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Observation of the presidential election in Turkey (10 August 2014)

Election observation report
Ad hoc Committee of the Bureau
Rapporteur: Ms Meritxell MATEU PI, Andorra, Alliance of Liberals and Democrats for Europe

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1. Introduction

1. The Bureau of the Parliamentary Assembly, at its meeting on 22 May 2014, decided to observe the presidential election in Turkey on 10 August 2014, subject to the receipt of an invitation and confirmation of the date, and to constitute an ad hoc committee composed of 30 members plus the rapporteur of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee). The Bureau also authorised a pre-electoral mission. On 20 June 2014, Mr Reha Denemeç, in his capacity as Chairperson of the Turkish delegation, invited the Parliamentary Assembly to observe the presidential election. The Bureau of the Assembly, at its meeting on 23 June 2014, approved the composition of the ad hoc committee (see Appendix 1) and appointed Ms Meritxell Mateu Pi (Andorra, ALDE) as Chairperson.

2. Under the terms of Article 15 of the co-operation agreement signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, "[w]hen the Bureau of the Assembly decides to observe an election in a country in which electoral legislation was previously examined by the Venice Commission, one of the rapporteurs of the Venice Commission on this issue may be invited to join the Assembly's election observation mission as legal adviser". In accordance with this provision, the Bureau of the Assembly invited an expert from the Venice Commission to join the ad hoc committee as an advisor. However, the Venice Commission did not take part in the election observation mission, since it had not provided any opinion on the electoral legislation or any assistance in the electoral field in Turkey.

3. The pre-electoral delegation was in Ankara on 21 and 22 July 2014 to evaluate the state of preparations and the political climate in the run-up to the presidential election on 10 August 2014. The multiparty delegation was composed of six members (see Appendix 1).

4. During its visit to Ankara, the delegation met the three presidential candidates or their representatives: Mr Ekmeleddin Ihsanoğlu, joint presidential candidate of the Republican People's Party (CHP) and the Nationalist Movement Party (MHP); Mr Yalcir Akdoğan, MP and Chief adviser of Mr Recep Tayyip Erdoğan, candidate of the Justice and Development Party (AKP); and Mr Nazmi Gür, MP, representative of Mr Selahattin Demirtaş, candidate of the Peoples' Democratic Party (HDP). It also held an exchange of views with the Vice-President of the Grand National Assembly, the Turkish delegation to the Parliamentary Assembly of the Council of Europe, the Chairperson of the Supreme Board of Elections, the Chairperson of the Radio and Television Supreme Council, the Head of the Limited Election Observation Mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) to Turkey, the Head of the European Union delegation to Turkey, and representatives of civil society and the media. At the end of its visit, the pre-electoral delegation released a statement (Appendix 2).

5. For the main election observation mission, the ad hoc committee operated in the framework of an International Election Observation Mission (IEOM) alongside the delegation of the OSCE Parliamentary Assembly and the Limited Election Observation Mission (LEOM) of the OSCE/ODIHR. Ms Vilija Aleknaitė-Abramikienė was the Special co-ordinator to lead the short-term OSCE observer mission; Ms Åsa Lindestam was Head of the OSCE Parliamentary Assembly Delegation; and Ambassador Geert-Hinrich Ahrens was the Head of the OSCE/ODIHR Limited Election Observation Mission.

6. The ad hoc committee met in Ankara from 8 to 11 August 2014. It met, amongst others, representatives of the three presidential candidates, members of the Supreme Board of Elections (SBE) and of the Radio and Television Supreme Council, and representatives of civil society and the media. The programme of the ad hoc committee's meetings is set out in Appendix 4.

7. On the day of the ballot, the ad hoc committee split into 16 teams, which observed the elections in Ankara and its outskirts, as well as in the following regions and municipalities: Istanbul, Izmir, Adana, Gaziantep, Mersin, Diyarbakir, Antalya, Van and Konya.

8. The presidential election held in Turkey on 10 August 2014 gave voters for the first time the opportunity to choose their president directly. The ad hoc committee concluded that the three candidates, representing different political positions, were generally able to campaign freely and that freedom of assembly and of association were respected. However, the use of his official position by the Prime Minister, as well as biased media coverage, gave him a distinct advantage over the other candidates. The press release published by the IEOM after the elections appears in Appendix 5.

2. Legal framework

9. The legal framework in Turkey is generally conducive to the conduct of democratic elections, even though key areas are in need of improvement. The 1982 Constitution, which was adopted under military rule, concentrates on bans and prohibitions rather than broad guarantees of fundamental rights and freedoms, as it entrenches undue limitations on the freedoms of association, assembly and expression, as well as on electoral rights.

10. In 2007, a constitutional referendum changed the indirect presidential election system to a direct election of the president by popular vote. Constitutional amendments also reduced the term of office of the president from seven to five years and increased the limit from one to two terms. In 2012, the Law on Presidential Elections (LPE) was passed, regulating various aspects of the new presidential election system. However, the 1961 Law on Basic Provisions on Elections and Voter Registers (LBPEVR), which regulates all elections, was not harmonised with the LPE, leading to ambiguities. The Supreme Board of Elections adopted regulations and decisions to supplement the legal framework, but, in some instances, SBE regulations, including on the campaign period and financing, did not effectively develop the legislation, exceeded SBE authority or conflicted with the law.

11. Now, for the first time, the LPE regulates campaign finance to some extent; the LBPEVR was amended to incorporate regulations for out-of-country voting; restrictions on using unofficial languages have been relaxed, including amendment of the LBPEVR in March 2014 to permit campaigning in languages other than Turkish (it is to be noted that the parliament adopted on 10 July 2014 a framework law enabling the continuation of the negotiations with a view to the resolution of the Kurdish issue). However, SBE regulations required Turkish to be the main language in campaign coverage and advertising.

12. The LPE requires the resignation of presidential candidates from certain public positions, but does not specifically refer to the post of Prime Minister, ministers or MPs.

13. The law does not create a legal basis for domestic and international observation of elections. This has been already recommended by the Parliamentary Assembly[1] and by the Venice Commission in the Code of Good Practice in Electoral Matters.[2] International observers were, however, invited and allowed to observe the election, but they encountered difficulties in accessing a number of polling stations, where the ballot box committees (BBCs) were obviously not aware of the rights of observers. Political parties have the right to nominate observers, although there are no provisions for the accreditation of such observers. As for citizen observers, they were only able to operate in collaboration with political parties or through the goodwill of BBCs on an ad hoc basis.

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

14. The presidential election was administered by a four-tier election administration: the SBE (a permanent body with 11 members who are judges elected by the courts for a six-year term), 81 provincial electoral boards (PEBs), 1 067 district electoral boards (DEBs) and 165 574 BBCs. In addition, one DEB was established in Ankara to co-ordinate the activities of the 1 186 out-of-country BBCs.

15. Eligible political parties were entitled to nominate non-voting representatives or members at all levels of electoral boards. Although it nominated a presidential candidate, the HDP was not an eligible party. Nevertheless, it was permitted to nominate a non-voting representative to the SBE, but not to lower boards or as BBC members.

16. For the first time, voters residing abroad were given the opportunity for out-of-country voting, without having to present themselves at the border, as requested by the Parliamentary Assembly.[3] This was possible in 54 countries (from 31 July to 3 August) and at 42 border crossings (from 26 July to 10 August). According to the SBE, the procedure to assign voters abroad to polling stations was problematic. Out-of-country ballots were returned and counted in Ankara.

17. Voter registration is passive. The permanent central voter register is maintained by the SBE and linked to a register operated by the Ministry of the Interior. The total number of eligible voters was 52 894 120 in Turkey and 2 798 670 out-of-country.

18. There was overall confidence in the quality of the voter register. However, the absence of a right to appeal concerning election administration decisions limited the ability to seek effective judicial remedies in case of election disputes.

19. Active conscripts, cadets, and prisoners who have committed intentional crimes, regardless of the severity of the crime, were not eligible to vote. On 20 June 2014, the SBE decided that all convicts outside the prison were entitled to vote, which was a partial implementation of a ruling of the European Court of Human Rights of September 2013, that Turkey's ban on convicted prisoners' voting rights is too broad and in breach of the right to free elections.

20. Presidential candidates must be at least 40 years of age, have a higher education, and be eligible to be a member of parliament – which means a ban on all persons convicted of a non-exhaustive list of a broad range of crimes, or who have not completed their military service. These restrictions (except the age requirement) are incompatible with the fundamental right to stand for election.

21. Also, presidential candidates require the support of at least 20 MPs, while each MP is allowed to support only one nominee. This limits the possibilities for independent candidacies: 13 individuals, including one woman, applied as independent candidates but were not registered by the SBE due to their lacking support from the required number of MPs.

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1. Doc. 12701, "Observation of the parliamentary elections in Turkey" (12 June 2011), rapporteur: Ms Kerstin Lundgren (Sweden, ALDE).
2. Code of Good Practice in Electoral Matters – guidelines and explanatory report", adopted by the Venice Commission at its 52nd session (Venice, 18-19 October 2002), CDL-AD(2002)023rev: "Both national and international observers should be given the widest possible opportunity to participate in an election observation exercise."
3. Resolution 1380 (2004) on the honouring of obligations and commitments by Turkey, paragraph 23.

22. Parliamentary parties and parties that jointly received at least 10% of the votes in the last election may each nominate one presidential candidate. This was the case for the three running candidates: Mr Recep Tayyip Erdoğan, nominated by the AKP; Mr Ekmeleddin Ihsanoğlu, jointly nominated by the CHP and MHP; and Mr Selahattin Demirtaş, nominated by the HDP.

4. Election campaign and media environment

23. The campaign officially began on 11 July (in line with the LPE). The LBPEVR defined its end as 9 August at 6 p.m. However, the SBE decided that the official start of the campaign would be considered to be 31 July (based on the LBPEVR, which provides that the official campaign period starts 10 days prior to election day) and therefore deviated from the LPE, by deferring, by nearly three weeks, the application of key campaign prohibitions and guarantees stipulated in the legislation, including the use of State administrative resources and official positions for campaign purposes. This obviously benefited Mr Erdoğan.

24. The campaign was characterised by a general respect for fundamental freedoms and candidates were generally able to campaign freely. However, the use of official events for campaigning gave the Prime Minister an obvious advantage over the other candidates. He travelled extensively throughout the country in his official capacity and combined this with campaign events organised by the AKP and sometimes by the local administration. Campaigning also took place during inaugurations, by the Prime Minister, of various State infrastructure projects.

25. This large-scale misuse of State administrative resources and the lack of a clear distinction between State and party activities is clearly at odds with the Report on the Misuse of Administrative Resources during Electoral Processes, by the Venice Commission.[4]

26. As for campaign financing, the law limits the amount an individual can donate for each round to one month's salary of the highest-ranking civil servant; the SBE defined this amount at 9 082.51 TL (approximately €3 150). Candidates cannot receive public funding and loans are not permitted. Mr Erdoğan received donations of 55 million TL (approximately €19 million), Mr Ihsanoğlu received donations of 8.5 million TL (approximately €3 million) and Mr Demirtaş received donations of 1.2 million TL (approximately €420 000).

27. Other than individual donations, the law does not provide for other sources of funding. However, there is no limit for using candidates' personal funds. This, combined with the non-existence of a ceiling for the total campaign expenditure, created imbalances between candidates and stands at odds with the position of the Venice Commission on this issue.[5]

28. Media coverage of the campaign was biased in favour of the Prime Minister. The major television stations provided extensive coverage of his campaign and only limited coverage of that of the other candidates. This imbalance in media coverage was compounded by the predominance of paid political advertising for Mr Erdoğan and the absence of a clear definition of the impartiality requirement for broadcasters. This disproportionate coverage limited pluralistic information on political alternatives for voters.

29. According to the OSCE/ODIHR LEOM media monitoring, three of the five monitored television stations, including the public broadcaster, TRT1, displayed explicit bias in campaign coverage in favour of the Prime Minister in news, current events, and discussion programmes. TRT1 devoted 51% of coverage to Mr Erdoğan, while covering Mr İhsanoğlu and Mr Demirtaş with 32% and 18%, respectively. In addition, 25% of Mr İhsanoğlu's coverage was negative in tone, while Mr Erdoğan's coverage was almost exclusively positive. TRT adhered to its legal obligation to broadcast a total of 30 minutes of free airtime for each candidate. ATV devoted 70% to Mr Erdoğan, while Mr İhsanoğlu and Mr Demirtaş received 18% and 11%, respectively. 49% of Mr İhsanoğlu's coverage was negative in tone. NTV gave 70% of its coverage to Mr Erdoğan, and only devoted 18 and 11% to Mr İhsanoğlu and Mr Demirtaş, respectively; it covered all candidates in a positive/ neutral tone. CNN TÜRK devoted 54% of its coverage to Mr Erdoğan; however, it displayed a critical approach by providing 28% of this coverage in a negative tone. Mr İhsanoğlu and Mr Demirtaş got 27% and 20% coverage, respectively. Samanyolu TV displayed a bias against Mr Erdoğan and in favour of Mr İhsanoğlu, with the Prime Minister receiving 62% coverage, of which 92% was negative. Mr İhsanoğlu and Mr

4. "Report on the Misuse of Administrative Resources during Electoral Processes", adopted by the Council for Democratic Elections at its 46th meeting (Venice, 5 December 2013) and by the Venice Commission at its 97th plenary session (Venice, 6-7 December 2013), CDL-AD(2013)033.

5. Guidelines and Report on the Financing of Political Parties, adopted by the Venice Commission at its 46th Plenary Meeting (Venice, 9-10 March 2001), CDL-INF(2001)008, www.venice.coe.int/docs/2001/CDL-INF(2001)008-e.pdf: "In order to ensure equality of opportunities for the different political forces, electoral campaign expenses shall be limited to a ceiling, appropriate to the situation in the country and fixed in proportion to the number of voters concerned."

Demirtaş got 28% and 11% coverage, respectively. In addition, on monitored television stations, Mr Erdoğan was featured in almost seven hours of purchased political advertising, while Mr İhsanoğlu purchased 36 minutes and Mr Demirtaş 19 minutes.

30. There were no live televised debates between the three presidential candidates.

5. Election day

31. On election day, the members of the ad hoc committee were able to note that the ballot proceeded generally in an orderly manner. Overall, the vote was organised in a professional and efficient manner. Most BBCs were well prepared and respected voting procedures.

32. However, in many polling stations observed, not all entitled political parties were present as members of the BBCs. Party and citizen observers were present in less than half of the polling stations. As already mentioned, there were cases where international observers were not allowed to observe the voting process (most probably due to a lack of information of the BBCs). A few isolated incidents of violence were reported throughout the day.

33. The members of the ad hoc committee drew attention to a number of shortcomings in the polling stations they visited:

– in at least one polling station in Ankara, voting was possible shortly before the official opening time of 8 a.m.;

– in a polling station in the region of Van, the counting started 30 minutes before the official closing time of 5 p.m. (although 380 out of the 386 voters on the list had already voted);

– supporters of Mr Erdoğan were seen distributing snacks and water at the gates of a polling station in Ankara;

– a team visiting a hospital in Ankara noted that there were no arrangements for hospitalised persons to vote;

– a team visiting a polling station set up in a school in Ankara noted that the director of the school felt responsible for the voting process and acted in consequence, even though he was not a member of the polling station;

– there were isolated cases of family voting;

– disabled persons encountered difficulties in accessing some polling stations;

– in Diyarbakir, in a polling station set up in a prison, only half of the detainees could vote (for reasons explained in Section 3).

34. On 15 August 2014, the SBE announced the results of the election:

– Mr Recep Tayyip Erdoğan: 51.79%

– Mr Ekmeleddin Ihsanoğlu: 38.44%

– Mr Selahattin Demirtaş: 9.76%.

The voter turnout was 74.13%.

6. Conclusions

35. The presidential election of 10 August 2014 was a crucial moment for political life in Turkey: following the constitutional reform of 2007, 53 million Turks, for the first time, directly elected the President of the Republic, conferring on him a new form of legitimacy and a more direct link with citizens. This opened a new political era in Turkey.

36. The ad hoc committee took note that the parliament had adopted, on 10 July 2014, a framework law enabling the continuation of the negotiations with a view to the resolution of the Kurdish issue. It welcomed the possibility for campaigning to be carried out in languages other than Turkish, including Kurdish.

37. The Supreme Board of Elections and the election administration functioned in a professional manner, and there was overall confidence in the quality of the voter register. However, the absence of a right to appeal election administration decisions limited the ability to seek effective judicial remedy in case of election disputes. This stands at odds with the Venice Commission norms and should be remedied.

38. The three candidates for the first direct presidential election in Turkey were generally able to campaign freely and freedom of assembly and of association was respected. However, the Prime Minister's use of his official position, along with biased media coverage, gave him a distinct advantage over the other candidates.

39. On election day, the vote was generally organised in a professional and efficient manner and for the most part election procedures were followed.

40. However, the ad hoc committee stresses that an election process is much more than just an election day.

41. It identified a number of shortcomings which the Turkish authorities will need to address in order to improve electoral processes, in particular unbalanced media coverage, misuse of administrative resources and campaign funding provisions.

42. While the legal framework was generally conducive to the holding of democratic elections, a lack of clarity and accountability resulted in inconsistencies in its implementation. In particular, discrepancies remained between the 2012 law and earlier laws regulating elections in general.

43. The recent introduction of campaign finance regulations was a step forward, although these regulations did not extend to private and party sources of funding or provide for adequate oversight of campaign financing or sanctions in the event of violations. The ad hoc committee welcomed these first steps taken to regulate the funding of the election campaign – including the limitation of individual donations. However, it considers that it would be necessary to reinforce the legislation by introducing a ceiling for campaign expenditures, to enable a proper monitoring of the spending of the funds and to ensure same opportunities for all candidates. The legislation should be fine-tuned to clarify the role of political parties, the issue of contributions in kind and personal resources of candidates. The current monitoring mechanism of election campaign accounts should be improved.

44. The ad hoc committee noted that the Prime Minister was not required by the law to resign, but also that the use of administrative resources was forbidden by law. This position gave him disproportionate access to resources and media coverage, in the absence of strict regulations, and the use of administrative resources for electoral purposes was intensive. The ad hoc committee therefore calls upon the Turkish authorities to adopt clearer and stricter regulations as regards the activities carried out by incumbent politicians standing for presidential elections.

45. All broadcasters, including the Turkish Radio and Television Corporation, were required to ensure an impartial and equal media coverage of the campaign, free from any self-censorship. However, media coverage during the campaign was unbalanced despite the existing legal provisions. The ad hoc committee calls on all stakeholders, in particular the Radio Television Supreme Council and the Supreme Board of Elections, to be more efficient in the future in applying the law and using the measures foreseen in the legislation and to ensure equal airtime to all candidates.

46. The ad hoc committee welcomed the possibility offered for the first time to Turkish citizens residing abroad to vote outside of their country. It noted, however, that some concerns existed, in particular on the safety of the ballot papers during their transportation to Turkey for counting. Also, citizens residing abroad had to get an appointment prior to the election period with their national diplomatic representations for registration as voters, which was sometimes difficult. Of the total of nearly 2.8 million Turkish citizens living abroad entitled to vote, only some 232 000 did so. Procedures should be simplified for future elections.

47. The introduction of a clear legal provision accrediting both domestic and international observers during future elections is necessary, as it would further increase the transparency of and confidence in the election process as a whole. Observers should be able to freely observe all steps of the electoral process. The ad hoc committee expresses the wish that the Turkish authorities remedy this issue before the next elections.

48. There is considerable room for improvement to create a level playing field for elections in Turkey and the ad hoc committee hopes that this will be the case for the next parliamentary elections, scheduled for 2015.

49. The Council of Europe stands ready to provide its expertise and to continue to work with the country to support its efforts to meet Council of Europe standards.

Appendix 1 – Composition of the ad hoc committee

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

– Meritxell MATEU PI (Andorra, ALDE), Head of delegation

– **Socialist Group (SOC)**
- Andreas GROSS, Switzerland
- Tadeusz IWIŃSKI,* Poland
- Birute VESAITE, Lithuania
- Bernadette BOURZAI, France
- Ingrid ANTICEVIC-MARINOVIC, Croatia
- Kostas TRIANTAFYLLOS, Greece
- Florin IORDACHE, Romania
- Athina KYRIAKIDOU, Cyprus
- Carina HÄGG, Sweden

– **Group of the European People's Party (EPP/CD)**
- Viorel Riceard BADEA, Romania
- Zsolt CSENGER-ZALÁN, Hungary
- Jim D'ARCY, Ireland
- Foteini PIPILI, Greece
- Marietta de POURBAIX-LUNDIN,* Sweden
- Konstantinos TZAVARAS, Greece
- Emanuelis ZINGERIS, Lithuania

– **European Democrat Group (EDG)**
- Robert NEILL, United Kingdom
- Ingebjørg GODSKESEN,* Norway

– **Alliance of Liberals and Democrats for Europe (ALDE)**
- Mark VERHEIJEN, Netherlands
- Meritxell MATEU PI,* Andorra
- Doris FIALA, Switzerland
- Andrea RIGONI, Italy

– **Group of the United European Left (UEL)**
- Andrej HUNKO*, Germany
- Grigore PETRENCO, Republic of Moldova

– **Rapporteur of the Monitoring Committee (ex officio)**
- - Josette DURRIEU,* France

– **Secretariat**
- Bogdan TORCĂTORIU, Administrative Officer, Interparliamentary Co-operation and Election Observation Division
- Sylvie AFFHOLDER, Secretary, Monitoring Committee
- Danièle GASTL, Assistant, Interparliamentary Co-operation and Election Observation Division
- Anne GODFREY, Assistant, Interparliamentary Co-operation and Election Observation Division

* members of the pre-election delegation (20-23 July 2014)

Appendix 2 – Programme of the pre-electoral mission (20-22 July 2014)

Monday, 21 July 2014

9:00-10:00	Meeting of the Parliamentary Assembly delegation
10:15-11:15	Meeting with Ambassador Geert-Hinrich Ahrens, Head of the OSCE/ODIHR Election Observation Mission, Ms Polyna Lemos, Deputy Head, and their staff
11:30-12:30	Meeting with Ambassador Stefano Manservisi, Head of the Delegation of the European Union to Turkey, Mr François Naucodie (Common Foreign Security Policy) and Ms Aycan Akdeniz (Domestic Politics)
14:30-15:30	Meeting with representatives of the media: – Aljazeera: Ece Goksedef – BIANET: Erol Onderoglu – Cihan News Agency: Vedat Denizli – Diplomatic Observer Magazine: Ali Faruk Imre and Ceren Saydam – Today's Zaman: Aydin Albayrak 15:45-16:45 Meeting with representatives of civil society: – Association for Monitoring Human Rights (AMER): Selin Dagistanli, Nezat Tastan – Checks and Balances Network: Suleyman Basa, Mehmet Kaya – Human Rights Association: Öztürk Türkdoğan – Transparency International: E. Oya Ozarslan
17:20-18:15	Meeting with Mr Ekmeleddin Ihsanoğlu, joint presidential candidate of the Republican People's Party (CHP) and the Nationalist Movement Party (MHP)
18:30-20:00	Meeting with Mr Yalçın Akdoğan, MP (AK Party), Adviser to the Prime Minister

Tuesday, 22 July 2014

9:30-10:30	Meeting with Mr Sadi Güven, Chairman of the Supreme Board of Elections (SBE)
11:00-12:00	Meeting with Mr Sadık Yakut, Vice-President of the Grand National Assembly
12:00-12:30	Meeting with representatives of the Radio and Television Supreme Council: – Prof Dr Davut Dursun, President – Prof Dr Hasan Tahsin Fendoğlu, Vice President – Ali Öztunç, member (from CHP) – Esat Çiplak, member (from MHP) – Süleyman Demirkan, member (and some officials from several departments: International relations; Legal Affairs; and Monitoring and evaluation)
15:00-16:00	Meeting with Mr Mustafa Şentop, Deputy Chairman of AK Party, in charge of Election Affairs (before the meeting, powerpoint presentation by Mr İbrahim Uslu, Head of ANAR (Ankara Social Research Center))
16:15-17:15	Meeting with Mr Nazmi Gür, member of HDP, also member of the Turkish Delegation to the Parliamentary Assembly
20:20	*Iftar* hosted by Mr Denemec with the participation of the members of the ad hoc committee, the secretariat and the members of the Turkish delegation

Appendix 3 – Statement by the Assembly's pre-electoral delegation

Strasbourg, 23.07.2014 – A six-member(*) cross-party delegation of the Parliamentary Assembly of the Council of Europe (PACE) was in Ankara on 21 and 22 July 2014, at the invitation of the Turkish delegation to the PACE, for a pre-electoral visit ahead of the 10 August 2014 presidential election.

It met the three presidential candidates or their representatives:

– Ekmeleddin Ihsanoğlu, joint presidential candidate of the Republican People's Party (CHP) and the Nationalist Movement Party (MHP);

– Yalcir Akdoğan, MP and Chief advisor of Recep Tayyip Erdoğan, candidate of the Justice and Development party (AKP);

– Nazmi Gür, MP, representative of Selahattin Demirtaş, candidate of the Peoples' Democratic Party (HDP).

The delegation also held an exchange of views with the Vice-President of the Grand National Assembly, the Turkish delegation to the PACE, the Chairman of the Supreme Board of Elections and the Radio Television Supreme Council, the Head of the OSCE/ODIHR election observation mission to Turkey, the Head of the EU delegation to Turkey, representatives of civil society and the media.

The delegation noted that the presidential election of 10 August 2014 will be a crucial moment for political life in Turkey: following the constitutional reform of 2007, 53 million Turks will, for the first time, directly elect the President of the Republic, conferring on him greater legitimacy. This will open a new political era in Turkey. The delegation welcomed the possibility for campaigning to be carried out in languages other than Turkish, including Kurdish.

The delegation was informed that the parliament adopted on 10 July 2014 a framework law enabling the continuation of the negotiations with a view to the resolution of the Kurdish issue.

The delegation welcomed the possibility offered for the first time to the nearly 3 million Turkish citizens residing abroad to vote outside of their country. It calls upon the authorities to ensure the smooth conduct of these elections carried out in 53 countries, and to provide the necessary guarantees to ensure that the ballot papers will be transported securely to Turkey for transparent counting.

The delegation welcomed the first steps taken to regulate the funding of the election campaign – including the limitation of individual donations. However, it would be necessary to reinforce the legislation by introducing a ceiling for campaign expenditures to enable a proper monitoring of the spending of the funds and to ensure same opportunities for all candidates. The legislation should be fine-tuned to clarify the role of political parties, the issue of in-kind contributions and personal resources of candidates, etc. The delegation highlighted the weaknesses of the current monitoring mechanism of election campaign accounts.

The delegation took note that the current Prime minister is one of the presidential candidates. It noted that the Prime minister is not required by the law to resign but also that the use of administrative resources is forbidden by law. It expressed its concerns, however, regarding the fact that this position gives him disproportionate access to resources and media coverage, in the absence of strict regulations. The issue of misuse of administrative resources was raised on several occasions during the meetings. The delegation therefore called upon the authorities to adopt clearer and stricter regulations related to the activities carried out by incumbent politicians standing for presidential elections.

The delegation recalled that all broadcasters, including the Turkish Radio and Television Corporation (TRT), are required to ensure an impartial and equal media coverage of the campaign, free from any self-censorship. The delegation regretted the lack of a timely response by the State institutions to redress unbalanced media coverage during the campaign despite the existing legal provisions. The delegation calls upon all stakeholders, in particular the Radio Television Supreme Council and the Supreme Board of Election, to be more efficient in applying the law and using the measures foreseen in the legislation and to ensure equal airtime to all candidates.

The delegation noted that there was in general a good level of trust in the conduct of the voting on election day. It reiterated, however, its concerns about the shortcomings in the regulations concerning the campaign expenditure, misuse of administrative resources by one candidate and unbalanced media coverage. The introduction of a clear legal provision accrediting domestic and international observers during future elections would further increase the transparency of and confidence in the election process as a whole. Observers should be able to freely observe all steps of the electoral process (voting, counting, drafting and tabulation of the minutes).

The pre-electoral delegation hopes that the elections will allow Turkish citizens to express themselves freely and to take an active part in the first direct election of their President.

A fully-fledged delegation of about 30 PACE observers will return to the country to observe the election of 10 August 2014.

(*) Members of the delegation: Meritxell Mateu Pi (Andorra, ALDE), head of the delegation; Tadeusz Iwinski (Poland, SOC); Marietta de Pourbaix-Lundin (Sweden, EPP/CD); Ingebjørg Godskesen (Norway, EDG); Andrej Hunko (Germany, UEL), Josette Durrieu (France, SOC), PACE rapporteur for post-monitoring dialogue with Turkey

Appendix 4 – Programme of the election observation mission (8-11 August 2014)

Friday, 8 August 2014

09:15-10:00 Meeting of the Parliamentary Assembly delegation

10:15-10:30 Opening by the heads of parliamentary delegations:
– Ms Meritxell Mateu Pi, Head of the Delegation of the Parliamentary Assembly of the Council of Europe
– Ms Åsa Lindestam, Head of OSCE Parliamentary Assembly Delegation

10:30-12:00 Briefing by the OSCE/ODIHR Limited Election Observation Mission:

Introduction and overview of findings to date:
– Ambassador Geert-Hinrich Ahrens, Head of the OSCE/ODIHR Limited Election Observation Mission

Legal framework:
– Ms Marla Morry, Legal Analyst

Political background and the campaign:
– Mr Vadim Zhdanovich, Political Analyst

Campaign finance:
– Mr Zorislav Antun Petrović, Campaign Finance Analyst

Media:
– Ms Elma Šehalić, Media Analyst

Polling procedures:
– Mr Pavel Cabacenco, Election Analyst

Questions and Answers

14:15-14:30 OSCE/ODIHR LEOM Security Expert, Mr Fergus Harvey Anderson

14:30-15:15 Meeting with the members of the Supreme Board of Elections:
– Mr Mehmet Kürtül
– Ms Nilgün İpek
– Mr Ali Kaya
– Mr İlhan Hanağası
– Mr İbrahim Zengin

15:15-17:45 Meetings with representatives of the presidential candidates:

– Professor Dr Ali Tekin, Campaign Manager for Professor Dr Ekmeleddin İhsanoğlu, joint presidential candidate of the Republican People's Party (CHP) and the Nationalist Movement Party (MHP)

– Mr Adil Zazani, Representative of Mr Selahattin Demirtaş, presidential candidate of the Peace and Democracy Party (HDP)

– Mr Mustafa Şentop, representative of the Prime Minister Recep Tayyip Erdoğan, presidential candidate of the Justice and Development Party (AKP)

Saturday, 9 August 2014

09:00-10:00 Meeting with representatives of the media:
– Aydın Albayrak, Columnist, Today's Zaman

10:00-11:00 Meeting with representatives of civil society

– Ms E. Oya Ozaslan, Chairperson, Transparency International

– Ms Feray Salman, Chairperson, Human Rights Platform

– Mr Ozturk Turkdogan, Chairperson, Human Rights Association

– Ms Çiğdem Sever, Ankara Representative, Association of Monitoring Equal Rights

– Mr Mehmet Pancaroğlu, Ankara Representative, Vote and Beyond

11:30-12:00 Meeting with members of the Radio and Television Supreme Council (RTSC)
– Mr Ali Öztunç
– Mr Hamit Ersoy

12:00-12:30 Meeting with the OSCE/ODIHR LEOM long-term observers deployed in Ankara

12:30-13:00 Meeting with interpreters and drivers for the OSCE Parliamentary Assembly and PACE teams deployed in Ankara

Sunday, 10 August 2014

Observation of the vote

Monday, 11 August 2014

8:30-9:30 PACE delegation meeting (debriefing)

13:30 Joint press conference

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

Presidential candidates in Turkey able to campaign freely, but playing field not level

Strasbourg, 11/08/2014 – Three candidates, representing different political positions, were generally able to campaign freely, and freedoms of assembly and association were respected in the 10 August presidential election in Turkey, international election observers said in a statement issued today. However, the Prime Minister's use of his official position, along with biased media coverage, gave him a distinct advantage over the other candidates.

"This first direct presidential election demonstrated that there is a vibrant political life in Turkey, and the preliminary results show the potential for a healthy balance in political forces," said Vilija Aleknaite Abramikiene, Special Co-ordinator who led the short-term OSCE observer mission. "However, the challenges we have noted, particularly the imbalanced media coverage, must be overcome to fully live up to the democratic aspirations of the people."

The Supreme Board of Elections (SBE) and the election administration functioned in a professional manner, and there was overall confidence in the quality of the voter register, the preliminary statement notes. However, the absence of a right to appeal election administration decisions limits the ability to seek effective judicial remedy in case of election disputes.

"The presence of political party representatives in polling stations across the country yesterday is an important oversight mechanism," said Åsa Lindestam, Head of the OSCE PA Delegation. "I hope that citizens and NGOs will also be given the right to observe in the future, bringing Turkey's dynamic civil society fully into the election process."

International observers noted that media coverage of the campaign reflected a bias in favour of the Prime Minister, with major television stations providing extensive coverage of his campaign and only limited coverage of other contestants. The imbalance in media coverage was compounded by the predominance of paid political advertising for him and by the absence of a clear definition of the impartiality requirement for broadcasters.

"The direct election of the president marks only the beginning of a new phase of Turkey's democratic development," said Meritxell Mateu Pi, Head of the PACE delegation. "We will continue to work with Turkey and support its efforts in fulfilling the Council of Europe's standards."

The largely active and peaceful campaign was undermined by the misuse of State resources, the staging of campaign activities during official State events and, in some cases, attacks on the campaign of one of the candidates. The introduction of campaigning in minority languages was a positive change to the legal framework, although recent election administration regulations still require that the main language of campaign coverage and advertising be Turkish. The decision by the SBE to apply an earlier law than the 2012 Law on Presidential Elections, thus resulting in a ten-day campaign period, meant that campaigning was underway for almost three weeks before key campaign regulations took effect.

"Despite guarantees in the law, this decision of the SBE contributed to the lack of a level playing field", said Ambassador Geert-Hinrich Ahrens, Head of the OSCE/ODIHR Limited Election Observation Mission. "The delay in applying these provisions and the misuse of State administrative resources benefited the governing party's candidate."

While the legal framework was found to be generally conducive to the holding of democratic elections, a lack of clarity and accountability resulted in inconsistencies in its implementation. In particular, discrepancies remain between the 2012 law and earlier laws regulating elections in general. The recent introduction of campaign finance regulations was a step forward, although these regulations do not extend to private and party sources of funding or provide for adequate oversight of campaign financing or sanctions in the event of violations.

In a positive step, the introduction of out-of-country voting gave nearly three million citizens abroad the chance to vote. However, active conscripts, cadets and prisoners who have been convicted of intentional crimes were not permitted to vote.

In the limited number of polling stations visited by the international observers, election day was generally organised in a professional and efficient manner, and polling station committees were well prepared and followed voting procedures overall.