

INTERIM REPORT
28 September – 21 October 2015

23 October 2015

I. EXECUTIVE SUMMARY

- On 24 August, the president called early parliamentary elections for 1 November. The elections will be held under a proportional representation system, with 550 members of parliament elected with closed political party lists and independent candidates in 85 multi-member constituencies. To qualify for seat allocation, parties must surpass a 10 per cent threshold of valid votes. A total of 16 parties with 8,426 candidates and 21 independent candidates were registered for the elections.
- Following a bomb attack in Ankara on 10 October resulting in more than 100 people killed and over 500 injured, the four parliamentary parties temporarily suspended their campaign activities. The tone of the campaign is confrontational and the main topics include the socio-economic situation, the end of the ‘*Solution Process*’ and the campaign against terrorism. Since the escalation of violence in the southeast at the end of July, offices and members of several parties were targeted across the country. In the southeast, the escalated violence has impacted the ability of electoral contestants to campaign freely.
- The elections are administered by a four-tier structure including the Supreme Board of Elections (SBE), Provincial Election Boards, District Election Boards and Ballot Box Committees. Despite the shortened election calendar, the SBE was able to meet all deadlines so far. On 3 October, following discussions related to the feasibility to conduct voting in the provinces affected by violence, the SBE decided in favour of conducting voting in these areas.
- Some 54 million voters are registered in the country and some 2.9 million abroad. The SBE closed voter lists on 20 September, following a public display period. Out-of-country voting in 54 countries takes place from 8 to 25 October. Voters registered abroad can also cast their ballot at 30 customs points until 1 November.
- A large number of criminal investigations of journalists, social media users and media outlets for defamation and support of terrorism were launched during the election period. In early October, several television stations critical of the government were removed from digital service providers. Political parties will be granted free airtime during the last seven days of the campaign on the public broadcaster. Compliance with media regulations during the campaign is overseen by the Radio and Television Supreme Council and the SBE.
- The SBE’s decisions are not subject to judicial review. In addition, the Constitutional Court recently ruled that petitions against any SBE decision for violation of fundamental rights and freedoms are not within the court’s jurisdiction. The SBE has received over 15 complaints by several parties mainly related to unbalanced and inaccurate media coverage as well as to various decisions of the election administration and campaign violations.

II. INTRODUCTION

Following an official invitation from the authorities of the Republic of Turkey, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed a Limited Election Observation Mission (LEOM) on 28 September.¹ The LEOM is headed by Ambassador Geert-Hinrich Ahrens and consists of 11 experts based in Ankara and 18 long-term observers deployed throughout the country. Mission members are drawn from 17 OSCE participating States. In line with ODIHR's methodology, the OSCE/ODIHR LEOM will not carry out systematic or comprehensive observation of election day activities. Mission members will, however, visit a number of polling stations to follow election day procedures.

III. BACKGROUND AND POLITICAL CONTEXT

The last parliamentary elections took place on 7 June 2015. Four parties were elected into the Turkish Grand National Assembly (parliament): the Justice and Development Party (AKP) with 258 seats, the Republican People's Party (CHP) with 132 seats, and the Nationalist Movement Party (MHP) and the People's Democratic Party (HDP) each with 80 seats.² For the first time since 2002, the AKP did not obtain an absolute majority and was not able to form a single-party government. As a party, the HDP entered parliament for the first time. On 24 August, following a series of unsuccessful coalition negotiations, the president called for early parliamentary elections on 1 November.

Following the bombing in Suruç on 20 July, which resulted in 32 people killed and 104 injured, a two-year ceasefire between the Turkish security forces and the Kurdistan Workers' Party (PKK),³ ended in July 2015. An increase in terrorist acts, counter-measures and hostilities followed.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Members of parliament (MPs) are elected for four-year terms under a proportional system in 85 multi-member constituencies with closed political party lists and independent candidates. A redistribution of seats was undertaken by the Supreme Board of Elections (SBE) in early 2015, based on current population statistics.⁴ The system of seat allocation raises concerns regarding the equality of the vote, as a significant differential of registered voters per seat exists.⁵

To qualify for parliamentary seat allocation, political parties must surpass a 10 per cent threshold of valid votes. The threshold has been criticized by national stakeholders, while efforts in parliament and the courts to lower it have been unsuccessful. The OSCE/ODIHR and the European Court of Human Rights (ECtHR) previously recommended that the threshold be lowered to increase political pluralism.

The elections are mainly regulated by the 1982 Constitution, the 1961 Law on Basic Provisions on Elections and Voter Registers (Law on Basic Provisions), the 1983 Law on Parliamentary Elections, and the 1983 Law on Political Parties. The regulations and decisions issued by the SBE supplement the legislation. The Constitution establishes fundamental civil and political rights, although it

¹ [See previous OSCE/ODIHR reports on Turkey.](#)

² Two MPs, one from the CHP and one from the MHP, left their parties since being elected and are independent.

³ The PKK is listed as a terrorist organization by some participating States (EU Member States, USA, and others).

⁴ The number of seats per constituency ranges from 2 to 30. On 5 May, the HDP submitted a request to the SBE for a review of the distribution of seats in two constituencies, Bayburt and Mus; the request was rejected.

⁵ The lowest number of registered voters per seat is in Bayburt constituency with 26,309 voters, and the highest number in a constituency in Izmir with 121,721 voters.

concentrates on bans and prohibitions for the protection of the state rather than broad entrenchment of rights. The freedoms of assembly, association, and expression, as well as the rights to vote and be elected, are to some extent restricted by the Constitution and broader legislative framework.

The electoral legal framework is generally conducive to conduct democratic elections, although it includes a number of gaps and ambiguities, including insufficient campaign finance regulations, a lack of judicial review of SBE decisions, and an absence of provisions for citizen and international observation. The framework includes a number of recent amendments pertaining to fundamental freedoms, such as a 2014 amendment to the Law on Basic Provisions which allows campaigning in any language or dialect. In the same year, the threshold for political parties to receive state party funding was reduced from 7 per cent to 3 per cent of valid votes.

V. ELECTION ADMINISTRATION

The election administration comprises representatives of the judiciary and the main political parties. The four-tier structure of election management bodies consists of the SBE, 81 Provincial Election Boards (PEBs), 1,067 District Election Boards (DEBs) and 175,006 Ballot Box Committees (BBCs). The election boards benefit from logistical and operational support provided by various state and local institutions, particularly the Ministry of Interior (MoI).

The SBE is a permanent 11-member body composed of senior judges elected for a six-year term by the Supreme Court and the Council of State. One member is a woman. The four political parties with the highest number of votes in the last parliamentary elections have the right to appoint their representatives to the SBE and have done so. While they cannot vote on decisions, they have the right to attend SBE meetings, access documents and express their views and concerns regarding any aspect of the work of the SBE.

The PEBs are located in each of the 81 provinces, chaired by the most senior judge in the province, and two other judges, appointed for a two-year term.⁶ The DEBs are composed of a chair (a judge) and six members – two civil servants and four representatives of political parties. The DEBs were appointed for a two-year term in January 2014, and they reflect the composition of the parliament elected in 2011. The BBCs are appointed ahead of each election, comprising a chair and six members – two civil servants and five representatives of political parties.

Most OSCE/ODIHR LEOM interlocutors expressed general confidence in the work of the SBE. The SBE met all deadlines and adopted over 300 decisions since the elections were called. Some DEBs in the provinces affected by the escalation of violence, either adopted decisions, or requested the SBE's opinion on relocating polling stations to safer locations.⁷ Various OSCE/ODIHR LEOM interlocutors alleged political motivation on the part of the AKP to limit the number of votes for the HDP in these provinces and opposed the relocations. The AKP claimed that conducting elections in these areas could result in loss of life and impact the integrity of voting.⁸ On 3 October, the SBE decided in favour of conducting voting in these areas stating that any relocation of polling stations outside of the respective *mukhtarlik* (smallest administrative area) is not in line with the law.⁹

⁶ The PEBs in Ankara, Istanbul and Izmir cover more than one electoral constituency each.

⁷ These polling stations were located in 76 districts spread across 20 provinces in the south-east.

⁸ The AKP informed the OSCE/ODIHR LEOM that during the June 2015 elections a significant number of polling stations in 16 provinces in the southeast registered 100 per cent turnout with all ballots cast for the HDP. This raised the AKP's concern regarding the possibility of irregularities and the ability of voters to vote free of pressure.

⁹ According to the SBE's interpretation of Article 5 of the Law on Basic Provisions, there should be at least one polling station in each *mukhtarlik*.

Out-of-country voting is conducted from 8 to 25 October in 113 polling stations established in 54 countries as well as at 30 custom points across Turkey. Out-of-country ballots will be counted at a designated DEB in Ankara.

VI. VOTER REGISTRATION

Turkish citizens over 18 years of age have the right to vote, except conscripts, students in military schools and prisoners convicted of intentional crimes. The ECtHR has twice ruled that the ban on convicted prisoners' voting rights is too broad and must be proportionate to the crime committed.¹⁰ To date, the legal framework has not yet been amended to address the court's decisions. However, as in the last elections, the SBE issued a decision that partially implements the court's decisions by applying international law and permitting all convicts outside of prison to vote, whether their sentence is fully executed or not.

Turkey has a passive voter registration system. The SBE maintains a permanent voter list linked to the civil and address registry operated by the MoI. According to the SBE, the total number of registered voters in-country is 54,049,940; and some 2.9 million voters are registered abroad. Since the June 2015 elections, the total number of voters increased by over 300,000 due to a large number of those who reached 18 years of age in the interim.

OSCE/ODIHR LEOM interlocutors generally expressed confidence in the accuracy of the voter list. The voter register was finalized on 20 September after a public display period between 2 and 10 September and subsequently shared with all contesting parties in electronic format. On 15 October, the DEBs started printing the final voter lists.

VII. CANDIDATE REGISTRATION

Citizens over the age of 25 who have legal capacity and primary education are entitled to stand. Ineligible to stand are citizens who have not completed compulsory military service, are legally banned from public service, or have been convicted for a broad range of crimes or minor offences. To contest elections, parties must have an organizational structure in at least half of the provinces and one third of the districts in each of those provinces and convened a party congress six months prior to the elections or have a parliamentary group. All parties must submit candidate lists in at least half of the provinces. Independent candidates must submit an electoral deposit.¹¹

On 28 September, the SBE announced that 16 political parties with a total of 8,426 candidates and 21 independent candidates are registered to contest. Some 24 per cent of candidates are women.

Most OSCE/ODIHR LEOM interlocutors assessed the candidate registration process as inclusive. On 2 September, the AKP lodged a complaint to the Prosecutor's Office of the Supreme Court seeking the deregistration of the Turk Party on grounds of an insufficient organizational structure. The complaint led to the SBE's deregistration of the Turk Party on 18 September.¹² Previously, on 20 August, the AKP had submitted a complaint claiming that in the June 2015 elections it had lost more than 150,000 votes to the Turk Party or to invalid ballots due to similarities in the parties' logos.

¹⁰ See judgments: [Soyler v. Turkey, application no. 29411/07](#) from 17 September 2013 and [Murat Vural v. Turkey, application no. 9540/07](#) from 21 October 2014.

¹¹ For these elections the deposit is 10,651 TL (around 3,100 EUR), which is refundable only to those candidates who get elected.

¹² The SBE's deregistration decision included five dissenting members with two dissenting opinions.

VIII. CAMPAIGN ENVIRONMENT

The Law on Basic Provisions regulates campaign conduct and aims to ensure a level playing field.¹³ The law includes detailed provisions on the misuse of administrative resources and certain official positions for campaign purposes. Application of certain campaign regulations began on 31 August, while the official campaign period starts only ten days prior to election day. During this period, stricter campaign regulations apply and there is a broader application of equitable campaign principles.

The campaign is generally low-key with very few banners, billboards or posters.¹⁴ Political parties informed the OSCE/ODIHR LEOM that they will focus on door-to-door campaigning and small meetings rather than large-scale events. Some rallies were organized by the AKP, HDP, CHP and MHP in targeted districts around the country. Though it is legally prohibited, the main political parties are campaigning abroad.¹⁵

Since the escalation of violence in the southeast at the end of July, offices and members of several parties were targeted and a high number of HDP members were taken into custody.¹⁶ In addition, some members from HDP, CHP and MHP were charged for defamation of public authorities, including insult of the president. In some provinces of the east and the southeast, the ability to campaign freely is considerably restricted by the deteriorating security situation where Special Security Zones (SSZs) have been declared and/or curfews imposed.¹⁷ These measures are criticized by some OSCE/ODIHR LEOM interlocutors as politically motivated and beyond the legal framework.

In Ankara, on 10 October, at a *Labour, Peace and Democracy Rally*, a bomb attack resulted in over 100 people killed and more than 500 injured.¹⁸ The same day, the Prime Minister declared a three-day official mourning period. The leaders of the four parliamentary parties temporarily suspended their activities and limited and revised their campaign approach.

Thus far, the OSCE/ODIHR LEOM has observed nine campaign events, most of which were held prior to the Ankara bombing. The tone of the campaign is confrontational, with speakers expressing

¹³ On 6 October, the Felicity Party lodged a complaint to the SBE claiming that some provincial governors have imposed new campaign restrictions on political parties beyond the legal framework.

¹⁴ Only in Istanbul, OSCE/ODIHR LEOM observers noted a high campaign visibility of all parliamentary parties.

¹⁵ The CHP leader campaigned in Switzerland, France, Belgium, the Netherlands, Germany and Austria from 23 to 27 September. The HDP party co-chair campaigned in several German cities in the last week of September and in the first week of October. The AKP leader campaigned in Germany on 3 October.

¹⁶ According to data provided to the OSCE/ODIHR LEOM by the HDP: 2,308 HDP members were taken into custody and 542 were arrested between 24 July and 9 October. In addition, the HDP stated that 129 attacks on its offices occurred between 6 September and 9 October. On 2 October, 51 HDP members and supporters were detained in Istanbul for alleged links to the outlawed PKK. The CHP reported to the OSCE/ODIHR LEOM that its Ankara district and Konya province offices were attacked on 8 September. The AKP reported to the OSCE/ODIHR LEOM a number of attacks on AKP offices, in particular in Diyarbakir and Istanbul. Numerous threats against AKP members in several provinces in the east and the southeast were also reported.

¹⁷ On 21 August, the Council of Ministers by decree declared SSZs in the provinces of Diyarbakir and Batman in effect from September 2015 to March 2016. In addition, as of September 2015, governors declared SSZs for up to 15 days in 20 districts in at least 7 provinces in the southeast. Some governors also declared curfews in several neighborhoods in at least 10 districts ranging from a few hours to an indefinite amount of time.

¹⁸ The rally was organized by trade unions, civil society and professional organizations. Several political parties, including the HDP and CHP joined the event.

harsh criticism of their opponents.¹⁹ The main topics include the socio-economic situation, the end of the ‘*Solution Process*’ and the campaign against terrorism.²⁰ Some parties used religious references in their campaigns in breach of the law.²¹

State funding is distributed annually, on a proportional basis, to parties that received at least three per cent of votes in the last parliamentary elections. All parties but the AKP complained of lack of funds.²² There are no requirements for disclosure of the sources and amounts of campaign donations and spending other than in annual party finance reports.

IX. MEDIA

The Constitution does not sufficiently guarantee the right to freedom of expression by permitting undue restrictions *inter alia* for the purpose of “safeguarding the basic characteristics of the Republic and the indivisible integrity of the State with its territory and nation.” Unduly vague provisions in the Anti-Terrorism Law,²³ Criminal Code, Press Law and other legislation are applied and criminalize or ban reporting on issues of public concern.²⁴ Furthermore, the Criminal Code contains broad defamation provisions, including with regard to the Turkish Nation and State, and provides special protection for public figures, including the president. In addition, legislation allows for undue interference in freedom of expression on the Internet by permitting for the blocking of websites and collection of data of Internet users without sufficient court supervision.

The increased application of the provisions of the Anti-Terrorism Law and Criminal Code, before and during the election period, led to a large number of journalists, social media users and media outlets being investigated for defamation and supporting terrorism.²⁵ Some cases of violence against journalists and media outlets contribute to self-censorship and result in an atmosphere of constraint in the public sphere.²⁶

The Law on the Establishment of Radio and Television Enterprises and their Media Services (Law on Broadcasting) obliges broadcasters to provide impartial and unbiased coverage of political parties. The SBE acts upon complaints and monitoring reports submitted by the RTSC, which is the

¹⁹ The OSCE/ODIHR LEOM observed the use of confrontational rhetoric during the AKP rallies in Samsun and Erzurum on 5 and 6 October respectively and during the HDP rally in Istanbul on 8 October.

²⁰ On 12 October, two days after the Ankara bombing, the AKP spokesperson announced that the party’s subsequent rallies would be turned into anti-terror rallies.

²¹ The OSCE/ODIHR LEOM observed use of religious language in AKP campaign events in Samsun on 5 October, in Manisa on 8 October and in Bursa on 16 October. On 22 September and 3 October, the SBE upheld two complaints lodged by a CHP MP against an AKP campaign song that included extensive religious references; it banned use of the song at indoor and outdoor campaign meetings, and in social media and the Internet campaign.

²² While the HDP is entitled to state funding following the June 2015 elections, the installment will only be released in January 2016.

²³ According to the [OSCE Representative on Freedom of the Media \(RFoM\) as of July 2015, there are 21 imprisoned journalists](#), mostly on the basis of the Anti-Terrorism Law.

²⁴ On 14 October, an Ankara Judge of Peace ordered a ban on reporting on any matter related to the investigation of the Ankara bombing. The ban applies to print, broadcast and online media until the end of the investigation. On 19 October, the ban was lifted.

²⁵ As reported by the media, cases include terrorism charges against the Doğan Media Group on 15 September, and the Koza-Ipek Media Group on 1 September, both of which are critical of the government. Criminal defamation charges for “insulting the president” have been filed against a number of journalists.

²⁶ On 1 October 2015, the [OSCE RFoM](#) condemned the attack on journalist Ahmet Hakan, and called for improved safety of journalists in Turkey. On 5 October the [Council of Europe](#) issued an alert on the police raid on the offices of the Kurdish daily newspaper *Azadiya Welat* and Kurdish news agency DIHA in Diyarbakır on 28 September. Thirty-two detained Kurdish journalists were released after being interrogated.

supervisory body for broadcasters.²⁷ The Law on Basic Provisions provides contesting political parties with free airtime during the last seven days of the campaign and with the right to purchase political advertising time on the public broadcaster.

The media landscape comprises a variety of outlets, many of which are politicized. Media ownership is concentrated in business conglomerates where media outlets are often subsidized by other businesses. Media owners' dependence on obtaining public tenders and state advertising leads to interference into editorial autonomy and results in limited criticism of the government, particularly on television. Furthermore, four digital service providers ceased broadcasting of several television stations, nearly all of which are critical of the government.²⁸ The removal of these stations followed correspondence from the Ankara Prosecutor's Office in connection with ongoing investigations against these stations on charges of supporting terrorism.

On 1 October, the OSCE/ODIHR LEOM began quantitative and qualitative monitoring of five television stations (the public *TRT1*, and the commercial *ATV*, *CNN Turk*, *Haberturk* and *Samanyolu TV*) and four newspapers (*Hurriyet*, *Sabah*, *Sozcu* and *Zaman*).

X. COMPLAINTS AND APPEALS

Appeals against decisions of lower level election boards can be lodged with higher boards up to the SBE. Eligible to appeal are parties, voters, partisan observers, and candidates. The legal framework does not establish a campaign-related complaints process. Clear timeframes for submission and adjudication of some but not all types of electoral disputes are established in the law. Complaint proceedings at electoral boards are not open to observers or the media and not all decisions are publicly available. The SBE has received more than 15 complaints lodged by opposition parties mainly related to unbalanced and inaccurate media coverage as well as to various decisions of the election administration and campaign violations.

The Constitution establishes that SBE decisions are final and not subject to judicial review. An individual petition process under the Constitutional Court was established in 2010 for review of public actions (and inactions) that violate fundamental rights and freedoms guaranteed by both the Constitution and European Convention on Human Rights (ECHR). On 7 October, the Constitutional Court published its first decisions that address whether petitions against SBE decisions in parliamentary elections are within its jurisdiction.²⁹ While the court acknowledged that the right to free parliamentary elections is guaranteed by the Constitution and the ECHR, it ruled that SBE decisions are not subject to review, even for breach of fundamental rights and freedoms.³⁰

²⁷ The nine members of the RTSC are nominated by political parties and elected by parliament as follows: four from the AKP, two each from the CHP and the MHP, and one from the HDP.

²⁸ The digital service providers Tivibu, Turkcell TV+, Digiturk and Turksat removed television stations on 27 September, 2 October, 8 October and 12 October respectively. The affected television stations include *Samanyolu TV*, *SHaber*, *KanalTürk*, *Bugün TV* and *Mehtap TV*. Complaints were filed by *Samanyolu TV* on 9 October with the SBE, the Radio and Television Supreme Council (RTSC) and the Supreme Board of Prosecutors and Judges. Another complaint was filed by the MHP with the SBE on the same issue. Concerning the complaint filed by *Samanyolu TV*, the SBE decided to refuse to exercise its authority over the case.

²⁹ The decisions were made on 14 July and concern two petitions submitted during the June parliamentary elections; one regarded an SBE decision to deregister a candidate and the other a decision to reject a complaint.

³⁰ The decision was based on an interpretation of Article 79 of the Constitution and Article 45 of the Law on the Constitutional Court.

XI. CITIZEN AND INTERNATIONAL OBSERVERS

The law does not establish rights for non-partisan citizen observation and international observers, which is provided for under paragraph 8 of the 1990 OSCE Copenhagen Document.³¹ However, the Law on Basic Provisions provides for monitoring of the election process by representatives of political parties and observers of independent candidates. As established in the law, the vote count can be observed by the public. At least two civil society organizations – the Human Rights Association and the Association for Monitoring Equal Rights – applied to the SBE for accreditation to observe the elections. Their accreditation was denied for lack of legal basis. However, several groups regularly accredit their representatives as political party observers.³²

XII. OSCE/ODIHR LEOM ACTIVITIES

The OSCE/ODIHR LEOM commenced its work on 28 September. The Head of the Mission has met with the Ministry of Foreign Affairs, the SBE as well as with other high-level state officials, politicians and diplomatic representatives. The OSCE/ODIHR LEOM has also established contacts with political parties and candidates, representatives of the media, civil society and other electoral stakeholders. The Head of the Mission met a pre-election delegation of the Parliamentary Assembly of the Council of Europe (PACE) on 5 October.

The OSCE/ODIHR will join efforts with the OSCE Parliamentary Assembly (OSCE PA) and the PACE, which will deploy observer delegations for election-day observation. Mr. Ignacio Sanchez Amor has been appointed by the OSCE Chairperson-in-Office as the Special Co-ordinator and leader of the short-term OSCE observer mission for these elections.

*The English version of this report is the only official document.
An unofficial translation is available in Turkish.*

³¹ Paragraph 8 of the 1990 OSCE Copenhagen Document reads: “The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law.”

³² The civil society platform, Vote and Beyond, informed the OSCE/ODIHR LEOM that it intends to deploy some 50,000 observers.