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Observation of the early presidential and parliamentary elections in Turkey (24 June 2018)

Election observation report
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1. Introduction

1. On 20 April 2018, the Grand National Assembly of Turkey called early presidential and parliamentary elections to be held on 24 June 2018.

2. At its meeting of 23 April 2018, subject to receiving an invitation, the Bureau of the Parliamentary Assembly decided to observe these elections and constituted an ad hoc committee for this purpose composed of 31 members (EPP/CD: 10; SOC: 10; EC: 5; ALDE: 3; UEL: 2; FDG: 1), as well as of the two co-rapporteurs of the Monitoring Committee. It also authorised a pre-electoral mission. At its meeting of 27 April 2018, the Bureau approved the list of members of the ad hoc committee and appointed me as its Chairperson. The Bureau approved the final list of members at its meeting in Zagreb on 31 May 2018, as it appears in Appendix 1. Out of the 28 full members composing the delegation as finally approved by the Bureau, 11 were women (39%).

3. In a letter dated 8 May 2018, Mr Akif Çağatay Kılıç, Chairperson of the Turkish delegation to the Parliamentary Assembly, extended an invitation to the Assembly to observe the aforementioned elections.

4. A multiparty pre-electoral delegation of six members visited Ankara on 29 and 30 May 2018 (see the programme in Appendix 2). During the two days of meetings, the delegation met a wide range of interlocutors, including the Head of the Election Observation Mission (EOM) of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), Ambassador Audrey Glover, members of the diplomatic corps, representatives of political parties from different political affiliations, journalists and media representatives, non-governmental organisations (NGOs), the Chairperson of the Supreme Electoral Board (SBE), the Vice-President and members of the Radio and Television Supreme Council (RTSC) and the Speaker of the Grand National Assembly. The meetings were very in-depth and enabled the pre-electoral delegation to issue a statement giving a detailed assessment of the situation ahead of the early elections (see Appendix 3).

5. In accordance with the co-operation agreement between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission) signed on 4 October 2004, a representative of the Venice Commission was invited to join the ad hoc committee as an adviser. I warmly thank Ms Mirjana Lazarova Trajkovska, former member of the Venice Commission, for her valuable advice and assistance prior to and during the main election observation mission.

6. For the main election observation mission, the delegation operated as part of an International Election Observation Mission (IEOM) together with delegations from the OSCE Parliamentary Assembly and the OSCE/ODIHR EOM. Mr Ignacio Sánchez Amor was the Special Co-ordinator leading the short-term OSCE observer mission and Mr Peter Osuský was the Head of the OSCE Parliamentary Assembly delegation. The programme of the IEOM's meetings is set out in Appendix 4.

7. On polling day, the PACE delegation split into 14 teams which observed the elections in Ankara and the surrounding region, as well as in Diyarbakir, Erzurum, Istanbul and Izmir.

8. On behalf of the ad hoc committee, I wish to thank the Head and members of the parliamentary delegation of the OSCE Parliamentary Assembly and the OSCE/ODIHR EOM for their excellent co-operation within the IEOM. The ad hoc committee also wishes to thank the secretariat of the delegation of Turkey to the Parliamentary Assembly for its constructive co-operation.

2. Political context

9. The 24 June 2018 early presidential and parliamentary elections took place one and a half years ahead of schedule.

10. These elections were crucial for Turkey as they institutionalised the change from a parliamentary to a presidential system, in line with the 2017 constitutional amendments and referendum, with strong executive powers vested in the President, the abolition of the office of the Prime Minister and weaker oversight powers by parliament.[1] In a way, the 2018 early elections were perceived by many as the continuation of the referendum: the ruling party saw them as the conclusion of the transition process while the opposition considered them as the last chance to reverse it, and promised to do so in case of electoral victory.[2]

11. On the same day that the Grand National Assembly called the early elections, it also extended the state of emergency for the seventh time since the failed coup attempt of 15 July 2016.

12. Many interlocutors and international institutions expressed grave concerns about holding this vote under emergency rule as they felt it could jeopardise the integrity of the electoral process and affect its democratic character. Indeed, the curtailing of fundamental rights and freedoms introduced under the state of emergency, the high number of arrests of politicians and journalists, together with the ongoing security operations in the south-east of the country have limited the space for democratic debate and for the free expression of a plurality of views, which are essential to enable citizens to make an informed choice on polling day.[3]

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1. The Venice Commission has provided a detailed analysis and assessment of the constitutional changes of 2017 in its Opinion on the amendments to the Constitution of the Republic of Turkey, adopted on 10-11 March 2017, concluding that the amendments "lead to an excessive concentration of executive power in the hands of the President and the weakening of parliamentary control of that power".
2. https://www.theguardian.com/world/2018/jun/25/muharrem-ince-concedes-defeat-to-erdogan-in-turkey-elections.

13. Since the 2017 constitutional referendum, which had already raised concerns for being held under the state of emergency,[4] there has been a further deterioration of freedom of expression and freedom of the media in Turkey. The media landscape has also become more restrictive and less pluralistic, with tighter government control over electronic media and the sale of the Doğan Media Group (which represented about 20% of media in Turkey) to a businessman known to be close to the AK Party (Justice and Development Party).[5] Several interlocutors told the PACE delegation that between 80% and 90% of Turkish media was estimated to be under the control or influence of the ruling party. Some interlocutors also mentioned that self-censorship of journalists was a significant phenomenon.

14. The high stakes of these elections were fully understood by all political forces as well as by the electorate. Turkish citizens should be praised for their mobilisation during the campaign and on polling day, as observers and voters. Their activism bears witness to their high level of political maturity and commitment to democracy.

3. Legal framework and electoral legislation

3.1. General framework

15. Turkey has signed and ratified the European Convention on Human Rights (ETS No. 5) and its Additional Protocol (ETS No. 9), which enshrine a number of principles crucial for an effective and meaningful democracy, such as the right to free elections (Article 3 of the Protocol), freedom of expression, freedom of assembly and association, as well as the prohibition of discrimination (Articles 10, 11 and 14 of the Convention).

16. The domestic framework is based on the 1982 Constitution which, as pointed out during previous election observations, having been adopted under military rule, focuses on bans and prohibitions rather than providing broad guarantees of fundamental rights and freedoms, and entrenches undue limitations to freedom of association, assembly and expression, as well as to electoral rights.[6]

17. In addition, key laws include the 1983 Law on Parliamentary Elections, the 1983 Law on Political Parties, the 2012 Law on Presidential Election and the 2017 Law on the Supreme Board of Elections (SBE). Regulations and decisions of the SBE supplement the legal framework.

3.2. Recent amendments

18. Since the last presidential and parliamentary elections, respectively in 2014 and 2015, the domestic legal framework has undergone several rounds of amendments, in December 2017 and then in March and April 2018. The April amendments, also referred to as “harmonisation laws” because they aim to harmonise the legislation with the 2017 constitutional changes, were passed after the 2018 early elections had been called.[7]

19. The provision that any changes to election legislation cannot be applied to elections held within one year of their adoption was suspended, for these elections, by the 2017 constitutional amendments. Modifying the electoral law, in particular its fundamental elements, less than one year before an election is at odds with the principle of stability of the legal framework and the Venice Commission’s Code of Good Practice in Electoral Matters.[8]

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3. See the Declaration by the PACE Monitoring Committee, adopted on 24 April 2018, and Assembly Resolution 2209 (2018) “State of emergency: proportionality issues concerning derogations under Article 15 of the European Convention on Human Rights”, paragraph 17. On 9 May 2018, the United Nations High Commissioner for Human Rights issued a statement noting that “protracted restrictions on the human rights to freedom of expression, assembly and association are incompatible with the conduct of a credible electoral process”.

4. Assembly Resolution 2156 (2017) on the functioning of democratic institutions in Turkey. See also the above mentioned Opinion of the Venice Commission, paragraphs 27-42.

5. PACE Monitoring Committee, Honouring of obligations and commitments by Turkey, Information note following the visit to Istanbul and Ankara (28-30 March 2018), paragraphs 21-30.

6. See, for instance, Doc. 13822, Observation of the parliamentary elections in Turkey (7 June 2015) (rapporteur: Mr Tiny Kox, Netherlands, UEL), paragraph 13; and ODIHR, Interim report, 2018 early presidential and parliamentary elections, 15 June 2018.

7. At its meeting of 24 April 2018, the PACE Monitoring Committee decided to seize the Venice Commission for an opinion on the amendments to the electoral legislation and related “harmonisation laws” adopted in March and April 2018.

8. Section II.2.*b*, which states that “fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election”.

20. Some of the amendments which were recently introduced are in line with previous PACE and/or ODIHR recommendations and represent a step in the right direction. Amongst them are:

– allowing for the nomination of independent presidential candidates;

– and, to some extent, the loosening of eligibility criteria for parties to nominate candidates.

21. The introduction of mobile ballot boxes is a measure which can have a positive impact on the political participation of persons with disabilities provided that adequate safeguards are in place.

22. Other key amendments, however, raise serious concerns as they weaken safeguards in the areas of transparency, election security, and against the risk of interference of the executive in the electoral process. Amongst them are:

– the provision that only civil servants can be appointed as chairpersons of ballot box committees (BBCs), the lowest level of the election administration, as opposed to political party representatives as was previously the case;

– the new rules on the composition of the BBCs which, given the politicisation of the civil service in Turkey, are likely to be favourable to the ruling party;

– the possibility for governors to request the moving or merging of polling stations based on security considerations;

– the possibility for voters to be assigned to polling stations other than those corresponding to their address, on the grounds of protection of the secrecy of vote;

– the possibility for any voter to request law-enforcement presence in polling stations – previously only BBC members could do this;

– the restriction of the notion of ballot box area and the increased possibility for law-enforcement personnel to access polling stations, even when their presence has not been requested;

– the validity of ballots that have not been stamped by the BBCs.

23. As regards the last measure, during the meeting with the Chairperson of the SBE, the pre-electoral delegation was told that the recognition of the validity of ballots which have not been stamped by the BBCs aims to ensure that votes are not wasted and that other safeguards are in place to avoid fraud. In these circumstances, however, one wonders why the BBC stamp is prescribed by law.[9]

24. In addition to considering these amendments as weakening the integrity of the electoral process, some interlocutors found that they favoured the ruling party. Some opposition parties also pointed out that the process which had led to the introduction of the amendments had not been inclusive and that, as a result of the extremely short time available, they had been unable to adequately prepare for the elections. Prior to polling day, the Constitutional Court dismissed the Republican People's Party (CHP)'s (the main opposition party) legal challenge to some of the amendments.

25. Other important amendments which were adopted in April 2018 include the possibility for political parties to form pre-election coalitions, changes to the procedures for out-of-country voting and the limitation of consecutive presidential terms to two, except when the Grand National Assembly calls for early elections.

3.3. Previous concerns which remain unaddressed

26. Despite the far-reaching changes recently introduced in the electoral legislation, a number of key areas which had been identified in previous election observation exercises as requiring a revision have not been modified. They include:

– *the 10% electoral threshold*: the Assembly has pointed out that this threshold, which is the highest amongst Council of Europe member States, hinders political pluralism in parliament.[10] It should be noted that, following the most recent reform, the threshold does not apply to parties which contest the elections as part of a pre-electoral alliance but to the alliance as a whole;

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9. This view was expressed also by the co-rapporteurs of the Monitoring Committee, in the Information note following the visit to Istanbul and Ankara (28-30 March 2018), paragraph 14. Ballot papers which had not been stamped by BBCs had been declared valid at the last minute by the SBE during the April 2017 constitutional referendum (see Doc. 14327, Observation of the referendum on the constitutional amendments in Turkey (16 April 2017) (rapporteur: Mr Cezar Florin Preda, Romania, EPP/CD), paragraph 25.

– *the method 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;[11]

– *the lack of judicial review of SBE decisions,* which denies access to effective judicial remedy in electoral disputes, in contradiction with the Venice Commission's Code of Good Practice;[12]

– *specific restrictions to freedom of expression*: the provision that insulting the President is a criminal offence (Article 299 of the Criminal Code) may limit 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 freedom of association and expression and limit political pluralism;

– *campaign finance*: the legislation does not contain comprehensive regulations on party and campaign finance. In addition, the lack of substantial and proactive oversight reduces transparency, integrity and accountability;

– the absence of a legal basis for election observation by citizen and international observer organisations;

– *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 twice ruled that the ban on convicted prisoners' voting rights is too broad and must be proportionate to the crime committed.[13] This restriction is also at odds with the Venice Commission's Code of Good Practice;

– *restrictions to the right to stand for election:* citizens with legal capacity and primary education 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).

3.4. President and parliament: eligibility criteria

27. It falls outside the scope of this report to describe the changes to the office of President and to the composition and powers of parliament which were introduced by the 2017 constitutional amendments. It is useful, however, to recall some key features, as these changes became operational with the 2018 early elections.

28. The President of the Republic of Turkey:

– is both Head of State and Head of government, with the power to appoint and dismiss ministers;

– has the power to dissolve parliament on any grounds;

– has the power to issue executive decrees;

– nominates and dismisses high-level State officials according to procedures defined by himself/herself;

– appoints six of the 13 members of the newly established Council of Judges and Prosecutors, which has replaced the High Council of Judges and Prosecutors.

29. Presidential candidates are required to be at least 40 years of age, have higher education and meet the eligibility requirements to be elected to parliament. They may be nominated by one or more parties that received at least 5% of the votes in the last parliamentary elections. Independent candidates must submit supporting signatures of 100 000 voters and a deposit of TRY 139 160, refundable only to those who are successfully registered.

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10. See, for instance, Doc. 13822, Observation of the parliamentary elections in Turkey (7 June 2015) (rapporteur: Mr Tiny Kox, Netherlands, UEL), paragraph 8. See also *Yumak and Sadak v. Turkey*, Application No. 10226/03, judgment of 30 January 2007, in which the Court "considered that in general a 10% electoral threshold appeared excessive, and concurred with the organs of the Council of Europe, which had recommended that it be lowered".
11. Section I.2.2 of the Code of Good Practice.
12. Section II.3.3 of the Code of Good Practice.
13. See judgments *Söyler v. Turkey*, 20 January 2013, and *Murat Vural v. Turkey*, 21 October 2014.

30. A candidate must receive more than 50% of the votes cast to be elected in the first round. Otherwise, a second round is held within 14 days between the two candidates who received the highest number of votes. The candidate who receives the most votes in the second round is elected. The President is elected for a five-year term and may serve a maximum of two consecutive terms, except when parliament calls for an early election, in which case s/he can run again.

31. The Grand National Assembly of Turkey is a unicameral parliament elected for a five-year term under a proportional system in 87 multi-member constituencies. Candidates may participate through closed party lists or as independent candidates. The recent constitutional reform has increased the number of seats from 550 to 600. As already mentioned, to qualify for seat allocation, political parties must reach the threshold of 10% of valid votes cast. Independent candidates are elected when they receive more than 10% of the votes cast in a single district.

32. Citizens over the age of 18 are eligible to stand for the parliamentary elections. Grounds for ineligibility include legal incapacitation, ongoing or incomplete military service, limitation on public service as confirmed by a court, as well as criminal convictions for a wide range of offences.

33. In order to contest parliamentary elections, parties must either have a parliamentary group of at least 20 MPs or have an organisational structure in at least half of the provinces and one third of the districts in each of those provinces and must have convened a party congress six months prior to the elections. In addition, parties must submit full candidate lists in at least half of the provinces. To be registered, parliamentary candidates who wish to run independently of political parties must pay a deposit of TRY 13 916, which is refunded only to those elected.

4. Election administration

34. Elections are administered by four levels of election administration mirroring the administrative division of the country:

– the Supreme Board of Election (SBE), a permanent administrative body composed of judges elected by the Supreme Court and Council of State for a six-year term (11 members) is tasked with overall authority and responsibility for the elections. At the time of the early elections this body included one woman;

– 81 provincial electoral boards (PEBs), composed of the three most senior judges in the province, appointed for two-year terms. At the time of the early elections, 12% of PEB members were women;

– 1 082 district electoral boards (DEBs), including one which is established in Ankara to co-ordinate out-of-country voting, are composed of seven members and chaired by the most senior judge in the district, with four members who are nominated by political parties and two who are civil servants. At the time of the early elections, 24% of DEB members were women;

– 180 064 ballot box committees (BBCs) were formed for these early elections, they consist of a chairperson (who following the most recent amendments must be a civil servant selected by lottery drawn from the list of civil servants of the district and six members (another civil servant and five representatives of the most voted parties in the district in the previous parliamentary elections which have an organisational structure in the district).

35. Decisions of each level of the election administration can be appealed to the level immediately above. Decisions related to the formation of lower-level commissions and decisions on voter registration cannot be appealed. As already mentioned, the SBE is the final instance for appeals and its decisions, including on final results, cannot be appealed. This is a long-standing shortcoming which should be redressed.

36. The election administration worked efficiently under great pressure of time to prepare the elections. However, despite the extensive changes to election procedures, the SBE did not produce manuals or voter education materials. The DEBs provided training to civil servants but not to party-nominated members of the BBCs.

37. The lack of transparency of the election administration gave cause for concern, with meetings being behind closed doors and decisions not being published on the SBE website in a systematic and timely manner or being published without providing the legal reasoning behind them. For instance, out of some 627 decisions, only 74 were published, and with a delay which ranged from one to two weeks.[14]

38. Several interlocutors expressed a lack of confidence in the impartiality of the election administration. Contrary to the law, in several instances the chairpersons of BBCs were not selected by lottery, as prescribed by the law, but were appointed by the governors or the relevant DEB. Some BBCs were appointed after the expiry of the legal deadline.

39. The governors of 19 provinces filed requests asking for the relocation and merging of polling stations. The SBE rejected three and granted the remaining requests, affecting some 120 000 voters in 16 provinces. The SBE's decisions on these requests were not always unanimous; some requests were considered and granted after the legal deadline of 24 May 2018. Several interlocutors pointed out that the affected communities opposed the relocation and merging and disputed the fact that they were justified on security grounds, suggesting that the aim was rather to lower the electoral turnout in HDP (People's Democratic Party) strongholds. The SBE did not publish information on the number and location of the BBCs which had been relocated and merged, on the number of voters affected or the justification for its decisions. All complaints were rejected.[15]

40. The PACE delegation had the opportunity to hold an in-depth meeting with the Chairperson of the SBE during its pre-electoral mission. It regrets that no representative of the election administration met the IEOM during the main mission.

5. Election campaign, media and funding

41. The law aims at ensuring a fair and equitable campaign but establishes two campaign periods with different rules. Stricter regulations and broader equitable campaign principles apply only during the official campaign period, which begins 10 days before election day and ends at 6 p.m. on the eve of polling day. This leaves the larger campaign process under-regulated and does not ensure a level playing field. During the official campaign period, specific regulations aim to ensure equitable opportunities for candidates. These include provisions regarding the allocation of free airtime, a ban on the use of State resources for campaigning and prohibiting candidates from organising and contributing to events related to publicly funded services. However, the law outlining the stricter campaign rules does not apply to the incumbent President and thus gives him advantageous campaign conditions.

42. The campaign was vibrant as candidates used a variety of traditional campaign methods. Social media was used extensively to attract young people as well as to overcome restrictions to freedom of assembly imposed in some provinces and the lack of coverage by State media. For instance, a huge rally in Izmir, a CHP stronghold, by the CHP presidential candidate could be followed on Facebook while it was ignored by State television.[16] As the campaign coincided with the month of Ramadan, some candidates used the traditional *iftar* dinners to campaign. Despite a prohibition by law, some candidates campaigned abroad.

43. The tone of the presidential campaign was confrontational, reflecting the general polarisation of society. While all candidates used emotionally charged rhetoric against each other, the incumbent President repeatedly referred to other candidates and parties as supporters of terrorism. Mutual law suits were filed.

44. Candidates did not have equal opportunities to campaign. In fact, media coverage and party candidates' appearance in the media was extremely unequal. The HDP presidential candidate was in pretrial detention and was given limited possibilities to put his message across, especially via social media or recorded addresses.

45. According to several interlocutors, a significant number of violent attacks on party and campaign premises affected mainly the HDP, but also the CHP, Felicity Party and İYİ Party. The HDP complained of being targeted with the detention of some 375 party activists, obstruction of campaign activities, police monitoring and harassment, and of being subject to selective application of campaign rules. Instances of pressure on and intimidation of candidates and supporters contributed to a tense atmosphere. On 14 June, a shoot-out in

14. IEOM, 24 June 2018 early presidential and parliamentary elections in Turkey, Statement of preliminary conclusions, footnote 16.
15. The issue of the possible relocation of polling stations had already been raised ahead of the early elections of November 2015. At that time, the SBE had stated that the relocation of any polling stations outside of the respective *mukhtarlik* (smallest administrative area) was not in line with the law. See Doc. 13922, Observation of the early parliamentary elections in Turkey (1 November 2015) (rapporteur: Mr Andreas Gross, Switzerland, SOC), paragraph 14.
16. www.hurriyetdailynews.com/photo-chp-presidential-candidate-ince-vows-change-at-giant-rally-in-opposition-stronghold-izmir-133619.

Suruc between AK Party campaigners and local shopkeepers, some of whom were HDP supporters, left four people dead and eight injured.[17] Some interlocutors pointed out that this tragic event was portrayed in a biased manner by mainstream media.

46. During the campaign period, the incumbent President inaugurated five major projects. Contrary to the law, several government officials reportedly publicly praised the government's achievements during the official campaign period. The delegation was told that municipal transport was used to transport people to rallies of the ruling party. There were reports about instances when military personnel and judges engaged in campaigning, which is against the law. On 11 May, parliament passed a bill giving premiums to retired people. These instances of misuse of administrative resources by the ruling party did not provide for a level playing field and breached the separation between the State and political parties.

47. The media landscape is dominated by outlets which are considered to be affiliated with the government or which depend on public contracts, thus limiting the diversity of viewpoints available. Television remains the main source of information, but the internet penetration rate is 66.8% and growing, and 80.7% of households have access to internet. Social networks have become an important source of news, primarily in urban areas. Since 28 May, some 2 600 social media users were investigated for support of terrorism, using hate speech against the unity of the State and the security of the society and charges have been brought against 894 people.

48. The legal framework obliges media to present impartial coverage of the campaign and guarantees eligible candidates equal access rights. Additionally, parties contesting the parliamentary elections are granted free airtime by the public broadcaster, the Turkish Radio and Television Corporation (TRT). The IYI and CHP presidential candidates and all CHP parliamentary candidates boycotted the TRT due to an alleged lack of impartiality. Paid advertising is allowed in all media, including public. The TRT was selective in refusing to broadcast a paid advertisement of the CHP on the grounds that the Turkish flag was displayed, while at the same time allowing an AK Party spot featuring the flag. The SBE received two media-related complaints and rejected them, stating its lack of authority.

49. Compliance with media regulations is overseen by the Radio and Television Supreme Council (RTSC). However, the SBE decision listing the channels to be monitored was adopted only on 28 May. During the pre-electoral visit, the PACE delegation did not receive clear answers from RTSC representatives as regards the amount of coverage of different candidates or parties. The delegation was told that what the RTSC monitored was "the opportunity" to have media coverage and that it was equal for all candidates. The RTSC also informed the delegation that its reports to the SBE were not public. It should be noted that Decree Law No. 687 repealed the possibility for the SBE to subject radio and television broadcasters to sanctions should they fail to be impartial and politically neutral during the election period.[18] This, combined with inactivity of the RTSC, left media campaign coverage essentially without effective oversight.

50. The ODIHR EOM conducted monitoring of five television channels (TRT1, Show TV, Fox TV, CNN Türk and A Haber), as well as five newspapers (*Hürriyet, Sabah, Sözcü, Cumhuriyet* and *Milliyet*).

51. According to this monitoring,[19] on television, patterns of coverage for the presidential and parliamentary candidates were similar, with the AK Party and the incumbent being covered more often and more favourably. The share of coverage received by the HDP was higher than that of its presidential candidate, and whenever Mr Demirtaş was covered, it was either predominantly or exclusively in a negative tone. Coverage of the Felicity Party, Vatan and Free Cause Party and their respective presidential candidates was significantly lower, if the channels chose to cover them at all.

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17. https://www.bbc.com/news/world-europe-44486003.
18. See Venice Commission, Opinion No. 872/2016, Turkey, Opinion on the measures provided in the recent emergency decree laws with respect to freedom of the media, paragraph 20: "The Venice Commission fails to see how the lifting of the possibility of sanctioning is necessitated by the state of emergency and is 'strictly required' by its exigencies so as to justify regulation through an emergency decree. In this connection the Venice Commission observes that the Turkish State is entering a difficult phase of constitutional reform. This reform is aimed essentially at strengthening the President's powers. The Decree Law No. 687 seems to have an unwarranted impact on the campaign for the constitutional amendments. The Venice Commission recalls, in this respect, that fair access to the broadcasting media, both public and private, to all sides of the referendum campaign, and the balanced and neutral coverage by the public broadcasters is necessary to assist voters in making an informed choice."
19. IEOM, 24 June 2018 early presidential and parliamentary elections in Turkey, Statement of preliminary conclusions, p. 12.

52. Throughout the campaign period, four of the five television stations monitored (public TRT1 and private A Haber, CNN Türk and Show TV) favoured the incumbent and the AK Party, often covering them jointly and providing them with between 33.7% and 58.5% of the total news and current affairs airtime. In contrast, these channels dedicated between 18.2% and 27% of such coverage to Mr Ince and between 1.2% and 11% to Ms Akşener. Their tone was relatively balanced with regard to the IYI but predominantly negative for the CHP, especially on TRT1 and A Haber. These four channels covered the incumbent in a predominantly positive tone. By contrast, Fox TV provided a relatively equal amount of coverage to the presidential candidates of the AK Party, IYI and CHP, and some to the HDP candidate. It covered the incumbent in a predominantly negative tone, praised Ms Akşener and was also relatively positive towards Mr Ince. In the coverage of the parliamentary contest, Fox TV dedicated more airtime to the AK Party-led alliance (64.8%), with most of it negative in tone, and gave 20.2% and 13.5% of relatively balanced coverage to the CHP-led alliance and the HDP, respectively.[20]

53. According to the ODIHR EOM, monitored print media were split along political lines.

54. The legislation does not contain comprehensive regulations on campaign finance. In addition, the lack of effective oversight reduces transparency, integrity and accountability. Presidential candidates are not entitled to public funding and can only receive donations from Turkish citizens up to TRY 13 916 for each round. Donations by legal entities and from foreign sources, as well as loans, are prohibited. There is no campaign expenditure ceiling and no sanctions for irregularities. Candidates must deliver property declarations to the SBE together with their nomination papers, and within 10 days of the final results must submit a campaign finance report on income and expenditure. However, neither the reports nor the property statements are published. The law does not require any interim financial reports before the elections. The law does not prescribe any sanctions for irregularities other than the transfer of unspent donations and those over the permissible limit to the State Treasury.

55. Political parties that received at least 3% of votes in the last parliamentary elections are entitled to annual public funding on a proportional basis, as well as campaign funding but only for regular elections. In addition, parties are financed from membership fees and private donations. Donations from public legal entities, State and public organisations and foreign sources are prohibited. An individual may donate up to TRY 44 000 annually to a party. There is no ceiling for annual party and campaign-related expenditure. Parties declare their campaign funds through annual financial reports; these reports do not include incomes and expenditures incurred by candidates nor by third parties. The Constitutional Court audits the reports but only publishes the auditing results several years later. Independent candidates declare their campaign funds through personal tax declarations. Sanctions for breaches include warnings, imprisonment from three months to three years, monetary fines and dissolution of the party.

56. The PACE delegation regrets that previous recommendations made by the Assembly and the Group of States against Corruption (GRECO) relating to the funding of electoral campaigns and political parties have remained unaddressed.[21] Having taken note that many of its interlocutors, both from the opposition and the majority, confirmed that the legal framework in these areas requires further development, it invites the Turkish authorities to follow GRECO's expertise and advice.

6. Voter lists and candidate registration

57. Some 56.3 million voters were registered to vote in country and some 3 million abroad. The permanent central voter register is maintained by the SBE and linked to a civil and address registry, operated by the Ministry of the Interior. Voter registration is based on a personal identification number, which is linked to the voter's place of permanent residence. A recent legal amendment allowed the DEBs to assign voters to polling stations other than those corresponding to their address, on grounds of protection of the secrecy of vote, but the number of voters affected is not publicly available. Special voter lists were compiled for out-of-country voters and for eligible imprisoned and detained voters. Internal migrants and homeless people could vote only if registered at an address.

58. Voter lists could be publicly reviewed between 2 and 12 May. The SBE made 679 182 address changes to the voter lists. No changes were possible after 20 May, but eligible voters not on preliminary voter lists could register to vote at BBCs on election day provided they had a DEB certificate.

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20. Ibid.
21. GRECO, Fourth evaluation round, Corruption prevention in respect of members of parliament, judges and prosecutors, Compliance report, Turkey, published on 15 March 2018.

59. Overall, stakeholders expressed confidence in the quality of the voter lists.

60. By 13 May, the SBE had registered six presidential candidates, including one woman. President Recep Tayyip Erdoğan was nominated by the AK Party; Mr Muharrem İnce nominated by the CHP; and Mr Selahattin Demirtaş nominated by the HDP. Ms Meral Akşener (İYİ), Mr Temel Karamollaoğlu (Felicity Party) and Mr Doğu Perinçek (Vatan) ran as independent candidates.

61. Several complaints were filed concerning deficiencies in the signature collection process, including disqualification of supporting signatures from out-of-country voters, as well as citing a short timeframe, insufficient and inadequate locations for voters to provide signatures and intimidation of voters wishing to sign for independent candidates.

62. Of the 86 registered parties, the SBE considered 11 eligible to run. The remainder were deemed ineligible as lacking sufficient organisational structure, including for not holding their local congresses six months prior to the elections. Ten rejected parties requested the SBE to reconsider their eligibility to contest the elections and one, the Free Cause Party, was allowed to run. In all, a total of eight parties ran for parliament.

63. For the first time in the history of Turkey, two pre-election coalitions were set up and registered by the SBE: the People's Alliance, between the AK Party and the MHP, and the Nation's Alliance, between the CHP, İYİ and Felicity, the latter bringing together political parties with very different ideologies. Three parties contested the election outside of a coalition – the HDP, the Free Cause Party and Vatan.

64. 996 women (20.5%) registered as candidates for parliament. However, only 5.4% of them were nominated to lead a list. The law does not envisage gender quotas but some parties have introduced voluntary measures or taken political commitments to increase women's presence in their lists. To compare figures:

– the AK Party nominated 126 women out of 600 candidates, four of whom were top of the list;
– the CHP nominated 137 women, six of whom were top of the list;
– the HDP's rate was higher: 220 women, 18 of whom were leading a list. It also nominated one LGBT activist from Edirne;
– the IYI party nominated 150 women, with six as leading candidates;
– the MHP nominated 60 women, two of whom were top of the list;
– the Felicity Party nominated 79 women out of 600 candidates, none of whom was a leading candidate;
– the Patriotic Party nominated 150 women, 13 of whom were top of a list.

7. Voting, counting and tabulation

65. The OSCE/ODIHR deployed 22 long-term observers to Turkey. In addition, the IEOM included 326 short-term observers, who were deployed throughout the country, including the delegation of the Parliamentary Assembly of the Council of Europe with 24 members present.

66. The opening of polling stations was assessed in a predominantly positive manner (115 of the 121 polling stations observed), although procedures were not always followed. The main irregularity observed was that the number of ballots received was not systematically recorded in the logbook as required by law. Some polling stations opened with a slight delay.

67. Voting was assessed negatively in 6% of the 1 245 polling stations observed, indicating some procedural problems. Contrary to the SBE instruction which prescribed that 390 and 410 ballot papers be distributed to every rural and urban and polling station, respectively, the number of delivered ballots varied, since they had been weighed rather than counted prior to their distribution. As a rule, ballot papers were stamped by the BBCs and only in a few instances did observers note that a voter was given an unstamped ballot.

68. Negative assessments were often given due to the large presence of police and security officers (12%), who in a third of such instances were also interfering in the electoral process. Several members of the PACE delegation, deployed in different provinces, confirmed a larger presence of law enforcement in polling stations, compared to previous elections in Turkey, and regretted that their attitude was sometimes intrusive. PACE observers also pointed out the difficulty of distinguishing between BBC members, voters, national observers, plain-clothes security officers or possibly unauthorised persons, as nobody wore visible identification.

69. Members of the PACE delegation noticed an even higher presence of police and security in or in the proximity of polling stations in Diyarbakir, which could be intimidating for some voters. The IEOM assessed voting more negatively in the east and south-east. Although the voting process was generally smooth, group voting was observed in 4% of polling stations. Overcrowding (6% of observations) and inadequate layout (2%) at times lessened transparency (2%).

70. Only 55% of polling stations were considered suitable for independent access for voters with disabilities. The PACE delegation saw many cases of elderly people with mobility issues being lifted up the stairs to be able to reach the polling stations where they were registered. Most polling stations closed on time.

71. Counting was assessed negatively in 17 out of 124 observations (14%), indicating a number of serious procedural weaknesses. Some members of the Assembly delegation encountered difficulties in gaining access to polling stations to observe counting. The BBCs did not always pack and seal unused material before the opening of ballot boxes (15 cases). Unauthorised persons, who were often difficult to identify, and police and security officers, were present in 28 counts observed and in 10 cases were interfering in the process. Every fourth BBC faced difficulties when completing the results protocols. In one fifth of the counts observed, BBCs pre-signed empty protocols or deliberately falsified protocol entries, which seriously violated the procedures. The results were not put on display, as required by law, in 29 polling stations observed, thus reducing transparency. On a positive note, the validity of ballots was as a rule determined in a reasonable and consistent manner.

72. Tabulation of BBC results protocols at DEBs was observed negatively in 11 out of 99 DEBs, indicating some procedural problems. In every fourth DEB, BBCs were correcting their protocols without a formal decision. Tension, the large number of people present, many of them unauthorised, and the overall lack of transparency often led to a negative assessment of the tabulation by the IEOM observers. In most DEBs, however, the process was smooth, well organised and the data entry process transparent.

76. Results were announced by the media based on the data from the Anadolu agency, the sources and veracity of which were questioned by some of the political actors. The preliminary results announced by the SBE at 2.15 a.m. matched those released in the media. The voter turnout was reported to be over 86%.

77. The official results of the presidential election were as follows: the incumbent Recep Tayyip Erdoğan was re-elected President in the first round, with 52.59% of the votes; Mr Muharrem İnce: 30.64%; Mr Selahattin Demirtaş: 8.40%; Ms Meral Akşener: 7.29%; Mr Temel Karamollaoğlu: 0.89%; Mr Doğu Perinçek: 0.20%.

78. The following parties entered the Grand National Assembly: AK Party (42.56%) and MHP (11.10%) as part of the People's Alliance; CHP (22.64%), IYI party (9.96%) and Felicity party (1.34%) as part of the Nation Alliance; and HDP (11.70%). Out of 600 members elected to the Grand National Assembly, 104 are women.

8. Citizen and international observers

79. The legislation stipulates that the vote count is public and allows for election observation by representatives of parties and independent candidates. Despite repeated recommendations,[22] there is still no legal basis for election observation by citizen and international observer organisations. Requests for accreditation from civil society organisations were rejected by the SBE, but their representatives were able to observe polling day as political party nominees or individual citizens.

80. Party and candidate observers were present in large numbers throughout election day (in 67% and 91% of BBCs observed by the IEOM respectively during voting and counting, and in 83 DEBs where tabulation was observed by the IEOM).

81. The large presence of civil society observers contributed to transparency of the vote; however, there were also a number of reports about observers not being given access to or being expelled from polling stations. In at least 15 polling stations, international observers were denied access by police officers or BBC chairpersons. This was the case also for some members of the PACE delegation deployed in Ankara, who had difficulties when trying to access as well as to leave a polling station. In nine instances, observers were

22. 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); and the Code of Good Practice in Electoral Matters of the Venice Commission: "Both national and international observers should be given the widest possible opportunity to participate in an election observation exercise" (Section 3.2.*a*).

restricted in their observations of the tabulation of results. Several members of the PACE delegation were confronted with an intrusive or obstructive attitude by law enforcement, who asked for their identity, took their photographs and checked their details against what seemed to be an official accreditation list.

82. The PACE delegation regrets that Mr Andrej Hunko (Germany) and Mr Jabar Amin (Sweden), who wished to observe these elections as members of the OSCE Parliamentary Assembly delegation, were not only refused accreditation as observers but were also refused access to the Turkish territory. It supports the statement of the OSCE short-term Co-ordinator, Mr Sánchez Amor, that the inviting country should refrain from trying to influence the composition of the election observation mission.[23]

9. Conclusions and recommendations

83. The Statement of Preliminary Findings and Conclusions by the IEOM, which was published on 25 June, is the result of a common endeavour involving ODIHR, the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe.[24] As such, the PACE delegation fully subscribes to it. The relevant press release is set out in Appendix 5.

84. One lesson learnt from the 24 June early elections is the confirmation that Turkish citizens are willing to mobilise for their democracy. They are willing to take to the streets, go to rallies, campaign, supervise the integrity of the election process and vote, in great numbers. An interlocutor told the delegation that the elections belong to political parties. In fact, it is clear that the elections belong to citizens, and that all measures should be put in place to ensure that they can form an opinion based on objective and impartial information and express their free will, without fear, intimidation or hindrance.

85. These early elections took place under the state of emergency. The state of emergency is not, *per se*, an insurmountable obstacle to holding a vote. However, the way in which the state of emergency has been implemented in Turkey has greatly limited the space for democratic debate and the expression of pluralism, let alone political dissent.

86. This general context is particularly important because elections are a process which starts well before polling day. On 24 June, Turkish citizens had a genuine choice between presidential candidates and parties expressing different views and belonging to different political affiliations. However, these candidates did not have equal opportunities to campaign and to put their message across, in terms of either resources or media coverage.

87. The PACE delegation was informed about misuse of administrative resources by the ruling party during the campaign, which is contrary to the commitment to ensure separation between State and party and international good practice. The IEOM media monitoring indicates that the ruling party and the incumbent president were covered more often and more favourably. Thus, the media outlets, including the public broadcaster, did not present voters with balanced information about the candidates. The repeal of the SBE sanctioning power though a 2017 emergency decree left media campaign coverage essentially without effective oversight. Restrictions to fundamental freedoms and the absence of a level playing field have had an impact on these elections.

89. The delegation reiterates the recommendations repeatedly made by PACE and other international institutions to address long-standing shortcomings which reduce the representativeness of parliament, for instance through the 10% threshold for parliament, and limitations on the right to vote and to be elected. In addition, comprehensive regulations on party and campaign financing should be laid down in the law, as recommended by GRECO.

90. Contrary to international good practice, changes to the electoral law were introduced very shortly before the elections, and even after the elections were called. In addition to the hasty and non-inclusive way in which they were introduced, many of these amendments are questionable because they weaken safeguards in the areas of transparency and election security and against interference in the electoral process by the executive. The Venice Commission has been asked to provide an opinion on the amendments which were introduced in March and April 2018. The delegation sincerely hopes that the Turkish authorities will take into account its recommendations.

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23. https://www.oscepa.org/news-a-media/press-releases/2867-statement-on-turkey-s-decision-to-deny-entry-to-two-election-observers.

24. IEOM, 24 June 2018 early presidential and parliamentary elections in Turkey, Statement of preliminary conclusions

91. The election administration worked efficiently and under great pressure of time to finalise the preparations of the early elections. Few campaign-related complaints were received by the SBE, and some were denied consideration on technical grounds. The majority of complaints received by the SBE concerned its own decisions, and most were rejected. The lack of judicial review of SBE decisions denies access to a judicial remedy in electoral matters and does not ensure legal integrity. How to improve the transparency of the election administration is also an issue which requires further attention.

92. The IEOM assessed voting positively or very positively in 94% of polling stations. In the 6% of cases which were assessed negatively or very negatively, this was often due to the large presence of police and security officers, who sometimes interfered with the electoral process.

93. The delegation regrets that some of its members encountered difficulties or restrictions when exercising their duties as observers. It should be clear that the task of the PACE observer delegation is to provide an impartial external assessment of the electoral process, without taking sides against or in favour of any political party. Ultimately, the aim of any election observation mission to a given country is to help its authorities to build stronger democracies for the benefit of their citizens and in the interest of the State.

94. The Parliamentary Assembly stands ready to work with Turkey in the field of elections in the framework of its monitoring procedure and in close co-operation with the Venice Commission.

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:

Chairperson: Ms Olena SOTNYK (Ukraine, ALDE)

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

– Ms Jennifer DE TEMMERMAN, France (NR)*
– Ms Nicole DURANTON, France**
– Ms Iryna GERASHCHENKO, Ukraine
– Mr Matern von MARSCHALL, Germany
– Ms María Concepción de SANTA ANA, Spain
– Mr Bertrand SORRE, France (NR)*
– Mr Attila TILKI, Hungary

Socialists, Democrats and Greens Group (SOC)

– Ms Maryvonne BLONDIN, France**
– Ms Edite ESTRELA, Portugal
– Mr Sabir HAJIYEV, Azerbaijan
– Mr Florian KRONBICHLER, Italy
– Ms Tabea RÖSSNER, Germany
– Mr Stefan SCHENNACH, Austria
– Mr André VALLINI, France

European Conservatives Group (EC)

– Lord David BLENCATHRA, United Kingdom**
– Dame Cheryl GILLAN, United Kingdom
– Mr Jaak MADISON, Estonia

Alliance of Liberals and Democrats for Europe (ALDE)

– Mr Andrea RIGONI, Italy
– Ms Olena SOTNYK, Ukraine**
– Ms Petra STIENEN, Netherlands

Group of the Unified European Left (UEL)

– Ms Rósa Björk BRYNJÓLFSDÓTTIR, Iceland
– Mr Nikolaj VILLUMSEN, Denmark**

Free Democrats Group (FDG)

– Ms Adele GAMBARO, Italy**

Co-rapporteur of the Monitoring Committee

– Ms Marianne MIKKO, Estonia**

Venice Commission

– Ms Mirjana LAZAROVA TRAJKOVSKA, former member of the Venice Commission

Secretariat

– Ms Sonia SIRTORI, Head of Secretariat, Parliamentary Assembly

– Mr Franck DAESCHLER, Principal administrative assistant, Election Observation and Interparliamentary Co-operation Division

– Ms Danièle GASTL, Assistant, Election Observation and Interparliamentary Co-operation Division

– Ms Nathalie BARGELLINI, Press Officer

– Mr Gaël MARTIN-MICALLEF, Legal Advisor, Venice Commission

– Mr Arman DARBINYAN, Deputy Head of Safety and Security Department / Head of Field Security Co-ordination, Council of Europe

* Members not belonging to a Political Group (NR). With the agreement of the EPP/CD group.

** Member of the pre-electoral mission

Appendix 2 – Programme of the pre-electoral mission (28-30 May 2018)

Tuesday 29 May 2018

09:00 – 9:30 Delegation meeting:
- introduction by Ms Olena Sotnyk, Head of Delegation
- presentation by Ms Marianne Mikko, co-rapporteur of the Monitoring Committee
- general information given by the secretariat
- information on logistical and security issues by the secretariat

09:30 – 10:30 Meeting with Ambassador Audrey Glover, Head of the OSCE/ODIHR Election Observation Mission, Mr Harald Jepsen, Deputy Head, and staff

10:30 – 11:30 Meeting with members of the diplomatic corps: Embassies of Ukraine, Denmark, France, Italy

11:30 – 12:30 Meeting with representatives of the media (part 1):
- Reporters without Borders: Mr Erol Önderoğlu
- *Cumhuriyet Daily*: Ms Duygu Güvenç

14:00 – 14:45 Meeting with representatives of the media (part 2) :
- *Sabah*: Ms Nur Özkan Erbay, *Daily Sabah* Ankara Bureau Chief
- *Star*: Mr Mustafa Kartoğlu

14:45 – 15:45 Meeting with representatives of civil society (part 1):
- Human Rights Association: Mr Öztürk Türkdoğan
- Human Rights Joint Platform: Ms Feray Salman
- Right Initiative Association: Mr Ömer Atalar

16:00 – 16:30 Meeting with representatives of civil society (part 2):
- Association Law and Changes: Ms Berceste Elif Duranay

17:15 – 18:30 Consecutive meetings with presidential candidates (or their representatives) and leaders and representatives of the main political parties not represented in parliament competing in the early parliamentary elections:
- Mr Mehmet Cengiz, Deputy Chairman of the VP (Patriotic Party) and Mr Yunus Soner, Deputy Chairperson of International Relations, representing Mr Doğu Perinçek, candidate for the VP
- Mr Mehmet Özdemir and Mr Melih Aktaş, Deputy Chairpersons of the DP (Democrat Party)

Wednesday 30 May 2018

10:00 – 11:00 Meeting with representatives of the İYİ Party (Good Party):
- Mr Aydın Sezgin, Mr Aytun Çiray, Ms Ayfer Yilmaz

11:15 – 12:15 Meeting with representatives of the CHP (Republican People's Party):
- Mr Yaşar Tüzün, Mr Muharrem Erkek, Ms Gülsün Bilgehan, Mr Levent Gök and Mr Murat Emir

14:00 – 15:00 Meeting with Mr Sadi Güven, Chairperson of the Supreme Board of Elections (SBE) and SBE members, including members and staff responsible for election security issues (Supreme Board of Elections)

15:15 – 16:15 Meeting with a representative of the AK Party (Justice and Development Party):
- Mr Naci Bostanci

16:15 – 17:00 Meeting with representatives of the Radio and Television Supreme Council (RTSC):
- Vice-Chairperson Mr İlker Ilgin, and other officials Dr Yaşar Uğurlu, Dr Ahmet Ziya Çalişkan, Mr Şakir Saricaoğlu, Mr Murat Ellialti

17:30 – 18:15	Meeting with representatives of the HDP (People's Democratic Party): – Mr Hişyar Özsoy, Mr Nazmi Gür, Ms Zelal Deniz Demir, Ms Berivan Aktaş
18:30 – 19:15	Meeting with Mr İsmail Kahraman, Speaker of the Grand National Assembly, with the participation of the Turkish delegation to PACE

Appendix 3 – Statement by the pre-electoral delegation

Strasbourg, 31.05.2018 – A pre-electoral delegation from the Parliamentary Assembly of the Council of Europe (PACE) visited Ankara to assess the election campaign and the preparations for the early presidential and parliamentary elections to be held on 24 June 2018, while Turkey is under a state of emergency.

During two days of meetings, the delegation met a wide range of interlocutors, including the Head of the OSCE/ODIHR Election Observation Mission, members of the diplomatic corps, representatives of political parties from different political affiliations, journalists and media representatives, NGOs, the Chairman of the Supreme Electoral Board (SBE), the Vice-President and members of the Radio and Television Supreme Council (RTSC) and the Speaker of the Grand National Assembly.

All interlocutors underlined the crucial character of the forthcoming electoral contest which will institutionalise the transition from a parliamentary to a presidential system. On 24 June, presidential and parliamentary elections will be held together for the first time.

The delegation noted that the six candidates running for the presidential elections will offer a genuine and pluralist choice to voters. At the same time, it regretted that an insufficient number of women have been included in the electoral lists for the parliamentary contest.

The high stakes of these elections make it even more important for the Turkish authorities to do their utmost to ensure that they are free, fair, transparent and in line with international standards and that the electorate is able to make an informed choice and to have confidence in the electoral system throughout the country.

The delegation noted that substantial amendments to the electoral law were adopted only one month prior to the announcement of the elections while the so-called harmonisation laws were adopted even later. It reiterated that having such a short lapse of time between the introduction of changes to the electoral legislation and the holding of elections is not in line with the recommendations of the Venice Commission and is contrary to the usual notice given in previous elections in Turkey. Some opposition parties pointed out that the process which led to the introduction of the amendments was not inclusive and that, as result of the extremely short time available, they could not adequately prepare.

A number of interlocutors raised concerns about the substance of the new electoral legislation, which weakens safeguards in the area of election security and transparency and against the risk of interference of the executive in the election administration. The provisions which appear to be particularly problematic include those which recognise the validity of unstamped ballots, allow for the transfer or merging of ballot boxes for security reasons at the initiative of governors, restrict the notion of the ballot area and broaden the possibility for police forces to be present in polling stations. A positive measure is the introduction of mobile ballot boxes, which should have a positive impact on the political participation of persons with disabilities provided that adequate safeguards are in place.

The delegation was informed that an opposition political party has challenged some provisions of the electoral law before the Turkish Constitutional Court. It also took note that the Monitoring Committee had asked the Venice Commission for an Opinion on the new electoral law and the harmonisation laws. It regretted that, despite the fact that far-reaching amendments were introduced in the electoral law, the concerns expressed by the Assembly and OSCE/ODIHR during previous election observations were not addressed, including the electoral threshold of 10% which is the highest in Europe.

Many interlocutors underlined that the state of emergency and the limitations to freedom of expression and assembly that have been introduced under its aegis, together with the ongoing security operations in the South East and the high number of arrests of politicians and journalists, negatively impact the electoral environment and limit the space for democratic debate which is even more essential during an electoral campaign.

The delegation was concerned to hear reports of violent incidents during the electoral campaign.

Some opposition representatives complained about interference with their ability to campaign freely, safely and without hindrance. The HDP informed the delegation that its presidential candidate, who is in pre-trial detention, cannot campaign and that many HDP parliamentary candidates have been barred from running.

Against the backdrop of wider concerns as regards freedom of the media, several interlocutors drew the delegation’s attention to the unequal media coverage and visibility of different political parties and presidential candidates to the advantage of the ruling party and the incumbent President. The delegation recalled that guaranteeing equal media access to different political forces and candidates and an impartial coverage of the campaign is a fundamental precondition to enable the electorate to make an informed choice. It regretted,

therefore, that Decree Law No. 687 repealed the possibility for the Supreme Electoral Board to subject radio and television broadcasters to sanctions, should they fail to be impartial and politically neutral during the election period.

With regard to the election campaign and party funding, the PACE delegation regretted that previous recommendations made by the Parliamentary Assembly and the Group of States against Corruption (GRECO) relating to funding of electoral campaigns and political parties have remained unaddressed. It took note that many interlocutors confirmed that the legal framework in these areas requires further development. The delegation was also made aware by several interlocutors of the risk of State resources being used by the ruling party in the context of the campaign.

The delegation heard concerns about the impartiality of ballot boxes committees to adequately manage the election day due to the recent legal amendments to their composition.

The delegation called on the political parties to make full use of their right to appoint representatives to sit as members for the different levels of the electoral administration and as observers, with a view to enhancing the transparency of the electoral process and the trust of the voters. It also welcomed the assurance given by the Chairman of the SBE that national and international observers will be allowed to observe all steps of the electoral process including the counting of the vote and the tabulation of the results as well as the newly introduced procedure to publish on the website of the SBE the minutes of each ballot box as they are received.

The Parliamentary Assembly will send a 33-member delegation to observe the early presidential and parliamentary elections of 24 June 2018.

Members: Olena Sotnyk (Ukraine, ALDE), Chairperson, Nicole Duranton (France, EPP/CD), Maryvonne Blondin (France, SOC), Lord David Blencathra (United Kingdom, EC), Nikolaj Villumsen (Denmark, UEL), Adele Gambaro (Italy, FDG), Marianne Mikko (Estonia, SOC), PACE Rapporteur for the monitoring of Turkey

Appendix 4 – Programme of the ad hoc committee (22-27 June 2018)

Friday 22 June 2018

09:00 – 10.30 Internal meeting of the ad hoc committee of the PACE:
- welcome by the Head of delegation
- debriefing of the pre-electoral mission by the members
- legal framework and electoral law by the Venice Commission
- operations, deployment, security, by the Secretariat

Joint parliamentary briefings

10:30 – 10:45 Opening interventions:
- Mr Ignacio Sánchez Amor, Special Co-ordinator of the OSCE Short-Term Observers
- Ms Olena Sotnyk, Head of the PACE delegation
- Mr Peter Osusky, Head of the OSCE Parliamentary Assembly delegation

10:45 – 11:30 Roundtable with representatives of the media:
- Reporters Without Borders: Mr Erol Önderoğlu
- *Cumhuriyet Daily*: Ms Duygu Güvenç
- Progressive Journalists Association: Mr Hûseyin Hayatsever
- Sözcü Web Ankara Temsilcisi: Ms Zeynep Gürcanlı

11:45 – 12:45 Roundtable with representatives of civil society:
- Human Rights Joint Platform: Ms Feray Salman, General Co-ordinator
- Rights and Justice Platform: Mr Ömer Atalar
- Transparency International Turkey: Mr Yalın Hatipoğlu¸ General Co-ordinator
- Checks and Balances Network: Mr Medeni Sungur, General Co-ordinator
- Association of Monitoring Equal Rights: Mr Nejat Taştan, Director

14:15 – 15:45 Briefing by the OSCE/ODIHR Election Observation Mission in Turkey (part I):
- welcome and introduction – Ambassador Audrey Glover, Head of Mission
- political overview and election campaign – Mr Rashad Shirinov, Political Analyst
- media environment – Mr Kira Kalinina, Media Analyst
- legal framework and complaints – Ms Marla Morry, Legal Analyst
- election administration, observers and campaign finance – Ms Mercè Castell Vicente, Election Analyst
- voter registration; candidate registration – Ms Elissavet Karagiannidou, Election Analyst
- security – Mr Peter Booker, Security Expert

15:45 – 18:20 Consecutive meetings with presidential candidates (or their representatives) and leaders and representatives of the political parties not represented in parliament competing in the early parliamentary elections:
- VP (Patriotic Party): Mr Mehmet Cengiz, Vice-Chair
- Mr Ali İhsan Yavuz, Sakarya MP and Director of the AK Party (Justice and Development Party), Election Co-ordination Center
- Mr Onursal Adigüzel, Deputy Chairman, Information and Communication of the CHP (Republican People's Party); leaders and representatives of the CHP
- Mr Satuk Buğra Kavuncu, representative of the IYI Party

19:00 – 20:00 Meeting with the drivers and interpreters for Ankara teams

Saturday 23 June 2018

09:45 – 10:30 Meeting with members of the Radio and Television Supreme Council (RTSC):
- Mr İlker Ilgın, Vice-Chairperson of the Supreme Council

– Dr Yaşar Uğurlu, Deputy Director of Monitoring and Evaluation
– Mr Hüseyin Demirbilek, Deputy Director of the International Relations Department
– Mr Şakir Saraçoğlu, Press and Public Relations Consultant at the Supreme Council

10:30 – 11:00 Meeting with presidential candidates (or their representatives) and leaders and representatives of the political parties not represented in parliament competing in the early parliamentary elections:
– Ms Filiz Kerestecioğlu, Deputy of the Parliamentary Group of HDP (People's Democratic Party), current MP for Istanbul

11:15 – 12:45 Briefing by the OSCE/ODIHR Election Observation Mission in Turkey (part II):
– STO Reporting: Mr Max Bader, Statistics Expert
– Election day procedures and observation forms: Ms Mercè Castells Vicente and Ms Elissavet Karagiannidou, Election Analyst

12:15 – 12:45 Ankara-based LTO teams for regional briefing, distribution of regional briefing packs

14:30 – 16:00 Meeting of heads of delegation

18:00 – 20:00 Meeting with LTOs and drivers and interpreters in the regions

Sunday 24 June 2018

08:00 Observation of the opening

08:00 – 17:00 Observation of the voting

17:00 – 22:00 Observation of the closing, counting and tabulation

22:00 – 23:00 Debriefing of the ad hoc committee of the PACE

Monday 25 June 2018

09:00 Meeting of heads of delegation

15:00 Press conference

Wednesday 27 June 2018

18:30 – 19:30 Debriefing of the ad hoc committee of the PACE (Strasbourg, Council of Europe building)

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

Voters had genuine choice in Turkish elections, but incumbent president and ruling party enjoyed undue advantage, including in media, international observers say

Strasbourg, 24.06.2018 – Voters had a genuine choice in the 24 June early presidential and parliamentary elections in Turkey, but the conditions for campaigning were not equal, with the incumbent president and ruling party enjoying an undue advantage, including in excessive coverage by government-affiliated public and private media outlets, the international observers concluded in a preliminary statement today.

The restrictive legal framework and powers granted under the ongoing state of emergency restricted freedoms of assembly and expression, including in the media. Nonetheless, citizens demonstrated their commitment to democracy by participating in large numbers in campaign rallies and on election day, the observers said. Election day procedures were generally followed, although important legally prescribed steps were often omitted during the counting and tabulation of ballots.

“The restrictions we have seen on fundamental freedoms have had an impact on these elections. I hope that Turkey lifts these restrictions as soon as possible,” said Ignacio Sánchez Amor, Special Co-ordinator and Leader of the short-term OSCE observer mission. “I expected more co-operation from the Turkish authorities on such an important election observation mission, as we always act in good faith and in Turkey’s best interest.”

Six presidential candidates – one woman and five men – including the incumbent, ran for president and the Supreme Board of Elections (SBE) registered eight parties to contest the parliamentary elections.

The campaign was vibrant and took place in a highly polarized political environment, contestants campaigned by various means, and social media were an important tool to reach younger voters and to overcome campaign restrictions. There were a number of attacks and disruptions of campaign activities, mostly against the People’s Democratic Party (HDP), whose presidential candidate remained in pre-trial detention and could not campaign freely. The misuse of state resources by the ruling party contradicted the separation between state and party, the statement says.

“Our delegation welcomed the high voter turnout, which bears witness to the wish of Turkey’s citizens to express their will and to their awareness of the crucial character of these elections,” said Olena Sotnyk, Head of the PACE delegation. “We noticed a more intrusive presence of the police in polling stations than in previous elections, which contributed, in some cases, to creating a climate of insecurity, and possibly pressure against the electorate and, on occasion, international observers.”

A restrictive legal framework hinders media freedom and induces self-censorship, and the state of emergency has been used to further limit this freedom. Most popular broadcast media outlets are seen as affiliated with the government, something reflected in the campaign coverage, the observers said. The ruling party and the incumbent were covered by these more often and more favourably, including by the public broadcaster, limiting the balanced information about the contestants available to voters.

The statement says that fundamental rights and freedoms are not fully guaranteed by the Constitution and laws, and the freedoms of assembly and expression are further restricted in practice, particularly as a result of decisions by provincial governors under the state of emergency. Key amendments to election laws, perceived as favouring the ruling party, were introduced shortly before the elections, and without consultation.

“It is important to address the limitations and challenges posed by the legal framework,” said Peter Osusky, Head of the OSCE PA delegation. “Equally important, legislation related to elections has to be implemented fully and consistently.”

Ambassador Audrey Glover, Head of the ODIHR election observation mission, said: “There is some work to be done by the authorities to ensure that future elections in Turkey are in line with democratic standards and commitments. We will propose recommendations in our final report to help this process. As the citizens energetically demonstrated their commitment to democracy, the authorities need to step up and meet their demands.”

Some of the amendments weakened important safeguards by replacing political party representatives with civil servants as chairpersons of the ballot box committees (BBCs), by allowing the relocation of polling stations on security grounds, by increasing the authority of law enforcement personnel at polling stations, and by ruling that ballots missing important safeguard stamps would still be valid. The Constitutional Court

dismissed the main opposition party's challenge to the amendments. The changes also legalized election coalitions. Positively, independent presidential candidates were allowed for the first time, in line with previous recommendations.

Technical preparations were generally administered in an efficient manner. BBC chairpersons, however, were not always chosen by lottery, as prescribed by law, which raised concerns about their impartiality. At least 1,090 polling stations were moved and merged based on security considerations, which was seen by the opposition as a measure aiming to lower voter turnout in specific areas. Sessions of election boards at all levels were closed and decisions were not published in a systematic or timely manner. These decisions and the lack of transparency eroded confidence in the election administration at all levels, the observers said. The majority of complaints received by the SBE concerned its own decisions, and most were rejected. The few campaign-related complaints received by the SBE were denied consideration on technical grounds.

Women 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. Positively, some parties implemented gender quotas. Some 20.5% of candidates on party lists were female.

The law does not establish rights for non-party citizen observers and does not provide for international observation. Two potential members of the delegation of the OSCE Parliamentary Assembly were precluded from participating as observers. Civil society groups, however, were actively involved, and some conducted parallel voter tabulation on election day. As in previous elections and due to legal constraints, their representatives had to either register on behalf of political parties or candidates, or to observe the counting as ordinary citizens. The international observers faced some restrictions during observation, and their negative assessments were frequently linked to the presence of unauthorised people, often police, who sometimes interfered in the process.