

The right to free local and regional elections: a safeguard against democratic backsliding

At a time when all over the world the 'quality of democracy' is declining more often than improving, even in Europe there is a risk of the integrity and credibility of local and regional elections being threatened by interference, manipulation or hostile behaviour: the Congress therefore believes that there is an urgent need to protect them more effectively against these challenges, calling in a resolution and a recommendation for safeguards, especially of a legal nature, to combat these worrying trends.

With online disinformation, interference, algorithms bombarding social media, violations of electoral integrity, and extreme polarisation among voters, there are a whole range of threats to elections, and local and regional elections seem all the more vulnerable since they are less protected than national elections. Nevertheless, as Kevin Casas-Zamora, Secretary General of the International Institute for Democracy and Electoral Assistance (International IDEA) pointed out, all international studies show that citizens place more trust in local and regional elected representatives than in national ones: this was an asset for local authorities and also a safeguard against apathy given what he called the erosion of democracy.

It was against this background that Stewart Dickson (United Kingdom, R, ILDG) presented his report on ways to guarantee and protect the right to free local and regional elections free to the Congress on 1 April. The most effective response involved bringing these elections within the scope of Article 3 of the Additional Protocol to the European Convention on Human Rights, under which “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.” While this text guarantees the right to free elections, it does so only at the national level, thereby excluding local elections and certain regional elections from this right, which consequently cannot invoke it.

Ensuring the integrity of elections and the safety of candidates and elected representatives

“Unless we strengthen the safeguards around this right, including at local level, these elections will lose credibility and, in the long run, voters will lose interest in them,” warned Stewart Dickson. Apart from illegal attempts to influence and manipulate elections, he condemned the threats sometimes faced by candidates, and even by elected representatives themselves, who were increasingly becoming victims of intimidation or violence. In some countries, local elected representatives had purely and simply been removed from office and, in some cases, imprisoned, before being replaced by representatives appointed by central government. He emphasised that the right to free elections is rendered meaningless if it is not accompanied by the free exercise of the mandate.

During the debate, several members, in particular from Türkiye, reported on such pressure being exerted on local elected representatives in their countries, and condemned the situation.

Others pointed out that free elections also depended on the inclusive participation of the entire population, in particular young people, who all too often felt excluded, as two youth delegates stressed. For his part, Nihad Kanovic (Montenegro, L, SOC/G/PD) added that the excessive centralisation that still applied in his country continued to deprive local elected representatives of real powers. One participant also cited the example of the city of Mostar in Bosnia and Herzegovina, where the absence of local elections for nearly 12 years was ruled by the European Court of Human Rights to constitute a violation.

Local and regional elections: a reflection of democracy and the rule of law

According to Gudrun Mosler-Törnström (Austria, L, SOC/G/PD), threats and attacks during local or regional elections were a “sign of the crisis in democracy”: it was therefore essential to protect them, including by extending the scope of the additional protocol to the Convention on free elections to cover local and regional elections. Xavier Cadoret (France, L, SOC) said that the right to free elections was linked to the rule of law, and that you could not have one without the other.

At the close of the discussions, Kevin Casas-Zamato took the floor again to conclude with a warning: “In Latin America, organised crime has understood all too clearly that local elections are a weak link – and thus a gateway – for infiltrating institutions and exerting pressure on them: you should be aware of this risk in Europe, too.” While that was not a pleasant point to hear, Stewart Dickson said that it clearly illustrated the significance and gravity of the situation, as well as the need to consider extending the Court’s protection to these elections.