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## Observation of the Parliamentary elections in Turkey (22 July 2007)

Report  
Bureau of the Assembly  
Rapporteur: Mr Luc VAN DEN BRANDE, Belgium, Group of the European People's Party

### I. Introduction

1. Following an invitation by the Chairperson of the Turkish Parliamentary Delegation to the Parliamentary Assembly of the Council of Europe, the Bureau of the Assembly decided, on 25 June 2007, to set up a forty-member cross-party ad hoc Committee to observe the Parliamentary Elections in Turkey to be held on 22 June 2007. On 29 July 2007 the Bureau approved of the list of the Committee members and appointed me as its Chairperson.

2. Based on proposals by the political groups of the Assembly, the ad hoc Committee was composed as follows:

#### Socialist Group (SOC)

Mr Piotr Gadzinowski	Poland
Mr Andreas Gross	Switzerland
Mr Tadeusz Iwiński	Poland
Mr Pietro Marcenaro	Italy
Mr Neven Mimica	Croatia
Mr Theodoros Pangalos	Greece
Ms Fatma Pehlivan	Belgium
Ms Ruth-Gaby Vermot-Mangold	Switzerland
Ms Birute Vésatė	Lithuania
Ms Gisela Wurm	Austria

#### Group of the European People's Party (EPP/CD)

Mr Luc Van den Brande	Belgium
Mr Jose Freire Antunes	Portugal
Ms Ursula Gacek	Poland
Ms Gultakin Hajieva	Azerbaijan
Mr Mladen Ivanić	Bosnia and Herzegovina
Ms Danuta Jazłowiecka	Poland
Mr Lucio Malan	Italy
Mr Julio Padilla	Spain
Ms Marietta de Pourbaix-Lundin	Sweden
Mr Bernard Schreiner	France
Mr Piotr Wach	Poland

### **Alliance of Liberals and Democrats for Europe (ALDE)**

Lord Russell Russell-Johnston	United Kingdom
Mr Rafael Huseynov	Azerbaijan
Ms Hanne Severinsson	Denmark

### **European Democrat Group (EDG)**

Ms Gamira Pashaeva	Azerbaijan
Mr Victor Kolesnikov	Russian Federation
Mr Krzysztof Bosak	Poland
Ms Aldona Staponkiné	Lithuania
Ms Ewa Tomaszewska	Poland

### **Group of the United European Left**

Mr Hakki Keskin	Germany
Ms Sabina Siniscalchi	Italy

### **Secretariat**

Mr Vladimir Dronov, Head of Secretariat, Interparliamentary Co-operation and Election Observation, Senior Advisor to the President of the Assembly

Mr Yann de Buyer, Head of the Administrative and Finance Unit

Ms Farida Jamal, Administrative Coordinator

Ms Nathalie Bargellini, Press Liaison

Ms Daniele Gastl, Assistant

3. Regrettably, some political groups were unable to provide enough candidates to fill up all seats on the delegation authorised by the Bureau probably due to the date of the elections.

4. The ad hoc Committee met in Ankara from 18 to 23 July 2007 and held, *inter alia*, meetings with representatives of political parties participating in these elections, a member of the Supreme Board of Elections (SBE), the Acting President of the Constitutional Court, representatives of NGOs and think tanks, as well as media representatives. The programme of the meetings of the ad hoc Committee appears in Appendix 2.

5. PACE was the only international institution to observe these elections. The OSCE/ODIHR deployed an election assessment mission that did not have the mandate of actual observation. The complicated logistical arrangements, as well as the statistical analysis had to be carried out by the PACE Secretariat team, which, once again, has proved that when necessary, PACE election observation does not need to rely on better equipped partners with far greater human resources and that PACE can successfully observe alone.

6. The ad hoc committee was impressed by the organisation and conduct of the vote in the Parliamentary Elections in Turkey, on 22 July 2007. Overwhelmingly, the voting was well organised and conducted in an orderly and professional fashion that testified to the long-standing tradition of democratic elections in this founder-member of the Council of Europe. The statement issued by the delegation at the end of its mission appears in Appendix 1.

7. The ad hoc Committee wishes to thank the Parliament of Turkey and the SBE for their co-operation and for the support provided to the ad hoc Committee, not least in putting together an extremely intensive and comprehensive programme of meetings and briefings.

## II. Political background

8. In early May 2007, the Turkish Parliament- the Turkish Grand National Assembly –TGNA- voted to hold early parliamentary elections on 22 July 2007. The move resulted from a political crisis that developed previously over TGNA's failure to elect a new President of the Republic to succeed Ahmet Necdet Sezer before the expiry of his single 7-year term, on 16 May 2007. The early elections were held at the behest of the ruling Justice and Development Party (AKP), in accordance with constitutional provisions requiring the holding of elections forthwith where the Parliament fails to elect a new President of the Republic. The parliamentary elections were otherwise normally due to take place on 4 November 2007.

9. The first round of elections for the Presidency by the TGNA took place on 27 April 2007. The vote was boycotted by the opposition, with the Republican People's Party (CHP), AKP's main rival, complaining about the lack of prior discussion and consultation and the surprise announcement of the AKP's candidate, Foreign Minister Abdullah Gül, shortly before the expiry of the legal deadline.

10. The political deadlock, compounded by a statement by the military on its web site to the effect that the Army was a defender of secularism, was accompanied by a significant rise in tensions resulting in mass rallies of supporters of secularism - with the opposition concerned over what was perceived as a threat of islamisation in secular Turkey.

11. On 1 May 2007, the first round of elections was ruled as invalid by the Constitutional Court on the grounds that a quorum of two-thirds of the membership of the TGNA (367/550) to elect a new President was lacking due to the boycott of the opposition.

12. Mr Gül's candidature was withdrawn and the Prime Minister Mr Erdoğan submitted a package of constitutional amendments to the TGNA, *inter alia*, proposing the direct election of the President by the popular vote and a reduction in the length of the parliamentary term from five to four years.

13. Following complaints from the opposition that there had not been enough discussion of the proposed reform package, President Sezer used his constitutional powers to reject the measures, which were again approved by the Parliament on 31 May 2007. The President may not veto a reform package a second time but he can refer the matter to the Constitutional Court. On 5 July 2007, the Constitutional Court declared valid the proposed constitutional amendments regarding the election of the Turkish President by direct popular vote. A referendum on this issue may now be called later this year.

## III. Legal framework

14. Turkey has an elaborate legal framework for parliamentary elections that includes the Constitution, the Law on Basic Provisions on Elections and Voter Registers, the Law of 1983 on Parliamentary Elections as amended, the Law on Political Parties, the Law on the Establishment of Radio and Television Enterprises and their Broadcasts. There also exists a great body of legislative provisions in the penal code and other laws that govern the freedom of expression, freedom of assembly and other civil and political rights.

15. Although the law does not provide for either domestic non-partisan or international observers, the existing election-related legislation, overall, offers a framework for the conduct of democratic elections in line with international standards.

## IV. The electoral system

16. Turkey has a unicameral Parliament composed of 550 MPs elected for a five-year term from districts in the 81 provinces.

17. Each province is represented in the Parliament by at least one MP; the remaining MPs are distributed on the basis of the number of inhabitants.

18. Provinces which have 1-18 MPs form a single election district; those that have 19-35 MPs form two districts; Istanbul, with more than 35 MPs, has three districts.

19. Election to the TGNA is based on a proportionate system of representation, with the D'Hondt method being applied to allocate mandates.

20. To stand for an election, political parties must be registered in, and present a full list of candidates for the 550 seats in more than half of the 81 provinces; furthermore, to make it to the Parliament, they must gain at least ten percent of the votes cast nationwide.

21. Political parties may not form electoral coalitions. On the other hand, there is no provision in the law banning the formation of coalitions by independent candidates elected to the Parliament.

22. The 10 % threshold requirement, by far the highest in the 47 member-States of the Council of Europe, was officially introduced to ensure stability by avoiding undue fragmentation in the Parliament. However, it is widely believed to directed at the Democrat Society Party - with its mainly Kurdish electorate - and preventing its election to the Parliament. The 10% threshold may lead to serious distortions (for example, as a result of the 10 percent threshold, 45 percent of the votes in the 2002 Parliamentary elections in Turkey were rendered ineffective, gaining no seats in the Parliament, there were only two parties represented and with 34% of the votes the leading party obtained a 2/3 majority).

23. Voting is compulsory by law. The failure to vote is punishable with a symbolic fine of YTL 5 (approximately € 3). This provision is, however, rarely enforced.

## **V. Election administration**

24. Turkey has a four-tier election administration

25. SBE (see above) is the top tier. It is a permanent body with judicial authority consisting of seven members and four substitutes. All members are senior judges, six elected by the Plenary Assembly of the high Court of Appeals and five elected by the Council of State from amongst their members. The Chairman and Vice Chairman are elected by the members of the SBE. SBE members serve a term of six years. The SBE is responsible for the fair and orderly conduct of the elections, for issuing election regulations and instructions, for carrying out investigations and taking final decisions on all irregularities, complaints and objections, as well as for verifying election returns. It has no role in regulating campaign funding.

26. Provincial electoral Boards form the second tier. They are composed of three judges of the highest rank in the province and serve for a two-year term. Political parties may appoint their non-voting representatives to these boards.

27. District Election Boards (DEBs), comprising a chairman, six regular and six substitute members, represent the third tier. The chairman appoints two members from among civil servants. The four political parties which received the highest number of votes nationwide during the previous elections may each appoint a member and a substitute, provided the party is running in the elections. If these parties fail to provide nominations, other competing political parties, drawn by lot, may appoint the remaining members. The DEB chairman is the highest ranked judge in the district.

28. Ballot Box Committees are the lowest tier of the administration. They consist of a chairman and of six principal and six alternate members. The five political parties which gained the most votes nationwide in the previous parliamentary elections may appoint each one principal and one alternate member. The remainder of the appointees are drawn by lot from the local council.

29. The decisions of each level of election administration may be appealed to the next higher level. The SBE is the final arbitrator of appeals, including complaints about its own decisions. Decisions of the SBE are final and may not be further appealed or brought before a court of law.

## **VI. Voter registration**

30. A system of electronic voter registration, based on a single identification number given at birth and covering the entire country, has been introduced in Turkey by the Ministry of the Interior.

31. All voters can have full access to their personal information through the SBE web site.

32. Voters' lists were published for verification 13 days after the early elections were called.

33. Political parties have access to voters' lists and can check their accuracy. Voters can lodge objections and complaints

## **VIII. Candidate and party registration**

34. Altogether, fourteen parties ran in these elections. These elections witnessed a proliferation of party-sponsored independent candidates, a ploy used by opposition parties to circumvent the 10 % threshold, in particular, of the Kurdish Democrat Society Party, that otherwise stand no chance of making it to the Parliament due to the 10 percent threshold requirement.

35. The seemingly over - regulated legal framework that exists in Turkey can impede registration. Article 76 of the Constitution sets out a lengthy list of restrictions on eligibility to stand for an election. These restrictions are further elaborated in Article 11 of the Parliamentary Election Law.

36. The Constitutional Court has the power to dissolve parties upon application by the Public Prosecutor. The SBE has the authority to rule on candidate eligibility. Since there is no right of appeal against such administrative decisions, problems may arise.

37. Parties that received more than seven percent of votes nationwide during the previous elections receive financial support from the state budget.

38. A number of our interlocutors expressed their concerns over what they regarded as lack of democracy within political parties, where the party leaders have almost exclusive control on the selection of candidates.

39. Notwithstanding the aforementioned, no complaints regarding registration were lodged ahead of the vote.

## **IX. The campaign**

40. The campaign period started on 4 May 2007. Campaigning is only allowed in the Turkish language.

41. On the whole, despite some incidents, in particular, in South Eastern Turkey, the campaign was peaceful and calm.

42. Campaign issues mainly focused on internal politics even the head scarf wasn't an issue. Characteristically, the EU candidacy was not a campaign issue at all.

43. Some interlocutors expressed their regret that none of the political parties running in these elections had human rights issues on its agenda.

## **X. The Media**

44. There are 23 national, 16 regional and 212 local television enterprises broadcasting terrestrially, as well as 1084 radio broadcasters.

45. Media coverage of elections is regulated by the Law on the Establishment of the radio and television Enterprises and their Broadcasts. Under the law, during election periods, broadcasts are regulated by the SBE. The radio and television Supreme Council (RTUK) monitors broadcasts by private media during election periods and reports to the SBE, which can impose sanctions on a national level. The state-owned broadcaster, TRT, monitors its own programmes. Provincial Election Boards can impose sanctions in their respective provinces.

46. Under the law, election-related broadcasts are unbiased and impartial, with equal opportunities for all parties. Paid political advertisements in the election period are banned. Party political broadcasts are permitted only from the seventh day before the voting until 18.00 hours on the eve of elections.

47. Each party may broadcast free of charge two ten - minute speeches on radio and television. Parties having a group in the TGNA have an additional ten - minute slot; a further twenty - minute slot is given to the ruling party or senior party in a coalition government, with fifteen minutes for minor partners. The main opposition party has the right to an additional ten- minute speech.

48. Campaigning on the Internet, which is becoming increasingly common, is unregulated and not monitored.

49. Generally, the legislation was observed during these elections.

## **XI. The Election Day**

50. On Election Day, the ad hoc Committee split into 17 teams in order to have as broad a coverage of the country as possible. It observed elections in and around the cities of Adana, Ankara, Diyarbakir, Gaziantep, Istanbul, Izmir, Sivas, Konya, Trabzon and Van. Altogether, 192 polling stations were observed, which means that about 270 000 voters were covered. The Delegation's deployment plan is reproduced in Appendix 3.

51. Voting was well - organised and generally conducted in an orderly manner.

52. Overwhelmingly, the atmosphere in polling stations was relaxed. Turnout was high (about 86 percent), with voters crowding outside polling stations ahead of opening. An explanation given to us was that voters sought to cast their votes early on to avoid the searing July heat later in the day.

53. According to our statistics, based on the analysis of modified election observation forms produced by the Venice Commission, PACE observers assessed the elections overall as good or very good in 95 % of cases. In a few cases (4 %), the assessment was bad or very bad (Diyarbakir, Gaziantep), mainly due to the bad preparation of the polling station commission ahead of the opening of the vote. In 2% of cases there were complaints about voters not being on the voters' lists (Diyarbakir,). In 3.5 % of cases procedural irregularities were reported (essentially linked to family voting in areas with high percentage of illiterate voters). In 72 % of the polling stations visited, observers from political parties or independent candidates were present throughout the voting and vote count. There were isolated reports of plainclothes police being present in polling stations. In Gaziantep, our observers reported what looked like a pattern of irregularities having to do with improper sealing of ballot boxes and voter's names not being on voters' lists.

54. The vote count was carried out efficiently and did not take long, the reason being that there were more than 170,000 polling stations, each responsible for a maximum of 300 voters. The vote count was also very transparent and open for the public.

## **XII. Conclusions and recommendations**

55. The parliamentary elections in Turkey, on 22 July 2007, were generally in compliance with Turkey's Council of Europe commitments and European standards for free elections.

56. Overwhelmingly, the voting was well - organised and conducted in an orderly and professional fashion, which testifies to a long-standing tradition of democratic elections in Turkey.

57. The high voter turnout shows that confidence in the democratic process exists in Turkey.

58. Electoral administrators at all levels dispatched their duties effectively and in good faith.

59. However, the Rapporteur believes that Turkey could do more in terms of organising even better elections that would guarantee a genuinely representative Parliament. The 10% threshold requirement could be lowered, in accordance with Assembly Resolutions 1380 (2004) and 1547(2007). The fact that the new Parliament elected on 22 July 2007 is far more representative than the outgoing Parliament representing about 90 percent of the opinions of the electorate, is due to the fact that three instead of two parties are represented and to the ploy of opposition parties to launch party-sponsored independent candidates and not to any steps taken by the Turkish authorities themselves.

60. The Turkish authorities may wish to consider seizing the Venice Commission on this issue, as well as on simplifying electoral legislation.

61. Consideration should be given to allowing appeals to a court of law against administrative rulings by the SBE, also because the over regulated legislation results in bureaucratic hassle that can impede the registration process for candidates and creates problems for different ethnicities.

62. Political parties in Turkey may wish to reconsider internal party democracy issues taking into account Parliamentary Assembly Resolution 1546 (The Code of Good Practices for Political Parties).

63. Consideration should be given to incomplete lists and allowing campaigning in regional and minority languages, as well as to making ballot papers more readable – what wasn't enough the case for the newly introduced unique ballot paper- given the amount of entries they contain, which makes them difficult to read, in particular for the illiterate and persons belonging to national minorities.

64. The Turkish authorities may wish to consider introducing legal provisions concerning election observers and codifying their status in the law in accordance with the conclusions of the Conference on the Parliamentary Dimension of Election Observation: Applying Common Standards held in Strasbourg in February 2007.

## Appendix 1

### **Elections in Turkey: PACE delegation impressed with the organisation and conduct of the vote**

Strasbourg, 23.07.2007 - The 36 member strong delegation of the Parliamentary Assembly of the Council of Europe (PACE) that observed the Parliamentary elections held in Turkey on 22 July 2007 today said it was impressed with the organisation and conduct of the vote.

Overwhelmingly, the voting was organised well and conducted in an orderly and professional fashion that testifies to a long-standing tradition of democratic elections in this founder-member of the Council of Europe.

The high voter turnout showed that genuine confidence in the democratic process exists in Turkey. The Supreme Electoral Board, as well as district and local polling stations officials, despatched their duties effectively and in good faith.

'I only wish that this election was as fair as it was unquestionably free', remarked Luc Van den Brande (Belgium, EPP/CD), head of the delegation. He referred to the 10% threshold requirement, by far the highest in the 47 countries of the Council of Europe, set out in the Turkish law and aimed officially at ensuring stability but, in effect, limiting representation in the parliament. However, delegation was heartened to note that the new Parliament will be much more representative than the previous one.

While, indeed, there is not a universally agreed standard in this regard, PACE, in its recent Resolution on the State of Human Rights and Democracy in Europe, recommended that, for democracies, the threshold should be fixed at a lower level.

Furthermore, the seemingly over-regulated and rigidly applied electoral legislation results in bureaucratic hassle that can impede the registration process for candidates and creates problems for different ethnicities, bearing in mind that the decisions of the Supreme Electoral Board are final and not subject to recourse.

The PACE Delegation visited Turkey at the invitation from the Grand National Assembly and in the framework of the dialogue between PACE and Turkey, after the formal closure of the procedure of monitoring the country's obligations as a Council of Europe Member State.

**Appendix 2**

**AD HOC COMMITTEE TO OBSERVE PARLIAMENTARY ELECTIONS IN TURKEY  
(22 July 2007)**

**18 – 23 July 2007**

**Programme**

**Wednesday, 18 July 2007**

*Afternoon/Evening*

Arrival of the members of the delegation.

**Thursday, 19 July 2007**

*Venue* : *Swissôtel Ankara*

- 09:00 Opening of the ad hoc Committee
- 09:30 Briefing by Ambassador Julian Peel YATES, Head of OSCE/ODIHR Mission
- 11.00 Meeting with Mr Martin DAWSON, Deputy Head of the EC Delegation to Turkey
- 12.00 Meeting with Mr Kadir SAĞLAM, Supreme Board of Election
- 13.30 Meeting with Mr Beşir ATALAY, Minister of State, representative of the Justice and Development Party
- 14.30 Meeting with Mr Deniz BAYKAL, President of the Republican Peoples Party (cancelled)
- 15.30 Meeting with Mr. Mehmet AĞAR, President of the Democrat Party (cancelled)
- 16.30 Meeting with Mr. Haşim KILIÇ, Acting President of the Constitutional Court
  
- 18:00 Meeting with Ambassadors of Council of Europe member States accredited in Turkey
- 20.30 Dinner hosted by Mr Mercan, Head of the Turkish delegation to the Parliamentary Assembly

**Friday, 20 July 2007**

- 09:00 Round Table with Media representatives
  - Cumhuriyet
  - Milliyet
  - Zaman
  - Vatan
  - CNN-Türk
  - NTV
  
- 10.30 Round Table with NGO Representatives
  - Amnesty International
  - Human Rights Association
  - Turkish Foundation for Democracy
  - Human Rights Foundation

***Late morning and Afternoon***

**Departure to the regions for those members deployed outside Ankara**

**Afternoon (for Members observing in Ankara)**

14.30 Meeting with Mr. Osman GÜNEŞ, Minister of Interior

15.30 Meeting with Mr. Yavuz MILDON, President of the Chamber of Regions, Congress of the Council of Europe

**Saturday, 21 July 2007**

10.00 Meeting with Mr Cem TOKKER, Chairman of the Liberal Democrat Party

10.30 Meeting with Mr Nurettin DEMIRTAS and Mrs Selma IRMATE, Deputy Co-Presidents, Democratic Society Party

**Sunday, 22 July 2007**

**Observation of the Parliamentary Elections**

**Monday, 23 July 2007**

09.30 Ad Hoc Committee Meeting: debriefing, assessment of the elections

11.30 Press Conference

*Departure of the members of the delegation*

## Appendix 3

## AD HOC COMMITTEE FOR THE OBSERVATION OF THE ELECTIONS IN TURKEY

DEPLOYMENT PLAN  
20 – 23 JULY 2007

TEAM	MEMBERS	PLACE OF DEPLOYMENT	LANGUAGE	HOTEL NAME
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