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Observation of the early parliamentary elections in Turkey (1 November 2015)

Election observation report
Ad hoc Committee of the Bureau
Rapporteur: Mr Andreas GROSS, Switzerland, Socialist Group

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1. Introduction

1. The Bureau of the Parliamentary Assembly, at its meeting on 31 August 2015, decided to observe the early parliamentary elections in Turkey on 1 November 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 of the co-rapporteurs of the Monitoring Committee on the post-monitoring dialogue with Turkey, Ms Ingebjørg Godskesen (Norway, EC) and Ms Nataša Vučković (Serbia, SOC). The Bureau also authorised a pre-electoral mission. On 1 September 2015, Mr Reha Denemeç, in his capacity as Chairperson of the Turkish delegation, invited the Parliamentary Assembly to observe the early parliamentary elections. The Bureau of the Assembly, at its meeting on 28 September 2015, approved the composition of the ad hoc committee and appointed Mr Andreas Gross (Switzerland, SOC) as its Chairperson (see Appendix 1).

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 adviser. Mr Srđan Darmanović took part in the work of the ad hoc committee on behalf of the Venice Commission.

3. The pre-electoral delegation was in Ankara on 5 and 6 October 2015 to evaluate the state of preparations and the political climate in the run-up to the early parliamentary elections on 1 November 2015. The multiparty delegation was composed of seven members (see Appendix 1). It met with leaders and representatives of the main political parties running in the elections, 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), the Chairperson of the Turkish delegation to the Parliamentary

Assembly, 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), representatives of civil society and the media, as well as members of the diplomatic corps in Ankara. At the end of its visit, the pre-electoral delegation released a statement (Appendix 2).

4. 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. Mr Jose Ignacio Sánchez Amor (Spain) was the Special Co-ordinator leading the short-term OSCE observer mission. Ms Margareta Cederfelt (Sweden) was Head of the OSCE Parliamentary Assembly delegation. Ambassador Geert-Hinrich Ahrens was the Head of the OSCE/ODIHR Limited Election Observation Mission.

5. The ad hoc committee met in Ankara on 30 and 31 October 2015 and took part in joint PACE/OSCE-PA parliamentary briefings. 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 3.

6. On the day of the ballot, the ad hoc committee split into 16 teams which observed the elections in Ankara and its region, as well as in the regions and municipalities of Istanbul and Izmir. Due to security constraints, it was not possible to deploy teams in the eastern and south-eastern parts of the country. The conclusions of this report are based on the observations of the PACE pre-electoral mission and the ad hoc committee, and the preliminary findings published by the OSCE/ODIHR LEOM.

7. The ad hoc committee concluded that the 1 November early parliamentary elections in Turkey offered voters a variety of choice. At the same time, the challenging security environment, particularly in the south-east of the country, coupled with a high number of violent incidents, including attacks against party members, premises and campaign staff (predominantly from the People's Democratic Party (HDP)), hindered the contestants' ability to campaign freely. While the media landscape comprises a variety of outlets, undue legal restrictions on media freedom remain in place. Investigations launched against journalists and media outlets for supporting terrorism or for defamation of the president, the blocking of websites, the forcible seizure of prominent media outlets and the removal of several television stations from digital service providers, reduced access to a plurality of views and of information. The elections were well organised by the election administration and took place in a generally peaceful atmosphere, but the election campaign was characterised by unfairness and, to a serious degree, fear. The statement published by the IEOM after the elections is reproduced in Appendix 4.

2. Political context and legal framework

8. Following the parliamentary elections of 7 June 2015, the 550 member parliament was composed of the Justice and Development Party (AKP, 40.87% of the votes) with 258 seats, the Republican People's Party (CHP, 24.95%) with 132 seats, the Nationalist Movement Party (MHP, 16.29%) with 80 seats and the Peoples' Democratic Party (HDP, 13.2%) also with 80 seats. 95% of voters were represented in the parliament. The AKP lost its parliamentary majority for the first time since 2002, while the Peoples' Democratic Party (HDP), a party with a pro-Kurdish stance, entered parliament after surpassing the 10% threshold for the first time in Turkish history. These elections were observed by the Parliamentary Assembly in the framework of an IEOM alongside the delegation of the OSCE Parliamentary Assembly and the LEOM of the OSCE/ODIHR.[1]

9. While no political party had a majority, the President of the Republic, Mr Recep Tayyip Erdoğan, entrusted, on 25 August 2015, the leader of the main political group in the parliament, former Prime Minister Ahmet Davutoğlu, to carry out negotiations with a view to forming a coalition alliance. This attempt failed. Mr Erdoğan did not, as had been the practice in Turkey, invite the leader of the second largest party (i.e. the CHP) to form a coalition. An interim government (so-called "election government") was subsequently established, with Mr Davutoğlu in the post of Prime Minister. Both the CHP and MHP declared that they would take no part in the interim government. Therefore, the interim government was formed by the AKP with independent figures, one member of the MHP (who was subsequently dismissed from the party) and two members from the HDP. However, the two ministers representing the HDP resigned on 22 September 2015.

1. See Doc. 13822.

10. On 25 August 2015, the Supreme Board of Elections (SBE) announced that the early parliamentary elections (26th elections) would be held on 1 November 2015. The preparation of these early elections took place in a dramatically changed political and security environment, compared to the 7 June elections, notably marked by the suspension of the peace process, and the resumption of clashes between the Turkish Security Forces and the Kurdistan Worker's Party (PKK) after two and a half years of the peace process. In addition, the authorities were also engaged in renewed fighting against the terrorist group known as "IS" ("Da'ish" in Arabic),[2] the Gülen Movement (which has been recently referred to as the "Fethullah Gülen Terrorist Organisation" (FETÖ) by the Turkish authorities) and other organisations labelled as terrorist organisations.[3] These developments have led to further polarisation of, and tensions in, the country.

11. As stated in previous Assembly reports on the observation of elections in Turkey, the legal framework in Turkey, which has remained untouched since June 2015, is generally conducive to the conduct of democratic elections, if implemented fully and effectively. The elections are primarily regulated by the 1982 Constitution, the 1961 Law on Basic Provisions on Elections and Voter Registers (Law on Basic Provisions), the 1983 Law on Parliamentary Elections, and the 1983 Law on Political Parties (LPP). Amendments were adopted in 2014 to the Law on Political Parties (enabling a decrease in the threshold for political parties to qualify for State funding) and the Law on Basic Provisions (allowing campaigning in any language). While the last Assembly report on the observation of the parliamentary elections of 7 June 2015[4] described the legal framework at length, it might be useful to recall the key areas identified by the ad hoc committee in June 2015, which were in need of improvement and remained unaddressed since the last, and even the previous parliamentary elections:[5]

– *The 10% electoral threshold*: despite the fact that this threshold was the subject of public discussion in recent months, political parties still had to surpass the national electoral threshold of 10% of valid votes cast to qualify for seat allocation. The Assembly[6] and the European Court of Human Rights[7] have continuously pointed out that this high threshold hinders political pluralism in the parliament.

– *The lack of judicial review of SBE decisions,* which challenges the separation of powers and denies access to effective judicial remedy in electoral disputes, in contradiction with the Venice Commission's Code of Good Practice (Section II.3.3). The Constitutional Court's recent ruling that SBE decisions cannot be reviewed even for violations of fundamental rights and freedoms further restricted the opportunity for stakeholders to seek judicial redress.[8]

– *Shortcomings in the constitutional framework*: the 1982 Constitution, which was adopted under military rule, concentrates on 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.

– *System of seat allocation*: The system of seat allocation to constituencies results in a significant differential in the number of voters per parliamentary seat, which is inconsistent with the principle of equality of the vote provided for by Section I.2.2.2.iv of the Code of Good Practice in Electoral Matters (Code of Good Practice).[9]

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2. Variations in translation have caused the same group to be termed "Islamic State in Iraq and Levant" (ISIL) and "Islamic State in Iraq and Syria" (ISIS) among others. Recently, the group renamed itself simply "Islamic State" (IS). Thus for the purposes of this document, for uniformity, but also in no way conferring recognition of any State status, the group is referred to as "IS".

3. For further details on the general context, see the information note by Ms Josette Durrieu (France, SOC), rapporteur, on her fact-finding visit to Istanbul, Şanlıurfa and Ankara (30 April-4 May 2015) (document AS/Mon (2015) 18 rev.).

4. Doc. 13822, paragraphs 9-18.

5. Doc. 12701, "Observation of the parliamentary elections in Turkey" (12 June 2011) (rapporteur: Ms Kerstin Lundgren, Sweden, ALDE).

6. The Assembly recommended that the Turkish authorities lower this threshold. See Resolution 1380 (2004) on the honouring of obligations and commitments by Turkey (paragraph 23.2) and Resolution 1925 (2013) on the post-monitoring dialogue with Turkey (paragraph 10.3).

7. In the case of *Yumak and Sadak v. Turkey*, Application No. 10226/03, judgment of 30 January 2007, the Court ruled that the threshold did not amount to a violation of the right to free elections; however, it considered the threshold "excessive" and noted that it would be desirable to lower it to ensure political pluralism.

8. On 7 October 2015, the Constitutional Court published its first decisions that address whether petitions against SBE decisions in parliamentary elections are within its jurisdiction. While the court acknowledged that the right to free parliamentary elections is guaranteed by the Constitution and the European Convention on Human rights (ETS No. 5, "the Convention"), it ruled that SBE decisions are not subject to review, even for breach of fundamental rights and freedoms. This key decision ruled out any remaining opportunity for electoral stakeholders to seek judicial redress in election-related matters.

– *Restrictions to freedom of expression*: insulting the President is a criminal offence (Article 299 of the Criminal Code). This charge, overused in recent months, restricts freedom of speech and campaigning. In addition, political parties are prohibited from promoting a number of political ideologies, including non-secularism or the existence of minorities. These restrictions undermine the freedoms of association and expression and limit political pluralism.

– *Absence of a legal basis for domestic and international observation of elections*, despite the recommendations made by Assembly[10] and by the Venice Commission in the "Code of Good Practice".[11]

– *Restrictions to voting rights*, which apply to 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 prisoners' 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" (Section I.2.2.2.iv) and other international obligations.[12]

– *Restrictions to the right to stand for elections* applying to citizens over the age of 25 years with legal capacity and primary education: they are ineligible to contest the elections if they 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).

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

12. The elections were conducted in a generally professional manner. They were administered by a four-tier election administration: the Supreme Board of Election (SBE), 81 provincial election boards (PEBs), 1 067 district election boards (DEBs) and 175 006 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, namely the AKP, CHP, MHP and the HDP, could appoint non-voting members to the SBE.

13. 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 can 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. Women comprised some 27% of PEB members but only 6% of DEB members. The BBCs are required to be composed of seven members, five nominated by political parties and two civil servants.

14. Prior to election day, the issue of the possible relocation of ballot boxes in the areas affected by the escalation of violence to safer locations[13] was raised by the Assembly's pre-electoral mission, and gave rise to questions, and also speculation about possible political motivations for such moves. Some DEBs either took the decision to relocate or requested the SBE's opinion on the issue. On 3 October, the SBE decided in favour of conducting voting in these areas, stating that the relocation of any polling stations outside of the respective *mukhtarlik* (smallest administrative area) was not in line with the law. Subsequently, several DEBs took decisions to relocate a significant number of polling stations back within the *mukhtarlik.*

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9. 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. A redistribution of seats was undertaken by the SBE in early 2015, based on current population distribution statistics.

10. Doc. 12701, "Observation of the parliamentary elections in Turkey" (12 June 2011) (rapporteur: Ms Kerstin Lundgren, Sweden, ALDE); Doc. 13611, "Observation of the presidential election in Turkey (10 August 2014)" (rapporteur: Ms Meritxell Mateu Pi, Andorra, ALDE).

11. 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." The Law on Basic Provisions provides for the monitoring of the election process only by representatives of political parties and independent candidates.

12. See judgments: *Soyler v. Turkey*, Application No. 29411/07, 17 September 2013, and *Murat Vural v. Turkey,* Application No. 9540/07, 21 October 2014. To date, the legal framework has not yet been amended to address the Court's judgments. However, as in the last elections, the SBE issued a decision on 23 February 2015 that partially implements the Court's decisions by applying international law and permitting all convicts outside of prison to vote, whether their sentence is fully executed or not.

13. The AKP argued that conducting elections in such conditions could result in loss of life and impact the integrity of voting.

15. Out-of-country voting was conducted from 8 to 25 October 2015 in 113 polling locations established in 54 countries and at 30 customs points across Turkey. Around 1.2 million (out of 2.89 million[14]) voters voted abroad. Out-of-country ballots were transported by charter flights and diplomatic pouches to be counted in Ankara. Safeguards such as online verification of voters and secure storage of election materials were put in place to ensure the integrity of the process. The ad hoc committee noted that the out-of country voter turnout has been steadily increasing since the introduction of the measure in 2014, as required by the Assembly in 2004: 19% in the 2014 presidential election, 32.5% in the June 2015 election and 44% in the November 2015 elections.

16. 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. Since the June 2015 elections, the total number of voters increased by over 300 000 due to the number of those who reached 18 years of age since that date.[15] Most interlocutors met by the Assembly's pre-electoral mission and ad hoc committee raised no concerns about the reliability of the voter register.

17. Candidate registration was generally inclusive. Following the nomination period and the period of public display and contestation, the SBE announced that 16 political parties with 8 426 candidates on their lists and 21 independent candidates had been registered.[16] Three political parties were denied the right to contest the elections by SBE decisions citing insufficient organisational structure.[17]

18. The Constitution guarantees gender equality. However, there are no legal obligations for the political parties to nominate female candidates. Some parties implemented voluntary gender quotas: the HDP and the CHP ensured that respectively 50% and 33% of their candidates were female. The number of female candidates on the AKP list decreased compared to June 2015.[18] Overall, 24% of candidates on party lists were female.

4. Election campaign, funding of the campaign and media environment

19. In accordance with the electoral law, the application of certain campaign regulations began on 31 August, while the official campaign period started only ten days prior to election day (from 22 October to 31 October at 6 p.m.), leaving the larger campaign process under-regulated. Stricter regulations and broader equitable campaign principles applied during the official campaign period, such as a prohibition on all public ceremonies and speeches on government works.

20. While contestants were in general able to convey their messages to the electorate, the campaign was generally low-key: most political parties used social media and undertook a door-to-door campaign and small meetings, focusing on some targeted electoral districts in the country where their party could possibly increase the number of seats in parliament. The ad hoc committee also noted that political parties had to run a second election campaign in the same year, with no additional State funds allocated. Financial constraints probably also contributed to the downsizing of the election campaign. Some party leaders reached an informal "gentlemen's agreement" to refrain from using certain campaign methods to prevent noise and environmental pollution.[19] An increase in visibility of campaign material, in particular flags and posters, was observed in the last days of the campaign. Some parties used religious references[20] and three parliamentary parties campaigned abroad,[21] both in breach of the law.

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14. Around 70% live in five countries: Germany, France, the Netherlands, Belgium and Austria.
15. According to the Supreme Board of Elections, the number of voters registered for the 1 November 2015 election has risen: from a total of 53 741 883 voters registered in Turkey and 2 866 940 registered abroad in June 2015 to 54 052 503 voters registered in Turkey and 2 895 167 voters abroad.
16. The number of independent candidates was eight times lower than in the 7 June 2015 elections. For these elections, the deposit required from independent candidates was 10 651 TL (around €3 100). Section I.I.I.3 of the Code of Good Practice of the Venice Commission states that if a deposit is required, it must be refundable should the candidate exceed a certain score; the sum and the score requested should not be excessive.
17. The Right and Truth Party, the Homeland Party (YURT-P) and the Social Reconciliation Reform and Development Party (TURK-P); the latter two ran in the June 2015 elections. On 2 September, the AKP lodged a complaint to the Prosecutor's Office of the Supreme Court seeking de-registration of the TURK Party on the grounds of an insufficient organisational structure. As a result, on 18 September, the SBE took a decision to de-register the TURK Party from contesting the elections. On 16 October, the TURK Party lodged a petition to the Constitutional Court for violation of its freedom to associate and right to contest. On 27 October, the Constitutional Court dismissed the case based on lack of jurisdiction.
18. It was explained to the ad hoc committee that, given the importance of these early elections, the AKP had favoured the presentation of prominent politicians (mostly men) who were no longer prevented from running in parliamentary elections, due to the internal rule of the AKP that MPs cannot serve more than three parliamentary terms in a row.

21. Under the Constitution, the president is obliged to be non-partisan and perform his duties without bias. While participating in anti-terrorism rallies organised across the country and abroad,[22] the president used the opportunities to campaign in favour of a stable majority, and criticised opposition figures, thus not abiding by his constitutional duties to perform his mandate in an impartial manner.

22. The conduct of the campaign was, from the beginning, tarnished by violence. As deplored by the Assembly's pre-electoral delegation, politically motivated violence was observed in the weeks preceding the elections. This included the attacks, within two days, on 400 HDP offices and workplaces of the HDP party members from 6 to 8 September,[23] and on some AKP premises. It was also informed that a number of HDP members, including mayors, were arrested and detained in police operations, which raised concerns.[24] Certain HDP campaign leaflets were confiscated.[25] Some members of the CHP, the MHP and the HDP were investigated for defamation of public authorities, including insulting the president. The AKP reported a number of attacks on its offices and threats against its members, in particular in the east and south-east of the country. There were also reports of intimidation of voters and pressure to vote for several political forces.

23. At the end of July 2015, violence escalated in the south-east of the country, where a significant part of the Kurdish population lives. In several provinces of the east and the south-east, the ability to campaign freely was considerably restricted by the deteriorating security situation and where Special Security Zones (SSZs) were declared and/or curfews imposed[26] in areas predominantly oriented towards voting for the HDP.

24. Violence culminated with the bomb attack in Suruc on 20 July 2015 (32 dead, dozens injured) and a major terrorist bomb attack in Ankara on 10 October 2015, in which over 100 people were killed and more than 500 injured. The HDP, which was targeted by this attack, refrained from organising any rally from that date on. The AKP announced on 12 October that the party's subsequent rallies would be turned into anti-terror rallies. The campaign atmosphere was increasingly polarised between the AKP and the other contestants and confrontational rhetoric was used.

25. The overriding issues were the socio-economic situation, the "Solution Process" (which is the official term used to describe the peace process) and the campaign against terrorism. The proposal of the AKP to establish a presidential system, which was at the heart of the June 2015 campaign, was less the subject of discussions, although included in the manifesto of the party. The ad hoc committee, however, considered that

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19. The measures included restrictions on use of loudspeakers on vehicles and vehicle convoys, campaign materials posted only in the vicinity of the campaign offices, removal of campaign material after a rally and campaign offices located in open areas with easy access for security. While some parties were supportive of the agreement, some parties with less resources, for instance the Felicity Party, were concerned that it might disadvantage them.

20. The OSCE/ODIHR LEOM observed use of religious language in AKP campaign events in Samsun, Manisa and Bursa on 5, 8 and 16 October respectively. On 22 September and 3 October, the SBE upheld two complaints against an AKP campaign song that included religious references; it banned the use of the song at indoor and outdoor campaign meetings, and in social media and Internet campaigning.

21. The CHP leader campaigned in Switzerland, France, Belgium, the Netherlands, Germany and Austria from 23 to 27 September. The HDP party co-chair campaigned in several German cities in the last week of September and in the first week of October. The AKP leader campaigned in Germany on 3 October

22. The president attended anti-terror demonstrations on 20 September in Istanbul, on 4 October in Strasbourg and on 5 October in Brussels

23. Figures provided to the pre-electoral delegation by the HDP. According to data provided to the OSCE/ODIHR LEOM by the HDP, 129 attacks on its party offices occurred between 6 September and 9 October. According to data provided by the Minister of the Interior the following attacks occurred against party offices in October: the AKP 9, the HDP 7 and the CHP 1.

24. More than 20 mayors, members of the Democratic Regions Party, affiliated to the HDP at the national level, were suspended by the Minister of the Interior due to criminal investigations for infringing the territorial integrity and unity of the State. According to data provided to the OSCE/ODIHR LEOM by the HDP: 2 590 HDP members were taken into custody and 630 were arrested between 20 July and 18 October.

25. On 16 October, a Criminal Judge of Peace ordered the confiscation of the leaflet which referred to "decentralised government" as criminal evidence in an investigation under the Anti-Terrorism Law.

26. On 21 August, the Council of Ministers, by decree, declared SSZs in at least eight provinces with effect from September 2015 to March 2016. In addition, as of September 2015 provincial governors declared SSZs for up to 15 days in 20 districts in at least 7 provinces in the south-east. Some governors also declared curfews in several neighbourhoods in at least 10 districts ranging from a few hours up to an indefinite amount of time. In particular, the curfew in Cizre (4-12 September) prompted the Council of Europe Commissioner for Human Rights to react. See Mr Muižnieks' statement: "Turkey should ensure immediate access to Cizre by independent observers", 11 September 2015. The authorities announced that 32 PKK militants had been killed, while the HDP reported that 21 civilians had been killed during the operation.

the general climate of the campaign, given the uprise in violence, was conducive to establishing an atmosphere of fear and insecurity among voters, which most certainly could have had an influence on the political choice on election day.

26. As noted in previous Assembly reports, the legislation does not contain comprehensive regulations on campaign financing. State party funding is distributed annually, on a proportional basis, to parties that received at least 3% of votes in the last parliamentary elections.[27] The legislation only imposes certain restrictions on the amount and nature of donations and there are no requirements for disclosure of the sources and amounts of campaign donations and spending other than in annual party finance reports, which limits transparency.

27. While the media landscape comprises a variety of outlets, the ad hoc committee expressed serious concerns about infringements of the freedom of the press and freedom of expression. The constitutional and legal restrictions on freedom of expression identified previously remain in place. Unclear provisions in the Anti-Terrorism Law and Press Law were excessively applied during the election period. A number of journalists and media outlets were prosecuted for "support of terrorism". Criminal investigations launched on the basis of "insulting the President of the Republic" were so numerous[28] that it raises serious concerns as to whether the widespread recourse to Article 299 is in line with European standards.[29]

28. Increased pressure was exercised against journalists, media and media groups in recent months, which resulted in an increase of self-censorship, and reduced voters' access to a plurality of views and information. A series of events can be mentioned here to illustrate the overall media climate during the election campaign:

– the mobbing of the *Hürriyet* offices on 6 and 8 September 2015,[30] and the brutal assault of its columnist Ahmet Hakan on 1 October 2015;

– the termination of the broadcasting of several television stations, most of them critical of the government, by four digital service providers, following correspondence from the Ankara Prosecutor's Office in connection with ongoing investigations into charges of supporting terrorism;[31]

– further cases related to the terrorism charges brought against the Doğan Medıa Group on 15 September, against the Koza-Ipek Media Group on 1 September and the television stations Samanyolu Haber and Mehtap TV on 15 October, all of which are critical of the government;

– the replacement of the Koza-İpek Media Group management by State trustees, following the decision issued on 26 October by an Ankara Criminal Judge of Peace. On 27 October, officials together with police forcibly entered the Koza-İpek Media Group building;

– a ban on reporting on any matter related to the investigation of the Ankara bombing, *de facto* criminalising reporting on issues of public concern;[32]

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27. While the HDP is entitled to State funding following the June 2015 election, the instalment will be released in January 2016. The Ministry of Finance did not respond to the HDP's request for an early release of the funds.

28. According to the Independent Communications Network Bianet, between July and September 2015, 61 people, including 37 journalists, were investigated, prosecuted or convicted for insulting the president

29. See the case law relating to Article 10 of the European Convention on Human Rights, *Lingens v. Austria*, Application No. 9815/82, judgment of 8 July 1986, *Castells v. Spain*, Application No. 11798/85, judgment of 23 April 1992, *Incal v. Turkey*, Application No. 22678/93, judgment of 9 June 1998, *Arslan v. Turkey*, Application No. 23462/94, judgment of 8 July 1999 (Grand Chamber), and *Fikret Sahin v. Turkey*, Application No. 42605/98, judgment of 6 December 2005. On 3 November 2015, the Assembly's Monitoring Committee decided to ask the Venice Commission to analyse the conformity with European human rights standards of Article 299 of the Criminal Code on defamation of the President of the Republic, and its application in practice, in the framework of the opinion currently under preparation following Assembly Resolution 2035 (2015).

30. The mob was led by AKP supporters, including the then AKP MP (and leader of the youth branch) Mr Boynukalin, after a journalist allegedly misquoted President Erdoğan in a TV interview. Windows were smashed, there were threats that the offices would be burnt while journalists were inside, which sparked reactions from the international community, including Assembly President Anne Brasseur. See Ms Brasseur's statement of 9 September 2015.

31. The digital service providers Tivibu, Turkcell TV+, Digiturk and Turksat removed television stations on 27 September, and 2, 8 and 12 October respectively. The television stations affected included Samanyolu TV, SHaber, Kanalttürk, Bugün TV and Mehtap TV. On 9 October, Samanyolu TV filed complaints to the SBE, the Radio and Television Council (RTSC) and the Supreme Board of Prosecutors and Judges. Another complaint was filed on 12 October by the MHP to the SBE on the same issue. The complaint filed by Samanyolu TV was rejected by the SBE without legal reasoning. On 21 October, two CHP members filed complaints with the RTSC, the Izmir Public Prosecutor and the Supreme Board of Prosecutors and Judges.

– the police raid on the offices of the Kurdish daily newspaper *Azadiya Welat* and Kurdish news agency DIHA in Diyarbakır on 28 September, which prompted the Council of Europe to issue an alert on 5 October. Thirty-two detained Kurdish journalists were released after being interrogated;

– as well as a number of restrictions on the Internet.[33]

29. In this tense media landscape, the ad hoc committee was all the more concerned that the sanctions based on the Radio and Television Supreme Council's (RTSC) media monitoring reports, and imposed by the SBE on the broadcasters, did not provide an effective remedy for breaches of regulations. Several stakeholders, including RTSC members, questioned the RTSC methodology for monitoring the campaign coverage. It clearly transpired from various media monitoring mechanisms that the media blatantly favoured the ruling party,[34] while media regulations require all broadcasters to ensure impartiality, truthfulness and accuracy during broadcasting.[35] The lack of comprehensive guidelines and definitions to implement these principles in the election period, and the political composition of this Council,[36] do not enable the RTSC to regulate the media scene in a way which guarantees fair access of political contestants to media during election times, which would allow voters to make a well informed choice.

30. The legal provisions governing the functioning of the SBE and the handling of electoral complaints should be clarified to ensure that effective and timely remedies are provided for electoral complaints. As noted in the preliminary findings of the ODIHR IEOM, the SBE received some 40 complaints and appeals lodged by political parties, MPs and other stakeholders, mainly concerning unbalanced and inaccurate media coverage as well as various decisions of the election administration and campaign-related violations. While the SBE effectively addressed some complaints, others were left without substantive examination, and in some cases were not provided with an effective or timely remedy. Some SBE decisions on complaints and appeals were not sufficiently reasoned, especially in cases which the SBE rejected or in which it decided it lacked authority. In the absence of legal deadlines, the SBE did not deal with media-related complaints, most of which related to the impartiality requirement, in a timely manner in order to provide effective remedies for complainants

5. Election day

31. Election day was generally organised in an efficient and peaceful manner in the areas that were observed by the ad hoc committee. The counting process was assessed as transparent and well organised. The tabulation at several DEBs observed was assessed as orderly and efficient overall, despite being crowded at times.

32. In the polling stations visited, the voting was generally well organised. Despite legal constraints preventing non-governmental organisations (NGOs) from being accredited as observers, civil society monitoring of the electoral process was *de facto* vibrant. The civil society platform "Oy ve Ötesi" (Vote and Beyond) intended to deploy above 60 000 observers and were present in many polling stations. On several occasions, the IEOM teams and international observers were asked to leave the BBCs, at times by people acting on behalf of electoral contestants. In several instances, citizen observers accredited on behalf of

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32. The ban was imposed on all media by an Ankara Criminal Judge of Peace on 14 October and lifted on 19 October. Criminal investigations were launched by the Ankara Public Prosecutor against public officials and a journalist for releasing information on the investigation.

33. According to a domestic media organisation, as of 24 October, 103 877 websites are blocked, some without a court decision.

34. OSCE/ODIHR LEOM media monitoring findings showed that three out of the five monitored television stations, including the public broadcaster, favoured the governing party in their The AKP received the highest amount of coverage on all television stations – 73% on TRT1, 77% on ATV, 32% on CNN Turk, 49% on Haber Turk and 47% on Samanyolu TV, while the other parliamentary parties received less coverage. The tone of the coverage of the AKP was mostly positive on the TRT1, ATV and Haber Turk, and mostly negative on CNN Turk and Samanyolu TV. The CHP, MHP and HDP respectively received 12, 8 and 6% on TRT1; 11, 8 and 4% on ATV; 28, 18 and 14% on CNN Turk; 19, 22 and 9% on Haber Turk, and 23, 13 and 12% on Samanyolu TV. Four other parties received coverage below 1%, and the remaining parties were not mentioned on the monitored television stations' programs, with the remaining two offering negative coverage. See also the RTSC findings published on 27 October 2015 by the electronic media Bianet on the airtime allocated by media, including the State owned TRT, according to which 12 TV channels including TRT allocated 138 hours for the President Erdoğan, 238 hours for the AKP, 36 hours for the CHP, 21 hours for the MHP and 6 hours for the HDP over a period of 25 days.

35. 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.

36. 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.

political parties were denied access. Following an instruction issued by a provincial governor, police officers requested representatives of a citizen observer group accredited on behalf of political parties to present their identification.

33. The members of the ad hoc committee were deployed in 16 teams and four locations (Ankara, Ankara Region, Izmir, Istanbul). They visited about 200 polling stations. Their conclusions were the following:

– the members of the ad hoc committee agreed to conclude that the elections were generally well conducted in the polling stations visited;

– in a few polling stations, some tensions could be felt due to the fact that voters were made aware of the strong presence of some party observers. Some teams faced questions when entering the polling stations but this could generally be overcome after discussing with the Chairperson of the electoral board. In one case, a team was denied access to a polling station, but the issue was later resolved after the police, which was called by the electoral board, intervened;

– the members observed a strong participation of disabled and elderly people, who were assisted either by relatives (as allowed by the regulations), or by members of the electoral board. In some places, buses were used to bring voters to the polling stations;

– some members were puzzled by the role, and authority, of headmasters of schools where polling stations were located;

– in several polling stations visited in the countryside, there were no party observers and few representatives belonging to the “Oy ve Ötesi” (Vote and Beyond);

– many polling stations were male-dominated, with the exception of one all-female polling station;

– in one polling station in Kirsehir/Ankara, it was reported that a voter had been caught photographing his ballot paper in the voting booth[37] The chairperson notified the incident to the police. After consultation of the DEB, the vote was considered as valid and able to be cast.

34. On 12 November, the SBE announced the official results of the elections; with a voter turnout of 85.23%:

– AKP: 49.50% (317 seats);

– CHP: 25.32% (134 seats);

– MHP: 11.9% (40 seats);

– HDP: 10.76% (59 seats);

– Felicity Party (Saadet): 0.68% (no seat);

– Other political parties: 1.84% (no seat);

35. As regards gender equality, the number of elected female MPs has decreased from 98 to 82 since the June elections. 24% of candidates on party lists were female, although not in high positions, which resulted in the fact that 14.91% of the elected MPs are women (they were 17.8% in June 2015). While women play an active role in the campaign, they remain under-represented in political life. All political parties should therefore be strongly encouraged to implement gender quotas as temporary measures to ensure a balanced representation of women in parliament, and ensure that women are in eligible positions on party lists.

6. Conclusions and recommendations

36. The ad hoc committee concluded that the elections were well conducted on election day, in a generally peaceful atmosphere, despite the challenging security environment during the election campaign. These elections offered a wide range of political choices. The overall functioning of the polling stations visited by members of the ad hoc committee was efficient and transparent. The counting and tabulation processes were generally transparent and carried out expeditiously. The ad hoc committee commends the Turkish people for their active participation in the organisation of the elections (with about one million citizens involved in the different levels of the election administration), and its participation in the election, with a high turnout, including in the areas in the eastern and south-eastern part of Turkey affected by an adverse security situation.

37. This practice was evoked by other witnesses. Photos, allegedly, should prove one’s loyal vote for a party, sometimes against remuneration or a scholarship, as noted by a student.

37. The ad hoc committee also welcomed the readiness and the increasing capacity of a vibrant civil society to involve citizens in the monitoring of these elections, as party and citizen observers, in particular belonging to the "Oy ve Ötesi" (Vote and Beyond), and ensure their active participation in the electoral process despite legal restrictions that prevent domestic monitors being accredited as observers.

38. The ad committee noted that the legal framework – if implemented fully and effectively – is generally conducive to the conduct of democratic elections. 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.

39. The ad hoc committee stresses, once again, that an election process is much more than just an election day. The ad hoc committee regrets that the election campaign was tarnished by a challenging security environment, in particular in the south-east of the country, and a high number of violent incidents, including attacks against party members and campaign staff, as well as on party premises, which hindered contestants' ability to campaign freely.

40. Media coverage remained polarised along partisan lines, including the public television broadcaster, displaying a significant bias in favour of the ruling party. The ad hoc committee thus concluded that the electoral campaign was characterised by unfairness, given the serious restrictions on freedom of the media, the criminalisation of dissenting voices, the lack of effective and timely remedies provided by the Supreme Board of Elections (in particular with respect to unfair media coverage) and judicial review of SEB decisions, and the context of fear prevailing in the country following the resumption of terrorist attacks and the renewed fight against terrorism.

41. The ad hoc committee expresses the wish that after these parliamentary elections, which took place in a much more polarised atmosphere, there will be a renewed dialogue within society to pursue the democratisation process, and resume the peace talks to solve the Kurdish issue, which is a key issue for the long-term democratic stability of the country. In particular, it stressed the role that the president, in line with his constitutional prerogatives, should play to work for an inclusive political process to deal with the problems facing Turkey, ensuring that all voices, including those who lost these elections, are able to be heard.

42. A number of shortcomings, previously and repeatedly identified by the Parliamentary Assembly, the Venice Commission and the OSCE/ODIHR, remain unaddressed. The ad hoc committee therefore strongly encourages the authorities to address, before the next elections, these shortcomings in the framework of its post-monitoring dialogue with the Parliamentary Assembly and the Council of Europe co-operation programmes, and in close co-operation with the Venice Commission, in particular:

– review and adapt the electoral legislation and relevant constitutional provisions, notably to eliminate discrepancies; include better protection and regulation in the field of freedom of speech and of the use of media during the campaign; improve the rules concerning campaign and party funding (in line with the 2015 recommendations of the Group of States against Corruption (GRECO)); and review the method of seat allocation and ensure the principle of equality of the vote due to significant differences in vote weight;

– lower the 10% threshold, which has an impact on the lack of representativity of the parliament;

– set up a mechanism to allow judicial review of the SEB decisions, and ensure access to judicial remedy in election matters, in line with the recommendations of the Venice Commission;

– evaluate the composition and functioning of the Radio and Television Supreme Council (RTSC) to ensure proper monitoring of the Law on the Establishment of Radio and Television Enterprises that obliges broadcasters to provide unbiased coverage of political parties;

– ensure that the SBE provides effective and timely remedies in case of breaches of the law;

– create a legal basis for citizen and international observation, in line with Section II.3.2 of the Venice Commission's "Code of Good Practice", which would contribute to improving overall trust in the electoral process.

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:

– Andreas GROSS (Switzerland, SOC), Chairperson

– **Group of the European People's Party (EPP/CD)**
  - Volodymyr ARIEV, Ukraine*
  - Elena CENTEMERO, Italy
  - Iryna GERASHCHENKO, Ukraine
  - Anže LOGAR, Slovenia
  - Ion POPA, Romania
  - Ionuţ-Marian STROE, Romania
  - Imer ALIU, "the former Yugoslav Republic of Macedonia"

– **Socialist Group (SOC)**
  - Andreas GROSS, Switzerland*
  - Josette DURRIEU, France
  - Birutė VĖSAITĖ, Lithuania
  - Paolo CORSINI, Italy
  - Yuliya L'OVOCHKINA, Ukraine

– **Alliance of Liberals and Democrats for Europe (ALDE)**
  - André BUGNON, Switzerland
  - Alfred HEER, Switzerland
  - Olena SOTNYK, Ukraine*
  - Carles JORDANA MADERO, Andorra
  - Eerik-Niiles KROSS, Estonia

– **European Conservatives Group (EC)**
  - Richard BALFE, United Kingdom
  - Christopher CHOPE, United Kingdom*

– **Group of the Unified European Left (UEL)**
  - Tiny KOX*, Netherlands
  - Nikolaj VILLUMSEN, Denmark*
  - George LOUKAIDES, Cyprus

– **Co-rapporteurs of the Monitoring Committee (ex officio)**
  - Ms Ingebjørg GODSKESEN, Norway*
  - Ms Nataša VUCKOVIC, Serbia*

– **Venice Commission**
  - Srđan DARMANOVIĆ, Montenegro

– **Secretariat**
  - Sylvie AFFHOLDER, Administrator, Parliamentary Assembly
  - Danièle GASTL, Assistant, Election Observation and Interparliamentary Co-operation Division, Parliamentary Assembly
  - Sevda GÜNDÜZ, Assistant, Election Observation and Interparliamentary Co-operation Division, Parliamentary Assembly
  - Nathalie BARGELLINI, Press Officer, Parliamentary Assembly
  - Amaya UBEDA DE TORRES, Administrator, Venice Commission
  - Denise O'HARA, Secretary of the Group of the European People's Party (EPP/CD)
  - Anna KOLOTOVA, Secretary of the Group of the Unified European Left (UEL)

* Pre-electoral mission

Appendix 2 – Statement by the pre-electoral delegation

07/10/2015 – A seven-member(*) cross-party delegation of the Parliamentary Assembly of the Council of Europe (PACE) was in Ankara on 5 and 6 October 2015, at the invitation of the Turkish delegation to PACE, for a pre-electoral visit ahead of the early parliamentary elections on 1 November 2015.

The delegation notes that the early election campaign is being conducted in a dramatically changed environment, compared to the June 7 elections. These changes have been marked by: no single party majority in parliament and failed attempts to form a coalition, the suspension of the peace process, and the resumption of clashes between the Turkish Security Forces and the PKK. These developments have led to further polarization of, and tensions in the country.

The delegation welcomes the commitment expressed by all political parties to the holding of fair elections, and considers that voters will again be given a genuine choice. The delegation, however, expresses serious concern about the situation of the media. It was informed of instances of repeated intimidation, pressure and physical attacks against journalists and media groups, culminating in the mobbing of the Hürriyet offices on 6 and 8 September 2015, and the brutal assault of its columnist Ahmet Hakan on 1 October 2015.

The delegation was also informed of a sharp rise in prosecutions launched against critical voices, on charges of “defamation against the President” (Article 299 of the Criminal Code) or “terrorism”, as well as a number of restrictions on freedom of expression, including on the internet and social media. The delegation is concerned that this situation may hamper free democratic debate and freedom of expression.

Security concerns also dominated the discussions during the pre-electoral visit. The delegation condemns the politically-motivated violence observed in recent weeks, including the attacks, within two days, on 400 offices and workplaces of the HDP party, and some AKP premises. It was also informed that a number of HDP members, including Mayors, were arrested and detained in recent police operations, which raises concerns. The delegation calls on all political stakeholders to refrain from using, and take action against, verbal and physical violence, and to take a responsible stand in the election campaign to prevent any further escalation which would undermine democratic processes.

With the Supreme Board of Elections (SBE), the delegation also discussed possible measures to be taken to ensure the safety and security of all voters. Particular attention was given to the SBE’s recent decision not to allow the relocation of ballot boxes from unsafe districts. The delegation was informed that pressure might be exerted on voters in certain areas. The creation of a number of “special temporary security zones” and curfews in areas predominantly oriented towards voting for the HDP raises serious concerns that this situation might spread fear among voters. The authorities assured the delegation that all necessary steps would be taken to guarantee security conditions, especially in the east and south-east of Turkey, and to allow candidates to campaign, and citizens to cast their vote, free from fear. The delegation considers that the monitoring of elections by local and international observers in these disputed areas, if security conditions allow, will enhance the transparency of, and trust in, the election process.

Finally, the delegation recalls that a number of shortcomings identified during the observation of the June 2015 elections remain valid, such as the highly disproportionate coverage of different political parties in State-owned media; the lack of judicial review of SBE decisions; the lack of regulation of campaign and party funding; and the impossibility for domestic NGOs to be registered as observers. The active role of the President of the Republic in the campaign period, despite constitutional provisions requiring him to exercise his function in an unbiased manner, was also questioned. The delegation reiterates the call made by PACE to lower the 10% threshold, which has an impact on the lack of representativity of the parliament.

The delegation expresses the hope that the elections will be fair and transparent, and allow for the expression of the will of the citizens. It also welcomes the readiness and the increasing capacity of a vibrant civil society to involve citizens in the monitoring of these elections and to play an active part in the electoral process.

During its 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 OSCE/ODIHR Election Observation Mission, members of the Turkish delegation to PACE, the Chairman and members 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), as well as representatives of civil society and the media.

A fully-fledged delegation of 32 PACE observers will return to the country to observe the 1 November 2015 early election.

(*) Members of the pre-electoral delegation: Andreas Gross (Switzerland, SOC), Head of the delegation; Volodymyr Ariev (Ukraine, EPP/CD); Olena Sotnyk (Ukraine, ALDE); Christopher Chope (United Kingdom, EC); Nikolaj Villumsen (Denmark, UEL); Ingebjorg Godskesen (Norway, EC) and Natasa Vuckovic (Serbia, SOC), PACE co-rapporteurs for the post-monitoring dialogue with Turkey

Appendix 3 – Programme of the election observation mission (30 October-2 November 2015)

Friday 30 October 2015

09:00-10:00 Meeting of the PACE ad hoc committee:
- Information about the pre-electoral mission by Mr Andreas Gross, Chairperson of the delegation
- Information from members of the pre-electoral mission
- Information on the electoral legislation, by Mr Srđan Darmanović, Venice Commission, and Ms Amaya Ubeda de Torres, member of the Secretariat
- Practical and logistical information, Secretariat

10:15-10:30 Opening by the Heads of parliamentary delegations:
- Mr Ignacio Sánchez Amor, Special Co-ordinator, OSCE short-term observers
- Mr Andreas Gross, Head of the PACE delegation
- Ms Margareta Cederfelt, Head of the OSCE-PA delegation

10:30-12:30 Briefing by the OSCE/ODIHR Limited Election Observation Mission:
- Introduction and overview of findings to date – Ambassador Geert-Hinrich Ahrens, Head of Mission
- Political overview and the campaign environment – Ms Martina Barker-Cigániková, Political Analyst
- Legal framework and complaints – Ms Marla Morry, Legal Analyst
- Media environment – Ms Elma Šehalić, Media Analyst
- Election administration and polling procedures – Mr Konrad Olszewski, Election Analyst
- Questions and Answers
- Security Briefing, Q&A – Mr Wayne Pilgrim, Security Expert

14:30-17:45 Meetings with party representatives:
- Mr Yıldız Seferinoğlu, President of the Election Center, Justice and Development Party (AKP)
- Mr Erdal Aksünger, Chief Consultant to the Chairperson, İzmir MP, Republican People's Party (CHP)
- Mr Sırrı Süreyya Önder, Ankara MP, Peoples' Democratic Party (HDP)

18:00 Meeting with interpreters and drivers for the OSCE-PA and PACE teams deployed in Ankara

Saturday 31 October 2015

09:30-10:30 Panel discussion with representatives of the media:
- Mr Ali Ünal, Ankara Representative, *Daily Sabah*
- Mr Arif Tekdal, Diplomacy correspondent, *Today's Zaman*
- Ms Zeynep Gürcanlı, Ankara representative, *Hurryiet*
- Mr Ahmet Abakay, Chairperson, Progressive Journalists Association

10:30-11:30 Panel discussion with representatives of civil society:
- Ms Oya Özarslan, Chairperson, Transparency International
- Mr Mehmet Pancaroğlu, Ankara Representative, Vote and Beyond
- Ms Dilek Ertükel, Country Director, NDI
- Ms Hatice Kapusuz, Chairperson of KA.DER, Ankara
- Ms Feray Salman, General Co-ordinator, Human Rights Joint Platform

11:30-12:00 Meeting with representatives of the Radio and Television Supreme Council (RTSC):
- Mr İlker Ilgın, Vice-President
- Mr Emir Miracettin Ulucak, Head of the Monitoring and Evaluation Department
- Mr Süleyman Demirkan, Member

– Mr Ersin Öngel, Member

12:00-12:30 Regional Briefing by OSCE/ODIHR LEOM long-term observers deployed in Ankara:
– Ms Jurga Lukšaitė-Roehling, LTO Co-ordinator
– Long-Term Observers – Team Ankara: Ms Linda Elisabeth Beijlsmit and Ms Karin Bo Bergquist

Sunday 1 November 2015

07:30 Observation of the opening of the polling stations

08:00-17:00 Observation of the elections

17:00 Observation of the closing of the polling stations, counting and presentation of results

Monday 2 November 2015

08:30-09:30 Meeting of the PACE ad hoc committee

Debriefing by the members of the ad hoc committee on the election observation

14:00 Joint press conference

Appendix 4 – Statement by the International Election Observation Mission (IEOM)

Elections in Turkey offered voters variety of choices, but process was hindered by challenging security environment, incidents of violence and restrictions against media, international election observers say

Strasbourg, 02.11.2015 – The 1 November early parliamentary elections in Turkey offered voters a variety of choices. At the same time, the challenging security environment, particularly in the southeast of the country, coupled with a high number of violent incidents, including attacks against party members, premises and campaign staff, hindered contestants' ability to campaign freely, international observers said in a statement issued today. Restrictions on media freedom remain a serious concern, the observers said.

"While Turkish citizens could choose between genuine and strong political alternatives in this highly polarised election, the rapidly diminishing choice of media outlets, and restrictions on freedom of expression in general, impacted the process and remain serious concerns," said Ignacio Sánchez Amor, Special Co-ordinator and Leader of the short-term OSCE observer mission. "Physical attacks on party members, as well as the significant security concerns, particularly in the southeast, further imposed restrictions on the ability to campaign."

A major terrorist bomb attack in Ankara on 10 October significantly affected the atmosphere and conduct of the campaign, with all political parties temporarily suspending campaign activities. Most contestants could convey their messages to the electorate in a campaign atmosphere that was polarised between the ruling party and other contestants, and confrontational rhetoric was common, the statement says. The last two weeks of the campaign were marked by an increased number of attacks against and arrests of members and activists, who were predominantly from the People's Democratic Party (HDP).

"Unfortunately, the campaign for these elections was characterized by unfairness and, to a serious degree, fear," said Andreas Gross, Head of the PACE delegation. "In light of this, it is even more vital that the president works for an inclusive political process to deal with the problems facing Turkey, ensuring that all voices, including those who lost these elections, are able to be heard."

"The violence in the largely Kurdish southeast of the country had a significant impact on the elections, and the recent attacks and arrests of members and activists, predominantly from the HDP, are of concern, as they hindered their ability to campaign," said Margareta Cederfelt, Head of the OSCE PA delegation. "For an election process to be truly democratic, candidates need to feel that they can campaign and voters need to feel that they can cast their ballots in a safe and secure environment."

While the media landscape comprises a variety of outlets, undue legal restrictions on the freedom of expression remain in place. Investigations against journalists and media outlets for supporting terrorism or defamation of the president, the blocking of websites, the forcible seizure of prominent media outlets and the removal of several television stations from digital service providers reduced voters' access to a plurality of views and information, the observers said. Media monitoring revealed that three out of the five monitored national television stations, including the public broadcaster, clearly favoured the governing party in their programming.

The elections were well organised by the election administration, and the Supreme Board of Elections met all election deadlines. It concluded that voting should be conducted in the areas affected by violence, and a significant number of polling stations were relocated in a number of neighbourhoods by district election boards, in line with the decision.

If implemented fully and effectively, the legal framework is generally conducive to holding democratic elections. However, certain fundamental freedoms, including the right to vote and be elected, are unduly restricted by the Constitution and legislation. Previous recommendations, dating back to 2011, by the OSCE Office for Democratic Institutions and Human Rights and by the Council of Europe to address gaps and ambiguities have generally not been addressed, the observers noted.

"Once again, our assessment, based on our observation over the past five weeks is not simply black-and-white, and while there were positive elements, there were also shortcomings," said Ambassador Geert-Hinrich Ahrens, Head of the OSCE/ODIHR limited election observation mission. "I hope that the relevant authorities will consider the message in today's statement, as well as in the ODIHR final report on these elections, and engage in substantive follow-up on the recommendations the final report will make."

In addition, the 10% threshold for parliamentary elections limits political pluralism, while the system for determining the number of seats per constituency results in significant differences in the number of voters per seat, inconsistent with the principle of equality of the vote, the statement says. In a positive step, the freedom to campaign in any language was guaranteed by law in 2014.

The lack of judicial review of decisions by the Supreme Board of Elections runs counter to the principle of the separation of powers and prevents access to judicial remedy in electoral matters. The Constitutional Court's recent ruling that the Board's decisions cannot be reviewed even where fundamental rights and freedoms might have been violated further restricted the opportunity for judicial redress, the observers said.

Candidate registration was inclusive overall, providing voters a diverse and genuine choice. However, candidacy restrictions against those who have not completed compulsory military service or have been convicted of any of a broad range of crimes, including minor criminal offences, are incompatible with the fundamental right to stand for election, the statement says.

There was general confidence in the voter register, the observers noted. However, the restrictions on voting by conscripts, students in military schools and prisoners are not in line with OSCE commitments and other international standards, they said.

Women played an active role in the campaign, although they remain under-represented in political life. While the Constitution guarantees gender equality, there are no special legal obligations for the parties to nominate women candidates. On a positive note, some parties implemented gender quotas and introduced affirmative measures to enhance the participation of women. Approximately 24% of candidates on party lists were female, although not in higher positions.

Election Day was generally peaceful, and in the limited number of polling stations observed, voting was largely organised in an efficient manner, although observers were asked to leave in seven polling stations, and there were instances of citizen observers accredited on behalf of political parties being denied access. Counting procedures were assessed as transparent and well organised, although there were some instances where procedures prescribed by law were not followed.