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Observation of the presidential and parliamentary elections in Türkiye (14 and 28 May 2023)

Election observation report
Ad hoc Committee of the Bureau
Rapporteur: Mr Frank SCHWABE, Germany, Socialists, Democrats and Greens Group

1. Introduction

1. On 27 January 2023, subject to receiving an invitation, the Bureau of the Parliamentary Assembly decided to observe the presidential and parliamentary elections in Türkiye (as the country is under monitoring procedure), to set up an ad hoc committee composed of 40 members (SOC-12; EPP/CD-12; ALDE-7; EC/DA-7; UEL-2), as well as the two co-rapporteurs of the monitoring committee, and to conduct a pre-electoral mission. On 2 March 2023 the Bureau approved the list of members of the ad hoc committee (revised by the Bureau on 24 April) to observe these elections (Appendix 1), appointed Mr Frank Schwabe (Germany, SOC) as Chairperson and decided that the same delegation would observe the second round of the presidential election. On 22 March 2023, the Chairperson of the Turkish delegation to the Assembly invited the Assembly to observe the elections.

2. In line with the co-operation agreement signed between the Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, a representative of the Venice Commission was invited to join the ad hoc committee as legal adviser.

3. A pre-electoral delegation was in Ankara on 12 and 13 April 2023 to assess the pre-electoral climate. It met with a wide range of interlocutors, including presidential candidates or their representatives, representatives of political parties from different political affiliations, the Speaker of the Grand National Assembly, members of the Turkish delegation to the Assembly, members of the Supreme Electoral Council (SEC) and of the Radio and Television Supreme Council (RTÜK), media and NGO representatives, Ambassador Jan Petersen, Head of the Election Observation Mission of the Office for Democratic Institutions and Human Rights of the Organisation of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) and members of the diplomatic corps in Ankara. The programme of the pre-electoral mission is set out in Appendix 2 and its statement in Appendix 3.

4. For the first round of elections, the Assembly ad hoc committee (PACE delegation) worked from 11 to 16 May 2023. It operated as part of an international election observation mission (IEOM) together with a delegation from the OSCE Parliamentary Assembly (OSCE-PA) headed by Farah Karimi, OSCE Special Co-ordinator Michael Georg Link, and the electoral observation mission (EOM) of the OSCE/ODIHR. The programme of the delegation's meetings is set out in Appendix 4 and the IEOM joint press release is set out in Appendix 5.

5. Members of the PACE delegation returned to Türkiye from 25 to 30 April 2023 to observe the second round of the presidential election, in the framework of the IEOM. The programme of the delegation's meetings is set out in Appendix 6 and the IEOM joint press release is set out in Appendix 7. The IEOM presented its preliminary conclusions and findings following the first and second round of elections, on 15 May and 29 May respectively.[1]

2. Political context

6. In January 2023, President Recep Tayyip Erdoğan announced plans to move the 2023 general elections from the constitutionally scheduled date of 18 June to 14 May, to avoid the potential negative impact on voter turnout due to coinciding events in June. On 6 February, a series of major earthquakes struck the South-East of the country, causing significant loss of life and infrastructural damage. As a result, on 8 February, President Erdoğan declared a three-month state of emergency in the impacted provinces to aid in relief and recovery efforts, which was subsequently approved by the parliament on 9 February.

7. On 10 March, in line with the Constitution and with the consensus of all political parties, the President called for early general elections to take place on 14 May 2023.

8. The political landscape has been dominated by the ruling Justice and Development Party (AKP), in power since 2002, currently led by President Erdoğan. Elections unfolded amidst considerable polarisation and intense competition among contrasting political agendas aiming to shape the country's future. Contestants based their strategies on major coalitions, the People's Alliance and the Nation Alliance, respectively.

9. Concerns of various international organisations about systematic targeting of some opposition parties and figures in the recent years were reiterated by some IEOM interlocutors emphasising the potential impact on their ability to participate in elections. Dissolution proceedings against the People's Democratic Party (HDP), initiated in March 2021, continued throughout the elections. In connection to the ongoing case, HDP chose to run its candidates under the Green Left Party (YSP) and formed the Labour and Freedom coalition with the Worker's Party of Türkiye (TİP).

10. These concerns had been expressed by the Assembly in its Resolution 2459 (2022) "The honouring of obligations and commitments by Türkiye"[2], notably concerning freedom of expression, association and assembly, freedom of media, independence of the judiciary which impact the electoral process. The Assembly notably highlighted:

– the ongoing crackdown on members of the political opposition and the attempt to close the HDP;

– restrictions on freedom of expression and of the media, including the problematic criminalisation of dissemination of misleading information;

– the overly broad interpretation of anti-terror legislation that remained worrisome;

– recent electoral amendments of March 2022, despite a welcome lowering of the electoral threshold from 10% to 7%, thus calling on the Turkish authorities to secure all conditions for free and fair elections;

– the urgent reforms needed to restore the full independence of the judiciary and an effective system of checks and balances.

11. In December 2022, Ekrem İmamoğlu, the mayor of Istanbul and a widely regarded potential presidential candidate for the Republican People's Party (CHP), was sentenced to more than two years' imprisonment, together with a political ban which would preclude him from holding public office, for insulting members of the SEC; the sentence has not yet entered into force as the case is currently under appeal.

12. Long-standing concerns about the respect of the fundamental freedoms of assembly, association and expression as well as independence of the judiciary, all key to a democratic process remained unaddressed in the election period. Despite a constitutional guarantee, international actors and various IEOM interlocutors continue to raise concerns about the independence of the judiciary. A July 2018 legal amendment granted governors the power to limit certain rights and freedoms for up to 15-day periods on the basis of protecting public order or security, a power that previously existed only under a declared state of emergency. Several civil society organisations and human rights defenders reported consistent pressure and targeting from the authorities.

13. The Constitution provides for the equality of men and women. However, women remain under-represented in politics and leadership positions and further efforts are needed from authorities and political parties to address persistent gender stereotypes that impede women's political involvement. In the outgoing parliament, 100 of the 577 members (17%) were women. Out of 17 ministers, only one was a woman. Only

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1. See the statements of preliminary statement and conclusions of the International Election Observation Missions published after the first round (15 May 2023) and the second round (29 May 2023) of the elections.
2. See Resolution 2459 (2022), Report (Doc. 15618) and Addendum.

3% of mayors, 2% of village heads, and 11% of local councillors are women. In 2021, the country withdrew from the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210, the "Istanbul Convention").

3. Electoral system and legal framework

3.1. Legal framework

14. The elections are primarily regulated by the 1982 Constitution, 1961 Law on Basic Provisions for Elections and Voter Registers (Law on Basic Provisions), 1983 Law on Parliamentary Elections, 2012 Law on Presidential Elections, and supplemented by the SEC regulations and decisions.

15. The legal framework does not fully provide a sound legal basis for the conduct of democratic elections. The Constitution, adopted under martial law, does not sufficiently guarantee the rights and freedoms that underpin democratic elections, as it focuses on prohibitions to protect the State and permits legislation that imposes further undue limitations.

16. The 2012 Law on Presidential Elections does not regulate the holding of a second round; it only reiterates the constitutional provisions on the system for presidential elections and establishes the deadline for withdrawal of second-round candidates and it provides that the established donation limit to presidential contestants applies to each round. The legal framework fails to address essential aspects of the second round, including issues related to voter registration, the composition and work of the election administration, regulation of the campaign, including in the media, out-of-country voting and the presence of party observers. This negatively impacted legal certainty and the stability of the overall legal framework.

17. Positively, prior to the first round, the SEC had adopted several regulations pertaining to the administration of a potential second round, including on updates to the voter register, setting the campaign period, including in the media, and the dates and locations for out-of-country voting. Yet, certain issues remained unregulated or underregulated, including the composition and mandate of ballot box committees (BBCs), eligibility for party observers, reallocation of campaign venues and registration for out-of-country and mobile voting.

3.2. Recent amendments

18. Amendments to various laws adopted in March 2022, based on a proposal from AKP and MHP, introduced significant changes to the electoral framework. The amendments were adopted within a few weeks in a process lacking sufficient inclusiveness, as highlighted by the Venice Commission and the OSCE/ODIHR in their joint opinion of June 2022.[3]

19. Positively, some of the changes addressed previous Venice Commission, ODIHR and PACE recommendations for lowering the threshold for political parties (from 10% to 7%) to gain parliamentary representation, and for facilitating electoral participation for voters with visual impairments. However, other amendments, including the new method for appointment of mid-level electoral councils, diminished election stakeholder trust in the electoral process, and were unsuccessfully challenged in the Constitutional Court.

20. Other long-standing Venice Commission and ODIHR recommendations for addressing key shortcomings in the legal framework to align it with international standards – regarding the seat distribution method among constituencies, political party eligibility, the right to vote and to be elected, media freedoms, campaign and campaign finance regulation, non-partisan observation, and election dispute resolution – remain unaddressed, as well as numerous rulings of the European Court of Human Rights finding a violation of fundamental freedoms. Moreover, the legislation contains various gaps and ambiguities, undermining legal certainty in key areas of the process.

3. Joint opinion of the Venice Commission and the OSCE/ODIHR on the amendments to the electoral legislation by Law No. 7393 of 31 March 2022, adopted by the Venice Commission at its 131st Plenary Session (Venice, 17-18 June 2022), CDL-AD(2022)06.

3.3. Election of the President of the Republic and the members of the parliament

21. The president is directly elected for a five-year term from a single nationwide constituency and may serve up to two terms. Under the 2017 constitutional amendments, a third term is allowed only if an early election is called by the parliament during a second term. If no candidate obtains more than 50% of the valid votes cast, a second round between the two top candidates is held two weeks later.

22. Members of the 600-seat unicameral parliament are elected for a five-year term through a proportional system in 87 multi-member constituencies. Pre-electoral coalitions are allowed, but parties running in a coalition must submit individual lists. The national threshold for parties and coalitions to be eligible for seat allocation was reduced from 10 to 7 percent. Under a newly revised method, mandates are allocated directly to individual parties according to the D'Hondt method, including those within an alliance. As noted in a joint Venice Commission and ODIHR opinion, this method, combined with the high electoral threshold, could potentially disadvantage smaller parties within coalitions.

23. Parliamentary constituencies align with the administrative boundaries of the 81 provinces, except for 4 provinces divided into multiple constituencies. In March 2023, the SEC published a decision on the redistribution of seats among constituencies based on the 2022 population data. The SEC applied a formula required by the law, which, despite a long-standing Venice Commission and ODIHR recommendation, significantly undermines the equality of the vote. As the result, 38 of the 87 electoral constituencies have a deviation of more than 15% from the average number of citizens, with more than half of those above 30%, not in line with international good practice.

4. Election administration, voters lists and registration of candidates

4.1. Election administration

24. The election administration is comprised of the SEC, 81 provincial electoral councils (PECs), 1 095 district electoral councils (DECs), and 204 353 ballot box committees (BBCs). The SEC consists of seven regular and four substitute members, all of whom are senior judges appointed for six-year terms.

25. Not in line with its legally prescribed composition, the SEC acted as an 11-member body, allowing all substitute members to participate in the sessions and vote. Eligible political parties had the right to appoint non-voting members to the SEC and mid-level councils, as well as full members at district and polling station levels.

26. SEC sessions were not open to public, and despite its legal obligation to publish all its decisions, only around 11% were published, significantly reducing transparency of its work. In accordance with its legal mandate, the SEC is responsible for overseeing and regulating the electoral process; however, the regulations adopted by the SEC for these elections did not sufficiently supplement the legislation, as the majority merely reiterated existing legal provisions.

27. The communication with our observation mission was limited, as the Chairperson of the SEC despite the usual practice, declined to meet the IEOM prior to the first and the second rounds.[4]

28. Following the March 2022 legal amendments, PECs and DECs were re-appointed in July 2022 for two-year terms to supervise the administration of elections in their respective areas. The amendments revised the selection method of PEC and DEC members from the judiciary. Some IEOM interlocutors voiced concerns that the new appointment procedure may increase susceptibility of the judicial members with limited professional experience to political influence. PECs and DECs observed were professional and well-organised, but their closed sessions and systematic non-publication of decisions undermined transparency. Most BBCs were appointed in accordance with the law; although, often after the legal deadline, as some DECs had difficulties assigning polling staff due to a lack of nominated members from political parties.

29. The election administration efficiently managed the technical preparations for the elections and complied with most legal deadlines, despite significant challenges posed by the earthquakes. The election administration generally enjoyed high stakeholder trust in its technical capacity to efficiently manage the process, but stakeholders' confidence in its independence varied, due to low trust in the judiciary, current and past controversial decisions of the SEC and a lack of transparency in some aspects of its work.

4. PACE pre-electoral delegation could meet SEC representatives in April and a bilateral meeting, in a limited format, was organised on 26 May with the heads of the IEOM parliamentary delegations.

Representation of women in the election administration remained low; all SEC members were men, women comprised only 11.7% of PEC and DEC members combined and presided over 27% of PECs and 46% of DECs.

30. Mandatory training was provided only to BBC members from the civil service, mainly during the week before election day. Training sessions observed by the ODIHR EOM were informative but not fully comprehensive, and the format provided only limited opportunity to raise queries and clarify doubts on election procedures. Party-nominated members had the option to participate voluntarily or access training materials online.

31. PECs and DECs, including newly appointed members, did not receive any training, this led to inconsistent application of some procedures. The election administration conducted a limited voter information campaign through broadcast media and printed materials. Although not required by the law, voter education materials were not available in any language other than Turkish. Positively, all audio-visual voter education materials included sign language interpretation.

32. Early voting was available to some 3.41 million voters registered in the out-of-country voter register; polling stations were set up in 167 diplomatic representations and other localities across 73 countries from 27 April to 9 May 2023. Votes from abroad were counted centrally in Ankara by specially designated counting committees under the overseas DEC. In addition, voters registered abroad could cast their ballots at polling stations in 46 customs gates from 27 April to 14 May.

33. Citing security concerns, inadequate polling premises, or sparse population and upon the request of governors and PECs, the SEC relocated or merged 861 polling stations across 28 provinces, primarily in the South and South-East, as late as one week before election day. The late merging, including after the legal deadline of 14 April, potentially impacted the ability of 57 170 voters to vote. Some IEOM interlocutors raised concerns that these changes were potentially politically motivated and noted a lack of timely notification about them. The SEC indicated that there were several objections against its decisions on merging of polling stations, all of which were rejected.

4.2. Voters lists

34. Citizens over 18 years of age have the right to vote, except for those declared legally incompetent by court, prisoners convicted of intentional crimes regardless of the severity, conscripts and students in military schools. These restrictions on voting rights are contrary to the case law of the European Court of Human Rights. Positively, on 13 March 2023, the SEC clarified that all convicts outside of prison were permitted to vote, irrespective of whether their sentence was fully executed.

35. Voter registration is passive and continuous. The central voter register is maintained by the SEC, based on the civil and address registers. Voter lists were displayed for scrutiny at local government offices by 20 March 2023, enabling voters to verify their information and request amendments until 2 April.

36. According to the SEC, 60 997 843 voters were registered in-country and 3 416 098 abroad. Special voter lists were compiled for 53 185 detained and eligible imprisoned voters. No special provisions were made to provide for voting at places of temporary stay, such as women's shelters and hospitals. Mobile voting was made available to 11 196 home-bound voters in the urban areas, excluding those residing in rural locations, despite requests by the civil society organisations.

37. While most IEOM interlocutors did not raise concerns about the accuracy of the voter lists, some noted that, while not contrary to the law, voter lists might contain voters missing due to the earthquakes, impacting its accuracy. In addition, on 30 March 2023, the Council of Higher Education took the decision to resume in-person education after suspension for over one month at higher education institutions nationwide, this provided students with a limited three-day period to register for voting at their study locations, potentially compromising their ability to vote.

38. An estimated 2 million voters were displaced due to the earthquakes, and the authorities took only limited measures to facilitate address changes and voting for those affected. According to the Ministry of Interior, some 453 000 citizens, 70% of whom of voting age, had changed their addresses from earthquake-affected areas to register in other provinces. By law, individuals who had relocated, including those displaced by the earthquake, could only vote for parties and candidates in their new place of residence. A significant number of these displaced citizens were only able to vote by returning to their permanent residences. Despite the efforts of some civil society organisations and political parties to provide free transportation for these voters, a high number of them were potentially disenfranchised.

39. In the period between the rounds, and pursuant to a SEC decision, voters turning 18 years of age and those released from prison were added to the voter register. Individuals deprived of citizenship and the deceased remained on the voter lists, marked as “cannot vote”. There was no public scrutiny of voter lists between the rounds, and there was no opportunity to request additional changes. No additional special provisions were made to facilitate voting for citizens affected by the February earthquakes.

4.3. Registration of candidates

40. Presidential candidates must be at least 40 years of age with a higher education. Parliamentary candidates must have a primary education and be at least 18 years old. The legislation retains excessive restrictions on candidacy rights for individuals declared legally incompetent by a court, barred from public service, conscripted to military service, or convicted of a broad range of crimes.

41. Presidential candidates can be nominated by parliamentary parties or parties with at least 5% of the votes in the previous elections, and parliamentary candidates by political parties deemed eligible by the SEC. Citizens may also run as independent candidates upon a deposit.

42. Independent presidential candidacies must also be supported by at least 100 000 signatures. Voters could sign in support of only one contestant, contrary to international good practice and ODIHR recommendations.

43. To participate in parliamentary elections, parties must have established organisational structures in at least half the provinces and one-third of districts; in addition, they must have convened party congresses at least six months prior to election day. The March 2022 legal amendments extended this requirement, by specifying that parties must have convened all national, provincial and district congresses, and could not fail to hold two consecutive congresses within a legally prescribed period. The requirement of two consecutive congresses, in conjunction with the required broad organisational structure, challenges the principle of proportionality and equal treatment with respect to newly established parties. The SEC deemed eligible 36 political parties out of 126 in the register. Subsequently, five pre-electoral coalitions were formed.

44. There are no gender quota or placement requirements for candidate lists, and only a few parties implemented internal policies in this regard. Of the 13 037 parliamentary candidates, only 25% were women. Women led 327 (18%) of the candidate lists; 11 women stood as independent candidates. None of the presidential candidates was a woman.

45. The technical registration process of candidates managed by the SEC was inclusive. Still, party dissolution proceedings against the second largest opposition party impeded its participation and the criminal prosecution of some prominent opposition politicians may also have hindered their candidacy. The SEC registered four presidential candidates. On 11 May, Muharrem İnce, independent presidential candidate backed by Memleket party announced his withdrawal from the election; however, as this is not regulated by law, Mr İnce remained on the ballot. Moreover, 1 849 parliamentary candidate lists from 24 political parties and 151 independent parliamentary candidates were registered.

46. The SEC received numerous objections regarding its decisions on accepting or denying the registration of candidates. It did not publish most decisions, including on objections, related to candidate registration, detracting from transparency. Only four decisions related to a publicly undisclosed number of objections against the eligibility of three presidential candidates were published, all of which were dismissed.

47. The registration of the incumbent President was officially challenged by more than 200 stakeholders, asserting that the incumbent was running for an unconstitutional third term and one application was subsequently submitted to the European Court of Human Rights. The SEC dismissed these challenges on the grounds that the first presidential term of the incumbent between 2014 and 2018 did not fall under the two-term limit, since it occurred under the previous parliamentary system.

5. Election campaign and its financing

5.1. The legal framework

48. The legal framework establishes two periods for campaigning: the electoral period, commencing on 18 March 2023 for parliamentary elections and 31 March 2023 for the presidential election, during which certain campaign regulations applied, including a ban on misuse of administrative resources, and the

campaign period, which lasted for 10 days prior to the elections and in which campaigning was subject to stricter requirements. The formal campaign period is unduly short, leaving most of the *de facto* campaign period underregulated.

49. The legislation, while providing some restrictions in the official campaign period, overall does not ensure adequate safeguards to prevent state and local office holders from misusing administrative resources for electoral purposes. The law does not explicitly subject a president, regardless of if they are standing or not, to the same restrictions in the campaign period as other high level public officials.[5]

50. In the electoral period, the President often campaigned while performing his official duties; the inauguration of numerous large-scale infrastructure projects were also utilised by several incumbents for campaigning. At odds with international good practice, significant social benefit programmes were announced or implemented during this period. These practices tilted the playing field, provided undue advantage of incumbency and blurred the line between party and State.

51. On 19 April 2023, the SEC ruled that ministers running for parliament (namely 16 out of the 19 ministers) did not have to resign from their positions, stating that ministers have a different appointment process and take an oath in parliament, making them ineligible to be considered as public officials.

5.2. The election campaign

52. The elections offered voters a genuine choice between political alternatives. In the campaign, the fundamental freedoms of association and assembly were generally respected, with some notable exceptions. Representatives of Green-Left Party (YSP) faced pervasive pressure and intimidation targeting their campaign events and supporters and involving systematic detentions. The exercise of authority by governors to limit rights and freedoms for anti-terrorism purposes affected campaign opportunities in the East and South-East. Furthermore, some additional cases of interfering with freedom of expression were observed, targeting opposition parties, candidates and supporters.

53. The campaign period was largely peaceful, with some incidents. Most contestants conducted robust campaigns, using a variety of methods, including rallies, door-to-door canvassing and distribution of leaflets. The campaign was highly polarised and often negative and inflammatory in tone, with mutual accusations of terrorism and promoting extremist views. Prominent campaign topics included the economy, earthquake reconstruction efforts, international affairs, and the status of refugees in Türkiye. Several high-ranking officials made discriminatory statements regarding the LGBTI community, associating the main opposition alliance with this community.

54. During the electoral period, the ODIHR EOM followed the online activities of 14 political parties, all 4 presidential candidates and 17 other political actors on Twitter and Facebook. On social networks, all contestants actively engaged by sharing messages that mirrored their offline campaigns, while frequently employing inflammatory language. The legislation allows for criminal indictment based on content posted on social networks, which, according to many IEOM interlocutors, results in widespread self-censorship and limits freedom of opinion and expression. Both the opposition and the ruling party levelled accusations of disinformation being distributed about the party, its platform, or individual contestants during the campaign.

55. Overall, women's visibility in the campaign was limited, except for İyi Parti chairperson Meral Akşener. Some political parties, such as CHP, DEVA, İyi Parti, and YSP promoted women's equality and efforts to combat gender-based violence. Some women politicians reported harassment or fear of harassment while campaigning, based on their gender.

56. The second round took place in an environment of continued restrictions on fundamental freedoms of assembly, association and expression that hindered the participation of some opposition politicians and parties, civil society and independent media in the election process. Representatives and supporters of YSP and HDP continued to face intimidation and harassment.

57. Overall, the campaign activities of both contestants were limited, unlike in the first round, and mostly focused on local mobilisation. The presidential election offered voters a choice between genuine political alternatives, and in this subdued yet competitive campaign, candidates were able to campaign freely. In some instances, the campaign was characterised by inflammatory and discriminatory language, including

5. Further to the adoption of the March 2022 electoral amendments, the Venice stressed that "the President does not stand outside the party system but, rather, is part of it, there is no reason why s/he should not be subject to the restrictions in the same ways as other high public officials to prevent conflicts of interest and misuse of administrative resources". CDL-AD(2022)06.

accusatory rhetoric regarding refugees from Syria. Representatives of both candidates used persistent allegations of association with terrorism. Key campaign themes emerged around the status of the economy, national security, return, including deportation, of Syrian refugees and opportunities for the youth.

58. Instances of campaigning while performing official duties continued in the second-round campaign and two instances of breaching the ban on inauguration events in the campaign period were noted. These instances, along with several cases of the use of administrative resources, provided an undue advantage to the incumbent, also noted in the first-round campaign.

5.3. Financing of the campaign

59. The financing of electoral campaigns is regulated by the Law on Political Parties and the Law on Presidential Elections and supplemented by SEC regulations. The legislation does not contain comprehensive regulations on party and campaign finance, which significantly decreased stakeholders' trust in the integrity and accountability of the regulatory system. Campaign spending online is not regulated.

60. Most long-standing recommendations of the Group of States against Corruption (GRECO) remain unaddressed, including on the introduction of spending limits, enhancing transparency and improving the effectiveness of the oversight mechanism.

61. Due to the absence of interim campaign finance reports, voters had limited information about campaign incomes and expenditures before election day.

62. Presidential candidates are not entitled to public funding. To support their campaigns, they may receive individual donations from Turkish citizens up to TRY 55 598 per donor per round. Political parties with at least 3% of votes in the previous parliamentary elections receive annual public funding proportional to their vote share. This funding is tripled in an election year, amounting to a total of TRY 4.5 billion in 2023. Parties may also finance their campaigns through membership fees or private donations, subject to an annual limit of TRY 221 591 per eligible donor. Donations from most legal entities, state and public organisations, and foreign sources are prohibited. Commercial activities and loans are not allowed. Party and campaign donations and expenditures must be made through dedicated bank accounts.

63. There is no ceiling for annual party and campaign-related expenditures, favouring larger parties and affecting the level playing field.

64. The law does not envisage proactive oversight by the relevant authorities. Presidential candidates are obliged to submit campaign finance reports to the SEC within 10 days of the announcement of the final election results. While the SEC does not publish these reports, it audits them with the assistance of the Court of Accounts and publishes the audit results within one month of their completion. Political parties must declare their campaign funds through annual financial reports submitted to the Constitutional Court. These reports do not include incomes and expenditures incurred by candidates or third parties.

65. The Constitutional Court performs audits on these reports with the assistance of the Court of Accounts. Currently, there is a considerable delay in publishing the auditing results, limiting transparency.

66. Independent parliamentary candidates report their campaign funds through personal tax declarations. Sanctions for breaches of parliamentary campaign finance rules include warnings, fines, imprisonment of up to three years, and dissolution of the political party. The law does not establish sanctions for noncompliance with presidential campaign finance rules.

6. Media environment

67. Freedom of expression and the media are constitutionally guaranteed, but some provisions of the Criminal Code, Press Law, anti-terror laws, and other legislation restrict the exercise of these freedoms.

68. Defamation and insult of public officials remain criminal offences with severe penalties, despite previous Venice Commission and ODIHR recommendations. Since October 2022, dissemination of false information has been criminalised, contrary to international standards.[6] The widespread practice of blocking websites and individual pages, along with content removal requests by numerous administrative and judicial bodies, including the SEC, further limits freedom of expression and voters' access to information.

69. The media market is skewed by government and state-affiliated advertisements, which disadvantages critical outlets. Further, the dependency of most media outlets on public contracts impacts the editorial policies. Journalists, particularly in south-eastern Türkiye, have frequently faced terrorism charges based on

their reporting, including during the electoral period. Many journalists and media organisations have also raised concerns regarding the process for obtaining press cards issued by the President's Communication Directorate, alleging discrimination against oppositional and critical media.

70. The legal framework, combined with cases of arrests and prosecutions of journalists, selective allocation of public advertisements and arbitrary allocation of press cards contributes to self-censorship, and limits voters opportunity for making an informed choice.

71. The Constitution guarantees the impartiality of the public broadcasters, and the legislation further obliges all media to provide impartial coverage of the campaign and guarantees equal opportunities for the contestants. The ODIHR EOM media monitoring results demonstrate that the public Turkish Radio and Television Corporation (TRT), TRT-1 and TRT Haber newscasts showed a clear bias towards the People's Alliance and Mr Erdoğan, who received a combined total of 44 and 45% of politically relevant coverage, mainly positive in tone. These outlets did not distinguish between Mr Erdoğan's coverage as president and candidate, often presenting campaign activities as coverage of the president, going beyond the need to inform about regular activities of a public official. In contrast, the Nation Alliance and Mr Kılıçdaroğlu received a combined total of 28 and 25%, while Labour and Freedom Alliance received 7 and 5% of newscast coverage, all mainly negative in tone.

72. The private ATV dedicated 41% of almost exclusively negative coverage to Nation Alliance and 10% to Labour and Freedom Alliance, while Mr Erdoğan and People's Alliance received a combined total of 37 percent of predominantly positive coverage. Private Fox TV and Halk TV also displayed bias in their coverage with predominantly negative coverage of Mr Erdoğan and the People's Alliance, while Nation Alliance was portrayed positively. Kanal D, Show and Star mainly covered the President and People's Alliance positively but had a more balanced approach in covering the campaign activities of Nation Alliance and Mr Kılıçdaroğlu. Most broadcasters mixed facts and opinions in their coverage of the campaign, and largely disregarded activities of the other two presidential candidates until the announcement by Mr İnce of his withdrawal, except Kanal D, which allocated ten percent of its news coverage to Mr İnce, providing him a platform that he used to criticise CHP and Mr Kılıçdaroğlu.

73. In line with the law, the TRT provided free time to all contestants, although the majority of it was allotted outside of prime time. While contestants had the right to purchase airtime for political advertisements under equal conditions on public and private media, the CHP filed several complaints against TRT for failing to provide paid time; these complaints remained unresolved before election day.

74. Mr İnce and Mr Oğan have both agreed to participate in media debates at the invitation of Mr Kılıçdaroğlu. Mr Erdoğan has not responded to the invitation, which has resulted in the absence of a debate in the media.

75. The SEC is mandated to supervise the national broadcast media; however, a 2017 presidential decree abolished sanctions it could impose for media violations. The regulatory body, RTÜK, oversees the media principles established by the Law on Audio-visual Media, including impartiality and unbiased coverage of political parties. The RTÜK informed that during the campaign it only responded to official complaints, without proactively and systematically monitoring the media. In the second round, RTÜK did not conduct any systematic media monitoring, nor did it formally assist the media with any guidelines specifically for the second round.

76. Despite its legal obligation, the RTÜK did not consistently publish its decisions in a timely manner. Although DECs are legally responsible for supervising campaigning in regional media and online, many DECs seemed unaware of these duties.

77. Overall, the media coverage of the campaign lacked effective oversight, and violations did not receive prompt redress.

78. In the second round, public broadcasters significantly favoured the incumbent, despite constitutional guarantees of their impartiality. Such bias was also evident among numerous private media, while several other outlets leaned towards the opposition. Ongoing criminal trials and new arrests of journalists and bloggers continued, including cases involving the insult of public officials, further restricting freedom of expression.

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6. See the Urgent joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the draft amendments to the Penal Code regarding the provision on "false or misleading information", issued pursuant to article 14a of the Venice Commission's Rule of Procedure, endorsed by the Venice Commission at its 132nd Plenary Session, (Venice, 21-22 October 2022), CDL-AD(2022)034.

7. Complaints and appeals

79. The legal framework does not fully guarantee effective redress for electoral disputes. Decisions of lower electoral bodies can be appealed by all stakeholders, except civil society organisations, to higher councils. However, despite a long-standing Venice Commission and ODIHR recommendation, SEC decisions are not subject to judicial review, including the decision on the final results and those regulations and decisions that concern constitutionally-protected rights.

80. In the absence of opportunities to seek judicial review, various stakeholders in the pre-election period officially requested the SEC to reconsider some of its decisions, including requests from candidates who were excluded from running in the elections. The adjudication process for election-related disputes at all levels of the election administration lacked transparency. Acting in its quasi-judicial capacity, complaints to the SEC were reviewed in closed sessions and parties to the dispute were denied the right to be heard. Contrary to legal requirements, the SEC did not make all decisions on objections and complaints public and published only four decisions on objections. The published decisions did not disclose the names of the complainants and were generally not sufficiently or soundly reasoned.

81. Campaign-related complaints could be lodged with election bodies, governors, law enforcement, and the courts. On 22 April 2023, the Minister of Interior announced that 69 election-related criminal proceedings had been initiated up to that date, including into attacks on various campaign offices and activists. Some criminal investigations were opened into campaign-related speeches.

82. Many IEOM interlocutors raised concerns about the independence of the judiciary and expressed a lack of trust in the election administration, law enforcement bodies, and courts to resolve electoral grievances impartially and effectively, which for some had a dissuasive effect on lodging complaints.

83. The legal framework lacks comprehensive regulations on granting requests for recounts of polling station results and annulment of election results. In addition, the SEC shortened legislated deadlines for the submission and resolution of most election-day related disputes to one day at all levels, without providing a justification as required by law. Such expedited deadlines for post-election complaints are contrary to international good practice and may undermine the right to seek effective legal remedy concerning the results.

84. The handling of first round post-election complaints lacked transparency across all levels of the election administration. Neither the mid-level councils published their decisions on the post-election complaints, nor did the SEC release information on complaints lodged with these bodies. Contrary to the law, the SEC did not publish its decisions on post-election appeals. Some opposition parties lodged numerous complaints alleging inaccuracies in the official BBC protocols and discrepancies between votes recorded for contestants in the protocols and those entered in the electronic results database. Although many complaints were rejected, according to the opposition parties, numerous complaints about the incorrect data entry were adequately resolved. The SEC established an unduly short timeline for consideration of the second-round post-election complaints, undermining the right to effective legal remedy, not in line with international good practice

8. Citizen and international observers

85. The law does not provide for citizen and international observation of the election process, despite previous Council of Europe recommendations. However, the Law on Basic Provisions allows for monitoring by observers nominated by political parties and independent candidates in the district where they contest the elections. Further according to the law, the public is permitted to observe the vote count. Moreover, the SEC accredited a number of international organisations to observe the elections; but denied accreditation to individual observers without providing clear reasoning.

86. Similar to previous elections, accreditation requests from some civil society organisations were rejected by the SEC. Many civil society organisations, including Oy ve Ötesi (Vote and Beyond), Turkish Volunteers, Human Rights Association and the Association for Monitoring Equal Rights focused on election day observation and parallel vote tabulation, accredited as political party observers or without accreditation, as interested citizens.

87. The PACE delegation regrets that two members of the OSCE Parliamentary Assembly who wished to observe these elections, Mr Soren Sondergaard (Denmark) and Mr Kadir Kasirga (Sweden), were refused accreditation as observers. It supports the statement of the OSCE Special Co-ordinator of the OSCE short-term observer mission Michael Georg Link and Head of the OSCE PA Delegation Farah Karimi, that the inviting country should refrain from trying to influence the composition of the election observation mission.[7]

Likewise, the Assembly recalls that it is within the sole remit of the Bureau of the Assembly to appoint the members of ad hoc committees observing elections. It therefore regrets that the appointment of two members of the ad hoc committee by the Bureau was called into question by the Turkish authorities.

9. Election day

88. The 14 May election day was largely peaceful, although there were several incidents in and around polling stations. The PACE delegation split in 18 teams and observed the opening, voting and closing in Ankara and its surroundings, as well as in Istanbul, Izmir, Samsun, Gaziantep and Diyarbakır. Its general observations coincide with the general IEOM ones.

89. Despite the legal ban on campaign activities one day prior to elections and on election day, many presidential candidates and political parties, with the exception of Mr Erdoğan, AKP, Democrat Party, DEVA and Memleket, campaigned on social networks and campaign activities were observed around polling stations in 14 cases during voting hours. The SEC did not announce turnout data or other information about the process on election day, but issued two instructions to BBCs regarding reported irregularities, including an instruction not to cross out the name of the withdrawn presidential candidate Muharrem İnce on the ballot and on the correct stamping of ballot papers with the BBC stamp.

90. Our delegation paid attention to the vote in the earthquake-affected areas, where the elections were observed by one of our teams. The authorities took limited measures to facilitate address changes and voting for those affected by the earthquakes and, despite civil society and political party efforts to provide free transportation for those who could only vote by returning to their original residence, a high number of these voters were potentially unable to vote and placed an additional burden on the voters to exercise their voting rights. SEC informed that IEOM that the turnout in these areas was 83%.

91. The IEOM observed the opening proceedings in 132 polling stations. Most polling stations opened on time or experienced only minor delays. The opening procedures observed were assessed positively in 118 cases. However, procedural oversights were observed, such as the failure to record the number of ballots (8 cases) or envelopes (5 cases) in a consistent manner. Furthermore, not all ballots were stamped before opening in 35 instances and the envelopes were not always stamped in 11 instances, contrary to legal requirements.

92. Observers positively assessed the voting process in 96% of 991 polling stations observed, characterising it as overall well-organised and smooth, however, negative assessments were more frequent in South-East and the areas affected by the earthquakes.

93. In total, 37% of the members of the BBCs were women, including 27% of the chairpersons. Voting procedures were largely followed; however, some important safeguards related to the integrity of the process were inconsistently implemented, largely due to lack of understanding of procedures by the BBC members. This includes 4% of the observations, where ballot boxes were observed to be improperly sealed and in 2% voters' identity was not consistently checked against a permitted ID. Further, in 40% of the observations, BBC members did not adequately instruct voters to fold their ballots and seal the envelope. The polling station layout did not fully guarantee the secrecy of the vote in 2% of the observations. Group or family voting was reported in 6% of the polling stations visited.

94. The high turnout, combined with poor queue control and inadequate polling station layouts resulted in overcrowding in 14% of the observations.

95. Political party and candidate observers were present in 60% of the polling stations observed, while citizen observers accredited as party agents or without accreditations were present in 15%, contributing to transparency.

96. In at least 36 polling stations, IEOM observers were denied access by police officers, BBC chairpersons and unauthorised persons. The presence of unauthorised persons was also noted in 12% of the polling stations.

97. In 5% of the observations, persons not belonging to the BBC, mainly party observers, were seen directly interfering with the voting process.

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7. https://www.oscepa.org/en/news-a-media/press-releases/press-2023/statement-on-tuerkiye-s-denial-of-election-observer-accreditation-to-two-osce-parliamentarians

98. On election day, media reported on allegations from representatives of civil society organisations and opposition political parties about several thousands of voters in Gaziantep being covertly registered as BBC members, preventing them from voting at the polling stations where they were registered.

99. Only 50% of polling stations were considered suitable for independent access for voters with disabilities, and the interior layout of 77% of the polling stations was suitable for such voters.

100. The vote count was generally assessed positively in 104 of 120 of the polling stations visited by the IEOM, mostly characterised as smooth and efficient. However, several significant procedural errors were reported, and the prescribed closing procedures were not completed correctly in close to half of the observations before the start of the count. BBCs did not consistently count the number of signatures and fingerprints in the voter lists in 12 instances or recorded these numbers in the protocol at this stage in 38 instances. Unused envelopes and ballots were not counted in 23 instances. In 23 polling stations, the BBC did not post copies of the protocols for public display, however, in all but three cases copies of protocols were provided upon request.

101. Contrary to the law, the envelopes were not counted twice in 55 instances and their validity was not consistently checked in 27 instances or was not recorded in the protocol in 23 instances. In 27 instances, not all ballots cast for each party were properly counted and separated and not all data was correctly entered in the protocol in 10 instances. In all but one of the IEOM observations, validity of the ballots was determined in a consistent manner. In 18 cases, persons other than BBC members participated in the count, raising concerns over the integrity of the count. Official protocols were pre-signed by the BBC members in 15 instances. In 21 polling stations observed, the BBC had difficulties to reconcile the results in the results protocol. The IEOM observers generally attributed the procedural shortcomings primarily to BBC's attempt to speedily finalise the counting process.

102. The results tabulation process, observed in 97 DECs, was evaluated as efficient. However, due to inadequate premises and multiple procedures being concurrently conducted, IEOM observers negatively assessed the transparency of the procedures in 8 cases. Discrepancies in some of the results protocols submitted by BBCs were observed in 9 DECs visited, and in 24 cases, BBCs were correcting their protocols without a formal DEC decision. In 8 instances, IEOM observers were restricted in their observations and in 9 cases, other observers were prevented from following the tabulation of results.

103. In the hours following the count, in the absence of official information from the SEC, media began reporting results, causing uncertainty. The only announcement by the SEC was made at 3:00 am after election day, when the SEC announced preliminary results based on 92% of results protocols processed. The overall voter turnout was reported at 88.8%.

104. In most provinces affected by the earthquakes, the turnout was lower, with lowest figures reported from Diyarbakır and Malatya at 81.7%. Our observers noted a strong presence of the police in the places visited.

105. The media reported that a large number of complaints were lodged with election bodies alleging improperly stamped ballots and BBC members marking ballots as well as proxy and multiple voting. Some criminal complaints, investigations and arrests were reported in the media for campaign activities in and around polling stations, fraudulent voting, and physical attacks.

106. Following the elections, representatives of some opposition parties expressed concerns about alleged election day irregularities, mainly during counting and tabulation, and multiple parties filed numerous complaints and appeals to relevant election bodies. The SEC did not publish information on complaints filed during election day, limiting transparency. However, no contestant publicly questioned the results that were announced by the SEC.

107. The run-off election day was well administered and largely peaceful, with isolated instances of violence, primarily against opposition supporters, and some breaches of campaign silence. The PACE delegation split in 10 teams and observed the opening, voting and closing in Ankara and its surroundings, as well as in Istanbul and Diyarbakır. Its general observations coincide with the general IEOM ones.

108. Voting was assessed positively in a large majority of polling stations observed. Procedures were generally followed, however, IEOM observers noted several inconsistencies, particularly regarding the provision of instructions to voters. Group or family voting, as well as potential compromises to the secrecy of the vote due to the layout of some polling stations, were also observed.

109. The presence of party observers and civil society representatives enhanced transparency, yet obstruction of their activities occurred in numerous instances. IEOM observers were denied access to polling stations in some instances and to data entry for out-of-country voting. Several cases of interference from

unauthorised individuals in BBC operations were noted by observers. During the count, several procedural shortcomings were observed, mainly due to the omission of important reconciliation procedures, indicating the need for enhanced training of the BBC members. The tabulation process was generally positively evaluated, with some procedural inconsistencies.

110. The announcement of final parliamentary results was delayed until after the second round, exceeding the deadline previously established by the SEC. According to the SEC, this was necessitated by the need to finalise the complaints process. The SEC did not publish the relevant decision or inform all stakeholders on the postponement of the announcement, including lower-level electoral councils, in a timely manner. Nor did it release results disaggregated per polling station prior to announcement of the final results, missing an opportunity to address public concerns over alleged discrepancies in the tabulated results. These steps undermined the transparency of the results announcement, and voter's ability to be informed about the process.

111. The final results of the parliamentary elections were announced on 31 May 2023 and the official results of the presidential election on 1st June. The number of female lawmakers has increased but remains low (only 121 lawmakers out of 600 are female, compared to 100 in the previous parliament[8].

	Voting rate (%)	Votes	Number of seats
Justice and Development Party (AKP) AK Party : 264 MP Free Cause Party (HÜDA PAR): 3 MPs Democratic Left Party (DSP): 1 MP	35,62	19 392 462	268
Republican People's Party (CHP) CHP : 130 MPs DEVA Party: 15 MPs Future Party: 10 MPs Felicity Party: 10 MPs Democratic Party: 4 MPs	25,35	13 802 183	169
Nationalist Movement Party (MHP)	10,07	5 484 820	50
Good (İYİ) Party	9,69	5 275 981	43
Green Left (Yeşil Sol) Party	8,82	4 803 922	61
New Welfare (Yeniden Refah) Party	2,80	1 527 048	5
Workers' Party of Turkey (TİP)	1,76	956 057	4

112. The SEC indicated that 55 442 588 out of 64 145 504 registered voters cast votes in the election. Domestic participation rate was 88.92%, overseas participation rate was 53.80%, and overall participation rate was 87.05%.[9]

113. In the second round of the presidential election, the voter turnout was 85.79%, and overseas participation rate was 55%. Recep Tayyip Erdoğan received 52.18% of the votes, while Kemal Kılıçdaroğlu received 47.82%.

10. Conclusions

114. In the 14 May general elections, held in the wake of devastating earthquakes, voters had a choice between genuine political alternatives and voter participation was high, but the incumbent president and the ruling parties enjoyed an unjustified advantage, including through biased media coverage. The continued restrictions on fundamental freedoms of assembly, association and expression hindered the participation of some opposition politicians and parties, civil society and independent media in the election process. The Green Left Party faced widespread pressure, intimidation and arrests of their supporters, which served as a significant obstacle to equality of campaign opportunities. In the second round, which gave voters the

8. 50 from from the AK Party, 4 from the MHP, 30 from the CHP, 6 from the Good Party, one from the TIP. The Green Left Party has, proportionally, the highest female representation of any party, with 30 female lawmakers out of 58.
9. https://bianet.org/english/politics/279647-turkey-s-election-body-unveils-official-results-of-parliamentary-polls

opportunity to choose between real political alternatives, the IEOM deplored that the campaign was characterized by increasingly inflammatory and discriminatory language, harsh rhetoric, instances of misuse of administrative resources, and the pressure and intimidation faced by one opposition party.

115. The election administration technically managed elections efficiently. The SEC carried out preparations efficiently and largely within the legal deadlines, despite challenges posed by the recent earthquakes. However, instances of deficient implementation of certain procedures, particularly during voting and counting were noted. There was a lack of transparency and genuine communication, as well as concerns over its independence. Sessions of the SEC and mid-level election councils were not held in public, and, despite a legal obligation, the SEC did not publish most of its decisions. The process for handling complaints at all levels of the election administration lacked transparency and SEC decisions that were published generally were not sufficiently reasoned. The legal framework does not fully guarantee effective redress for electoral disputes, as it grants final authority over the electoral process and results to an administrative body. Measures designed to facilitate registration and voting for earthquake-affected citizens were limited, placing an additional burden on the voters to exercise their voting rights.

116. Fundamental rights and freedoms are not fully guaranteed by the Constitution and the legal framework. In practice, freedom of assembly, association and expression are also restricted by legislation, and the independence of the judiciary remains a concern. The legal framework, which was significantly amended in March 2022, has substantial shortcomings and does not fully provide a sound legal basis for the conduct of democratic elections. most other Venice Commission and ODIHR recommendations, including those related to voter and candidate eligibility rights, equality of the vote, media freedoms and election dispute resolution, remain unaddressed, as well as numerous important rulings of the European Court of Human Rights. On the positive side, long-standing Venice Commission and ODIHR recommendations and PACE resolutions to lower the parliamentary threshold were addressed (the electoral threshold was lowered from 10% to 7%).

117. The Constitution guarantees the equality of men and women. However, underrepresentation of women in politics and leadership positions demonstrates the need for further efforts from authorities and political parties to address persistent gender stereotypes that impede women's political involvement. Women make up approximately one in every four parliamentary candidates, and no women stood as presidential candidates. Women's visibility in the campaign was limited, and only some parties campaigned with messages regarding women's equality and combating gender-based violence. Some female politicians reported gender-based harassment or fear of harassment during the campaign.

118. The legislation does not contain comprehensive regulations on party and campaign finance, which, combined with limited enforcement, significantly decreased stakeholders' trust in the integrity and accountability of the regulatory system. Due to a lack of interim campaign finance reporting, voters had limited information about campaign incomes and expenditures before election day. Campaign finance legislation leaves most long-standing GRECO recommendations unaddressed, including on the introduction of spending limits, enhancing transparency, and improving the effectiveness of the oversight mechanism.

119. Legal provisions on defamation and insult of certain public officials, combined with the recent criminalisation of disseminating false information, frequent blocking of websites and online content removal, and cases of arrests and prosecutions of journalists in the election period had a detrimental effect on freedom of expression and contributed to self-censorship.

120. Public broadcasters clearly favoured the ruling parties and their candidates, despite constitutional guarantees of impartiality. Some monitored private media in their coverage favoured either the opposition or the ruling party, while others provided more diverse coverage of contestants. Despite its regulatory role, the Radio and Television Supreme Council did not adequately address these complaints filed against the public broadcaster, which alleged a lack of impartial coverage and access to paid airtime.

121. Legal gaps and ambiguities resulted in legal uncertainties in various key aspects of the electoral process and were not adequately addressed through regulation by the Supreme Electoral Council. During the vote count, significant procedural errors were observed, mainly due to the omission of important reconciliation procedures. In several cases, persons other than BBC members participated in the count, raising concerns over its integrity. The tabulation process observed was efficient but sometimes impacted by inadequate premises, multiple procedures conducted concurrently and overcrowding, detracting from transparency.

122. The law does not provide for non-partisan citizen and international observation of the election process, despite previous Venice Commission and ODIHR recommendations. However, the SEC accredited a number of international organisations to observe the elections. Observation by those nominated by electoral

contestants is permitted and the public is permitted to observe the vote count. Civil society organisations that attempted to get accredited and some international observers were rejected accreditation. Regrettably, IEOM observers were denied access in at least 36 polling stations during the first round.

11. Recommendations of the PACE Delegation

123. An election and its observation do not concern the polling day only, but are a process involving several stages, all of which need to be analysed and evaluated in order to assess the entire electoral process. Our delegation was in Ankara and in Türkiye three times in six weeks: we paid a pre-electoral visit mid-April, then we observed the first and second rounds. We therefore had a lot of opportunities to meet a wide range of interlocutors.[10] Overall more than 40 members of the PACE have been involved in this election observation mission.

124. In the first place, our delegation would like to praise the high turnout and the commitment of the Turkish people to elections. It is both remarkable and inspirational for our European democratic societies. Turkish democracy is proving to be amazingly resilient. The Delegation acknowledged that the elections were well-managed and offered voters a choice between genuine political alternatives.

125. The large mobilisation of observers from political parties and civil society organisations is yet another sign of a vibrant democratic society committed to safeguard the integrity of the electoral process. It is therefore important to ensure that the law provides for non-partisan citizen and international observation of the election process.

126. The lowering of the parliamentary threshold from 10% to 7% is to be welcomed, despite mitigating effects introduced by the recent electoral amendments on distribution of seats within an alliance.

127. The PACE delegation identified, however, a number of irregularities and shortcomings during the whole electoral process of the 2023 general elections in Türkiye. The Delegation notably highlighted the following issues that should be considered by the authorities.

128. Our Delegation concluded that this campaign was first and foremost characterised by an unlevel playing field:

– Misuse of administrative resources and breach of the ban on inauguration events in the campaign period by the incumbent President, ministers in office and the ruling parties, led to unjustified advantages and blurred the line between party and State.

– Biased media coverage, restrictions to freedoms of expression and media, self-censorship of journalists, lack of effective oversight of media coverage and lack of prompt redress of violations limited, if not seriously undermined voters opportunity for making an informed choice.

129. The overall repressive environment against the opposition aggravated this unlevel playing field: our delegation stressed that intimidation, harassment, persecution or conviction of opposition members and opposition parties impacted the overall ability of opposition parties to operate and run campaigns and political activities, as already stressed in several PACE reports. Continued restrictions on fundamental freedoms of assembly, association and expression hindered the participation of some opposition politicians and parties, as well as civil society and independent media.

130. The second issue concerns the lack of transparency and genuine communication by the Supreme Electoral Council. The SEC has, according to the Turkish legislation, a key role to play in election. It is both an administrative and judicial body. The election administration, led by the SEC, carried out preparations efficiently and largely within the legal deadlines, despite challenges posed by the recent earthquakes. The election administration generally enjoyed high stakeholder trust in its technical capacity to efficiently manage the process, although stakeholders' confidence in its independence varied. We would therefore suggest that the SEC considers redressing the following shortcomings in order to increase its transparency in a country where there is still mistrust in the voting procedures:

– sessions of the SEC and mid-level election councils (PECs and Decs) were not held in public;

– the SEC failed to publish most of its decisions, despite a legal obligation;

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10. Including presidential candidates or their representatives, representatives of political parties from different political affiliations, the Speaker of the Grand National Assembly, members of the Turkish delegation to the PACE, members of the SEC and of RTÜK, as well as media and NGO representatives and members of the diplomatic corps – and, of course, the ODIHR Election Observation Mission.

– the SEC did not release the preliminary results disaggregated per polling station before announcing the final results, despite a previous ODIHR recommendation, missing an opportunity to address public concerns over alleged discrepancies in the tabulated results. These steps undermined the transparency of the announcement of the results and voters' ability to be informed about the process;

– the lack of genuine communication on e-day created confusion. In the hours following the count in the absence of official information from the SEC, media began reporting results, with Anadolu Agency and ANKA Agency announcing contradictory results, causing uncertainty.

131. This is all the more problematic given that SEC decisions, despite recommendations by the Venice Commission and ODIHR, are final and cannot be challenged.

132. The inadequate legal framework has substantial shortcomings and does not fully provide a sound legal basis for the conduct of democratic elections. Legal gaps and ambiguities resulted in legal uncertainties in various key aspects of the electoral process and were not adequately addressed through regulation by the SEC. The March 2022 amendments, in particular regarding the formation of district and provincial electoral councils, decreased election stakeholder trust in the electoral process.

133. A complex procedure governs the voting process, aiming at ensuring the necessary checks and balances during the electoral process. However, the lack of information about, or disregard of the procedural requirements have undermined these checks and balances.

134. We are of the view that the lack of comprehensive regulations on granting requests for recounts of polling station results (that we observed in certain places) and for annulment of election results, combined with the lack of transparency and genuine communication of the electoral administration could potentially leave room for the manipulation and misuse of electoral procedure, notably with a view to delaying the tabulation of the results and the publication of official results.

135. Most other Venice Commission and ODIHR recommendations, including those related to voter and candidate eligibility rights, equality of the vote, media freedoms and election dispute resolution, remain unaddressed, as well as numerous important rulings of the European Court of Human Rights.

136. We also regret that several of our PACE observers met with difficulties when attempting to enter polling stations to carry out their duties. We noted an improvement between the first and second round, however we hope that in the future all lower-lever commissions will be better informed about the role of international observers. We would like to reiterate that the task of the PACE observer delegation is to provide an impartial external assessment of the electoral process. Ultimately, the aim of any election observation mission to a given country is to help its authorities to build a stronger democracy for the benefit of their citizens and in the interest of the State.

137. Likewise, we regret that our Delegation was refused the right to observe the tabulation of the out-of-country vote. Given the significant importance of this vote (which represents 5% of the electorate), we suggest that our delegations observe, in the future, out-of-country voting and recall that election observation should embrace all stages of the electoral procedure.

138. In conclusion, Türkiye does not fulfil the basic principles for holding a democratic election. We also recall that key political and social figures are in prison even after judgments of the European Court of Human Rights, media freedom is severely restricted and Türkiye is a long way from creating fair election campaign conditions. Implementing all rulings of the European Court of Human Rights will contribute to restore fully democratic conditions; this is why we urge again the Turkish authorities to release former HDP leader Selahattin Demirtaş as well as philanthropist Osman Kavala.

139. The Parliamentary Assembly is willing to engage with the newly elected authorities to address the shortcomings and issues highlighted during this election observation, in the spirit of the Reykjavik Summit of Heads of State and Government where Council of Europe Heads of States and Government adopted the Reykjavik Principles of Democracy to secure and strengthen democracy and good governance and "encourage democratic participation at national, regional and local levels through free and fair elections". This work should be accomplished within the framework of the Assembly's 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 (* members of the pre-election delegation):

Chairperson: Mr Frank SCHWABE, Germany

Socialists, Democrats and Greens Group (SOC)

– Mr Frank SCHWABE, Germany *
– Ms Kate OSAMOR, United Kingdom
– Ms Margreet DE BOER, Netherlands
– Mr Pierre-Alain FRIDEZ, Switzerland
– Mr Andrea ORLANDO, Italy
– Mr Paulo PISCO, Portugal
– Ms Thórhildur Sunna ÆVARSDÓTTIR, Iceland
– Mr Max LUCKS, Germany
– Ms Derya TÜRK-NACHBAUR, Germany
– Mr Andrzej SZEJNA, Poland
– Mr André VALLINI, France
– Ms Heike ENGELHARDT, Germany

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

– Ms Marie-Christine DALLOZ, France
– Ms Iva DIMIC, Slovenia
– Mr Kęstutis MASIULIS, Lithuania *
– Ms Isabel MEIRELLES, Portugal
– Mr Jacek PROTASIEWICZ, Poland
– Mr Cristian-Augustin NICULESCU-ȚÂGÂRLAȘ, Romania

Alliance of Liberals and Democrats for Europe (ALDE)

– Ms Mireille CLAPOT, France *
– Ms Nicole DURANTON, France
– Ms Valentina GRIPPO, Italy
– Mr Rafael HUSEYNOV, Azerbaijan
– Ms Gyde JENSEN, Germany
– Ms Denisa Elena NEAGU, Romania
– Mr Dean PREMIK, Slovenia
– Ms Diana STOICA, Romania

European Conservatives Group and Democratic Alliance (EC/DA)

– Mr Simone BILLI, Italy
– Lord Simon RUSSELL, United Kingdom*
– Mr Kamal JAFAROV, Azerbaijan

Group of the Unified European Left (UEL)

– Mr George LOUCAIDES, Cyprus *
– Mr Anton GOMEZ-REINO, Spain

Co-rapporteurs AS/MON (ex officio)

– Mr Stefan SCHENNACH, Austria

– Mr John HOWELL, United Kingdom *

Venice Commission

– Ms Katharina PABEL, Austria, representative (substitute member) of the Venice Commission

– Mr Michael JANSSEN, Legal Advisor, Secretariat of the Venice Commission

Secretariat

– Ms Sylvie AFFHOLDER, Head, Election Observation and Support Division

– Mr Bogdan TORCĂTORIU, Senior Elections Officer, Election Observation and Support Division

– Ms Anne GODFREY, Assistant, Election Observation and Support Division

– Ms Sevda GÜNDÜZ, Assistant, Election Observation and Support Division

Appendix 2 – Programme of the pre-electoral delegation of the Parliamentary Assembly

Wednesday, 12 April 2023

08:30-09:30	**PACE delegation briefing meeting** – Introduction by Mr Frank Schwabe, Head of delegation – Presentation by Mr John Howell, co-rapporteur of the Monitoring Committee – General information given by the Secretariat
9:30-10:30	**Meeting with Ambassador Jan Petersen, Head of the OSCE/ODIHR Election Observation Mission (EOM) and staff** – Mr Jan Petersen, Head of Mission: Introduction to the Work of the EOM and the Context of the Elections – Ms Marla Morry, Legal Analyst: Legal Framework and the Impact of the Latest Legal Amendments on the Electoral Process – Mr Ian Mitchell, Political Analyst: Political Background and Current Status of the Campaign – Ms Marcela Mašková: Work of the Election Administration, Candidate Registration; Challenges for the Election Administration (including the Impact of the Earthquakes) – Q/A and discussion moderated by Mr Marcell Nagy, Deputy Head of Mission, in presence of Mr László Belágyi, security expert
10:30-11:30	**Meeting with members of the diplomatic community** – Mr Jürgen Schulz, Ambassador of Germany and Mr Mirko von Stosch, Political Officer – Mr Ričardas Degutis, Ambassador of the Republic of Lithuania – Ms Alexia Jarrot, Political Advisor, Embassy of France – Mr Stefano Fantaroni, Chargé d'Affaires, European Union Delegation – Mr Benjamin Cooper, Second Secretary, Embassy of the United Kingdom
11:30-12:45	**Meeting with representatives of the media** – Reporter Without Borders: Mr Erol Önderoğlu – ANKA News: Ms Duygu Güvenç – Hurryiet: Mr Serkan Demirtas – Association of Journalists (Gazeteciler Cemiyeti): Mr Kenan Şener
14:30-16:00	**Meeting with representatives of civil society** – Human Rights Association: Mr Hüseyin Küçükbalan, Secretary general, Mr Osman İşçi, Board member in charge of international relations and Ms Devrim Kılıçer, International Relations Department – Human Rights Joint Platform: Ms Aysegül Kaynar – Checks and Balances network: Mr Hakan Yavuzyılmaz, Research Coordinator – Oy ve Ötesi (Vote and Beyond): Mr Onur Özcan Yeniay, Attorney
17:00-18:30	**Consecutive meetings with presidential candidates (or their representatives)**
17:00	Ms Selin Sayek Böke, Mr Ahmet Ünal Çeviköz and Mr Onursar Adigüzel, representing Mr Kemal Kılıçdaroğlu, candidate of the Nation Alliance
17:30	Ms Sibel, representing Mr Muharrem İnce, candidate of the Homeland Party
18:00	Mr Sinan Oğan, candidate of the Ancestral Alliance (ATA Alliance)
19:30	Working dinner hosted by Mr Ahmet Yildiz, chairperson of the Turkish delegation to the PACE, with the participation of members of the PACE delegation

Thursday, 13 April 2023

9:30-10:00	**Meeting with Mr Binali Yıldırım, representing President Recep Tayyip Erdoğan, candidate of the People's Alliance**

10:00-12:30	**Consecutive meetings with leaders and representatives of the main political parties represented in parliament competing in the parliamentary elections**
10:00-10:30	Nationalist Movement Party (MHP), Mr Mevlüt Karakaya
10:45-11:15	Republican People's Party (CHP), Mr Engin Özkoç
11:30-12:00	İYİ Parti (Good Party), Mr Zeki Hakan Sidali
12:15-12:45	Peoples' Democratic Party (HDP), Mr Hişyar Özsoy
14:00-14:40	**Meeting with representatives of the Radio and Television Supreme Council (RTSC/RTÜK)**
15:00-15:40	**Meeting with Mr Ahmet Yener, Chairman of the Supreme Electoral Council (SEC) and SEC members, including members and staff responsible for election security issues**
16:00-16:40	**Meeting with Mr Mustafa Şentop, Speaker of the Grand National Assembly**
17:00-17:45	**Meeting with the political factions (cont'd)**
	Justice and Development Party (AKP), Mr Yılmaz Tunç, Vice Chairman of Group

18:30-19:30 Preparation of the delegation's statement

Appendix 3 – Statement of the pre-electoral delegation of the Parliamentary Assembly

Strasbourg, 13.04.2023 - 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 presidential and parliamentary elections to be held on 14 May 2023.

During two days of meetings, the delegation met a wide range of interlocutors, including the Head of the OSCE/ODIHR Election Observation Mission, presidential candidates or their representatives, representatives of political parties from different political affiliations, the Speaker of the Grand National Assembly, members of the Turkish delegation to the PACE, members of the Supreme Electoral Council (SEC) and of the Radio and Television Supreme Council (RTSC), as well as media and NGO representatives and members of the diplomatic corps.

The pre-electoral visit took place two months after the earthquake of 6 February 2023 that caused the loss of over 50 000 lives and severely damaged 11 provinces. In this context, many interlocutors referred to the limited number of displaced persons who had re-registered in their new place of residency and raised questions about the ability of many others to cast their vote in their place of origin. This raised concerns about the logistical organisation of the elections in the areas affected by the earthquake (including the location of polling stations) and also the ability of parties to campaign under the state of emergency in place in these provinces. The Supreme Electoral Council assured the delegation that it would be in a position to assure the necessary logistical arrangements.

The presidential and parliamentary elections on 14 May will take place in the year celebrating the 100th anniversary of the Republic. The delegation acknowledges that these elections will provide a genuine political choice to Turkish voters, with four candidates running for the presidential election and the 25 lists competing in the parliamentary elections: political parties and civil society organisations are ready for these elections and are highly committed to secure the integrity of the electoral process by appointing observers in a large number of polling stations, with a view to enhancing the transparency of, and voters' confidence in the electoral process. Political parties also expect a high turnout, including first time voters and women, categories that remain largely under-represented in political life.

The delegation noted that several political parties had expressed serious concerns about the fairness of the electoral process with respect to equal coverage in public media and a lack of fair rules governing the funding of the political parties and electoral campaigns, underscoring the fact that the latest electoral amendments do not in practice prevent the President from using administrative resources. The delegation recalled the recommendations of the Venice Commission as well as previous recommendations made by the Parliamentary Assembly and the Group of States against Corruption (GRECO) relating to the funding of electoral campaigns and political parties, which have, so far, remained unaddressed.

In addition, the delegation was informed by some interlocutors about security concerns, including recent attacks on the offices of opposition parties that should be duly investigated on every occasion.

There were reports about restrictions or disruption to the internet and the use of social media, which were regarded as seriously limiting the ability of politicians to campaign and as posing possible risks for disruption on e-day. These added to restrictions on freedom of expression that have a chilling effect, especially on journalists. The recent Disinformation Law, which criminalises dissemination of so-called "fake news", has added another layer of self-censorship that could further limit the space for democratic debate. The delegation was also informed about legal proceedings launched and sanctions applied by RTSC against media for coverage of critical views, including those stemming from speeches by opposition leaders. The delegation recalled that equal media access to different political forces and candidates, access to pluralistic information and an impartial coverage of the campaign are fundamental preconditions to enable the electorate to make an informed choice.

A case is currently pending against the Peoples' Democratic Party (HDP) at the Constitutional Court and the party risks being closed down before the elections. This on-going procedure has impacted the course of elections, leading the second largest opposition party to decide not to run for the presidential elections, to resort to joining forces with another party to compete in parliamentary elections thus preventing the HDP from appointing members to electoral boards. The delegation reiterates the position of the Assembly adopted in October 2022 on the closure and calls on the Constitutional Court to examine this case in line with international standards. The delegation also expects the Turkish authorities to implement the rulings of the European Court of Human Rights with respect to former HDP leader Selahattin Demirtaş as well as to Osman Kavala.

The delegation noted that several parties questioned the impact of the amendments - without broad political consensus or consultation - to the electoral legislation in March 2022. The lowering of the electoral threshold from 10 to 7% – a step welcomed by the Parliamentary Assembly – could, however, be mitigated by the new rules governing the allocation of seats within alliances. In addition, the replacement of the most senior judge chairing the provincial or district electoral board by a judge chosen by lottery – continues to be a matter of concern by the opposition.

Several interlocutors also expressed their doubts about the transparency of the work of the SEC, and its impartiality; they specifically referred to the appointment procedure of its members (senior judges of the highest courts), given the current composition of the Council of judges and prosecutors, as well as to landmark decisions in recent elections (such as declaring unstamped ballots valid), which had generated uncertainty during the electoral process. Moreover, SEC decisions are final and cannot be challenged, contrary to previous recommendations made i.a by PACE and the Venice Commission. These factors have eroded trust in this institution.

The delegation noted that concerns expressed by several interlocutors corroborated the findings of the Parliamentary Assembly in its previous Resolution on the monitoring of Türkiye, confirming that the electoral environment remains challenging and difficult for opposition forces. The delegation calls on the Turkish authorities to make use of all means to alleviate the effects of polarisation, ensure that these elections are free, fair, transparent and in line with international standards, strengthen trust in the electoral system throughout the country and ensure that the will of the Turkish people will be duly reflected in the ballot box and afterwards: in this respect, the delegation took note of fears expressed by some interlocutors that the election results might be challenged, in which case this should be closely followed by the international community.

The Parliamentary Assembly will send a 42-member delegation to observe the presidential and parliamentary elections on 14 May 2023.

Members of the pre-electoral mission:

– Chairperson: Mr Frank SCHWABE (Germany, SOC)
– Mr Kęstutis MASIULIS (Lithuania, EPP/CD)
– Ms Mireille CLAPOT (France, ALDE)
– Lord Simon RUSSELL (United Kingdom, EC/DA)
– Mr George LOUCAIDES (Cyprus, UEL)
– Mr John HOWELL (United Kingdom) co-rapporteur of the Monitoring Committee

Appendix 4 – Programme of the meetings of the International Electoral Observation Mission: 1st round

Friday, 12 May 2023

08.30-09.30 **PACE delegation briefing meeting**
- welcome by the Head of delegation, Mr Frank Schwabe
- legal framework and electoral law by the Venice Commission
- practical information by the Secretariat, operations, deployment
- security information by Mr Philippe Chaise, Head of Safety and Security Division

10:00-10:30 **Opening Remarks by the Heads of Parliamentary Delegations**
- Mr Michael Georg Link, OSCE Special Co-ordinator
- Mr Frank Schwabe, Head of the PACE Delegation
- Ms Farah Karimi, Head of the OSCE PA Delegation

10:30-13:00 **Briefing by ODIHR Election Observation Mission – Core Team part 1**
- Introductory remarks and Overview of the EOM – Ambassador Jan Petersen, Head of Mission; Mr Marcell Nagy, Deputy Head of Mission
- Legal Framework, Electoral System and Dispute Resolution Q/A – Ms Marla Morry, Legal Analyst
- Political Background and Campaign Q/A – Mr Ian Mitchell, Political Analyst
- Campaign Online and Political Participation of Women; Q/A – Ms Júlia Manchin, Political Analyst
- Technical Preparations for the Elections and Work of the Election Administration; Q/A – Ms Marcela Mašková, Election Analyst
- Voter Registration; Q/A – Ms Vania Anguelova, Election Analyst
- Media Landscape and Media Monitoring of the ODIHR EOM; Q/A – Mr Egor Tilpunov, Media Analyst

14:30-16:00 **Political Context**
- Mr Hüseyin Küçükbalaban, General Secretary of Human Rights Association
- Mr Kasim Akbas, Advisor to the President of the Union of Turkish Bar Associations
- Ms Ilknur Ustun, Founder of Women's Coalition

16:30-18:00 **Campaign and Election Coverage**
- Mr Özcan Yeniay, Representative of Oy ve Otesi (Election-focused NGO)
- Ms Sibel Hürtaş, Ankara Representative of Dokuz Sekiz Haber
- Ms Deniz Erdoğdu - Election Security Platform for Fair Elections
- Ms Guilin Cavus, Co-founder of TEYIT (Media/fake news monitoring NGO)

18:00-18:45 **Election Administration and Oversight**
- Mr Orhan Karadaş, Deputy Chairperson of the Radio and Television Supreme Council (RTÜK)

Saturday, 13 May 2023

08:30-09:30 **OSCE ODIHR briefing – part 2**
- Safety and Security on Election Day Q/A; – Mr Laszlo Belagyi, Security Expert
- Election day procedures and observation forms – Ms Marcela Mašková and Ms Vania Anguelova, Election Analyst, and Mr Max Bader, Statistical Analyst
- Work of long-term observers – Ms Kerstin Dokter, LTO co-ordinator

09:30-11:30 **Roundtable Meeting with Parliamentary Political Parties**
- Mr Ramazan Can, MP, Justice and Development Party / Adalet ve Kalkinma Partisi (AKP)
- Mr Tekin Bingöl, Chairperson of Republican People's Party/Cumhuriyet Halk Partisi (CHP)

– Mr Mevlut Karakaya, Vice Chairperson of Nationalist Movement Party / Milliyetçi Hareket Partisi (MHP)
– Ms Burcu Akcaru, Deputy to the Deputy Chairperson in Charge of Elections, Good Party / İYİ Parti
– Mr Emir Ali Turkmen, Deputy co-chair of People's Democratic Party / Halkların Demokratik Partisi (HDP)

12:00-13:00 **Roundtable Meeting with Presidential Candidates (or their representatives)**
– Mr Ramazan Can, MP, Justice and Development Party representing Presidential Candidate Mr Recep Tayyip Erdogan
– Mr Tekin Bingöl, Republican People's Party representing Presidential Candidate Mr Kemal Kılıçdaroğlu
– Mr Murat Yalcin - Foreign Policy Advisor of Presidential Candidate Mr Sinan Ogan, ATA Alliance

13:00-14:00 **Electoral Polling and Analysis**
– Mr Ozer Sencar, Founder CEO of Metropol polling body
– Mr Özgehan Şenyuva - Turkiye Raporu

14:15 **Meeting with interpreters and drivers for Members observing in Ankara province**

Sunday, 14 May 2023

Observation of the elections

08:00 opening of polling stations

17:00 closing of polling stations

17:00 counting and tabulation

Monday, 15 May 2023

08:00-09:00 PACE delegation debriefing meeting

15:00 Joint press conference

Appendix 5 – Press release of the International Election Observation Mission: 1st round

Türkiye elections marked by unlevel playing field yet still competitive, international observers say

ANKARA, 15 May 2023 – Characterized by a high turnout, Türkiye's general elections were well-managed and offered voters a choice between genuine political alternatives, but the current president and the ruling parties enjoyed an unjustified advantage. Continued restrictions on fundamental freedoms of assembly, association and expression hindered the participation of some opposition politicians and parties, as well as civil society and independent media, international observers said in a statement today.

The joint observation mission from the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA), and the Parliamentary Assembly of the Council of Europe (PACE) found that the legal framework does not fully provide a basis for holding democratic elections.

"These were competitive but still limited elections, as the criminalization of some political forces, including the detention of several opposition politicians, prevented full political pluralism and impeded individuals' rights to run in the elections," said Michael Georg Link, Special Co-ordinator and leader of the short-term OSCE observer mission. "Political interference in the electoral process is not in line with Türkiye's international commitments."

Almost 61 million voters were registered to vote in the country as well as 3.5 million abroad, in an election that took place against the background of this year's devastating earthquakes. Some limited steps were taken by the authorities to enable those affected by the earthquakes to participate in the elections, but despite these and additional efforts by civil society and political parties, a high number of these voters faced difficulties in voting.

"Turkish democracy is proving to be amazingly resilient. This election had a high turnout and offered a real choice. However, Türkiye does not fulfil the basic principles for holding a democratic election," said Frank Schwabe, head of the PACE delegation. "Key political and social figures are in prison even after judgments of the European Court of Human Rights, media freedom is severely restricted and there is a climate of self-censorship. Türkiye is a long way from creating fair election campaign conditions."

The election administration organized the elections efficiently and generally enjoyed trust, although there was lack of transparency and communication in their work, as well as concerns over its independence. Voting day was mostly peaceful and smooth, despite a number of incidents in and around polling stations. While the process was generally well-organized, important safeguards, particularly during the counting, were not always implemented. Family and group voting were frequent, while the layout of half the polling stations observed made them inaccessible for people with disabilities.

The campaign was largely peaceful and competitive, but highly polarized and often negative and inflammatory in tone. A number of prosecutions as well as pressure on opposition politicians and parties, including ongoing proceedings to dissolve the second-largest opposition party, hampered their participation in the elections. While the constitution guarantees the equality of women and men, women remain underrepresented in leadership positions and generally in politics, and greater efforts are needed from the authorities and political parties in this area.

"Despite the promising opportunity for choice presented in these elections, there were significant challenges for citizens to exercise the right to vote, and unfortunately, women were underrepresented as candidates," said Farah Karimi, head of the OSCE PA delegation. "Hundreds of thousands of individuals, people affected by the earthquakes and particularly students, had to make significant additional efforts to exercise their right to vote."

The misuse of public resources in some cases as well as announcements of significant social benefit programmes provided undue advantage to those in power, and blurred the line between party and state. There were numerous cases of officials campaigning during the inaugurations of large-scale infrastructure projects, while the current president often campaigned while performing his official duties.

The freedom of expression and the media, although protected by the constitution, are limited by a number of laws. The recent criminalization of disseminating false information, the fact that websites are frequently blocked and online content removed, and the ongoing arrests and prosecutions of journalists further weakened freedom of expression. During the campaign, the ruling parties and their candidates were clearly favoured by the majority of national TV stations, including the public broadcaster, despite its constitutional obligation to remain impartial.

“Voters had a genuine choice to make on election day, and the high turnout was a good illustration of the democratic spirit of the people of Türkiye,” said Ambassador Jan Petersen, who heads the ODIHR election observation mission. “However, I regret to note that the election administration’s work was lacking in transparency, as well as the overwhelming bias of the public media and the limitations to freedom of speech.”

The international election observation to the general elections in Türkiye totalled 401 observers from 40 countries, made up of 264 ODIHR-deployed experts, long-term, and short-term observers, 98 from the OSCE PA, and 39 from PACE.

Appendix 6 – Programme of the meetings of the International Electoral Observation Mission: 2nd round

Saturday, 27 May 2023

08:00-09:00PACE delegation briefing meeting

- welcome by the Head of delegation, Mr Frank Schwabe
- practical information by the Secretariat, operations, deployment
- updated security information by Mr Philippe Chaise, Head of the Council of Europe Safety and Security Division

Joint parliamentary briefings

09:00-10:00	**ODIHR**
09:00-09:10	Legal analyst update – Marla Morry
09:10-09:20	Political analyst update – Ian Mitchell
09:20-09:30	Election analyst update – Marcela Mašková
09:30-09:40	Media analyst update – Egor Tilpunov
09:40-10:00	Questions and answers
10:00-10:30	**Mr Ramazan Can,** MP, Justice and Development Party / Adalet ve Kalkinma Partisi (AKP)
10:30-11:00	**Mr Tekin Bingöl,** MP, Republican People's Party/Cumhuriyet Halk Partisi (CHP)
11:00-12:00	**Elections analysis panel** – Mr Özer Sencar, Founder CEO of Metropol polling body – Mr Ozgehan Şenyuva, Raporu polling body – Mr Kasım Akbaş, Advisor to the President of the Union of Bar Associations
12:00-12:30	Supreme Election Council (***declined***)
12:30	Meeting with drivers and language assistants for PACE teams observing in Ankara

Sunday, 28 May 2023

Election observation, all day

Monday, 29 May 2023

08:00- 09:00	PACE delegation debriefing meeting
15:00	Press conference

Appendix 7 – Press release of the International Election Observation Mission: 2nd round

In Türkiye's presidential runoff, a competitive campaign continued to be marked by lack of level playing field and media bias: international observers

ANKARA, 29 May 2023 – The second round of Türkiye's presidential election was well run and gave voters the opportunity to choose between real political alternatives, but was characterized by increasingly inflammatory and discriminatory language during the campaign period. Media bias and ongoing restrictions to freedom of expression created an unlevel playing field, and contributed to an unjustified advantage of the incumbent, international observers said in a statement today.

The joint mission from the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA), and the Parliamentary Assembly of the Council of Europe (PACE) found that although the election authorities introduced some regulations ahead of the first round to ensure the smooth running of a potential run-off, the legislation does not address important aspects of holding second rounds, which has a negative impact on legal certainty and the stability of the overall legal framework.

While candidates were able to campaign freely, supporters of some opposition parties continued to face intimidation and harassment. Inflammatory and discriminatory language was used on both sides, with mutual accusations of collaboration with terrorist organisations.

"Concerns raised during the first round over the lack of a level playing field and the unfairness of the campaign remained unaddressed, with the incumbent president continuing to benefit from an unjustified advantage," said Farah Karimi, Special Co-ordinator and leader of the short-term OSCE observer mission / Head, OSCE PA delegation. "Regretfully, the use of harsher rhetoric by both contesting sides that was discriminatory and inflammatory further polarized the political environment. Voters came out in great numbers yesterday, and it is crucial that the winner makes genuine efforts to ensure the unity of the people of Türkiye."

The campaign period ahead of the second round was generally peaceful. At the same time, instances of campaigning while performing official duties continued ahead of the second round, with breaches of the ban on inauguration events during the campaign period. Together with the ongoing use of public resources for campaign purposes, this provided an undue advantage to the incumbent that was also noted in the first-round campaign.

"The second round of the presidential elections has resulted in a clear winner. Nevertheless, this second round also took place in an environment that in many ways does not provide the conditions for holding democratic elections," said Frank Schwabe, head of the PACE delegation. "Türkiye must now implement the judgments of the European Court of Human Rights and, above all, release Osman Kavala and Selahattin Demirtaş. In the future, the Supreme Electoral Council must be committed to the greatest possible transparency in order to strengthen trust in the electoral process."

The election administration managed the preparations for the second round efficiently within a short timeframe. However, the national election authorities postponed the declaration of the final parliamentary results until after the second round, missing the deadline earlier set. It also continued the practice noted during the first round of holding closed sessions and withholding the publication of most decisions, including on complaints related to the first-round results. This further impacted the transparency of its work. Election day was largely peaceful, but there were isolated instances of violence that were mostly directed against opposition supporters. Observers also noted cases of group or family voting, while the secrecy of the vote was potentially compromised due to the layout of some polling stations.

Trials and arrests of journalists and bloggers continued ahead of the run-off, further restricting freedom of expression. At the same time, observers noted that many broadcasters did not meet a legal obligation to provide impartial coverage of the campaign and equal opportunities for the two presidential candidates, with the public broadcaster significantly favouring the incumbent and a similar bias noted in numerous private media outlets.

"It's true and positive that voters had a real choice between political alternatives on election day," said Ambassador Jan Petersen, head of the ODIHR election observation mission. "But voters were left underinformed by the lack of transparency on the part of the election administration, and the lack of balanced media coverage was concerning. In contributing to the unlevel playing field overall, this was certainly among the greatest shortcomings of this election. ODIHR stands ready to assist in addressing these."

The international election observation to the second round of the presidential election in Türkiye totals 232 observers from 31 countries, made up of 181 ODIHR-deployed experts, long-term, and short-term observers, 31 from the OSCE PA, and 20 from PACE.