den-muhalefetin-rantsal-donusum-sozlerine-kacis-rampasi-benzetmesi-kamyonlarin-kacis-rampasina-girmeleri-gibi-muhalefetin-ezberledigi-soz-rantsal-donusume-karsiyiz-bakanlik-faaliyetleri-40004>

59 <https://www.duvarenglish.com/erdogan-spends-record-breaking-sums-from-discretionary-fund-on-eve-of-local-elections-news-64050> .

60 See data compiled by the OECD at: <https://data.oecd.org/price/inflation-cpi.htm>.

61 See for instance, Bianet, Erdoğan always talks about a “danger” to his voters, March 2024: <https://bianet.org/yazi/erdogan-secmen-kitlesine-daima-bir-tehlikeden-bahsediyor-292694>

62 As CHP (and other opposition) candidates were routinely excluded from the public media, they relied heavily on Facebook and other social media sponsored ads. In the last 30 days of the campaign, TL 35.6 million TL worth of advertising was spent on political and social issues through Meta. While the two key competitors spent about 3.5 million each, the CHP overall spent 1.7 times more than the AKP on Meta targeted adds. See the analysis of 28 March 2024: <https://daktilo1984.com/yazilar/2024-yerel-secimleri-dijital-reklamlarda-yaris-kizisti/>

63 See for example, Duvar English, 20 March 2024, <https://www.duvarenglish.com/akp-municipality-distributes-unicefs-earthquake-aid-to-voters-ahead-of-local-elections-news-64037>



marking the beginning of the Persian/Zoroastrian new year, were celebrated in many cities of Türkiye with important Kurdish populations potentially giving the opportunity for some parties and in particular the DEM Party, to mobilise voters.

74. When speaking to interlocutors, it was assessed that the 2024 campaign was relatively silent compared to the ones in 2019 and 2023. They found the level of activities and the level of political tensions was lower despite Turkish politics being very polarised and confrontational with an element of aggressive rhetoric. Since instances of hate speech were reported in the 2019 campaign, interlocutors were all asked about this phenomenon, but it was not pointed at as a specific problem to this campaign. Only one interlocutor regretted peaks of hate speech against Kurdish, Armenian and LGBT+ minorities during electoral campaigns. However, the Congress delegation was also informed of the challenges to freedom of peaceful assembly, related to the bans on gatherings predominantly in the east but also related to the Saturday Mother Marches before and after the campaign.<sup>64</sup>

75. Overall, the campaign of the different parties and candidates has been conducted in a highly competitive atmosphere, although with no debates being held between candidates. The Congress delegation noted with satisfaction that the campaign was competitive and freer of restrictions for contestants to interact with voters than in 2019, despite some persisting issues regarding the access to the media. It was perceived to some extent as less centred around security concerns, as well as less confrontational than previous electoral campaigns since the failed coup attempt. It also welcomed the regulations applicable to the official campaign period, but deplored that, since the official campaign period is limited to the 10 last days, most of the campaign remained unregulated, which did not allow for an even level playing field. In parallel, the delegation noted that the campaign was also marred by numerous allegations of misuse of State resources and official positions which gave an unjustified advantage to the ruling party candidates. It was perceived as a national contest in which the President was the most active protagonist and was not bound to electoral silence. This situation contributed to excessively focussing the campaign on national politics and to blurring the line between the State and the ruling party. Therefore, the delegation recommended considering to extend the official campaign period to cover more than 10 days in order to establish fair and equal rules for all contestants; to step-up provisions and investigations on cases of misuse of administrative resources and official positions during the pre-election period and clarify the involvement of the President of the Republic in local elections; and to consider the re-establishment of the practice to nominate technical ministers bound to impartiality to key ministries in charge of elections to reinforce trust in the impartiality of the process.

## **9. CAMPAIGN AND POLITICAL PARTY FINANCE**

76. The legislation addressing campaign financing is very limited, but some regulations are included in the Law on Political Parties and Law on Basic Provisions. One Congress interlocutor called it “the least transparent part of the process” and regretted that there was no way for citizens to learn or detect irregularities. Civil servants are prohibited from making donations to political parties or to individual candidates during the election period, just as donations from any form of government agencies and from foreign sources, including foreign citizens residing in Türkiye, are not allowed (Article 66, Law on Political Parties). Campaigns are financed by three different sources: political parties, individual supporters, and the candidates themselves. Political parties are entitled to annual public funding based on the number of votes they received at the last parliamentary elections. The parties also receive funding for campaigning but only for parliamentary elections and not local elections. This funding applies only to political parties which received at least three percent of the votes at the previous parliamentary elections excluding small and new parties, as well as independents from this sort of funding. Political parties can also use their general resources from membership fees and donations to fund campaigns. Individual citizens can donate money to the political parties. A cap for donations to political parties have been set to TRL 44 000 annually. Candidates themselves can finance their own campaign, which was the most commonly used strategy for funding mukhtar campaigns.

77. There are no upper limits on campaign spending in local elections. Candidates are not required to file declarations of interest to register, nor are they required to file final reports on expenses.

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<sup>64</sup> See for instance, the report by the Human Rights Association, Van Branch, at: <https://ihdvan.org/2024/06/10/gosteri-toplantive-yuryuyus-yasaklarinin-tespitine-ve-bu-surecte-yasanan-hak-ihlallerine-iliskin-rapor/>

Political parties must declare their campaign funds and expenses in their general annual financial reports to be filed in June of the following year. These do not include income/expenses specifically incurred by the candidates themselves or by third parties. Most campaign finance declarations are not made public and there is no independent audit of party accounts, as recommended by the Council of Europe's GRECO.<sup>65</sup> Donations in kind and below a certain threshold (TL 5 million, i.e., €150,000, article 70, Political Parties Act) are exempt from reporting obligations. The Constitutional Court verifies the annual reports of political parties, but these are not made public. Penalties remain fairly low and mainly consist of the confiscation of funds from prohibited sources. Overall, the GRECO has recommended to further regulate transparency in the financing of parliamentary, presidential and local election campaigns of political parties and candidates, as well as to require political parties and election candidates to regularly disclose all individual donations (including of a non-monetary nature). They also invited the authorities to monitor more proactively the irregularities.

78. Many interlocutors pointed out the lack of oversight and transparency on campaign finance, not least regarding the declarations and audits not being made public. In a welcomed change, campaign finance was a matter of interest during the campaign, as concern was raised in several races about the personal assets and commercial interests of mayoral candidates. This trend led to a call for voluntary disclosure of the candidates' declaration of interests. This led prominent candidates in Ankara and Istanbul to disclose their commercial interests on social media – some more reluctantly than others.

79. Overall, the Congress delegation refers to the Council of Europe's GRECO recommendations – most of which continues to remain unaddressed, on political party finance.<sup>66</sup> Despite the citizens' increasing demands for transparency, party and campaign finance remained underregulated therefore challenging the principle of equitable campaigning conditions for all contestants. Therefore, the Congress delegation recommended urgently introducing stronger regulations on party and campaign financing, e.g., through setting a campaign expenditure ceiling, and an effective oversight mechanism to ensure transparency, integrity and accountability, as recommended by the GRECO.

## 10. MEDIA

80. Article 28 of the Constitution of Türkiye provides for the right to freedom of expression and stipulates that the press should not be censored. However, this general principle is significantly undermined by several important exceptions effectively restricting the freedom of expression, on the grounds of public order and safety, membership to an armed organisation and cases of defamation of public officials, denigration of the nation of Türkiye, or insults to the President of the Republic.<sup>67</sup> These provisions have been used extensively against journalists critical of the government, including in the pre-election period.<sup>68</sup> According to data collected by the BIA Media Observation Report covering the first quarter of 2024, 195 journalists stood trial in three months and 10 were detained including reporters from local media covering local politics and 187 URLs were censored.<sup>69</sup>

81. The overall state of the media in Türkiye, including during election periods, has therefore been a source of concern for most non-governmental Congress interlocutors, and in particular since the failed coup of 2016 and ensuing restrictions on media freedoms. As of 1 June 2024, the Council of Europe established that 20 journalists were in detention<sup>70</sup> and Reporters Without Borders ranks Türkiye as low as 158 out of 180 countries in their 2024 index.<sup>71</sup>

65 GRECO, Second Addendum to the Second Compliance Report on Türkiye (2021), <https://rm.coe.int/third-evaluation-round-second-addendum-to-the-second-compliance-report/1680a1cac1>.

66 *Ibid.*

67 Criminal Code art, 125, 301, 299

68 In his 2017 report on Türkiye, the Commissioner for Human rights of the Council of Europe noted that Türkiye regularly violated article 10 of the European Convention on Human Rights, on freedom of expression, and that 258 out of 619 judgements from the Court of Human Rights related to this article concern Türkiye. In the 2024 report, the Commissioner noted that five journalists had been arrested in February 2024 and continued to regret the use of pre-trial detention, resulting in punishment without conviction.

69 See Bianet Bia Media Monitoring report (Jan-March 2024) available at: <https://bianet.org/haber/the-era-of-judicial-control-confinement-and-torture-in-journalism-294876>

70 See Council of Europe Platform for the safety of journalists at: <https://fom.coe.int/en/pays/detail/11709592>

71 See Reporters Without Borders Country Page, at <https://rsf.org/en/country-t%C3%BCrkiye>

82. In a 2024 report of the Council of Europe's Commissioner for Human Rights, Türkiye is deemed to be particularly "unsafe" for journalists, because of the regular threats, state violence and constant harassment they were victims of.<sup>72</sup> Congress interlocutors mentioned that working conditions of journalists are particularly difficult, as publicised stories could be assessed by the authorities as insulting the state or the President and could lead not only to a ban of the stories written but also to a jail sentence. Interlocutors were describing that the defamation laws create an atmosphere of fear leading to extensive self-censorship on political matters including in local media and during the campaign for the local elections. The failed coup of 2016 and the subsequent strengthening of anti-terrorism legislation has also worsened the situation since the concept of terrorist propaganda has been interpreted very broadly according to Congress interlocutors as well as the Council of Europe's Commissioner for Human Rights and the Venice Commission.<sup>73</sup>

83. Despite some facade diversity, the media landscape of Türkiye is increasingly dominated by government influence, with an alarming 90% of the national media now directly controlled by the government or its allies.<sup>74</sup> The major outlet is TRT (Turkish Radio and Television Corporation) which is the public radio and television channels, but many private outlets owned by media groups and newspapers and websites are also perceived as politically biased. Independent online media struggles within a fragile and fragmented environment, compared to the highly centralised and well-funded government-aligned platforms.<sup>75</sup> The media landscape is thus very polarised, with a clear majority of TV and press outlets supporting the government and only a minority presenting opposition viewpoints.

84. A special case of censorship relates to the Internet and social media since the Government has extensive powers to remove online content and block websites, strengthened by the 2022 amendments to the Turkish Penal Code introducing a provision on "false or misleading information". In addition, on some occasions, the authorities intendedly slowed down the internet network, as noted in the report of the Commissioner for Human Rights.<sup>76</sup> This occurred for instance during the 2023 earthquakes to allegedly avoid fake news sharing, even if it was in fact perceived as a way to censor free expression on the internet.<sup>77</sup> The 2022 amendments have been criticised by several Council of Europe bodies as having a potential chilling effect on freedom of expression and being incompatible with human rights standards (Article 10 of the ECHR). The authorities argued that blocking of websites is done to combat disinformation and hinder false information to affect national security and public order. However, the lack of legal definition of these concepts leaves room for arbitrary and disproportionate use, and not least during electoral campaigns.<sup>78</sup> In February 2024, just before the local elections, the Constitutional Court ruled that access bans on 500 web pages violated fundamental rights (a case raised by the news outlet Diken almost a decade before), but in the ruling they also left its implementation until 10 October 2024, thereby missing the chance to hinder similar banning decisions before the local elections.<sup>79</sup>

85. During election campaigns, the media (both public and private) are obliged by law to produce impartial campaign coverage and not least to make sure that eligible contestants are provided with opportunities to present their political programmes during the short official campaign period (Article 53

72 Commission for Human Rights, Country memorandum, March 2024, available at: <https://rm.coe.int/memorandum-on-freedom-of-expression-and-of-the-media-human-rights-defe/1680aebf3d>

73 In addition to the 2020 Venice Commission Opinion and the Commissioner for Human Rights 2024 Country Memorandum, several references have been made to this issue in previous work of Council of Europe bodies as for instance the Country report following the Commissioner's visit to Türkiye released in 2020 or the Opinion on the compatibility with international human rights standards of Law no. 7262 on the Prevention of Financing of the Proliferation of Weapons of Mass Destruction recently passed by Turkey's National Assembly, amending, inter alia, the Law on Associations (No. 2860), adopted by the Venice Commission at its 127th Plenary Session available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)023cor-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)023cor-e). See also *Atilla Taş v. Turkey*, 19 January 2021

74 See Reporters Without Borders Country Page, *Ibid*.

75 See International Press Institute, IPI Turkey Digital Media Report: 'The New Mainstream Media' is Rising, 2021 <https://ipi.media/turkey-report-launch-the-new-mainstream-media-is-rising-and-it-seeks-support/>

76 Commission for Human Rights, Country memorandum, March 2024

77 *Ibid*.

78 See CDL-AD(2022)034-e Türkiye - Urgent joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the draft amendments to the Penal Code regarding the provision on "false or misleading information", issued pursuant to article 14a of the Venice Commission's Rule of Procedure, endorsed by the Venice Commission at its 132nd Plenary Session, (Venice, 21-22 October 2022) at [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2022\)034-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2022)034-e)

79 See Duvar English, Turkey's Constitutional Court rules access bans on 500 web pages violate rights, February 2024, <https://www.duvarenglish.com/turkeys-constitutional-court-rules-access-bans-on-500-web-pages-violate-rights-news-63793>



of the Law on Basic Provisions). The public TRT is required to provide free airtime to each of the political parties participating in the elections. The candidates also have the right to purchase airtime for political advertisements under equal terms.

86. Despite these legal requirements, according to Congress interlocutors from the opposition parties and the media, the media outlets have failed to establish an equal playing field for the different political parties and their candidates in the campaign period before the 31 March elections. In pro-government media the coverage of opposition candidates has, according to interlocutors, been virtually non-existing and even the possibility to buy airtime for advertisements has been skewed in favour of the ruling party. Consequently, the opposition was systematically denied the airtime in mass media that they are legally entitled to. The Congress delegation was also informed that the coverage had also been heavily biased, with more criticism of the opposition in the pro-government media and *vice versa*. The distinction between campaign coverage and televising speeches of candidates – particularly the President’s speeches at AKP-rallies – were deliberately blurred in pro-government media. This means that the government party *in realia* have been allotted more airtime than the opposition. The opposition alleged to the Congress delegation that incumbents Ekrem İMAMOĞLU in Istanbul and Mansur YAVAS in Ankara were not granted any time on public TV.

87. The oversight of broadcast media during election campaigns falls within the remit of the Radio and Television Supreme Council (RTÜK). At the beginning of the pre-election period, the SEC released a statement on the rules on impartiality applicable to the electoral period. RTÜK is a public agency, and its board is made up of nine members appointed proportionally by the parties of the parliament. In general, RTÜK have the responsibility of securing freedom of expression and information, diversity of opinion and media pluralism. However, as observed by the Congress in 2019 and by international observers in 2023, RTÜK failed to address allegations of impartiality in media coverage. As they did not publish data on media coverage of the different parties/candidates, information on the actual imbalance was not provided. The Congress delegation noted with concern the many allegations against the public agency tasked with ensuring media neutrality and equal coverage and did not adhere to the opinion expressed by RTÜK that they could not infringe on the editorial freedom of public broadcasters, as it is the duty of the institution to guarantee impartiality.<sup>80</sup>

88. The lack of RTÜK reporting on airtime did not prevent allegations of impartiality to be voiced against TRT, which allocated close to no time to main opposition CHP’s candidates in the mayoral races in the three largest cities of Türkiye. According to CHP figures, giving a two-day period in February as example, CHP candidates got zero-airtime compared to AKP-candidates 73 minutes.<sup>81</sup> The same applied to the DEM Party and the YRP, which were both covered in a negative lens on government-affiliated media. Conversely, RTÜK imposed severe fines on several TV outlets, such as NOW TV (formerly FOX) and HalkTV, for airing critical content questioning the fairness of the electoral process and discussing allegations of ballot irregularities.<sup>82</sup>

89. Finally, due to the difficulty to access mainstream media, many candidates and voters alike have turned to the social media rather than local media to share political information and notably, Tiktok, Twitter and Facebook. Indeed, as one media interlocutor mentioned, local media remains under high pressure to be economically viable and often practices self-censorship or aligns with business interests. At the same time, several interlocutors stressed out the risks associated with getting information on social media, as it is more prone to untruthful reporting and investigations for sharing information and insulting the president also target individual users online.

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80 The Commissioner for Human Rights and her predecessors have also expressed their concerns about the vigorous application, by RTÜK, of the Law on the Establishment of Radio and Television Enterprises and their Media Services, which provides the RTÜK with a great degree of latitude in interpreting relevant principles and monitoring their respect by broadcasters. They pointed to several judgments of the Court which held that an administrative sanction imposed by the RTÜK had been arbitrary and violated procedural guarantees necessary for the respect of Article 10 ECHR. Unfortunately, the use of fines by RTÜK continued to be an important tool in stifling critical reporting. See Commission for Human Rights, Country memorandum, March 2024

81 As the RTÜK does not compile airtime data, the delegation could only rely on figures advanced by the opposition, which showed a clear bias in the coverage of opposition candidates (CHP, DEM Party and YRP) in public media. See for instance, <https://www.duvarenglish.com/turkish-state-run-broadcaster-trt-haber-gives-chps-mayoral-candidates-mere-0-minutes-of-coverage-on-feb-12-13-news-63914>

82 See for instance the report of the Reuters institute: <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2024/turkey>

90. Overall, the Congress delegation noted with high concern the deteriorated situation of the freedom of expression and of the media in Türkiye, which created a climate of intimidation, repression and pervasive self-censorship to avoid criminal proceedings and did not provide the citizens with unbiased and balanced information. At the same time, it deplored that the rules ensuring impartiality of media coverage were routinely disregarded, including by public agencies in charge of their oversight. The Congress delegation stressed that the freedom of voters to form their opinion is equally important than election day procedures and recommended taking resolute steps to enhance the overall situation of the media and to establish an effective media monitoring system to ensure impartial media coverage, in particular of public broadcasters, and revising impediments to the freedom of expression of journalists in particular related to the excessive resort to prosecutions and detentions on grounds of anti-terrorism, misleading information or defamation.

## 11. PARTICIPATION OF WOMEN IN ELECTIONS

91. Women are not well represented in local politics in Türkiye, since only 15.7% of all candidates for mayors and provincial and municipal councillors were women, with some parties presenting close to no women for mayoral positions. Following the 2019 elections, only 3 % of mayors, 11% of municipal councillors and just over 2% of mukhtars were women.<sup>83</sup> At the 2024 elections, 14.7% of all elected positions were won by women, including five metropolitan mayors in Diyarbakir, Eskişehir, Tekirdağ, Gaziantep and Aydin, six mayors of provincial capitals and 64 district mayors.<sup>84</sup> While representing a limited increase, it still constituted an improvement in comparison to past elections.

92. In national politics, only one woman is part of the government (Ms Mahinur ÖZDEMİR GÖKTAŞ, Minister of Family and Social Services) and 19.9% of MPs are women which means that Türkiye ranks 117 out of 184 countries on the most recent ranking of women in parliament.<sup>85</sup> Congress interlocutors pointed out that traditional gender roles in Turkish society continued to favour men in the political recruitment process. It should also be noted that in 2021 Türkiye withdrew itself from the Istanbul Convention (Council of Europe Convention on preventing and combating violence against women and domestic violence) a convention it was the first country to sign 10 years prior.

93. There are no legal candidate gender quotas or reserved seats legislation in Türkiye. However, some of the political parties have voluntarily introduced internal party quotas for women – the most ambitious being the DEM Party who, as described in section 7, have decided to have co-mayors in municipalities they win and that these should be two persons of each of the two genders.

94. The Congress delegation noted with satisfaction that some political parties strived to get more women to take part in local politics including in leadership positions, which was reflected in the small but noteworthy increase in women in decision-making positions. However, by leaving this responsibility to political actors, the improvements of women's participation in local politics seems to be very slow. The delegation was disappointed that only few interlocutors expressed their concern about the under-representation of women in local politics in Türkiye and to see that women and youth remain underrepresented in decision-making positions at local and regional levels and women were also underrepresented at all levels of the election administration. It recommended introducing measures, such as a 30% gender quota, to strengthen the participation of women in decision-making positions in local politics and as members of election administration and considering incentives to support the participation of youth.

## 12. COMPLAINTS AND APPEALS

95. The procedure for complaints and appeals is prescribed for in the Law on Basic Provisions (Articles 110-118). The hierarchical four-level structure of the electoral administration comes into play when complaints and appeals are considered. Apart for some decisions made by the PEBs and DEBs on formation of districts and voter registration, decisions of lower-level bodies can be appealed

83 See UN Women, Leadership and Political Participation in Türkiye, <https://eca.unwomen.org/en/where-we-are/turkey/leadership-and-political-participation>.

84 Data available on the Open Data Portal of the Supreme Election Council, <https://acikveri.ysk.gov.tr/aday-istatistik/secilen-parti-cinsiyet> No data was available for the 2 June repeat elections. See also figures reported by NGO KA.DER at <https://ka-der.org.tr/31-mart-2024-mahalli-idareler-secimleri-sonucunda-secilen-kadin-adaylar/>

85 See data of the Inter-Parliamentary Union ([https://data.ipu.org/women-ranking/?date\\_year=2024&date\\_month=04](https://data.ipu.org/women-ranking/?date_year=2024&date_month=04)).

upwards in the hierarchy, ultimately to the SEC. All decisions about complaint taken at the DEBs, PEBs and the SEC are taken after a simple majority vote within the respective board.

96. Congress interlocutors mentioned the submission of several complaints related to the right to vote, voter registration and election observation ahead of election day to the SEC (or lower levels of the election administration) which were mainly discarded without motivation. In particular, the delegation was informed about an unsuccessful complaint from local NGO ESHID against the decision of the SEC to limit voting by mobile ballot boxes to provincial and district capitals, which created a situation of inequality among voters. An application was also submitted on the voting process being conducted in Turkish language only. Several NGOs submitted demands to register independent observers as part of their organisation, which were refused due to the law not providing for domestic election observation. The SEC mentioned to the Congress delegation that it also received complaints on electoral propaganda, on the organisation of rallies and on political banners, but indicated that it had received significantly less appeals for the 2024 elections, than in 2019 and 2023.

97. Individual voters and members of the election administration, as well as candidates and political parties (including their proxies) can file complaints about the voting procedures. However, the right to file complaints is not given to local civil society organisations or to domestic observers following the elections. The timelines for submitting complaints are short – in most cases two days – which also apply to decisions to be made. Complaints against the work of BBCs can be submitted immediately to the DECs up until the signature of the protocol establishing the results. Objections on the election results can be made verbally during the public counting on election day or to the DEBs until 15:00 two days after the election, namely on 2 April 2024.

98. The SEC is the final instance and decisions made by the SEC cannot be appealed further (Article 111 of the Law on Basic Provisions). Since the SEC is an administrative body, this is at odds with international electoral good practice according to which electoral disputes should be open to independent judicial review. The SEC informed the Congress that as all SEC members are judges, they considered the need for a separate judicial review unjustified. The SEC is granted 15 days to decide on appeals on election results and three months to review all objections.

99. Over 450 objections were raised to the election administration, including at DEB and PEB levels.<sup>86</sup> 81 objections were submitted in the days following the election day to the SEC who adjudicated on these complaints before the deadline of 15 April. These appeals were submitted by eight different parties (AKP-18, CHP-24, DEM-12, MHP-9, YRP-9, BBP-4, IYI-1 and VP-1).<sup>87</sup> Of these, three were accepted while the remaining 78 were rejected. One of the objections ruled for and accepted was submitted by the AKP, as well as one from CHP and MHP while the two others were raised by the DEM Party.<sup>88</sup> The case of the mayor of the Metropolitan municipality of Van will be further developed below.

100. In a welcome development since 2019, the complaints and appeals process seemed to work in a more timely and impartial manner. However, the delegation was informed by other interlocutors of the lack of transparency of the overall election dispute resolution process. The SEC only informed the public on metropolitan and district decisions, and not much on municipal or provincial council elections. The decisions were mostly taken at closed-door meetings, and they were not systematically published, nor justified. Since the lodging of complaints is also done at the local level, there was no centralised database, therefore limiting oversight and independent review of the complaints or the process. Thus, many Congress interlocutors expressed limited trust in the election dispute mechanism and perceived it as partial.

101. The Congress delegation noted with concern the limited transparency of the complaints and appeals mechanism and that the resolution of election disputes remained held behind closed doors and continued to be perceived as politically biased and is not subject to final independent judicial review. The Congress delegation called for more systematic communication on decisions of the election administration. In line with its 2019 Recommendation, it recommended considering steps to

<sup>86</sup> Data provided by the SEC to the Congress secretariat on 28 June 2024.

<sup>87</sup> See Duvar English, 11 April 2024, at <https://www.duvarenglish.com/turkeys-supreme-election-council-receives-81-objections-regarding-local-elections-news-64167>

<sup>88</sup> Ibid.

increase independence and impartiality of the SEC and strengthening effective judicial remedy and the transparency and legal integrity of the election dispute mechanism, including by subjecting SEC's decisions to a final review by an independent judicial body.<sup>89</sup>

### 13. ELECTION DAY<sup>90</sup>

102. On 31 March 2024, eleven Congress teams were deployed across Türkiye and visited 140 randomly selected polling stations in urban as well as rural areas around the country (Ankara, Istanbul, Antalya, Adana/Mersin, Izmir, Diyarbakir, Erzurum, Konya, Gaziantep and Kahramanmaraş). The teams observed the opening, voting, as well as the counting procedure. The voting began at 8:00 and ended at 17:00 in the 49 western provinces while it lasted from 7:00 to 16:00 in the remaining 32 provinces in the eastern part of the country. Compared to the overall number of BBCs in Türkiye, the following findings cannot hope to give a full picture of the conduct of electoral procedures, but reflect some qualitative conclusions based on field observations. Furthermore, Congress teams were not deployed in the eastern provinces, for security reasons and, mostly stayed in urban areas, which could also affect the findings below.

103. The Congress was the only international election observation organisation observing the local elections and did not encounter hurdles to access polling stations, to the exception of one polling station where a Congress team had to refer to the SEC for being let in. The Congress delegation was overwhelmingly welcomed and smooth cooperation with the BBC staff was provided throughout the day, which was welcomed in comparison to 2019. Full access was granted to every part of the voting procedures, but accreditations and QR codes were only randomly checked. Security measures were taken with the presence of police in the facilities but not inside polling stations, but reports of armed vehicles and stronger presence emerged from southeast Türkiye. Surroundings of polling stations were mostly free of election materials, but the Congress delegation observed in several instances the active campaigning of mukhtar candidates inside facilities or right outside of the buildings. Throughout the day, it was also observed that men continue to outnumber women as BBC chairpersons, but women were represented in most BBCs observed and sometimes also as chairpersons. The delegation also visited the presence of party representatives in most polling stations observed, but their numbers sharply increased during counting procedures. In Istanbul, for instance, both the AKP and CHP had volunteers deployed in nearly all polling stations, which were supported by teams of lawyers.

104. Overall, opening procedures were assessed mostly positively by Congress observers, to the exception of two teams where procedures were marked by some disorganisation. The procedures were clear, and materials were provided in large enough numbers, to the exception of mukhtar ballot papers, which were provided on the spot by candidates or proxies, throughout the day, which did not contribute to a clear electoral procedure. No substantial delays affected the opening of polling stations visited.

105. Voting procedures were also assessed positively by Congress teams deployed. The election day was a busy day at the polling stations, with the voters of Türkiye showing up in great numbers to cast their vote in the local elections. While administrating such a huge electoral event was acknowledged as a difficult task by observers, the delegation considered that the voting procedures were conducted overwhelmingly in a calm and orderly manner. In some polling stations, some overcrowding and long queues were noted during peak hours in the day, but BBC members seemed well-trained and competent, with at least some members having previous experience and supporting newcomers. Queues were particularly long on the ground floors of premises, where voters with disabilities were assigned.

106. Voting unfolded in a smooth manner at most polling stations observed. However, Congress observers noted that one thing which was not taken fully into consideration was the length of the ballot papers due to the relatively many political actors running at these 2024 elections, in particular in

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<sup>89</sup> Post-electoral developments and appeals are assessed in Section 14.

<sup>90</sup> Congress delegation members assess the conduct of elections based on a standardised election day questionnaire, which is filled out for every observation by Congress teams. The questionnaire covers all areas and aspects of the election day from the conduct of opening, voting, counting and closing procedures and include questions on the persons present in the polling station, the atmosphere outside and inside the polling station, election material, transparency, potential irregularities, official complaints and a general assessment.

Istanbul. For many voters it was difficult to fit their ballots into the standard envelope and to close it afterwards. Therefore, Congress observers noted that some envelopes were not properly closed which could have resulted in breaches of the secrecy of the vote.

107. The Congress observers noted some uneven application of the rules on the use of mobile phones in polling stations. A sign indicating a ban on talking on the phone or filming was posted at the polling booths. However, in some polling stations, voters were asked to leave their phone with a BBC member or on a table, only to pick it up after voting. While this measure was taken to prevent attempts of carousel voting, it was not applied homogeneously in all polling stations visited. A few teams also observed instances of mobile phones being used at the station.

108. Law enforcement officers were allowed to be present inside the buildings, but not within the polling stations unless called upon by voters or BBC members, which is not in line with European standards.<sup>91</sup> Congress observers noted the presence of law enforcement officers throughout the election day but did not observe a case of police inside the polling station. Other domestic and international observers in the east recorded such instances as well as security forces voting in large numbers sometimes wearing their uniforms. On the other hand, Congress observers noted the sometimes intimidating and numerous presences of security forces in the close vicinity of polling stations. While the Congress observers acknowledged the need to ensure security throughout the process, an overwhelming presence could be perceived by voters in some areas, including earthquake and eastern provinces, as somehow intimidating.

109. The Congress observers welcomed the fact that voters with mobility impairments or elderly voters could request to vote in polling stations located on the ground floor of the premises, often equipped with access ramps for wheelchairs. The SEC also informed the delegation that instructions on these voters not queuing in line were distributed to the BBCs. Some voters were also allowed by law enforcement to come by car up until the entrance of the buildings.<sup>92</sup> However, queues were often much longer in these polling stations and not all voters with mobility impairments were voting in these polling stations. Furthermore, some buildings were not fully accessible. Congress observers assessed that accessibility was not provided in some premises and for voters registered in first or second floors. Assisted voting also raised some questions among Congress observers, as some BBC seemed to record the names of assistant in logbooks, while others refused access. A more consistent application of the rule should be envisaged for future BBC members. The Congress observers only observed very limited instances of family voting, which were handled smoothly by BBC members.

110. A matter of concern for Congress observers was the number of people allowed inside the premises of polling stations. In some municipalities, including in one earthquake-stricken area, the number of voters registered in one building (several polling station) was quite high. In addition to voters, law enforcement officers and polling station officials, several other people with more unclear status were often found inside the buildings such as lawyers from different parties and most importantly, many candidates or representatives of mukhtar candidates. Such situation, of campaigning up until the election day very close to polling booths, was not conducive to an environment free of intimidation and sometimes impeded the procedures. In particular, it must be noted that, while counting is public, Congress teams noted in several areas that representatives of political parties, lawyers and mukhtar candidates themselves interfered with the procedures (for instance, getting the mukhtar ballots counted first, in clear contradiction with the procedures) and sometimes even intimidated the BBC staff.

111. In addition, while counting procedures were assessed as mostly smooth, Congress observers sensed increase tensions, compared to the rest of the election day, in several polling stations. In particular, the animosity between BBC members of different parties, party/candidate proxies and lawyers created situations where BBC members did not know clearly what the official procedure was. In Istanbul, Congress teams were informed that the 2019 re-run of metropolitan mayor elections had

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<sup>91</sup> "Every electoral law must provide for intervention by the security forces in the event of trouble. In such an event, the presiding officer of the polling station (or his or her representative) must have sole authority to call in the police. It is important to avoid extending this right to all members of the polling station commission, as what is needed in such circumstances is an on-the-spot decision that is not open to discussion." Code of Good Practice in Electoral Matters, p30.

<sup>92</sup> The SEC mentioned to the Congress that traditionally mukhtar and candidates transport voters or provide logistical support to help elderly and disabled voters to come to the polling station. While the Congress observers could not observe this practice specifically, concerns were raised on this practice, which does not fully respect the secrecy of the vote.

acted as a trauma for many BBC members, which could have been a reason of increased tensions when difficulties were encountered in the process of certifying the results.

112. Counting procedures were assessed as quite time-consuming but transparent and open to the public. BBC chairpersons showed the ballot to the room and the vote was recorded by two other members of the BBC. Invalid ballots were assessed collectively (blank or with more than one stamp), with representatives of different parties present in the room. Counting coincided with the break of the Ramadan fasting hours, but BBC members were provided with food and specific instructions were shared by the SEC. Therefore, the counting proceeded without breaks in most polling stations visited but procedures seemed understandably a bit rushed in some instances. Overall, the Congress observers believed that additional training on counting procedures would be useful for future elections.

113. As noted above, the Congress observers expressed concern over the fact that different procedures cohabited on the election day with the organisation of the elections of mukhtars and aldermen alongside those of mayors and councillors. The fact that mukhtar and aldermen candidates brought their own ballots and tried to convince voters all the way to the polling stations created some confusion and a more tensed atmosphere in some premises. It also questioned some of the more general principles around the conduct of the elections, as campaigning was observed in corridors and buildings leading to the polling stations and candidates could freely enter the polling station to verify that ballot papers were still available. The observers also noted inconsistencies on where these ballots should be placed (outside or inside the booth, handed to voters upon entry), which did not ensure the full secrecy of the vote in some cases. During the counting of the votes, teams regretted some disorganisation on these ballot papers, since some voters had put more than one ballot into their envelope – either for different candidates or several for the same candidate – or had stamped the ballot paper. Questions were therefore raised as to the possible invalidity of these ballot papers, which were not always handled in a consistent manner.

114. The Congress teams learned with regret that a fight related to the mukhtar election broke out in a district of Diyarbakir and caused the death of a BBC member on election day and 12 people were allegedly injured including a journalist.<sup>93</sup> Other cases of election day violence were also reported by the media and NGOs and were mostly related to the mukhtar elections.<sup>94</sup>

115. On election day, while the Congress observers were thankful to the SEC for receiving accreditation and ensuring unimpeded access, domestic observers could not be deployed by NGOs. The Congress was informed that at least two NGOs active in the field of elections were refused accreditation as an “independent election monitoring mission” as the Law on Basic Provisions only foresee observation by political parties. Some of them, bound by the neutrality requirement of election observation, decided to refuse to be registered as party proxies and were therefore often refused access by law enforcement officers throughout the election day<sup>95</sup>. Lawyers were present in many voting premises on election day, but their presence remained also unregulated.

116. Non-accredited observers also reported instances of mass voting, burning ballots, taking photographs of the ballot box while voting, and double voting based on their observation and media reports.<sup>96</sup> Instances of police officers voting in large numbers and electoral violence were also alleged, predominantly in the east.<sup>97</sup>

117. The Congress delegation acknowledged the complexity of the task of administering such a large electoral event, one of the largest in Council of Europe member States, and commanded the

93 See Medyascope, 31 March 2024, <https://medyascope.tv/2024/03/31/diyarbakirda-muhtarlik-seciminde-silahli-kavga-bir-olu-11-yarali/>

94 Several incidents have been reported in the last two weeks of the pre-election period and in the days following the election day, as is usually the case in Türkiye for mukhtar elections. According to TRT Haber, between 17 March and 31 March, six people lost their lives for issues related to the elections of mukhtars. <https://www.trthaber.com/haber/turkiye/muhtarlik-kavgalarinda-6-kisi-hayatini-kaybetti-62-kisi-yaralandi-848248.html>

95 See for instance, IHD report, which mentions that the responsibility for allowing observers to enter should lie with BBC teams and not law enforcement.

96 Ibid.

97 See the report of HUMAN RIGHTS ASSOCIATION on the 31 March 2024 elections available at:

<https://www.ihd.org.tr/secim-ihlalleri-gozlem-raporu/> and Duvar English, 31 March 2024 at:

<https://www.duvarenglish.com/soldiers-police-officers-vote-in-uniform-in-turkeys-eastern-provinces-despite-election-law-news-64105>



overall technical proficiency of the administration at all levels, even if some inconsistencies were observed. The election day was calm and well-organised and the election administration, headed by the Supreme Election Council (SEC), was well trained and worked in a timely and efficient manner, including in areas hit by the 2023 earthquakes. At the same time, the Congress delegation witnessed with concern some inconsistencies and in particular, the lack of regulations and confusion regarding the organisation of mukhtar elections, the presence of candidates near polling stations which, in some instances, climaxed into physical confrontations, the substantial presence of security forces which could be perceived as intimidating in certain cases, the instances of overcrowding and the rushed counting procedures. The delegation recommended improving the electoral framework applicable to the mukhtar elections, and in particular to regulate the presence of candidates in the surroundings of a polling station, as a means to diminish election day violence. Additional efforts should also be brought to enhance the accessibility of polling stations, to deploy mobile ballot boxes regardless of the voters' place of residence and to further clarify and train polling station officials on assisted voting procedures. If the security situation allows it, the Congress delegation would invite the authorities to consider limiting police presence in and around polling stations and granting the right to invite law enforcement bodies to BBC chairpersons only.

#### 14. TURN-OUT, RESULTS AND POST-ELECTION DAY DEVELOPMENTS

118. For the 2024 elections, turnout amounted to 78.6% of the registered voters (approximately and although it constituted lower rate than in 2019 and 2023, when respectively 84% and 87% of voters cast their votes, this remains a very high turnout rate by international standards. The official results of the elections were published by the SEC on 6 May 2024, but a press conference was held on 1 April to announce preliminary findings on the election day operations.<sup>98</sup> Minutes of the results were only available to the public online on 6 May 2024.

119. The clear trend of the 2024 elections was the victory of the opposition party CHP in a large number of municipalities and the consolidation of their strong electoral position in larger urban areas, including Ankara and Istanbul. The AKP mostly won in smaller cities and more rural areas but lost some important cities in traditionally more conservative Anatolia. As expected, the DEM Party achieved electoral victories in the Kurdish areas in the southeast of the country. The YRP came in third nationally and their good result was perceived by analysts as the first successful challenge to the AKP dominance on the conservative side. In total, the CHP went from 29.6% of the votes in 2019 to 37.8% in 2024 becoming the most successful party. The AKP secured 35.5% of the votes compared to 42.5% in 2019. The CHP won (or kept) the mayorship of 14 metropolitan municipalities including the five largest cities of Istanbul, Ankara, Izmir, Bursa, and Antalya and only lost Hatay. The AKP won 12 municipalities, the DEM Party 3 and YRP one.<sup>99</sup>

120. For non-metropolitan municipalities, the CHP won more in percentage nationally and more populated municipalities (including important district municipalities). However, the AKP kept its first place with 526 mayors elected. CHP won in 395 contests, MHP 218, DEM Party 74, YRP 62 and only 11 independents were elected. The same applied to municipal and provincial council elections: the AKP won 17 584 seats, followed by the CHP 12 210, the MHP 5 561, the DEM Party 2 274 and 2 035 for the YRP. Only seven independent councillors were elected. For provincial councillors, the AKP won 592, the CHP 300, the MHP 207, the DEM Party 132 and YRP 22. Only two independents were elected. Cohabitation between mayors and municipal councils of opposing parties might therefore remain complicated in certain municipalities.

121. While most opinion surveys had sketched a potential victory of the CHP in major cities, the results exceeded the forecasts and were quickly acknowledged by President ERDOĞAN himself as a "turning point" for the AKP, constituting its first country-wide electoral defeat since 2002. Concerns about acceptance of the results were therefore short-lived, since the margins between candidates were clearer than in the 2019 elections. The media coverage also quickly made the victory of the opposition clear.

122. However, the 2024 election also showed that decision-making positions continue to remain less accessible for women and youth. 14.7% of all elected positions were won by women, including

<sup>98</sup> See Anadolu Agency, 6 May 2024 at <https://www.aa.com.tr>

<sup>99</sup> The results are available on the open data website of the SEC: <https://acikveri.ysk.gov.tr/secim-sonuc-istatistik/secim-sonuc>

five metropolitan mayors in Diyarbakir, Eskişehir, Tekirdağ, Gaziantep and Aydin, six mayors of provincial capitals and 64 district mayors.<sup>100</sup> Only eight mayors were elected who were aged 18 to 29. The youngest metropolitan mayor elected was 42 years old (AKP). For municipal and provincial councillors, the same underrepresentation of young politicians under 29 years old and of women was reflected in the results.

123. A total of 81 objections to the election reached the SEC ( and 453 including all levels of administration) – three of which were admitted. The final rulings by the SEC led to the re-run of three elections on 2 June 2024:<sup>101</sup> Hilvan (Şanlıurfa), Pınarbaşı (Kayseri), and Güzelyurt (Aksaray). At the same day, local elections were to be held in four town due to cancelled elections on 31 March: Güneykaya (Sivas), Büyükkarıştıran (Kırklareli), Akpazarı (Tunceli), and Sağlık (Aksaray). The decision in Hilvan seemed to spur some heated debates, since the reason for the re-run in this district won by the DEM Party was a complaint submitted by the AKP on the burning of ballot papers on election night, but accusations emerged afterwards that papers were burned by relatives of AKP candidates.

124. On 2 April, on what appeared to be the most controversial decision on the certification of results, the PEB of Van Province decided not to hand over the certificate of election to DEM Party mayoral candidate Abdullah ZEYDAN, who had received 55.5% of the votes, but to the second scoring candidate instead (AKP – 27.15%). The PEB decision revoked Abdullah ZEYDAN 's right to be elected, as per the Justice Ministry's last-minute application on 29 March to revoke his civil rights.<sup>102</sup> The decision sparked demonstrations (which were banned by governors) and wide condemnations from the opposition. On 4 April 2024, ruling on an appeal filed by the DEM Party, the SEC decided to declare void the PEB provision regarding Abdullah ZEYDAN and to give him the certificate of election. It mentioned that the decision dated 4 April 2023, regarding the return of prohibited rights of Abdullah ZEYDAN, was examined by the General Directorate of Criminal Records and Statistics of the Ministry of Justice on 10 August 2023 and that therefore Diyarbakır 5th High Criminal Court's decision was null and lacked legal basis. As SEC decisions are final, Abdullah ZEYDAN was awarded the certificate and became mayor.<sup>103</sup> While the decision of the SEC to annul the decision of the PEB was widely welcomed, it also sparked concerns in the east of potential measures to outmanoeuvre elected candidates of the DEM Party and many banned demonstrations took place. Dozens were arrested during the demonstrations and many cases are still pending in front of the courts.

125. On 3 June, Mehmet SİDDİK AKIŞ (DEM Party), mayor of Hakkari municipality, was dismissed by decision of the Ministry of Interior<sup>104</sup> and detained for being accused of having a high-level role in the outlawed PKK. On the same day, the Interior Ministry appointed the province's governor as trustee mayor and demonstrations were banned in Hakkari, Van, Bitlis, Mardin, Siirt, Şırnak, Ağrı, Muş and Batman provinces for 10 days. His dismissal was based on Article 45 to 47 of the Municipality Law which give the authority to the Ministry to dismiss local representatives without a final court decision, in contradiction with the presumption of innocence enshrined in the Turkish Constitution. On 5 June, Mehmet SİDDİK AKIŞ was sentenced to nearly 20 years in prison. The case brought against him, which he rejected as politically motivated, was initiated in 2014 but put on pause for 10 years.<sup>105</sup> The

100 Data available on the Open Data Portal of the Supreme Election Council, <https://acikveri.ysk.gov.tr/aday-istatistik/secilen-parti-cinsiyet> No data was available for the 2 June repeat elections. See also figures reported by NGO KA.DER at <https://ka-der.org.tr/31-mart-2024-mahalli-idareler-secimleri-sonucunda-secilen-kadin-adaylar/>

101 The Congress did not observe the re-run of elections on 2 June 2024 and will therefore not comment on procedures related to the campaign, election day in these municipalities. Furthermore, it is unclear if the final results on the SEC website include the results of these elections.

102 Long after the candidate lists were finalised, the Diyarbakır Fifth High Criminal Court issued decision on 29 March 2024, "removing the decision regarding the restoration of prohibited rights regarding Abdullah Zeydan dated 4 April 2023, by the Supreme Court of Appeals" In 2016, Abdullah Zeydan was sentenced to 8 years for links to the PKK. He was released in 2023 after the Court of Cassation had reversed his sentence. He then regained the right to vote and be elected as per a decision of the Supreme Court of Appeals

103 See TRT Haber, 6 April 2024, <https://www.trthaber.com/haber/gundem/ysk-van-kararinin-gerekcesini-acikladi-849379.html#:~:text=Mazbatan%C4%B1n%20Zeydan'a%20verilmesine%20karar,edilmesine%20oy%20%C3%A7oklu%C4%9Fuyula%20karar%20vermi%C5%9Fti.>

104 [Hakkâri Belediye Başkanı Mehmet Sıddık AKIŞ'ın İçişleri Bakanlığınca Görevden Uzaklaştırılmasına Dair Basın Açıklaması \(icisleri.gov.tr\)](https://www.hakkari.belediyebasbakani.gov.tr/hakkari-belediye-basbakani-mehmet-siddik-akis-in-icisleri-bakanliginca-gorevden-uzaklastirilmasina-dair-basin-aciklamasi-icisleri.gov.tr)

105 The Hakkari First High Criminal Court had opened an investigation for the crimes of directing and being a member of an armed terrorist organisation. The decision of the Ministry of Interior to replace Akış was based on his trial "continuing", despite no actions being taken in years by the Court. He was sentenced in an expedite procedure over the course of two days, after controversies emerged on the prosecutor back in 2014 and on the witnesses' probity.



DEM Party strongly opposed the move and held daily demonstrations, vigils and/or actions in the National Assembly and received the support of among others the CHP, including Mayor of Istanbul and recently elected President of the Turkish Union of Municipalities, Ekrem İMAMOĞLU, and of the Permanent Rapporteur on Türkiye for the European Parliament, Ignacio SÁNCHEZ AMOR. The opposition strongly advocated for an acting mayor to be elected by the municipal council, as provided by law. DEM Party municipal councillors appointed Co-Mayor Viyan TEKÇE as acting mayor, but the vote was not held during an official session of the council, which could only be convened by the trustee and was therefore not recognised by the Ministry of Interior.

126. As the Congress delegation was repeatedly informed, the replacement of democratically elected mayors with state-appointed trustees remained an important issue in local democracy in Türkiye. As indicated in the Venice Commission Opinion on this matter, this process is based on state of emergency-rooted legislation and undermine the very nature of local self-government and should be repealed. Again in 2024, the allegations against the elected mayor of Hakkari had already been made long before his candidacy was validated. Therefore, the choice of the local population was once again discarded, as was the case in 2016 and 2019. Reinstating the suspended officials, the election of a replacement mayor by the municipal councils or the organisation of repeat elections could be envisaged to ensure the will of the voters is respected. Indeed, the voters of Hakkari have gone to the polls three times to elect representatives whose candidacies were approved by the election administration but were deprived of their representatives three times.

127. The appointment of a trustee in Hakkari cooled down the expectations for normalisation of politics in Türkiye for the Kurdish minority which had emerged after the elections. Indeed, the swiftly resolved situation in Van and the wide acceptance of the results by President ERDOĞAN, as well as the steps taken to reopen communication channels between the CHP and AKP, had created a period of hope following the local elections. The issue of the trustees was also very much put forward in the media as newly elected DEM party mayors publicly released the state of finances of the municipalities managed by trustees. While such instances were not limited to eastern municipalities (CHP mayors did the same in many instances),<sup>106</sup> they seem to have reinforced the popular discontent, at a time when the Kobané trial came to an end with long prison sentences for many leaders of the DEM Party.

128. Overall, the Congress delegation noted with satisfaction that the preliminary results were quickly acknowledged by all contestants, even in cases leading to political alternation, and recounts were handled swiftly. In a welcome development since 2019, the delegation also welcomed that only one case of provincial election administration replacing an elected mayor by the second-best scoring candidate was observed and this case was later annulled by decision of the SEC. However, it stressed that once again a trustee was appointed by the Ministry of Interior to replace an elected mayor in the municipality of Hakkari, constituting the most recent application of a longstanding practice considered by the Congress and the Venice Commission to undermine the very nature of local self-government and to be based on a very broad interpretation of terrorism-related offenses. The delegation recommended, in line with the 2020 Venice Commission's Opinion on the replacement of elected candidates and mayors, ensuring that ineligibility of candidates is assessed prior to the elections and based on a final criminal conviction, repealing Article 45, paragraph 1 added in 2016 to the Municipality Law, and, in the event of a mayor being removed, considering alternative solutions to respect the will of the voters, such as allowing the municipal councils to choose a replacement mayor or repeating the mayoral elections. At the same time, the Congress delegation noted that the number of women and youth elected is progressing very slowly in Türkiye, in particular in decision-making positions. Therefore, it recommends introducing measures to strengthen the participation of youth and women in local and regional politics, through incentives and the introduction of a gender quota.

## 15. CONCLUSIONS

129. Overall, the Congress delegation observed highly competitive elections, which were efficiently managed by a well-trained election administration and once again commended the level of participation in these elections, which was reflected in the remarkable number of candidates, members of the election administration, party observers and above all, voters. On election day, Congress observers witnessed a calm and professionally managed Election Day, marked by the

<sup>106</sup> See for instance, Duvar English, 4 April 2024 : <https://www.duvarenglish.com/akp-district-municipalities-hold-last-minute-tenders-on-their-way-out-news-64142>

uneasy cohabitation of practices to elect mayors, councillors and mukhtars on the same day, allegations of fraudulent registrations of voters, gatherings near polling stations and procedural shortcuts during the counting and some other non-systematic inconsistencies. While the Congress observers did not observe electoral violence, it regretted the death of a BBC member on election day.

130. However, despite the results which ushered in political alternance, the Congress delegation identified several shortcomings in the legal framework regulating the campaign environment that were not conducive to an equal playing field between candidates, which is an absolute prerequisite for local democracy. Among others, the weak party and campaign finance regulations, the shortness of the official campaign period and the lack of gender quotas did not contribute to local pluralism and democracy, as well as the worrying situation of the media and freedom of expression in the country. At the same time, as was observed in 2019, the campaign was competitive, especially between key opposition candidates and the ruling party and was therefore perceived as more than just local elections. The omnipresence of the President during the months preceding the elections also contributed to this general impression.

131. The Congress delegation noted that recommendations addressed to the authorities in 2019 remained mostly unaddressed and would like therefore to reiterate the findings of the 2019 election observation mission, and notably to 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 Türkiye's international commitments. In addition, the Congress delegation recommended among others to further regulate the mukhtar elections and party and campaign finance, to improve transparency of the work of the election administration, to proactively investigate and sanction the misuse of administrative resources and positions as well as of the recurring allegation of fraudulent voter migration, to introduce measures to strengthen the participation of youth and women and to remove broad restrictions on the right to vote and run in elections, and last but not least, to continue to improve the accessibility of polling stations.

132. Finally, the Congress delegation welcomed that the post-electoral developments seemed to show a successful democratic transition of power, but once again, deplored the decision of the Ministry of the Interior to resort to controversial articles of the Municipality Law to appoint a trustee in lieu of an elected mayor. The rapporteurs strongly believe that the trustee mechanism should be abolished and invite the Monitoring Committee to pursue its post-monitoring activities on this matter, in order to ensure measures detrimental to local democracy are only used in highly critical cases, clearly defined by law.

## APPENDIX I

**CONGRESS ELECTION OBSERVATION MISSION**  
**31 March 2024 Local elections in Türkiye**  
**Main mission (29 March-1 April 2024)**  
**FINAL PROGRAMME**

**Thursday 28 March 2024**  
**Ankara**

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

Various times      **Transfers to the Hotel in Ankara**

**Friday 29 March 2024**  
**Ankara**

**08:00 – 09:00      INTERNAL BRIEFING FOR THE DELEGATION WITH:**

- **Ms Stéphanie POIREL**, Head of the Statutory Activities Division of the Congress
- **Mr David ERAY**, Head of Delegation
- **Mr Vladimir PREBILIC**, Deputy-Head of Delegation
- **Mr Ulrik KJÆR**, Congress expert

**09:00 – 10:30      BRIEFING WITH REPRESENTATIVES FROM THE DIPLOMATIC CORPS OF COUNTRIES REPRESENTED IN THE CONGRESS DELEGATION**

- **Mr Paul HUYNEN**, Ambassador, Belgium
- **Mrs Dragana ANDELIC**, Chargé d'Affaires, Bosnia and Herzegovina
- **Mr Jiří BORCEL**, Deputy Head of Mission, Czech Republic
- **Mr Killian VIVIEN**, Senior Political Adviser, France
- **Mr Mirko VON STOSCH**, First Secretary, Germany
- **Mr Viktor MATIS**, Ambassador, Hungary
- **Mr John MCCULLAGH**, Ambassador, Ireland
- **Mr Joep WIJNANDS**, Ambassador, Netherlands
- **Mr Zoran JOVANOVIĆ**, Chargé d'Affaires and **Ms Milica RANKOVIC MIKIC**, Consul, Serbia
- **Ms Mojca HROVATIČ**, Deputy Head of Mission, Slovenia
- **Ms Riccarda TORRIANI**, Chargée d'affaires a.i., and **Mr Martin HEMMI**, First Secretary, Switzerland
- **Mr Benjamin COOPER**, Political Officer, United Kingdom
- **Mr Nikolaus MEYER-LANDRUT**, Ambassador, **Mr Stefano FANTARONI**, Delegation of the European Union

10:30 – 10:45      *Coffee Break*

**11:15 – 12:30      SUPREME ELECTION COUNCIL**

**Mr Ahmet YENER**, President

13:00 – 14:00      *Lunch Break at the hotel*

**14:45 – 15:45      MINISTRY OF ENVIRONMENT, URBANISATION AND CLIMATE CHANGE**

**Mr. Refik TUZCUOĞLU**, Deputy Minister

**16:30 – 17:30 MINISTRY OF INTERIOR**

**Mr Mehmet Emin BILMEZ**, Director General of Provincial Administration

**18:00 – 19:30 TECHNICAL BRIEFING FOR THE ELECTION DAY**

- **Congress secretariat**
- **Mr Halit MIRAHHMETOGLU**, representative of the transport company providing also the interpreters on the election day **and the two interpreters from Ankara**

**Saturday 30 March 2024**  
**participation of the delegation members in meetings held in Ankara,**  
**depending on time of departures**

**08:30 – 09:00 BRIEFING FOR THE DELEGATION BY**

- **Mr David ERAY**, Head of Delegation
- **Mr Vladimir PREBILIC**, Deputy Head of Delegation

**09.45** *Transfer to the airport for **Team 6 / Team 7 / Team 10***

- **Team 6 (Adana)** Flight at 11.30 – arrival in Adana at 12.40
- **Team 7 (Diyarbakir)** Flight at 11.50 – arrival in Diyarbakir at 13.15
- **Team 10 (Konya)** Flight at 11.55 – arrival in Konya at 15.35

**09:00 – 10:00 INTERNATIONAL AND NATIONAL NGOs**

- **Ms Janet SAWAYA**, Resident Director, National Democratic Institute
- **Mr Ilija VOJNOVIC**, Programme Director, International Republican Institute
- **Mr Nejat TAŞTAN**, Chairman of the Board, Association for the Monitoring of Equal Rights (AMER)

10:00 – 10:15 *Coffee Break*

**10:15 – 11:20 NATIONAL DELEGATION OF TÜRKIYE TO THE CONGRESS**

- **Mr Cemal BAS**, Deputy Head of the Delegation (AKP)
- **Ms Lale BEKTAS**, Councillor Member of Ankara/Yenimahalle (CHP)

**11.15** *Transfer to the airport for **Team 5 / Team 8 / Team 9***

- **Team 5 (Antalya)** Flight at 13.20 – arrival in Antalya at 14.30
- **Team 8 (Izmir)** Flight at 13.20 – arrival in Izmir at 14.40
- **Team 9 (Erzurum)** Flight at 13.25 – arrival in Erzurum at 14.45

**11:30 – 12:30 REPRESENTATIVES OF MEDIA AND MEDIA ORGANISATIONS**

- **Ms Ceren BALA TEKE**, Ankara Bureau Editor, T24
- **Mr Aytunç ÜRKMEZ**, Journalist, Cumhuriyet

12:30 – 14:00 *Lunch Break at the hotel*

**13.30** *Transfer to the airport for the **Team 3 / Team 4***  
*(Istanbul)*

- *Flight at 15.40 – arrival in Istanbul at 16.45*

**14.00** *Transfer to the airport for the **Team 11**  
(Gaziantep)*

- *Flight at 16.00 – arrival in Gaziantep at 17.15*

**Saturday 30 March 2024  
Programme in Ankara for teams 1 & 2**

**16:45 – 17:30 REPRESENTATIVES OF LISTS RUNNING IN ANKARA (DEM PARTY)**

- **Ms. Ebrü GÜNAY**, Deputy Co-Chair in charge of the Foreign Affairs
- **Mr Öztürk TÜRKDOĞAN**, Deputy Co-Chair in Charge of the Law and Human Rights
- **Ms Berivan ALATAŞ**, Foreign Affairs Adviser

**Saturday 30 March 2024 (evening)  
other cities depending on flights**

➤ **ISTANBUL (Teams 3, 4)**

**18:30 – 19:30 ISTANBUL METROPOLITAN MUNICIPALITY**

**Mr Ekrem IMAMOĞLU**, incumbent mayor

➤ **ADANA (Team 6)**

**18:30 – 19:00 ADANA MUNICIPALITY**

**Mr Zeydan KARALAR**, incumbent mayor (CHP)

**Sunday 31 March 2024  
ELECTION DAY**

**For the teams deployed to Diyarbakir, Erzurum and Gaziantep**

Opening polling stations at 07.00 – closing at 16:00

Departure from hotel at **06:15**

**For the other teams**

Opening polling stations at 08.00 – closing at 17:00

Departure from hotel at **07.15**

From 21:00      Online debriefing  
*Microsoft Teams*

**Monday 1 April 2024**

Various times      Departure of the Congress Delegation

11:00 – 12:00      Press conference by **Mr David ERAY**, Head of Delegation and **Mr Vladimir PREBILIC**, Deputy-Head of Delegation, to present preliminary conclusions of the Congress election observation mission.

## DELEGATION

### **Members of the Congress Delegation:**

**Mr David ERAY**, Switzerland, R, EPP/CCE, Head of Delegation

**Mr Vladimir PREBILIC**, Slovenia, L, SOC/G/PD, Deputy Head of Delegation

**Mr Mathieu CUIP**, France, R, EPP/CCE

**Ms Dusica DAVIDOVIC**, Serbia, R, SOC/G/PD

**Ms Carla DEJONGHE**, Belgium, R, ILDG

**Mr Jonathan DENIS**, United Kingdom, L, SOC/G/PD

**Ms Jacqueline FEHR**, Switzerland, R, SOC/G/PD

**Ms Jana FISCHEROVA**, Czechia, L, ECR

**Ms Cecilia FRIDERICS**, Hungary, L, ECR

**Ms Tanja JOONA**, Finland, L, ILDG

**Mr James MOLONEY**, Ireland, L, ILDG

**Mr Michael ROSENBERG**, Sweden, L, ECR

**Mr Soeren SCHUMACHER**, Germany, R, SOC/G/PD

**Mr Igor STOJANOVIĆ**, Bosnia and Herzegovina, R, SOC/G/PD

**Ms Augusta TADDEI**, San Marino, L, NR

**Mr Kristoffer TAMSONS**, Sweden, R, EPP/CCE

**Ms Linda TAYLOR**, United Kingdom, L, ECR

**Ms Sevdia UGREKHELIDZE**, Georgia, L, EPP/CCE

**Mr Leendert VERBEEK**, Netherlands, R, SOC/G/PD

**Mr Richard VERES**, Czechia, L, ILDG

### **Expert**

**Mr Ulrik KJÆR**, Professor, Congress expert on electoral matters

### **Congress Secretariat**

**Ms Stephanie POIREL**, Head of Statutory Activities Division

**Ms Mathilde GIRARDI**, Election observation Officer

**Ms Ekaterina KOTNOVA**, Statutory Activities Division/Local and Regional Election Observation Assistant

**Ms Martine ROUDOLFF**, Assistant, Local and Regional Election Observation

**Mr Sandro WELTIN**, Photographer

### **Youth Delegate**

**Ms Ilgin PASLI-BROMBACH**

## APPENDIX II

**CONGRESS ELECTION OBSERVATION MISSION**  
**31 March 2024 Local Elections in Türkiye**  
**DEPLOYMENT PLAN**

<b>Congress teams</b>	<b>Composition of the Congress teams</b>	<b>Saturday-Sunday nights</b>	<b>Area of Deployment</b>
<b>Team 1</b>	David ERAY Stéphanie POIREL Ulrik KJAER Sandro WELTIN  Interpreter: Yunus DUMAN	Hotel Hilton Ankara Tahran Caddesi No:12, Kavaklıdere +90 312 455 0130	<b>ANKARA</b> (Mamak, Cankaya, Altındağ, Bala, Elmadağ, Akyurt) Polling stations open from 8.00 to 17.00
<b>Team 2</b>	Jana FISCHEROVA Martine ROUDOLFF  Interpreter: İlker GÜNEY	Hotel Hilton Ankara Tahran Caddesi No:12, Kavaklıdere +90 312 455 0130	<b>ANKARA</b> (Yenimahalle, Keçiören, Sincan, Etimesgut, Kazan, Ayaş) Polling stations open from 8.00 to 17.00
<b>Team 3</b>	Vladimir PREBILIC Soeren SCHUMACHER  Interpreter: Emin Devrim FIDAN	Radisson Blu Hotel Istanbul Asia Atatürk Mahallesi Yakut Caddesi No:10 Atasehir 34758 Istanbul Tel +90 216 579 11 00	<b>ISTANBUL</b> (Fatih, Bakırköy, Beyoğlu, Küçükçekmece, Avcılar, Büyükçekmece, Esenyurt) Polling stations open from 8.00 to 17.00
<b>Team 4</b>	Richard VERES Mathilde GIRARDI Ekaterina KOTNOVA  Interpreter: Tugba CANSALI	Radisson Blu Hotel Istanbul Asia Atatürk Mahallesi Yakut Caddesi No:10 Atasehir 34758 Istanbul Tel +90 216 579 11 00	<b>ISTANBUL</b> (Uskudar, Kadıköy, Beykoz, Kartal, Maltepe, Pendik, Sultanbeyli, Besiktas, Nisantasi) Polling stations open from 8.00 to 17.00
<b>Team 5</b>	Linda TAYLOR Sevdia UGREKHELIDZE  Interpreter: Okan YAHSI	Spice Hotel Belek, Iskele Mevkii, 07506 Serik/Antalya Tel +90 242 715 34 55	<b>ANTALYA</b> Polling stations open from 8.00 to 17.00
<b>Team 6</b>	James MOLONEY Augusta TADDEI  Interpreter: Aylin IPEKBAYRAK	Divan Adana hotel Çınarlı Mah, Turhan Cemal Beriker Bul No: 33 Seyhan 01060 Adana Tel +90 322 342 17 00	<b>ADANA/MERSİN</b> Polling stations open from 8.00 to 17.00
<b>Team 7</b>	Kristoffer TAMSONS Leendert VERBEEK  Interpreter: Mustafa ÜLÜK	Radisson Blu Firat Mahallesi Urfa Bulvarı No 170 Kayapınar Diyarbakir Tel +90 412 502 33 33	<b>DIYARBAKIR (only)</b> Polling stations open from 7.00 to 16.00

Congress teams	Composition of the Congress teams	Saturday-Sunday nights	Area of Deployment
<b>Team 8</b>	<p>Mathieu CUIP Cecilia FRIDERICS</p> <p>Interpreter: Yagmur MIRAHMETOGLU</p>	<p>Wyndham Grand İzmir Özdilek Inciralti Caddesi No:67 Balçova Tel +90 232 292 13 00</p>	<p><b>İZMİR</b> Polling stations open from 8.00 to 17.00</p>
<b>Team 9</b>	<p>Tanja JOONA Jonathan DENIS</p> <p>Interpreter: Onur SATIR</p>	<p>Palan Otel Palandöken Kayak Merkezi 25080 Palandöken Erzurum Tel +90 442 317 07 07</p>	<p><b>ERZURUM</b> Polling stations open from 7.00 to 16.00</p>
<b>Team 10</b>	<p>Dusica DAVIDOVIC Michael ROSENBERG</p> <p>Interpreter: Mustafa DIKMEN</p>	<p>Hilton Garden Inn Aziziye Mahallesi Kislaonu Sokak No:4 Karatay- Konya Tel +90 537 281 7951</p>	<p><b>KONYA</b> Polling stations open from 8.00 to 17.00</p>
<b>Team 11</b>	<p>Carla DEJONGHE Igor STOJANOVIĆ</p> <p>Interpreter: Ayhan KAHRIMAN</p>	<p>DIVAN Hotel Mücahitler Mah. Sani Konukoğlu Blv. No:92/A Şehitkamil Gaziantep Tel +90 342 999 1 333</p>	<p><b>GAZİANTEP and KAHRAMANMARAŞ</b> Polling stations open from 7.00 to 16.00</p>



**APPENDIX III****PRESS RELEASE****Council of Europe Congress: Local elections in Türkiye overall well organised and respecting the will of the voters**

Despite certain deficiencies observed in the electoral campaign, local elections in Türkiye were overall well organised and respected the will of the people – these were the preliminary findings of the election observation mission of the Council of Europe Congress of Local and Regional Authorities.

At the invitation of the authorities of Türkiye, the Congress deployed a mission to observe the local elections held on 31 March 2024 throughout the country. The Congress mission was led by Mr David ERAY (Switzerland, EPP/CCE) and involved 26 Congress observers including 19 Congress members, one expert and five members of the Secretariat, from overall 16 countries.

The deployment on the ground on election day was preceded by preparatory meetings online on 7-8 March and in Ankara on 29-30 March, with the Supreme Electoral Council and representatives of the ministries of interior and of the Environment, urbanisation and climate change. The Congress delegation further met media and NGO representatives, as well as candidates and representatives of various political parties.

On Election Day, 11 Congress teams were deployed to different districts across the country. “Election Day was overall calm and organised in a professional manner, with a high turnout showing a strong commitment of citizens to democratic processes. We acknowledge the logistical organisation that made it possible to handle the large number of voters in a smooth process,” stated David ERAY, at the press conference in Ankara on 1 April.

“The election results showed that the alternation in power between political parties is possible through the expression of the will of the people and their commitment to local representative democracy,” stated Vladimir PREBILIC (Slovenia, SOC/G/PD), Deputy Head of the delegation.

The Congress draft report and recommendation will be submitted for adoption at the 47th Congress session in October 2024.