



Office for Democratic Institutions and Human Rights

REPUBLIC OF TURKEY

EARLY PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

24 June 2018

ODIHR NEEDS ASSESSMENT MISSION REPORT

8 – 10 May 2018



Warsaw
16 May 2018

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REPUBLIC OF TURKEY
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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation from the authorities of Republic of Turkey to observe the 24 June 2018 early presidential and parliamentary elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 8 to 10 May 2018. The NAM included Alexander Shlyk, Head of the ODIHR Elections Department, Steven Martin, ODIHR Senior Adviser on New Voting Technologies, and Vladimir Misev, ODIHR Election Adviser. The ODIHR NAM was joined by Francesco Pagani, Chief Political Adviser of the OSCE Parliamentary Assembly.

The purpose of the mission was to assess the pre-election environment and preparations for the forthcoming early elections. Based on this assessment, the NAM should recommend whether to deploy an ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions as well as with representatives of political parties, media, civil society and the international community. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs for its assistance and co-operation in organizing the NAM. ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and to share their views.

II. EXECUTIVE SUMMARY

The 24 June early presidential and parliamentary elections were called by the parliament on 20 April and will take place during an ongoing state of emergency, which was enacted and renewed following a failed coup attempt in July 2016. Many ODIHR NAM interlocutors expressed serious concerns about holding elections under emergency rule; however, in the view of the authorities, such conditions would not impact the elections.

The parliament is elected for a five-year term under a proportional system in 85 multi-member constituencies with a national threshold of 10 per cent. The president is elected for a five-year term with the majority of valid votes. If no presidential candidate receives the majority of votes, a second round takes place two weeks later between the two candidates with the most votes in the first round.

The electoral legal framework comprises the Constitution and a number of special laws, and is supplemented by regulations of the Supreme Board of Elections (SBE). Since the last 2014 presidential and 2015 parliamentary elections, the legal framework has undergone several rounds of significant amendments with the latest adopted after the calling of the elections. Notwithstanding the number and extent of changes, most of previous ODIHR recommendations remain unaddressed. A number of ODIHR NAM interlocutors noted that the process of adopting the changes was insufficiently inclusive, stressing a lack of a broad consensus among parliamentary parties.

The elections will be organized by four levels of election administration: the SBE, Provincial Electoral Boards, District Electoral Boards (DEBs) and Ballot Box Committees (BBCs). The SBE

published its election calendar and preparations are underway, and ODIHR NAM interlocutors indicated the professionalism of its work thus far. Due to recent legal amendments that adjusted the composition of BBCs and modified election day procedures, many ODIHR NAM interlocutors expressed concerns about the impartiality and ability of the lower levels of the administration to adequately manage election day proceedings.

Citizens over 18 years of age have the right to vote. Long-standing restrictions continue to exist for certain categories of citizens. A central voter register is maintained by the SBE and forwarded for posting and public review for 10 days. The SBE will publish final voter lists on 20 May. Recent amendments allow voters to register in polling stations different from their place of residence. Overall, ODIHR NAM stakeholders expressed confidence in the voter registration process.

Presidential candidates require support from at least 20 members of parliament with each member only permitted to support one nomination. Recent amendments allow the nomination of independent candidates who are to be supported by at least 100,000 signatures. The SBE published the final list of six presidential candidates (five male and one female) on 13 May.

Parliamentary candidates may participate through party lists or as independents. Parties contesting the elections are required to meet certain organizational criteria or have a parliamentary group in the outgoing parliament. To qualify for seat allocation, beyond surpassing the threshold, parties must present candidate lists in more than half of the provinces. Recent changes to the legislation allow the formation of electoral coalitions by eligible parties contesting the parliamentary elections. The SBE will publish final candidate lists by 27 May.

The pre-election period is divided into two parts – an initial one after candidates are officially registered, and a shorter period from 10 to 2 days before election day. During the shorter period, specific regulations aim to ensure equitable opportunities to electoral contestants. Several ODIHR NAM interlocutors expressed concerns regarding a potential misuse of administrative resources and the equality of campaign opportunities. In addition, concerns were voiced over security measures imposed under the state of emergency that may impact the ability to campaign freely and possibly lead to voter intimidation.

Parties declare campaign income and expenditure through general party financial reports annually to the Constitutional Court. Independent parliamentary candidates disclose campaign finances through individual tax declarations. While the legislation imposes some restrictions on the amount and nature of donations, there are no limitations on general party and campaign-related spending. For the presidential election, the legislation contains specific provisions regulating financing of the campaigns.

The media landscape comprises numerous broadcast and print outlets, most of which are considered to be associated with the ruling political party. Some ODIHR NAM interlocutors noted that analytical coverage may be limited due to self-censorship and pressure on journalists. Contestants are allowed to campaign in the media on the principle of equality; however, a number of ODIHR NAM interlocutors stated that the majority of media outlets tend to limit coverage of contestants from certain parties. The OSCE Representative on Freedom of the Media has repeatedly called for the authorities to bring the country's media legislation in line with OSCE commitments on media freedom and condemned numerous prison sentences for journalists and police raids on media outlets.

While the legislation allows for election observation by representatives of parties and independent candidates and stipulates that the vote count is public, it does not contain provisions permitting observation by international and citizen observer organizations.

Overall, ODIHR NAM interlocutors noted the importance of deploying an ODIHR observation activity for the upcoming elections as a way to enhance confidence and to provide an external assessment of the electoral process. Many ODIHR NAM interlocutors indicated the need to deploy a sufficient number of observers to follow the process countrywide, including on election day.

The ODIHR NAM considered the range of findings outlined in this report and the concerns expressed by stakeholders. These relate to recent legal amendments, including on election day procedures, the holding of elections under an ongoing state of emergency, media access and coverage, and the conduct of the campaign, in particular regarding possible pressure on voters and other stakeholders. The majority of previous ODIHR recommendations remain unaddressed. Given the issues raised by a number of stakeholders concerning election day, the conduct of proceedings at polling stations on election day would benefit from a more detailed assessment.

Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) for the 24 June early presidential and parliamentary elections. In addition to a core team of experts, the ODIHR NAM recommends the secondment of 28 long-term observers from OSCE participating States to follow the electoral process countrywide, and 350 short-term observers to follow election day proceedings. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

III. FINDINGS

A. BACKGROUND

A lot of ODIHR NAM interlocutors attributed great importance to these elections, perceiving them as an important step to complete the transformation of Turkey into a presidential republic. Following the referendum, the president already holds a range of functions and authority related to the legislative, executive, and judicial fields.¹ Executive power is still exercised by the Council of Ministers, and legislative power is vested in the Turkish Grand National Assembly (parliament). The outgoing 550-member parliament comprises the Justice and Development Party (AKP) with 316 seats, the Republican People's Party (CHP) with 131 seats, the People's Democratic Party (HDP) with 48 seats, the Nationalist Movement Party (MHP) with 35 seats, the Good Party (IYI) with 6 seats and 1 independent member.² The president, Recep Tayyip Erdoğan, will stand for re-election.

The 24 June early presidential and parliamentary elections were called by the parliament on 20 April, following a petition by the AKP and MHP, and will take place during an ongoing state of emergency.³ The state of emergency was declared on 21 July 2016, following a failed coup attempt that left 251 casualties and over 2,000 people injured, was subsequently extended seven times, and is currently set to last until after election day. After the failed coup, over 150,000 civil servants were dismissed,

¹ The referendum package contained 18 amendments, which proposed changes to the parliamentary system, abolished the office of the prime minister, transferred some of the parliament's oversight functions to the presidency, increased the number of seats in parliament, and empowered the president to appoint certain high-level positions in the judiciary.

² Following the stripping of immunity of 154 members of parliament in May 2016, 9 HDP members of parliament are currently in prison and the seats of 11 members were revoked.

³ The petition was submitted after the announcement of the president and AKP leader on 18 April that the presidential and parliamentary elections initially planned for November 2019 will take place on 24 June. According to the legislation, when elections are called by the parliament, the period until election day can be one month shorter compared to if elections are called by the president. According to some ODIHR NAM interlocutors, this did not give sufficient time for some contestants to prepare for the elections.

100,000 individuals prosecuted and 40,000 of them detained.⁴ Many ODIHR NAM interlocutors and the United Nations Office of the High Commissioner for Human Rights expressed serious concern about holding elections under emergency rule.⁵ The authorities stressed, however, that such conditions would not impact the elections as they concentrate on addressing the ongoing terrorist threat.⁶

ODIHR has previously deployed six election-related activities to Turkey, most recently for the 16 April 2017 constitutional referendum. In its final report, ODIHR concluded that the referendum “took place on an unlevel playing field and the two sides of the campaign did not have equal opportunities. Voters were not provided with impartial information about key aspects of the reform, and civil society organizations were not able to participate. Under the state of emergency put in place after the July 2016 failed coup attempt, fundamental freedoms essential to a genuinely democratic process were curtailed. The dismissal or detention of thousands of citizens negatively affected the political environment. One side’s dominance in the coverage and restrictions on the media reduced voters’ access to a plurality of views. While the technical aspects of the referendum were generally well administered and referendum day proceeded in an orderly manner, late changes in counting procedures removed an important safeguard and were contested by the opposition.”⁷

B. ELECTORAL SYSTEM

The unicameral parliament is elected for a five-year term under a proportional system through closed party lists in 85 multi-member constituencies.⁸ Recent legislative amendments increased the number of members from 550 to 600. A national threshold of 10 per cent of valid votes cast remains the highest among the OSCE participating States. The recommendation to consider lowering the threshold has been made by ODIHR, PACE and European Parliament. The president is elected with an absolute majority of valid votes for a five-year term. If no candidate receives a majority of votes, a second round takes place two weeks later between the two candidates with the most votes in the first round.

C. LEGAL FRAMEWORK

The electoral legal framework includes the 1982 Constitution and a range of special laws.⁹ Regulations and decisions of the Supreme Board of Elections (SBE) supplement the legal framework.

⁴ The Parliamentary Assembly of the Council of Europe (PACE) Committee on the Honouring of Obligations and Commitments by Member States (Monitoring Committee) in its [statement of 26 January 2017](#) noted that the measures affected the judiciary, police, military, civil service, local authorities, academia, the media and the business community, shutting down over 1,000 institutions and private companies and their assets were seized or transferred to public institutions. According to the government, more than 40,000 public employees have been reinstated.

⁵ The High Commissioner’s [statement from 9 May 2018](#), noted that “protracted restrictions on the human rights to freedom of expression, assembly and association are incompatible with the conduct of a credible electoral process” and urged the authorities to “immediately lift the state of emergency to enable all of its citizens to participate fully and equally in the conduct of public affairs, and to exercise their rights to vote and to stand for election without unreasonable restrictions.” Similar [concerns](#) were expressed by the Parliamentary Assembly of the Council of Europe (PACE).

⁶ The Constitution states that fundamental rights and freedoms may be restricted or suspended in a state of emergency, and numerous emergency decrees have been adopted Paragraph 12 of the 1996 UN Human Rights Council [General Comment 25 to the International Covenant on Civil and Political Rights](#) requires that “Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected.”

⁷ See [previous ODIHR reports on Turkey](#).

⁸ The number of deputies elected from each district varies from 2 to 30.

⁹ These include the 2017 Law on the SBE, the 2012 Law on Presidential Election, the 1983 Law on Parliamentary Elections, the 1961 Law on Basic Provisions on Elections and Voter Registers (Law on Basic Provisions), the 1983 Law on Political Parties, the 1983 Law on Meetings and Demonstrations, the Criminal Code and various media-related laws.

Fundamental rights and freedoms are guaranteed by the Constitution; however, it concentrates on bans and prohibitions for the protection of the state and permits legislation to establish undue limitations on the freedoms of association, assembly, expression, and on electoral rights.

Since the last 2014 presidential and 2015 parliamentary elections, the legal framework has undergone several rounds of amendments, including the adoption of a new law on the SBE. The latest set of amendments was adopted after the elections were called.¹⁰ Amendments from December 2017 and March 2018 allocated authority to municipal and election administrations to register voters in polling stations different from their place of residence and to change the location or merge polling stations; modified the composition of ballot box committees (BBCs) by providing that only civil servants can be appointed as chairpersons; provided the right to every voter to request police presence in polling stations (previously, only BBC members could do so); introduced mobile ballot boxes for specific groups of voters; and amended technical aspects of election day procedures, including by mandating that the ballots that had not been stamped by the BBCs would be counted as valid and to regulate tabulation of results for coalitions.¹¹

Further amendments were adopted on 25 April with the stated aim to harmonize the legislation with constitutional changes resulting from the April 2017 referendum. Among others, changes allowed the nomination of independent presidential candidates, lowered the age requirement for parliamentary candidates, changed some procedures for out-of-country voting, allowed coalitions in parliamentary elections, and limited the presidential terms to two.¹²

Notwithstanding the number and extent of changes, most of previous ODIHR recommendations remain unaddressed, including on removing restrictions on active and passive suffrage rights, enhancing regulations on the campaign and campaign finance, removing restrictive provisions on the media, addressing a lack of a possibility to challenge SBE decisions and providing for international and citizen election observation.

A number of ODIHR NAM interlocutors noted that the process to adopt the changes was not sufficiently inclusive and pointed to a lack of a broad consensus among parliamentarians regarding the amendments.¹³ While the authorities informed the ODIHR NAM that they provided a sufficient platform for the opposition parties to provide their feedback, on 26 April, the CHP submitted a complaint to the Constitutional Court challenging the constitutionality of some of the amendments.¹⁴

D. ELECTION ADMINISTRATION

The upcoming elections will be organized by four levels of election administration: the SBE, 81 Provincial Electoral Boards (PEBs), some 1,000 District Electoral Boards (DEBs) and over 175,000

¹⁰ The 2017 referendum suspended the constitutional provision which states that amendments to electoral laws shall not apply within one year from the adoption. Section II.2.b of the 2002 [Venice Commission Code of Good Practice in Electoral Matters \(Code of Good Practice\)](#) states that “fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election.”

¹¹ According to a number of ODIHR NAM interlocutors, stamping ballots was an important safeguard for ensuring integrity in the election process. During the counting of the votes cast in April 2017 referendum, the SBE adopted a decision to consider ballots improperly stamped by BBCs and those without a stamp as valid, contrary to the law, which undermined confidence in the process.

¹² If parliament decides to call an early presidential election during the second term of the president, the incumbent president can run for another term.

¹³ Consultation was through a sub-committee of the Parliamentary Committee on the Constitution.

¹⁴ The Constitutional Court informed the ODIHR NAM that the complaint is under review and its decision will be released before the election day.

BBCs. In addition, one DEB will be established in Ankara to co-ordinate out-of-country voting. The Constitution provides that the elections are held under the general administration and supervision of the judiciary.

The SBE is a permanent 11-members body tasked with overall authority and responsibility for the elections. It is an administrative body, composed of judges elected by the Supreme Court and Council of State for a six-year term.¹⁵ PEBs have three members and are chaired by the most senior judge in the province. DEBs are chaired by a judge and include two civil servants and four representatives of political parties. BBCs are formed for each election and consist of a chairperson and six members – two civil servants and four party representatives. Eligible parties can appoint non-voting representatives to the SBE, PEBs and DEBs and members to DEBs and BBCs. The SBE published its election calendar and preparations are underway, and ODIHR NAM interlocutors indicated the professionalism of its work thus far. The SBE noted a number of measures to facilitate voting for persons with disabilities; however, some stakeholders noted that the accessibility of polling stations remains an issue. ODIHR NAM was also informed that the SBE developed software to facilitate tabulation of votes cast for coalitions of parties in the parliamentary elections.

Due to recent legal amendments that adjusted the composition of BBCs and modified election day procedures, numerous ODIHR NAM interlocutors expressed concerns about the impartiality and ability of lower levels of the administration to adequately manage the election day, particularly noting concerns for the eastern and south-eastern provinces.

In principle, decisions of each level of the election administration can be appealed to the next higher level. However, decisions related to the formation of lower-level commissions and decisions on voter registration cannot be appealed. The SBE is the final instance for appeals and its own decisions, including on final results, cannot be appealed. A 2010 constitutional amendment established the right to file individual petitions to the Constitutional Court for violations of fundamental rights and freedoms in the scope of the European Convention of Human Rights (ECHR) and guaranteed by the Constitution.¹⁶

E. VOTER REGISTRATION

Citizens over 18 years of age have the right to vote. Long-standing restrictions exist for active conscripts, students in military schools and prisoners convicted of committing ‘deliberate crimes’. The European Court of Human Rights has ruled that the ban on prisoners’ voting rights contravened the ECHR provisions on the right to free elections.¹⁷

A central voter register is maintained by the SBE and linked to a civil and address registry, managed by the Ministry of Interior. Citizens are included in the registry based on a unique personal identification number, which is linked to their place of residence and only permits registration at one location. The SBE compiles voter lists and forwards them to DEBs for posting and public review for

¹⁵ The new Law on the SBE generally preserved the competences and composition of the SBE as per the previous legislation, however the organizational structure of the SBE has been supplemented with additional directorates on central and local levels. According to the law, the provincial units of the SBE consist of election directorates, managed by election directors, which are attached to DEBs and the SBE may establish an election directorate with the PEBs.

¹⁶ During the 2015 parliamentary elections, the Constitutional Court published its first decisions that addressed whether petitions against SBE decisions in parliamentary elections are within its jurisdiction. While the court acknowledged that the right to free elections is guaranteed by the Constitution, it ruled that SBE decisions are not subject to review.

¹⁷ See judgements [Söyler v. Turkey](#), 20 January 2013, and [Murat Vural v. Turkey](#), 21 October 2014.

10 days.¹⁸ Recent amendments allow DEBs to register voters in polling stations different from their place of residence. The SBE will publish final voter lists on 20 May. Overall, ODIHR NAM stakeholders expressed confidence in the voter registration process.

Voting abroad will take place from 7 to 19 June in 123 polling stations in 60 countries, and in case of a presidential run-off, from 30 June to 4 July. Changes to the legislation before the 2017 referendum introduced a voter list for out-of-country voting. Voters abroad can vote at any diplomatic representation irrespectively of residence.

F. CANDIDATE AND PARTY REGISTRATION

Presidential candidates are required to be at least 40 years of age, have higher education and to meet the eligibility requirements to be elected to parliament. Previous ODIHR assessments noted that the requirement for higher education and the lifetime bans on candidacy rights for convicts and for those who have not performed military service constitute undue restrictions on the right to stand for office.

Presidential candidates require support from at least 20 members of parliament with each member permitted to support only one nomination. Parties that exceeded the 10 per cent threshold in the last parliamentary elections are each permitted to nominate a candidate. Recent amendments allow the participation of independent candidates who are supported by at least 100,000 signatures.¹⁹ The nomination of presidential candidates by parties lasted from 1 to 5 May and signature collection for independent candidates from 4 to 9 May. On 10 May, the SBE announced the preliminary list of presidential candidates.²⁰ The SBE published the final list of six presidential candidates (five male and one female) on 13 May.

Citizens over the age of 18 are eligible to stand in the parliamentary elections.²¹ Grounds for ineligibility include legal incapacitation, ongoing or incomplete military service, limitation on public service as confirmed by court, as well as criminal convictions for certain offenses. Contestants may participate through closed party lists or as independent candidates. Independent candidates are required to submit a deposit.²² While no formal gender quotas exist, some parties voluntarily implement quotas to enhance women's participation.

The Law on Political Parties sets requirements for parties to contest the elections, including having an organizational structure in at least half of the provinces and convening a party congress six months prior to the elections or having a parliamentary group in the outgoing parliament. To qualify for seat allocation beyond surpassing the threshold, parties must present a full list of candidates in more than half of the provinces. Recent amendments allow the formation of pre-election coalitions for parliamentary elections. Parties could sign coalition agreements between 30 April and 6 May and submit candidate lists until 21 May.²³ Parties that form coalitions will present separate candidate lists and voters will be able to vote for either an individual party or the coalition as a whole. In the latter

¹⁸ After this period, modifications are not permitted and voters changing address are required to vote at their previous place of residence. Voters can also review their information online.

¹⁹ Voters can support only one candidate. Additionally, a deposit of 131,600 TL (approximately 26,000 EUR) is required and is refundable if the candidate is registered.

²⁰ Three candidates are nominated by parties (AKP, CHP and HDP) and three are independent.

²¹ Previously, candidates had to be over 25 years of age.

²² The deposit is 13,906 TL (some 2,760 EUR) and is refundable if the candidate is elected.

²³ The SBE determined that 11 political parties are eligible to run for the elections, and a number of additional parties were deemed illegible as they failed to meet the required organizational criteria. For the parliamentary elections, two coalitions were formed, one composed of the AKP and MHP and the Great Unity Party (BBP); and the second composed of CHP, SAADET (Felicity) Party, IYI and the Democratic Party (DP). Other eligible parties to contest the elections are: HDP, Huda-Par, Baimisiz Turkish Party and Vatan Party.

case, the votes will be distributed among the coalition members proportionally to the number of individual votes they garner. Following a public display period, the SBE will publish final candidate lists by 27 May.

G. CAMPAIGN AND CAMPAIGN FINANCING

The pre-election period is divided into two parts: an initial stage to start once candidate are registered and a shorter period from 10 days before election day until 22 June.²⁴ The legislation contains detailed regulations on the conduct of campaign rallies, placement and distribution of printed materials, as well as the campaign in the media. During the shorter period, specific regulations aim to ensure equitable opportunities for contestants. These include provisions on the allocation of free airtime, the ban on the use of state resources for campaigning and prohibiting contestants from organizing and contributing to events related to publicly funded services. Several ODIHR NAM interlocutors expressed concerns over a potential misuse of state resources and the overall lack of equality of campaign opportunities. Concern was also voiced over potential security measures imposed under the state of emergency that may restrict possibilities to campaign freely and possibly lead to voter intimidation. As a result, some contestants will prioritize campaigning via social and online media. Some ODIHR NAM interlocutors noted challenges in being able to conduct campaigning abroad.

Provisions related to campaign and party financing have been introduced in several laws.²⁵ Draft legislation related to party and campaign finance was prepared in 2012 by the Ministry of Justice, but the bill is not yet adopted. The Council of Europe's Group of States against Corruption (GRECO) most recent report concluded that situation "of transparency of party funding is disappointing".²⁶

Parties declare their campaign funds through annual general party financial reports to the Constitutional Court. Independent candidates disclose campaign income and expenditure through individual tax declarations. While the legislation imposes restrictions on the amount and nature of donations, there are no limitations on general party and campaign-related expenditure.

The review of the financial reports by the Constitutional Court focuses on compliance with reporting requirements and with parties' internal regulations. A lack of compliance with party finance regulations can result in sanctions ranging from a warning to the dissolution of the political party, depending on the gravity of a violation.

For the presidential election, candidates are required to open a dedicated bank account and can receive donations from individual citizens.²⁷ Other provisions include disclosure and reporting requirements for candidates. Loans are not permitted. Candidates submit information on campaign accounts, contributions, and expenditures to the SBE within 10 days after the finalization of election results. The SBE has one month to examine the information, determine irregularities, if any, and give candidates time to correct the revealed deficiencies.

²⁴ The Law on Presidential Elections does not regulate the conduct of the campaign and refers to the Law on Basic Provisions.

²⁵ The 2011 Law on the Establishment of the Constitutional Court and Rules of Procedure; the 2012 Law on Presidential Elections; and the 2012 bylaw of the Constitutional Court.

²⁶ See [GRECO's Fourth Evaluation Round, Interim Compliance Report](#), 8 December 2017. The report also concludes that while "the adoption of the Guidebook on the Financial Audit of Political Parties, is a positive development, considerable progress is yet to be made regarding all other recommendations. Some recommendations were found to be partly implemented as a result of legislative measures having been taken to address parts of these recommendations, while others remain not implemented pending concrete legislative steps to be taken."

²⁷ The law limits the amount of finances that each individual can donate for each round, which cannot exceed one month's salary of the highest ranking civil servant.

H. MEDIA

The media landscape comprises numerous broadcast and print outlets, most of which are associated with the ruling party.²⁸ Coverage of electoral campaigns in broadcast media is regulated by the Law on Broadcasting, Law on Basic Provisions, and SBE regulations adopted for each election. According to the principles for broadcasting, media are to ensure accuracy, impartiality and objectivity of reporting.

The regulatory framework includes undue restrictions on freedom of expression that were deemed problematic by previous ODIHR assessments. The Constitution does not fully protect the right to freedom of expression by permitting undue restrictions, among others, to protect “the basic characteristics of the Republic and the indivisible integrity of the state with its territory and nation.” Legislation and its implementation criminalize speech on certain matters of public importance.

In addition to paid political advertisements, contestants are granted free airtime on the public broadcaster, the Turkish Radio and Television Corporation (TRT), during the last seven days of the campaign, including in languages other than Turkish.²⁹ Independent parliamentary candidates do not qualify for free airtime.³⁰ While the TRT noted a willingness to hold presidential debates, but decided to cancel them, explaining this by the need to maintain equality of coverage, after the incumbent decided not to take part.

Compliance with media regulations is overseen by the Radio and Television Supreme Council (RTSC).³¹ In addition, the RTSC has the authority to review complaints related to coverage by local and regional broadcasters. During election periods, the RTSC submits weekly reports to SBE, which has the authority to apply sanctions for violations.

Recent changes to the legislation mandated the RTSC to license and oversee the media content on all types of media, including online, which raised concerns among a number ODIHR NAM interlocutors.³² In addition, concerns were expressed about non-balanced media coverage, including by the TRT, and NAM interlocutors pointed to the annulled sanctioning powers of the SBE for private media for non-compliance with media regulations.³³ Some ODIHR NAM interlocutors also pointed to restrictions in the level of analytical media coverage owing to self-censorship and pressure on journalists.

²⁸ Earlier this year, one of the largest media groups in Turkey, the Doğan Media Company, was sold to a conglomerate widely considered affiliate with the governing party.

²⁹ Parties are entitled to two 10-minute slots on radio and television each. Additional airtime is granted to parties with a parliamentary group (10 minutes), the ruling party or the senior partner in a coalition government (20 minutes), minor partners in the coalition (15 minutes) and the main opposition party (10 minutes).

³⁰ Presidential candidates will be granted a total of 30 minutes of free airtime on the TRT and could purchase advertising time under equal conditions. The law does not set a limit on the amount of paid advertising contestants can purchase and it is only constrained by a provision in the Law on Broadcasting that limits advertising to 20 per cent per hour.

³¹ The RTSC consists of nine members elected by parliament: five nominated by the AKP, two by the CHP and one member each by the MHP and HDP.

³² According to the authorities, the new provisions cover only media that broadcast on the internet and that video sharing websites, such as Youtube, Facebook, Twitter, Instagram and others, are not within the scope of the new law.

³³ Emergency Decree 687 adopted on 9 February 2017, amended the Law on Basic Provisions and repealed the SBE’s media sanctioning powers over private media.

The OSCE Representative on Freedom of the Media has repeatedly called for the authorities to bring the country's media legislation in line with OSCE commitments on media freedom and condemned numerous prison sentences for journalists and police raids on media outlets.³⁴

I. CITIZENS AND INTERNATIONAL OBSERVERS

While the legislation allows for election observation by representatives of parties and independent candidates and stipulates that the vote count is public, it does not contain provisions permitting observation by international and citizen observer organizations, which is at odds with OSCE commitments. While ODIHR has previously been granted full co-operation during observation, it was recommended that the legislation should provide for complete access of international and civil society observers to all stages of the election in order to remove possible uncertainty.

As in past elections, several citizen observer organizations will endeavor to observe election day, and will again be required to have their observers either exercise their rights as citizens or to nominate them through parties. One observer organization (Vote and Beyond) has submitted petitions to the SBE to amend the electoral legislation, some of which were accepted.

IV. CONCLUSIONS AND RECOMMENDATION

Overall, ODIHR NAM interlocutors noted the importance of deploying an ODIHR observation activity for the upcoming elections as a way to enhance confidence and to provide an external assessment of the electoral process. Many ODIHR NAM interlocutors indicated the need to deploy a sufficient number of observers to follow the process countrywide, including on election day.

The ODIHR NAM considered the range of findings outlined in this report and the concerns expressed by stakeholders. These relate to recent legal amendments, including on election day procedures, the holding of elections under an ongoing state of emergency, media access and coverage, and the conduct of the campaign, in particular regarding possible pressure on voters and other stakeholders. The majority of previous ODIHR recommendations remain unaddressed. Given the issues raised by a number of stakeholders concerning election day, the conduct of proceedings at polling stations on election day would benefit from a more detailed assessment.

Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) for the 24 June early presidential and parliamentary elections. In addition to a core team of experts, the ODIHR NAM recommends the secondment of 28 long-term observers from OSCE participating States to follow the electoral process countrywide, and 350 short-term observers to follow election day proceedings. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

³⁴ [See all RFOM statements on media freedom in Turkey.](#)

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Korkut Güngen, Ambassador, Director General for Multilateral Political Affairs
Esin Çakıl, Deputy Directorate General for Consular Affairs
Doğukan Taylan Erdoğan, Third Secretary

Ministry of Interior

İsmail Çataklı, Deputy Undersecretary, Governor, Ministry of Interior
İbrahim Süha Karaboran, Head of Address Department, General Directorate of Population and Citizenship Affairs

Constitutional Court

Burhan Üstün Acting President of the Constitutional Court
Murat Azaklı, Deputy Secretary General of the Constitutional Court
Mücahit Aydın, Reporter for Foreign Affairs of the Constitutional Court

Supreme Board of Elections

Murat Özeren, Director General of Electoral Services of the Supreme Board of Election

Parliamentary Committee on the Constitution

Mustafa Şentop, Chairperson of the Parliamentary Committee on the Constitution

Political parties

İlknur İnceöz, Deputy Chairperson, AKP Parliamentary Group
Engin Altay, Deputy Chairperson, CHP Parliamentary Group
Meral Daniş Beştaş, Deputy Chairperson, HDP Parliamentary Group
Erkan Akçay, Deputy Chairman, MHP Parliamentary Group
Yusuf Halaçoğlu, IYI Party, Member of the Parliament

Radio and Television Supreme Council

İlker İlgin, Vice-Chairperson
Murat Ellialtı Deputy Head of Department of Monitoring and Assessment
Mr. Hüseyin Demirbilek, Deputy Head of Department of International Relations
Şakir Sarıcaoğlu, Public Relations Adviser
Çağlayan Çağlar, Specialist

Turkish Radio and Television Corporation

Fatih Şahingöz, Vice Co-ordinator of TRT Haber

Civil society organizations

Gozde Elif Soyuturk, Vote and Beyond
Başak Yavçan, Vote and Beyond
Yusuf Kanli, Journalist and Vice-President of the Association of Journalists

Joint meeting with the Diplomatic Missions of the following OSCE participating States:

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