

## 47th SESSION

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

Recommendation 519 (2024)<sup>1</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;

<sup>1</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).

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;

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.