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Observation of the parliamentary elections in Turkey (7 June 2015)

Election observation report

Ad hoc Committee of the Bureau

Rapporteur: Mr Tiny KOX, Netherlands, Group of the Unified European Left

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1. Introduction

1. The Bureau of the Parliamentary Assembly, at its meeting on 5 March 2015, decided to observe the parliamentary elections in Turkey on 7 June 2015 (subject to receiving an invitation) and constituted an ad hoc committee for this purpose composed of 30 members (SOC: 11; EPP/CD: 10; ALDE: 4; EC: 3; UEL: 2) and the rapporteur on the post-monitoring dialogue with Turkey of the Monitoring Committee, Ms Josette Durrieu (France, SOC). The Bureau also authorised a pre-electoral mission. On 19 March 2015, Mr Reha Denemeç, in his capacity as Chairperson of the Turkish delegation, invited the Parliamentary Assembly to observe the parliamentary elections. The Bureau of the Assembly, at its meeting on 20 April 2015, approved the composition of the ad hoc committee (see Appendix 1) and appointed Mr Tiny Kox (Netherlands, UEL) as its Chairperson.

2. Under the terms of Article 15 of the co-operation agreement signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, an expert from the Venice Commission was invited to join the ad hoc committee as an advisor. On behalf of the Venice Commission, Mr Srđan Darmanović took part in the work of the ad hoc committee.

3. The pre-electoral delegation was in Ankara on 5 and 6 May 2015 to evaluate the state of preparations and the political climate in the run-up to the parliamentary elections on 7 June 2015. The multiparty delegation was composed of seven members (see Appendix 1).

4. During the visit to Ankara, the delegation met with leaders and representatives of the main political parties running in the elections, members of the diplomatic corps in Ankara, the Head of the Election Observation Mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), members of the Turkish delegation to the Parliamentary Assembly of the Council of Europe, the Chairperson of the Supreme Board of Elections (SBE), representatives of the Ministry of the Interior, the President and members of the Radio and Television Supreme Council (RTSC) and representatives of civil society and the media (Appendix 2). At the end of their visit, the pre-electoral delegation released a statement (Appendix 3).

5. For the main election observation mission, the ad hoc committee operated in the framework of an International Election Observation Mission (IEOM) alongside the delegation of the OSCE Parliamentary Assembly and the Limited Election Observation Mission (LEOM) of the OSCE/ODIHR. Ms Vilija Aleknaitė-Abramkienė was the Special Co-ordinator leading the short-term OSCE observer mission; Mr José Ignacio Sánchez Amor was Head of the OSCE Parliamentary Assembly delegation. Ambassador Geert-Hinrich Ahrens was the Head of the OSCE/ODIHR Limited Election Observation Mission.

6. The ad hoc committee met in Ankara from 5 to 8 June 2015. It met, amongst others, representatives of the main political parties running for the elections, members of the Radio and Television Supreme Council, and representatives of civil society and the media. The programme of the ad hoc committee's meetings is set out in Appendix 4.

7. On the day of the ballot, the ad hoc committee split into 17 teams which observed the elections in Ankara and its outskirts, as well as in the following regions and municipalities: Istanbul, Izmir, Adana, Diyarbakir, Samsun and Konya.

8. The ad hoc committee concluded that the elections were characterised by active citizen participation during the campaign and a high turnout on election day. Voters could choose from a wide range of political parties, but the 10% threshold to enter parliament limited political pluralism. Fundamental freedoms were generally respected. Unfortunately, the campaign was tainted by a high number of attacks on party offices and serious incidents of physical attacks, some resulting in fatalities. Media freedom was an area of serious concern, with media outlets and individual journalists critical of the ruling party being subject to pressure and intimidation during the campaign. The press release published by the IEOM after the elections appears in Appendix 5.

2. Legal framework

9. On 5 January 2015, the Supreme Board of Elections (SBE) announced that the parliamentary elections would be held on 7 June.

10. The last parliamentary elections took place in 2011, resulting in a third successive victory for the Justice and Development Party (AKP), which has held a majority in the Turkish Grand National Assembly (parliament) since 2002. In August 2014, the then Prime Minister Recep Tayyip Erdogan won the first direct presidential election.

11. The outgoing 550-member parliament was composed of the AKP with 311 seats, the Republican People's Party (CHP) with 125 seats, the Nationalist Movement Party (MHP) with 52 seats and the Peoples' Democratic Party (HDP) with 29 seats. The Anatolia Party, the Democratic Regions Party, the Electronic Democracy Party, the Centre Party, the Nation and Justice Party all held one seat each. A total of 13 independent members were represented and 15 seats were vacant.

12. The parliamentary elections of 7 June 2015 were widely viewed as an important, even crucial political event, with the potential to change the political system from a parliamentary to a presidential regime. The HDP participated as a party in the elections for the first time as its representatives in the outgoing parliament had been elected as independent candidates. Twenty political parties took part in these elections.

13. As already stated in the Parliamentary Assembly's report on the presidential election of 10 August 2014,¹ the legal framework in Turkey is generally conducive to the holding of democratic elections, although key areas are in need of improvement. The 1982 Constitution, which was adopted under military rule, concentrates on

1. Doc. 13611, "Observation of the presidential election in Turkey (10 August 2014)" (rapporteur: Ms Meritxell Mateu Pi, Andorra, ALDE).

bans and prohibitions rather than broad guarantees of fundamental rights and freedoms, as it entrenches undue limitations on the freedoms of association, assembly and expression, as well as on electoral rights. In particular, the fact that insulting the President is a criminal offence (Article 299 of the Criminal Code) restricts freedom of speech and campaigning.

14. Recent amendments to the legal framework addressed some previous Assembly recommendations. In 2014, the Law on Political Parties was amended to decrease the threshold for political parties to qualify for State funding and the Law on Basic Provisions was revised in 2014 to allow campaigning in any language.

15. Members of parliament are elected for four-year terms under a proportional system in 85 multi-member constituencies with closed political party lists and independent candidates. Seat redistribution was undertaken by the SBE in early 2015, based on current population distribution statistics. The system of seat allocation established in the law results in a significant differential of registered voters to seats across constituencies, which is inconsistent with the principle of equality of the vote under Section I.2.2.2 of the Venice Commission's Code of Good Practice in Electoral Matters ("Code of Good Practice").

16. Political parties must meet stringent requirements in order to participate in elections, including the submission of a full list of candidates and organisational structures in at least half of the provinces of Turkey. Joint candidate lists are not permitted. Political parties are prohibited from promoting a number of political ideologies – including non-secularism and separatism – and the existence of minorities. These restrictions undermine the freedoms of association and expression, and limit political pluralism.

17. To qualify for seat allocation, political parties must surpass the national electoral threshold of 10% of valid votes cast. The threshold is a subject of public discussion. In December 2014, the CHP submitted a bill to lower the threshold to 3%, but it failed to pass. In 2014, three non-parliamentary parties lodged separate petitions with the Constitutional Court challenging the threshold. On 5 March 2015, the Court refused jurisdiction in the cases on the grounds that challenges to legislation cannot be the subject of individual petitions. The Parliamentary Assembly and the European Court of Human Rights, as well as the OSCE/ODIHR, have previously recommended that the threshold be lowered to increase political pluralism in the parliament.

18. The law does not create a legal basis for domestic and international observation of elections. Recommendations concerning this have already been made by the Assembly² and by the Venice Commission in the Code of Good Practice.³ International observers were, however, invited and allowed to observe the elections, but, as also happened during the observation of the presidential election of 7 August 2014, they encountered difficulties in accessing a number of polling stations, where the ballot box committees were obviously not aware of the rights of observers. The Law on Basic Provisions provides for the monitoring of the election process only by representatives of political parties and independent candidates. As for citizen observers, they were still only able to operate in collaboration with political parties.

3. Electoral administration and registration of the voters lists and candidates

19. The elections were organised in a generally professional manner. There was a four-tier election administration: SBE, 81 provincial election boards (PEBs), 1 067 district election boards (DEBs) and 174 220 ballot box committees (BBCs). The SBE is a permanent, 11-member body composed of judges elected for six years with the overall authority and responsibility for the conduct of the elections. Eligible political parties could appoint non-voting members to the SBE. The non-voting members were representatives from AKP, CHP, MHP, HDP and the Felicity Party (SP).

20. The PEBs are located in each province and consist of the three most senior judges in the province, appointed for two-year terms. The four political parties that received the highest number of votes in the province in the last general elections could each nominate a non-voting member to the PEB. The DEBs have seven members chaired by the most senior judge in the district; four members are nominated by political parties and two are civil servants. The BBCs are required to be composed of seven members, five nominated by political

2. [Doc. 12701](#), "Observation of the parliamentary elections in Turkey (12 June 2011)" (rapporteur: Ms Kerstin Lundgren, Sweden, ALDE); and [Doc. 13611](#).

3. CDL-AD(2002)23rev., "Code of Good Practice in Electoral Matters – guidelines and explanatory report", adopted by the Venice Commission at its 52nd session (Venice, 18-19 October 2002): "Both national and international observers should be given the widest possible opportunity to participate in an election observation exercise."

parties, and two civil servants. The Law on Basic Provisions specifies that the chairperson should be chosen by drawing of lots. However, these procedures were not followed in several DEBs, which appointed their chairpersons directly.

21. The SBE printed a total of 73 988 955 ballot papers. Books of 405, 390 and 200 ballot papers were printed and distributed for BBCs in villages, neighbourhoods and out-of-country BBCs, respectively. The SBE determined the number of ballot papers to be printed and distributed by taking into consideration the legal provisions and practices from previous elections. As mentioned by the SBE, the Law on Local Administration Elections stipulates that the quantity of printed ballot papers should not exceed the number of registered voters by more than 15%, and the Law on Basic Provisions and the Law on Parliamentary Elections stipulate that each polling station should be provided with a book of 400 ballot papers. The decision to print and distribute books of 405 and 390 ballot papers to all in-country BBCs, including those with a small number of voters resulted in a surplus of 17 380 177 of ballot papers compared to the total number of voters. No explanation was given by the SBE for this extraordinary surplus.

22. Prior to election day, many interlocutors of the IEOM expressed concerns regarding a lack of trust in the election administration at all levels, partly due to a lack of transparency. Meetings of the electoral boards were not open to the public and not all SBE decisions were posted on its website. The SBE published an election calendar comprising election administration activities only until election day. Thus, deadlines for complaints, announcement of results and other key events were not publicised.

23. Out-of-country voting was conducted in 54 countries from 8 to 31 May. In addition, voters registered abroad were able to vote at customs points until 7 June. Out-of-country ballot papers were transported to a counting centre in Ankara, and ballot papers from custom points were counted in the nearest DEB.

24. According to the SBE, 606 082 voters with disabilities were registered and assistance for these voters permitted reallocation to accessible BBCs.

25. The SBE prepared voter information spots in Turkish; however, the spots were not available in other languages. A civil society organisation submitted two requests to the SBE asking for voter education spots to be provided in the Kurdish language. These requests were rejected by the SBE Chairperson and subsequently again by the SBE.

26. Turkey has a passive voter registration system. The SBE maintains a permanent central voter register linked to the civil and address registry operated by the Ministry of the Interior. Overall, the voter registration system is well developed. The total number of eligible voters was 53 741 838 in-country and 2 866 940 out-of-country.

27. Citizens over 18 years of age have the right to vote, except active conscripts, students in military schools and prisoners convicted of committing intentional crimes, regardless of the seriousness of the crime. The European Court of Human Rights has ruled twice that the ban on convicted prisoner's voting rights is too broad and must be proportionate to the crime committed. This restriction is also at odds with the Venice Commission's Code of Good Practice. The decisions have not been implemented. However, on 23 February 2015, the SBE issued a decision that partially implements the Court's decisions by applying international law to permit all convicts outside of prison to vote, whether their sentence is fully executed or not.

28. The voter lists were finalised by the SBE on 8 April 2015. According to the legislation, voting is compulsory for parliamentary elections. However, there are no provisions for voting at places of temporary stay for people in medical facilities and women's shelters, or for seasonal workers.

29. Citizens over the age of 25 years who have legal capacity and primary education are entitled to contest the elections. Citizens who have not completed compulsory military service, have been legally banned from public service, or have been convicted of any of a broad range of crimes, including minor offences (even if pardoned) are ineligible to contest the elections. These requirements and criteria for restoration of candidacy rights are incompatible with the fundamental right to stand for election.

30. Candidate registration was generally inclusive. Following the nomination period and the period of public display and contestation, on 24 April, the SBE announced that 20 political parties with 9 861 candidates and 165 independent candidates were registered. Some parties implemented gender quotas. Overall, some 28% of candidates on party lists were female.

4. Election campaign and media environment

31. The law established two periods with different applications of campaign rules. During the official campaign period, which started on 28 May and ended on 6 June at 18:00, stricter regulations and broader equitable campaign principles applied. Having only the last 10-day period of the campaign strictly regulated, left the larger campaign process under-regulated, which did not serve to ensure a fully level playing field for the campaign.

32. Contestants were generally able to campaign freely and did so extensively. However, there were several isolated cases of cancellation or restrictions of rallies of opposition parties in favour of events organised for the President or the Prime Minister. Some parties voiced dissatisfaction with the allocation of campaign space and reported damage or removal of their campaign materials, including by the local authorities. In mid-May, the Kirikkale and Ankara Criminal Courts ruled that certain MHP posters insulted the President and provoked hatred, which is prohibited under the Criminal Code. The courts ordered all provincial governors and the General Directorate of the Police to remove all such posters. In addition, on 2 June, the President launched a civil lawsuit against the CHP Chairperson for slander for statements made against him in a campaign speech.

33. The campaign was vibrant with different outdoor activities used by the contestants, who also extensively used social media. The campaign environment was marked by active engagement on substantive issues by the contestants, involving a large number of voters in campaign events. Polarisation between the ruling party and other contestants was notable and confrontational campaign rhetoric was often observed. The overriding issue in the campaign was the proposed change of the governmental system to a presidential one, as advocated by the President and the AKP and opposed by other contestants. Socio-economic issues, the Kurdish-Turkish peace process and the ongoing situation in the Middle East were also widely debated. In addition to Turkish, in some instances Kurdish, Arabic, Syriac and Zaza languages were used in the campaign.

34. The campaign was tainted by a high number of attacks on candidates and party offices. On 18 May, two bombs exploded at HDP branch offices in Adana and Mersin. One AKP candidate and one CHP candidate were wounded in separate armed attacks, on 23 and 26 May respectively. On 4 June, in Erzurum, 38 people were injured during a targeted disruption to the HDP rally. On 5 June, two bombs exploded at the HDP's rally in Diyarbakir; three people died and over 100 were injured. The police have launched investigations in all of these cases.

35. Under the Constitution, the President is obliged to be non-partisan and perform his duties without bias. However, the President, as head of State, together with local officials, attended an extraordinary number of public events. These events were used as opportunities to campaign in favour of the ruling party and to criticise opposition figures. The President's campaigning continued during the 10-day official campaign period. This practice contravenes campaign rules in the legal framework.

36. On 30 May, a large public event commemorated the 562nd anniversary of the conquest of Istanbul. Speeches by the President and the Prime Minister (introduced as the AKP Chairperson), praised the current AKP government. Prior to the event, the SBE decided, contrary to the law, that the organisation of the event should not be prohibited. On 19 May, the MHP lodged a request with the SBE to prevent the President from participating in the event and all other outdoor public meetings during the last 10 days of the campaign. The SBE turned down the request.

37. The legislation does not contain comprehensive regulations on campaign financing. It only imposes certain restrictions on the amount and nature of donations. Political parties are required to declare their campaign funds solely through annual party financial reports submitted to the Constitutional Court. Donations and spending of parties and candidates during the campaign were not publicly available. The lack of timely and public disclosure limits the overall transparency and accountability of the campaign finance framework.

38. The media environment is vibrant, with a wide range of broadcast and print outlets, and an ever increasing importance placed on online and social media. However, mainstream media ownership is concentrated in a few companies. A number of these companies have significant non-media investments and rely partly on governmental contracts, which some interlocutors of the IEOM felt limited their criticism of the ruling party.

39. The legal framework encompasses undue restrictions on freedom of expression, as detailed in the Constitution, the Criminal Code, the Anti-Terrorism Act and the Internet Law. A number of IEOM interlocutors expressed concerns over direct interference of public officials and political entities towards media deemed to

be critical of the ruling power. During the election period some media faced increasing pressure and intimidation, including restriction to access and cover institutional events, and threats to ban media outlets. According to IEOM interlocutors, 22 journalists are in prison.

40. The conduct of broadcast media during the election period is regulated by the Law on the Establishment of Radio and Television Enterprises and their Media Services (Law on Broadcasting), the Law on Basic Provisions and SBE decisions. Media regulations require all broadcasters to ensure impartiality, truthfulness and accuracy during broadcasting. However, comprehensive guidelines and definitions to implement these principles in the election period are lacking.

41. The Radio and Television Supreme Council (RTSC) consists of nine members elected by the parliament; five are nominated by the AKP, two by the CHP and one member each by the MHP and HDP. The RTSC was responsible for overseeing compliance by the media with the existing regulations and to submit weekly reports on detected violations to the SBE. However, the seemingly partisan functioning of the RTSC undermines its independence. The RTSC members nominated by opposition parties publicly voiced their dissatisfaction over the RTSC's lack of transparency and inaction towards the extensive coverage by some national broadcasters in favour of the AKP and the President. The SBE had the authority to consider media complaints and to sanction national broadcasters. As at 5 June, the SBE had considered 126 RTSC reports, which resulted in the issuing of warnings to 40 television channels and programme suspensions for 16 television channels. Nevertheless, not all decisions were published and broadcasters were not informed in a timely manner, which called into question the effectiveness of the sanctions.

42. The election coverage was often polarised along partisan editorial lines. Broadcast media largely covered the election period with live broadcasts of campaign rallies. No debates were held between political party leaders. This significantly narrowed the space for an open debate between contestants. In line with the law, the public broadcaster, TRT, granted free airtime to all political parties to convey their messages, with those parties having a parliamentary group benefiting from additional airtime. All parties took advantage of this opportunity.

43. The TRT1, in its newscasts, offered largely biased coverage in favour of the ruling party, which benefited from 46% of the airtime. The NTV and ATV channels in their editorial coverage and live broadcast of campaign events, offered wide coverage to the AKP, 32% and 34% respectively. CNN Turk offered more coverage to the CHP and the HDP, 30% and 27% respectively, while the MHP and AKP received 18% and 12% respectively. Samanyolu TV offered limited but fairly balanced coverage of the contestants; however, the tone of the coverage towards the ruling party was often negative.

44. The AKP invested heavily in paid advertising, purchasing 51% of the total paid political advertising on all channels monitored. The AKP was the only party to purchase paid advertising on ATV and had 91% of the advertising on TRT1. The CHP, to a lesser extent, also invested in paid advertising, purchasing 19% of total paid advertising.

45. During public speeches, the President often referred to electoral contestants. The President benefited from extensive coverage on TRT1, ATV and NTV: 40%, 46% and 30% respectively of their editorial coverage of political and institutional actors. Several political parties and MPs lodged complaints to the SBE and the Constitutional Court, including a challenge to the media coverage received by the President. All complaints were rejected or were still pending on election day.

5. Election day

46. On election day, the vote was organised in a professional and efficient manner and for the most part election procedures were followed. However, the ad hoc committee stresses (as it did after the presidential election of 2014) that an election process is much more than just an election day.

47. In the polling stations visited, the voting was in general well organised. Party and citizen observers, in particular belonging to the "Oy ve Ötesi" (Vote and Beyond) organisation were present in many polling stations. In order to carry out their key role, citizen observer groups had to register on behalf of parties. As already mentioned, there were cases where international observers were not allowed to observe the voting process (most probably due to a lack of information of the BBCs). In some cases, citizen observers informed members of the ad hoc committee of having encountered similar problems.

48. CHP observers were also present in many polling stations, as the party announced it would perform a parallel count to compare with the official results.

49. A few isolated incidents of violence were reported throughout the day. Overall, election day was calm. Purchase of alcoholic drinks – in shops, bars, restaurants and hotels – was not allowed during the entire day.

50. The members of the ad hoc committee drew attention to a number of issues in the polling stations they visited: as mentioned, some encountered difficulties in accessing the polling stations; in some cases, the BBCs were not respecting procedures; practical arrangements for accommodating voters with disabilities as well as elderly people were in many cases not sufficient; a team observed that in one polling station the counting was opened to any person willing to observe (which was considered to be a positive fact, as no interference with the counting process occurred).

51. On election day the Chairperson of the ad hoc committee met the President of the Union of Turkish Bar Associations, who informed him that they were also observing the voting with around 45 000 volunteer lawyers, trained in election law, throughout the country. He mentioned that he had been told about cases of interference by the police in the voting process.

52. As far as the voting out-of-country is concerned, on 11 May 2015, the Chairperson of the ad hoc committee wrote a letter to the Chairperson of the SBE asking for accreditations for members of the ad hoc committee to observe the election process out-of-country. On 29 May, he received the positive decision of the SBE and the list of polling stations abroad. As the last day for out-of-country voting was 31 May, unfortunately no member was able to make the necessary arrangements for such observation. According to information from the media, the Head of a BBC in Frankfurt had been dismissed by the SBE further to his attempt to vote in someone else's name.

53. Tabulation was done quickly and in the evening of the election day several media, including the public broadcaster, published preliminary results before 9 p.m.

54. On 18 June, the SBE announced the official results of the elections:

- AKP: 40,87%;
- CHP: 24,95%;
- MHP: 16,29%;
- HDP: 13,12%;
- Felicity Party: 2,06%;
- Independents: 1,06%;
- Others: 1,65%;

The voter turnout was 83,92%.

6. Conclusions

55. The ad hoc committee noted that the elections were characterised by active citizen participation during the campaign and a high turnout on election day. Voters could choose from a wide range of political parties, but the 10% threshold to enter parliament limits political pluralism. In future elections this threshold should therefore be lowered substantially.

56. Media freedom is an area of serious concern, with media outlets and individual journalists critical of the ruling party being subjected to pressure and intimidation during the campaign. The seemingly biased functioning of the Radio and Television Supreme Council should be a matter for evaluation in order to assure its unbiased function in future elections.

57. Fundamental freedoms were generally respected. Unfortunately, the campaign was tainted by a high number of attacks on party offices and serious incidents of physical attacks, some resulting in fatalities. Investigations have been launched by the authorities in all of these cases. Results should be made public as soon as possible and perpetrators should be brought before the courts.

58. The elections were generally administered in a professional manner, but greater transparency in the election administration would increase trust in the electoral process. The meetings of the electoral boards were not open to the public. Not all SBE decisions were posted on its website. The SBE published an election calendar of election administration activities only up until election day, making it impossible to clarify deadlines regarding post-election day events.

59. Several SBE decisions were inconsistent with legislation, including in relation to campaigning and election administration, and the lack of judicial review of those decisions challenges the separation of powers and prevents access to judicial remedy in election matters. The SBEs dismissed a series of complaints and appeals related to the President's involvement in the campaign and its extensive media coverage. All 16 election-related petitions lodged with the Constitutional Court remained undecided on election day, leaving petitioners without timely remedies.

60. International observers were accredited for these elections. The law, however, despite previous recommendations from the Parliamentary Assembly and contrary to Section II.3.2 of the Venice Commission's Code of Good Practice does not create a legal basis for citizen and international observation. The Supreme Board on Elections authorised the ad hoc committee to also observe voting abroad. Unfortunately, this permission was granted only two days before the closure of the voting abroad. In future, permission should be granted in time, to also cover this important part of the voting process.

61. Party and citizen observers, in particular belonging to the "Oy ve Ötesi" (Vote and Beyond) organisation, were present in many polling stations. In order to carry out their key role, citizen observer groups had to register on behalf of parties. In future, citizen observers should be granted official status as they could contribute to improving overall confidence in the electoral process.

62. Twenty parties and 165 independent candidates took part in the elections. They were generally able to campaign freely and did so extensively, although there were isolated instances of the cancellation of or restrictions on rallies for opposition parties in favour of events organised for the President or Prime Minister.

63. The media environment is vibrant, with a wide range of broadcast and print outlets, but undue restrictions remain and media critical of the ruling party faced increasing pressure and intimidation by public figures and political actors during the election period. Media coverage was polarised along partisan lines, including the public television broadcaster, displaying a significant bias in favour of the ruling party. The President enjoyed extensive television coverage which benefited the ruling party.

64. The overall functioning of the polling stations visited by members of the ad hoc committee was very efficient and transparent. The election day was well organised, albeit with a few localised security incidents. The counting and tabulation processes were generally transparent and carried out expeditiously, although some procedural errors were observed. In some instances, international observers were denied access to tabulation facilities.

65. The legal framework is generally conducive to the conduct of democratic elections, if implemented fully and effectively. However, freedom of association, assembly, and expression, as well as active and passive suffrage rights are to some extent unduly restricted in the Constitution and the general legislation. In particular, the fact that insulting the President is a criminal offence (Article 299 of the Criminal Code) restricts freedom of speech and campaigning.

66. The ad hoc committee noted that previous Assembly recommendations for legal reforms that would address gaps and ambiguities have mostly not been addressed. In a positive step, the freedom to campaign in any language was established in March 2014. The method of seat allocation for the 550 members of the parliament established in the law is inconsistent with the principle of equality of the vote due to significant differences in vote weight.

67. The campaign environment was marked by active engagement on substantive issues by the contestants, involving a large number of voters in campaign events. Polarisation between the ruling party and other contestants was notable and confrontational campaign rhetoric was often used. The most overriding issue in the campaign was the transformation of the political system to a presidential one, as advocated by the President and the ruling party and opposed by the other main contestants.

68. The President played an active role in the election campaign, even though under the Constitution he is obliged to be non-partisan and perform his duties without bias. The President attended an extraordinary number of public events, as head of State, along with local officials. However, these events were used as opportunities to campaign in favour of the ruling party and to criticise opposition figures. Numerous complaints

calling for a halt to the President's campaign activities and the misuse of administrative resources, including extensive coverage on State television, were filed. The President's campaigning contravened campaign rules and is at odds with Section I.2.3.a of the Venice Commission's Code of Good Practice in Electoral Matters.

69. The legislation does not contain comprehensive regulations on campaign financing. It only imposes certain restrictions on the amount and nature of donations. Political parties are required to declare their campaign funds solely through annual party financial reports submitted to the Constitutional Court. Information on donations and spending of parties and candidates during the campaign was not publicly available. The lack of timely and public disclosure of the reports limits the overall transparency and accountability of the campaign finance framework.

70. The number of elected female MPs has increased from 79 to 98. Women played an active role in the campaign, although they remain under-represented in political life. The Constitution guarantees gender equality, but there are no legal obligations for the political parties to nominate female candidates. On a positive note, some parties implemented gender quotas. Overall, approximately 28% of candidates on party lists were female. However, less than 1% of district electoral board members were women and there was only one woman on the SBE.

71. In spite of attempts to improve means of accommodating voters with disabilities as well as elderly people, these efforts have in many cases proved insufficient. In future elections this has to be matter of priority.

72. These elections have shown Turkey's democratic strength, including a high turnout, strong political parties and active citizen observers. However, the conclusions mentioned above also show that there is still considerable room for necessary improvement in order to create a truly level playing field for future elections in Turkey. The Parliamentary Assembly continues to stand ready to provide its expertise and to work with the country to support its efforts in fulfilling Council of Europe standards.

Appendix 1 – Composition of the ad hoc committee

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

- Tiny KOX (Netherlands, UEL), Chairperson of the ad hoc committee
- **Group of the European People's Party (EPP/CD)**
 - Corneliu Mugurel COZMANCIUC, Romania
 - Nicole DURANTON, France
 - Anže LOGAR, Slovenia
 - Jan RZYMEŁKA, Poland
 - Attila TILKI, Hungary
 - Emanuelis ZINGERIS, Lithuania
 - Yves POZZO DI BORGO, France
 - Cezar Florin PREDA, Romania
- **Socialist Group (SOC)**
 - Maryvonne BLONDIN, France
 - Paolo CORSINI, Italy
 - Andreas GROSS, Switzerland
 - Jonas GUNNARSSON, Sweden
 - Tadeusz IWŃSKI, Poland
 - Marit MAIJ, Netherlands
 - Yanaki STOILOV, Bulgaria
 - John TOMLINSON, United Kingdom
 - Birutė VĖSAITĖ, Lithuania
 - Philippe BLANCHART, Belgium
- **Alliance of Liberals and Democrats for Europe (ALDE)**
 - Rik DAEMS, Belgium
 - Kerstin LUNDGREN, Sweden
 - Andrea RIGONI, Italy
 - Alfred HEER*, Switzerland
- **European Conservatives Group (EC)**
 - Richard BALFE, United Kingdom
 - Ingebjørg GODSKESEN*, Norway
 - Morton WOLD, Norway
- **Group of the Unified European Left (UEL)**
 - Tiny KOX*, Netherlands
 - Athanasia ANAGNOSTOPOULOU, Greece
- **Rapporteur of the Monitoring Committee (ex officio)**
 - Josette DURRIEU*, France
- **Venice Commission**
 - Srđan DARMANOVIĆ
- **Secretariat**
 - Bogdan TORCĂTORIU, Administrative Officer, Election Observation and Interparliamentary Co-operation Division, Secretariat of the Parliamentary Assembly
 - Amaya UBEDA DE TORRES, Administrator, Venice Commission
 - Franck DAESCHLER, Principal administrative assistant, Election Observation and Interparliamentary Co-operation Division
 - Nathalie BARGELLINI, Press officer
 - Anne GODFREY, Assistant, Election Observation and Interparliamentary Co-operation Division
 - Francesca ARBOGAST, Secretary of the Socialist Group to the Parliamentary Assembly

* members of the pre-electoral delegation

Appendix 2 – Programme of the pre-electoral mission (5-6 May 2015)

Tuesday 5 May 2015

- 10:00-11:00 Delegation meeting:
- Opening by Mr Tiny Kox, Chairperson of the ad hoc committee
 - Briefing by Ms Josette Durrieu, Parliamentary Assembly rapporteur for the post-monitoring dialogue with Turkey
- 11:00-12:00 Meeting with representatives of the media:
- Today's Zaman: Abdullah Bozkurt
 - Contemporary Journalists Association: Ahmet Abakay
 - Ulusal Kanal: Osman Erbil
 - Bugün: Ömer Önder
 - Gözlem (Izmir): Ali Abali
 - Aydinlik: Ismet Özcelik
- 12:00-13:15 Meeting with members of the diplomatic corps in Ankara:
- Mr Jeroen Vergeylen, Deputy Head of Mission, Embassy of Belgium
 - Mr Daan Huisinga, Deputy Head of Mission, Embassy of the Netherlands
 - Ms Lovorka Ostrunic, Embassy of Croatia
 - Mr Stanislav Proshko, Embassy of Ukraine
 - Mr Didier Chassot, Deputy Head of Mission, Embassy of Switzerland
 - Mr Christophe Parisot, First Advisor, Embassy of France
 - Mr Bela Szombati, Acting Head of the European Union Delegation to Turkey
- 14:30-15:30 Meeting with representatives of civil society:
- Vote and beyond (Oy ve ötesi): Mehmet Pancaroglu, Basak Yavcan
 - AMER: Cigdem Sever
 - Checks and Balances: Oya Özden, Süleyman Basa, Seda Kirdar, Zerrin Ates
 - Human Rights Association: Öztürk Türkdogan
 - Transparency International: Damla Cihangir
- 15:45-16:30 Meeting with Prof Dr Davut Dursun, President of the Radio and Television Supreme Council (RTSC), and members of the RTSC
- 17:00-18:00 Meeting with Mr Sırrı Süreyya Önder and Mr Nazmi Gür, representatives of the Peoples' Democratic Party (HDP)
- 18:00-19:00 Meeting with Mr Tuğrul Türkeş, Vice-President of the Nationalist Movement Party (MHP)

Wednesday 6 May 2015

- 09:30-10:45 Meeting with Mr Sadi Güven, Chairperson of the Supreme Board of Elections
- 11:00-12:00 Meeting with Ms Gülsün Bilgehan, Vice-President, and representatives of the Republican People's Party (CHP)
- 14:00-15:00 Meeting with Mr Mükerrrem Ünlüer, Undersecretary, and other officials from the Ministry of the Interior
- 16:00-17:00 Meeting with Mr Yalçın Akdoğan, Deputy Prime Minister, representing the Justice and Development Party (AKP)
- 17:30-18:30 Meeting with Ambassador Geert-Hinrich Ahrens, Head of the OSCE/ODIHR Limited Election Observation Mission, and his staff
- 18:30-20:30 Preparation and distribution of the statement of the pre-electoral delegation

Appendix 3 – Statement by the pre-electoral delegation

Strasbourg, 6 May 2015 – A six-member(*) cross-party delegation of the Parliamentary Assembly of the Council of Europe (PACE) was in Ankara on 5 and 6 May 2015, at the invitation of the Turkish delegation to the PACE, for a pre-electoral visit ahead of the 7 June 2015 parliamentary elections.

It met with leaders and representatives of the main political parties running for the elections, members of the diplomatic corps in Ankara, the Head of the OSCE/ODIHR Election Observation Mission, members of the Turkish delegation to the PACE, the Chairman of the Supreme Board of Elections (SBE), representatives of the ministry of the interior, the President and members of the Radio and Television Supreme Council (RTSC), representatives of civil society and the media.

The delegation considered that the parliamentary elections of 7 June will be a crucial moment for political life in Turkey. Citizens will have a genuine choice of political options which include the proposal of the ruling party to change the constitution and switch to a presidential system. Whether the Peoples' Democratic Party (HDP) will pass the 10% electoral threshold is one of the key issue of these elections, which appear to be highly competitive.

Interlocutors of the ruling party pointed out improvements made to the electoral system during the last years, e.g. by loosening the conditions of participation of political parties in elections and by allowing the use of languages other than Turkish in election campaigns.

The delegation noted with satisfaction that the conditions allowing Turks living abroad to vote in 47 foreign countries were improved and should ensure an easier access to polling stations. However, the surveillance of the 24-day storing of ballot papers and the security of their transportation back to Turkey for counting still raised some concerns. The delegation called upon authorities to ensure a similar composition of electoral boards within Turkey and abroad. It expressed moreover to the President of the SEB its readiness to observe the elections abroad.

The delegation regretted that the high electoral threshold of 10% has still not been lowered, despite the repeated recommendation from the Parliamentary Assembly and from the Venice Commission. It remains a major obstacle for political parties to enter parliament, and could impact the representativity of the new Parliament, as a marginal difference of votes could lead to a serious discrepancy between the electorate's will and the composition of the Grand National Assembly.

Serious concerns had been expressed by the interlocutors met over the involvement of the President of the Republic of Turkey in the pre-electoral campaign, despite a clear constitutional provision that he remains without bias while in office. Moreover, the possible misuse of administrative resources this year mentioned by some interlocutors – and repeatedly criticised by the Assembly in the past – seems to be once again an issue for these elections, as well as insufficient transparency in political party funding and campaign financing according to some interlocutors. The delegation recalled that, according to the Turkish legal framework and to the Council of Europe standards, equal conditions should be guaranteed to all participants in the elections.

The delegation recalled that all broadcasters, including the Turkish Radio and Television Corporation (TRT), are required to ensure impartial and equal media coverage of the campaign (political advertising and allocation of airtime). Voters have the right to be properly informed and any restriction on media freedom (self-censorship, economic and legal pressure on journalists) can only restrict the access to free and complete information. Interlocutors reported about the very strong links between media owners and political parties.

In this respect, the delegation learnt from interlocutors that the efficiency and impartiality of the SEB and the RTSB, which are responsible for the good conduct of the elections, are subject of discussion. It regrets that the shortcomings identified by the PACE in this matter in the 2014 presidential elections remained unaddressed, in particular the unequal allocation of airtime to political parties, and the fact that the decisions of the SEB are final and cannot be challenged. It therefore expects the SBE to regulate efficiently and diligently shortcomings and violations relating to access to media and equal airtime.

A number of representatives of political parties from the opposition and civil society expressed mistrust in the electoral process. These concerns relates to the transport of ballot boxes and the security and reliability of the final electronic tabulation, a process which is not open to observers. The delegation hoped that fears for electoral fraud will prove to be unjustified and that all necessary measures will be taken beforehand. In this context, observers of political parties in polling stations will have an essential role to play.

The delegation noted that serious incidents, targeting especially one political party, already occurred. NGOs reported cases of hate speech during the election campaign. It therefore called upon the authorities to ensure that political parties will be able to campaign freely and safely.

The delegation welcomes the moves taken by some political parties to increase the participation of women candidates in elections, as well as the inclusion of representatives of ethnic communities. Such an inclusive approach allows ensuring the presence of different cultural, linguistic and historical sensibilities.

The delegation reiterates its call to allow accreditation of representatives of the civil society to observe the elections, which would contribute to enhanced transparency of, and trust in the election process. It also hopes that both national and international observers will be able to freely observe all steps of the electoral process (voting, counting, drafting and tabulation of the minutes).

A fully-fledged delegation of about 30 PACE observers will return to the country to observe the election of 7 June 2015.

(*) Members of the delegation: Tiny Kox (Netherlands, UEL), Head of the delegation; Melita Mulic (Croatia, SOC); Volodymyr Arieu (Ukraine, EPP/CD); Ingebjørg Godskesen (Norway, EC); Alfred Heer (Switzerland, ALDE); Josette Durrieu (France, SOC), PACE rapporteur for post-monitoring dialogue

Appendix 4 – Programme of the election observation mission (5-8 June 2015)

Friday 5 June 2015

- 9:00-10:00 Internal meeting of the PACE ad hoc committee
- 10:15-10:30 Opening by the heads of parliamentary delegations:
- Ms Vilija Aleknaite Abramikiene, Special Co-ordinator, OSCE short-term observers
 - Mr Tiny Kox, Head of Council of Europe Parliamentary Assembly delegation
 - Mr Ignacio Sánchez-Amor, Head of OSCE Parliamentary Assembly delegation
- 10:30-12:00 Briefing by the OSCE/ODIHR Limited Election Observation Mission
- Introduction and Overview of Findings to Date
- Ambassador Geert-Hinrich Ahrens, Head of the OSCE/ODIHR Limited Election Observation Mission
 - Mr Thomas Boserup, Deputy Head of Mission
- Political Background and the Campaign
- Mr Vadim Zhdanovich, Political Analyst
- Legal Framework and Complaints
- Ms Maria Morry, Legal Analyst
- Media
- Mr Pietro Tesfamariam, Media Analyst
- Polling Procedures
- Ms Vania Anguelova, Election Analyst
- Security
- Mr Davor Čorluka, Security Expert
- 14:30-17:45 Meetings with party representatives
- 14:30-15:15 Professor Mustafa Şentop, Deputy Chairperson, AKP
- 15:15-16:00 Mr Erdal Aksünger, Chief Advisor to Chairperson, MP, CHP
- 17:00-17:45 Mr Sırrı Süreyya Önder, MP, HDP

Saturday 6 June 2015

- 09:30-10:30 Panel discussion with representatives of the media:
- Mr Bünyamin Şahin, News co-ordinator, TRT
 - Mr Abdullah Bozkurt, Ankara Representative, Today's Zaman Daily
 - Mr Deniz Zeyrek, Ankara Representative, Hürriyet Daily
 - Mr Ahmet Abakay, Chairperson, Progressive Journalists Association
 - Professor Kerem Altıparmak, Ankara University
- 10:30-11:30 Panel discussion with representatives of civil society:
- Professor Muhittin Acar, Ankara Representative, Transparency International
 - Assistant Professor Başak Yavçan, Ankara Representative, Vote and Beyond
 - Ms Dilek Ertükel, Country Director, NDI
 - Ms Çiğdem Sever, Member of Board, Association for Monitoring Equal Rights
 - Ms Hatice Kapusuz, Ankara Chair, KADER
 - Mr Öztürk Türkdoğan, Chair, Human Rights Association
 - Ms Arzu Arda Kosar, General Co-ordinator, and Ms Asli Koksall, Spokesperson, GO
 - Turkish Expat Votes

- 11:30-12:00 Meeting with representatives of the Radio and Television Supreme Council (RTSC):
- Mr Hasan Tahsin Fendoğlu, Deputy President
 - Mr Emir Ulucak, Director of Monitoring and Evaluation Department
 - Mr Hüseyin Demirbilek, International Affairs Expert
 - Ms Özlem Sevgi Keleş, Legal Advisor
- 12:00-12:30 Meeting with the long-term observers of the OSCE/ODIHR LEOM deployed in Ankara
- 12:30-13:00 Meeting with linguistic assistants and drivers for the PACE and OSCE PA teams deployed in and around Ankara
- 16:00-20:00 Regional briefings with OSCE/ODIHR long-term observers for teams deployed in the regions of Istanbul, Izmir, Adana, Diyarbakir, Samsun and Konya – followed by meetings with linguistic assistants and drivers

Sunday 7 June 2015

All day: Observation of the opening of polling stations, voting, counting and tabulation

08:00 Opening of polling stations

17:00 Closing of polling stations

After the closure of the polling stations: counting and tabulation

Monday 8 June 2015

08:00-09:00 Meeting of the PACE ad hoc committee

13:30 Joint press conference

Appendix 5 – Statement by the International Election Observation Mission (IEOM)

Ankara, 8 June 2015 – The 7 June parliamentary elections in Turkey were characterized by active and high citizen participation, during the campaign and on election day. Voters could choose from a wide range of political parties, but the 10% threshold to enter parliament limits political pluralism, international observers said in a statement issued today. Media freedom is an area of serious concern, with media outlets and individual journalists critical of the ruling party being subject to pressure and intimidation during the campaign, the observers said.

“The elections engaged society in a vibrant and hard-fought campaign, and demonstrated that there is a real choice from among strong political forces in Turkey,” said Vilija Aleknaitė Abramikienė, Special Co-ordinator and Leader of the Short-Term OSCE Observer Mission. “I was impressed yesterday to see people so actively going to the polls, especially after the recent violence and tragic loss of life. Their continued engagement demonstrates commitment to democratic elections. Remaining challenges, including on media freedoms and the high threshold for entry into the parliament, should be addressed to better reflect people’s choices.”

Fundamental freedoms were generally respected. Unfortunately, the campaign was tainted by a high number of attacks on party offices and serious incidents of physical attacks, some resulting in fatalities.

The elections were organized professionally in general, but greater transparency in the election administration would increase trust in the electoral process, the statement said. Several Supreme Board of Elections decisions were inconsistent with legislation, including in relation to campaigning and election administration, and the lack of judicial review of those decisions challenges the separation of powers and prevents access to judicial remedy in election matters.

“We praise the active participation of citizens, the high voter turnout and the broad observation activities by parties, as well as by citizen observer groups, which in the future should be granted legal status”, said Tiny Kox, Head of the PACE Delegation. “The 10% threshold limits political pluralism, and we continue to urge that it be lowered substantially.”

International observers were accredited for these elections. The law, however, does not create a legal basis for citizen and international observation, and two citizen observer groups were denied accreditation by the SBE.

The President played an active role in the election campaign, even though the constitution obliges him to be non-partisan, attending an extraordinary number of public events, which were used as opportunities to campaign in favour of the ruling party and to criticize opposition figures, the observers noted.

Twenty parties and 165 independent candidates took part in the elections. They were generally able to campaign freely and did so extensively, although there were isolated instances of the cancellation of or restrictions on rallies for opposition parties in favour of events organized for the President or Prime Minister, the statement says.

“While Turkey has a history of a generally functioning, pluralistic system, challenges related to freedom of expression and the dominant role played by the President in the campaign partially undermined fairness in this election,” said Ignacio Sánchez Amor, Head of the OSCE PA Delegation. “Turkey clearly plays a stabilizing role in a tough neighbourhood, but these security challenges cannot be a justification for backsliding on democratic commitments. The strong engagement of people across the country during the campaign and yesterday is a good sign for Turkey’s future.”

The media environment is vibrant, with a wide range of broadcast and print outlets, but undue restrictions remain and media critical of the ruling party faced increasing pressure and intimidation by public figures and political actors during the election period. Media monitoring results showed that the coverage was polarized along partisan lines, with three of the five television channels monitored, including the public broadcaster, displaying a significant bias in favour of the ruling party.

“The results of our observation are not a black-and-white picture. I trust that the competent authorities will concentrate on the messages contained in the critical points and on the recommendations that will come in the ODIHR final report, rather than on the defense of sometimes-flawed practice,” said Ambassador Geert-Hinrich Ahrens, Head of the OSCE/ODIHR Limited Election Observation Mission. “In this respect, rectification is better than justification or denial. All in all, these elections were an impressive exercise in democracy.”

In the limited number of polling stations visited by international observers, election day was well organized, with a few localized security incidents. The counting and tabulation processes were noted as generally transparent, although some important procedural errors were observed and, in some instances, international observers were denied access to tabulation facilities.