
INTERNATIONAL ELECTION OBSERVATION MISSION
Republic of Turkey – Early Presidential and Parliamentary Elections – 24 June 2018

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

In the 24 June early presidential and parliamentary elections, voters had a genuine choice despite the lack of conditions for contestants to compete on an equal basis. The incumbent president and his party enjoyed a notable advantage, also reflected in excessive coverage by government-affiliated public and private media. The restrictive legal framework and powers granted under the state of emergency limited fundamental freedoms of assembly and expression, including in the media. Still, citizens demonstrated their commitment to democracy by participating in large numbers in campaign rallies and on election day. Hastily adopted changes to the election legislation were made without consultations and removed important safeguards for election day procedures. Election day procedures were generally followed, although important legally prescribed steps were often omitted during counting and tabulation.

The campaign was vibrant and took place in a highly polarized political environment. Although there were no equal opportunities, most contestants were able to convey their messages to the public. Contestants used a variety of campaign means, and social media were an important tool to attract youth and to overcome campaign restrictions. There were a number of attacks and disruptions of campaign activities, mostly against the People's Democratic Party (HDP). The HDP presidential candidate remained in pre-trial detention and could not campaign freely. Misuse of administrative resources by the ruling party during the campaign is contrary to the commitment to ensure separation between state and party and international good practice.

Fundamental rights and freedoms are not fully guaranteed by the Constitution and the legal framework. Freedoms of assembly and expression are further restricted in practice, especially by provincial governor decisions under the state of emergency. Key amendments introduced to the election legislation in March and April were adopted without consultation, shortly before the elections, which does not provide for stability of the legal framework contrary to the international good practice. They were also perceived as favouring the ruling party.

Legal amendments weakened important safeguards by replacing political party representatives with civil servants as chairpersons of the ballot box committees (BBCs), allowing relocation of polling stations on security grounds, increasing the authority of law enforcement at polling stations, and validating unstamped ballots. The system for seat allocation significantly undermines the equality of the vote, which is provided for by international obligations, standards and good practice. Despite the case law of the European Court of Human Rights (ECtHR) and previous recommendations by ODIHR and Council of Europe, the 10 per cent threshold continues to limit political pluralism. The Constitutional Court dismissed the main opposition party's challenge to the amendments. The changes also legalized election coalitions. Positively, independent presidential candidates were allowed for the first time, in line with previous recommendations.

Technical preparations were generally administered in an efficient manner. However, the selection of BBC chairpersons was not always done by lottery as prescribed by law, which raised concerns about their impartiality. At least 1,090 polling stations were moved and merged based on security considerations which was seen by the opposition as a measure aiming to lower voter turnout in specific areas. Sessions of election boards at all levels were closed and decisions were not published in a systematic and timely manner, despite previous ODIHR recommendations. These decisions and lack of transparency eroded confidence in the election administration at all levels.

Voters were provided with a range of political alternatives offering a genuine choice. Six presidential candidates, one woman and five men, including the incumbent president, stood for election. Of the 86 registered parties, the Supreme Board of Elections (SBE) considered 11 eligible to run and subsequently 8

were registered to contest the parliamentary elections. Legal restrictions on candidacy rights, including for past convictions, are contrary to paragraph 7.5 of the 1990 OSCE Copenhagen Document, case law of the ECtHR and other international obligations and standards, and limited the inclusiveness of the candidate registration process.

Stakeholders expressed confidence in the quality of voter lists. Some 56.3 million were registered to vote in country and some 3 million abroad. Blanket disenfranchisement of all prisoners convicted of intentional crimes, conscripts and military cadets is at odds with paragraph 7.3 of the 1990 OSCE Copenhagen Document and case law of the ECtHR.

Overall, the legislation does not contain comprehensive regulations on party and campaign finance. The lack of substantial oversight reduces the transparency, integrity and accountability of political finances.

Women remain underrepresented in political life. While the Constitution guarantees gender equality, there are no special legal obligations for the parties to nominate women candidates. Positively, some parties implemented gender quotas. Overall, some 20.5 per cent of candidates on party lists were female. Women constituted 12 and 24 per cent of Provincial and District Election Boards members, respectively.

A restrictive legal framework challenges media freedom and induces self-censorship. The state of emergency has been used to further limit freedom of the media. Most popular broadcast media are seen as affiliated with the government, which was also reflected in the campaign coverage. The ruling party and the incumbent were covered more often and more favourably. Thus, the media outlets, including the public broadcaster, did not present voters with balanced information about the contestants. The repeal of the SBE sanctioning power left media campaign coverage essentially without effective oversight.

The majority of complaints received by the SBE concerned its own decisions, and most were rejected. Few campaign-related complaints were received by the SBE, and some were denied consideration on technical grounds. Many ODIHR EOM interlocutors expressed lack of trust in the integrity of the election dispute resolution process, with some stakeholders refraining from lodging formal complaints. The lack of judicial review of SBE decisions denies access to a judicial remedy in electoral matters does not ensure legal integrity, contrary to paragraph 5.10 of the 1990 OSCE Copenhagen Document and international good practice.

The law does not establish rights for non-party citizen observers and does not provide for international observation as foreseen in paragraph 8 of the 1990 OSCE Copenhagen Document. Some potential observers were precluded from participating in the IEOM. Nevertheless, civil society groups were actively involved and some conducted parallel voter tabulation on election day. As in previous elections and due to legal constraints, their representatives had to either register on behalf of political parties or candidates or observe counting as ordinary citizens.

On election day, procedures were generally followed during voting, but BBCs did not always adhere to the legally prescribed steps during counting and tabulation in the DEBs was not always transparent. Party and candidate representatives were present in high numbers, and civil society observers also contributed to the transparency of the process, despite facing some restrictions. Ballots were generally stamped as prescribed by law and ballot validity was almost always determined in a reasonable and consistent manner. The IEOM observers faced some restrictions during observation, and their negative assessments were frequently linked to the presence of unauthorized persons, often police, who sometimes interfered in the process.

PRELIMINARY FINDINGS

Background

Following a proposal by the ruling Justice and Development Party (AKP) and the Nationalist Movement Party (MHP), on 20 April the Grand National Assembly (parliament) announced early presidential and parliamentary elections for 24 June. The elections were held under an ongoing state of emergency declared after the failed coup attempt of 15 July 2016, which left 251 casualties and over 2,000 people injured. Since mid-2016, law enforcement bodies have conducted ongoing nationwide operations against citizens allegedly

associated with the accused organizers of the coup attempt. Subsequently, under emergency decrees, there were mass arrests and the prosecution of over 100,000 persons and dismissals of over 150,000 civil servants including one-third of the judiciary.¹ According to the government, 40,000 civil servants have subsequently been reinstated. In addition, a large number of media outlets were closed down and journalists arrested.² ODIHR EOM interlocutors as well as international organizations expressed concerns about conducting elections under emergency rule as potentially jeopardizing the integrity of the election process.³

The outgoing parliament comprised the AKP with 316 seats, the Republican People's party (CHP) with 131 seats, the People's Democratic Party (HDP) with 47 seats, the MHP with 35 seats, the Good Party (IYI) with 6 seats, and 2 independent members. Following the stripping of immunity of 154 MPs in May 2016, 9 HDP MPs are in prison and the seats of 11 MPs were revoked. In the outgoing parliament, 13.8 per cent of the members were women.

Constitutional amendments adopted through the referendum on 16 April 2017 will fully come into force after these elections introducing a change from a parliamentary to a presidential system. It will give the president extensive authority and reduce parliamentary oversight and the independence of the judiciary.⁴ Opposition parties opposed this change and challenged the referendum result.

Electoral System

The president is directly elected for a five-year term and may serve up to two terms, with a possibility of a third term if an early presidential election is called while the second term is being served.⁵ If no candidate receives the absolute majority of valid votes in the first round, a second round between the top two candidates is held two weeks later.

The members of the 600-seat unicameral parliament are elected for a five-year term through a proportional system in 87 multi-member constituencies with closed party lists or as independent candidates.⁶ Election coalitions are now allowed, but joint lists and logos are not. The ballot format envisaged that votes are cast for a specific political party, not a coalition as a whole. However, any votes within the frame of the coalition but not clearly cast for a particular party were labelled as "joint votes" and allocated to the parties in the coalition proportionately to the votes clearly cast for them.⁷ To be eligible for seat distribution, coalitions and parties running separately must surpass a national ten percent threshold, the highest among OSCE and Council of

¹ The 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 with their assets seized or transferred to public institutions.

² See [Joint Statement](#) by the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and the OSCE Representative on Freedom of Media (RFoM), 28 July 2016.

³ The UN High Commissioner for Human Rights issued a [statement on 9 May 2018](#) noting that "protracted restrictions on the human rights to freedom of expression, assembly and association are incompatible with the conduct of a credible electoral process" 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 PACE. Turkish authorities [refuted](#) the statement of the UN High Commissioner for Human Rights on 9 May.

⁴ The European Commission for Democracy through Law (Venice Commission) [Opinion](#) on the amendments to the Constitution of the Republic of Turkey (Opinion on the constitutional amendments) adopted on 10-11 March 2017 critically assessed the constitutional amendments. The opinion concluded that the amendments "lead to an excessive concentration of executive power in the hands of the President and the weakening of parliamentary control of that power." Specifically with respect to the independence of the judiciary, notes that "in a presidential system, important supervisory and control powers fall on the judiciary. The judiciary has to be fully independent from the legislative and, especially, from the executive power and has to be able to check, and if necessary strike down, acts adopted by the parliament and the president. The draft amendments do not seem to be conducive to such a situation."

⁵ This will be the second direct presidential election; prior to 2014 the president was selected by parliament. The possibility for a *de facto* third term was introduced by the 2017 constitutional amendments. The amendments also repealed a provision that required the president to sever any party relationship.

⁶ Under the 2017 constitutional amendments the number of seats was increased from 550 to 600 and the term increased from four to five years. Constituencies have between 1 and 35 seats.

⁷ Various opposition parties criticized that the system was designed to favor parties running in coalitions.

Europe states. Moreover, various opposition parties denounced that the threshold itself was not lowered despite their long-standing appeals the case-law of ECtHR and the recommendation of international organizations.⁸

Constituencies correspond to the administrative boundaries of the 81 provinces, except Ankara, Bursa, Istanbul and Izmir provinces, which are split into two or more constituencies. As a result of the increase in parliamentary seats and in accordance with the law, in June 2017 the SBE created two additional constituencies. The party representatives at the SBE were consulted on the boundaries, but technical experts were not involved and there were no public consultations. In April, the SBE redistributed the seats based on a legislated formula, which itself significantly undermines the equality of the vote.⁹ As the result, the maximum deviations from the average number of registered voters per seat were 67 percent below the average in Tunceli and 25 per cent above in Adana.¹⁰

Legal Framework

The elections were primarily regulated by the 1982 Constitution, 1961 Law on Basic Provisions for Elections and Voter Registers (Law on Basic Provisions), 1983 Law on Parliamentary Elections, 2012 Law on Presidential Elections and 1983 Law on Political Parties. The regulations and decisions of the SBE supplement the legal framework. Some of the SBE decisions on party eligibility, candidate registration and relocation of polling stations were not in line with the legislation. Previous ODIHR recommendations for addressing key gaps and shortcomings, including on the method of seat allocation, party eligibility, voter and candidacy rights, campaign finance, non-partisan observation, and election dispute resolution, have not been addressed.

The constitution does not sufficiently guarantee the rights and freedoms that underpin democratic elections, as it focuses on bans and prohibitions for the protection of the state and permits legislation to establish further undue limitations. In addition, under the Law on State of Emergency, government decrees and governor's decisions may further restrict fundamental freedoms. In several provinces, particularly in the east and southeast, governors' decisions restricted freedom of assembly and expression, and freedom of movement.¹¹

The 2017 constitutional amendments suspended, for these elections, the provision that any changes to election legislation cannot be applied to elections held within one year from their adoption. This enabled significant legal revisions to be made in March and April, shortly before the elections, which does not provide for stability of the legal framework contrary to the international good practice.¹² Key amendments legalized election coalitions and introduced a number of changes to election procedures which removed important safeguards and were widely seen as favouring the ruling party.¹³ Adopted in a hasty manner without

⁸ See the case of *Yumak & Sadak v. Turkey* from 30 January 2007.

⁹ Paragraph 21 of [General Comment No. 25](#) to Article 25 of the ICCPR provides that “the principle of one person, one vote, must apply, and within the framework of each State’s electoral system, the vote of one elector should be equal to the vote of another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of votes or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely.”

¹⁰ According to section I.2.2.2 of the [Code of Good Practice](#), seats must be evenly distributed among the constituencies and the permissible deviation from the norm should not be more than 10 per cent, and should not exceed 15 per cent except in special circumstances.

¹¹ Bans on assembly and expression first introduced in 2016 were still effective in Hakkari, Van, Mardin, Artvin and Eskisehir provinces. For instance, the bans restricted public meetings, demonstrations, setting up political parties. In an additional 14 provinces, the holding of public meetings throughout the state of emergency was subject to permission of the governor. In Tunceli, there was a complete ban on public events including distribution of leaflets, and holding press conferences requires permission. In Bitlis a broad curfew applied in one district.

¹² Section II.2.b of the [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.”

¹³ The amendments, for example, replaced political party representatives with civil servants as chairs of the BBCs, legalized the moving and merging of polling stations on security grounds, authorized the assignment of voters residing in the same building to different BBCs, increased the authority of law enforcement to be present in and around polling stations, and repealed the provision on the invalidity of unstamped ballots.

consultations, the amendments were widely criticized by opposition parties and civil society.¹⁴ CHP unsuccessfully challenged some of the amendments in the Constitutional Court.¹⁵

In April, after the elections were called, another set of amendments to the election legislation was hastily adopted with the stated aim to harmonize the election legislation with the 2017 constitutional amendments.

Election Administration

Elections are administered by a four-level structure mirroring the administrative division of the country. The SBE had the overall responsibility for the regulation and conduct of elections. It is a seven-member permanent body composed of senior judges appointed for a six-year term. Each of the 81 provinces has a provincial election board (PEB) composed of three senior judges who serve two-year terms. The four political parties that received the highest number of votes in the last parliamentary elections used their right to appoint a non-voting member each to the SBE and PEBs. PEBs announce constituency candidate lists, tabulate DEB results in the province and decide on objections against DEB decisions. The 1,082 district election boards (DEBs) serve two-year terms and were chaired by the most senior judge in the district. They further comprised two civil servants and representatives with full voting rights of the four most voted political parties in the district. DEBs tabulate results at district level and decide on complaints related to BBCs. The DEBs appointed 180,064 ballot box committees (BBCs) to organize voting and counting.

The election administration carried out technical preparations in an efficient manner, despite the tight election calendar. However, despite significant changes to the election procedures, the SBE did not produce manuals or voter education materials claiming lack of time ahead of the early elections. The DEBs provided training to civil servants but not party nominated members of the BBCs.

Several ODIHR EOM interlocutors expressed a lack of confidence in the impartiality of the election administration. The transparency of the election administration was limited due to the holding of closed sessions and the lack of legal requirements to publish decisions in a systematic and timely manner. Although the SBE was under a new legal obligation to upload decisions on its website, it did not post all of its decisions.¹⁶ Generally, SBE published its decisions without providing the legal reasoning behind them.

BBCs consist of seven members – two civil servants and representatives of the five most voted political parties in the district. All BBCs were for the first time chaired by a civil servant, selected by a lottery, rather than by a political party nominee as in previous elections. Contrary to the law, in several instances a lottery was not conducted; the governor or the DEB appointed the civil servants.¹⁷ Some BBCs were appointed after the legal deadline. For the first time, mobile BBCs were established, enabling voting of 17,366 bedridden voters.

Upon governors' requests based on security considerations, the SBE relocated and merged a number of

¹⁴ The SBE was also not formally consulted on the amendments.

¹⁵ The petition challenged the constitutionality of almost all of the changes to the election procedures on grounds they violated the constitutional right to vote and to be elected and to engage in political activity. The court [decision](#) was issued on 31 May; of the 17 judges on the panel, 2 dissented holding an opinion that three of the adopted amendments were unconstitutional.

¹⁶ Overall, out of some 627 decisions, 74 were posted. Decisions were usually uploaded with one or two weeks delay; some were not posted at all. For instance, not all SBE decisions on relocation of polling stations, or decisions on registration of political parties and candidates were uploaded. Decisions on complaints were not published, with the SBE explaining this by privacy concerns overriding the public nature of the electoral process.

¹⁷ For example, in DEBs Mersin-Akdeniz, Etimesgut (Ankara) and Kastamonu civil servants were appointed to BBCs without a lottery. HDP Mardin complained to the PEB Mardin that in Yeşilli district 19 selected civil servants resigned to be later replaced by relatives and supporters of the AKP candidate for Mardin. The complaint was refused consideration by PEB Mardin and the SBE.

polling stations affecting some 120,000 voters in 16 provinces.¹⁸ Several ODIHR EOM interlocutors noted that the affected communities opposed these measures. The SBE did not publish the numbers and locations of the BBCs moved, the number of voters affected or the justification for these decisions. The SBE considered and granted relocation requests after the legal deadline of 24 May and granted DEBs the right to reallocate polling stations until one week prior to the election.¹⁹ The changes resulted in some voters having to travel several kilometers to vote, and voters were not informed in a systematic manner of their new place of voting.²⁰ Some ODIHR EOM interlocutors expressed concerns that these measures aimed at lowering the turnout of voters in areas considered to be HDP strongholds. Stakeholders lodged complaints to the SBE against its decisions and DEB decisions to relocate polling stations in some constituencies.

Voter Registration

Citizens over 18 years of age have the right to vote, except conscripts, cadets, and prisoners convicted of intentional crimes, regardless of the severity of the crime. This is not in line with paragraph 7.3 of the 1990 OSCE Copenhagen Document and other international obligations.²¹ In 2013 and 2014, the European Court of Human Right (ECtHR) ruled that the ban on prisoners is too broad and in breach of the right to free elections.²² Subsequently, the SBE has been issuing for every election or referendum a decision permitting convicts not in prison to vote even if the sentence is not fully served.

The voter registration system is passive. Some 56.3 million voters were registered to vote in country and some 3 million abroad.²³ The permanent central voter register is maintained by the SBE and linked to a civil and address registry, operated by the Ministry of Interior (MoI). Data on ineligible voters is provided by the Ministry of Justice and the Ministry of Defence. Voter registration is based on a personal identification number, which is linked to the voter's place of permanent residence. A recent legal amendment allowed the DEBs to assign voters to polling stations other than those corresponding to their address, on grounds of protection of the secrecy of vote, but the number of voters affected is not publicly available. Special voter lists were compiled for out-of-country voters and for eligible imprisoned and detained voters.²⁴ Internal migrants and homeless people could vote only if registered at an address. The SBE issued a decision enabling voter registration for nomadic people living in tents in one DEB.

Voter lists could be publicly reviewed between 2 and 12 May – voters could verify data for themselves and those registered in the same building at the respective DEB, or online. Eligible political parties had access to the preliminary and final voter lists on a special electronic portal and were able to challenge and request changes. The SBE made 679,182 address changes on voter lists. No changes were possible after 20 May, but

¹⁸ Nineteen governors filed such requests; the SBE rejected 3 requests in the provinces Adiyaman, Erzincan and Erzurum and approved requests in the other 16 provinces. The SBE's decisions on granting some of the requests for relocation were not unanimous. During the November 2015 parliamentary elections, the SBE adopted a decision that the relocation of polling stations, even for security reasons, was unconstitutional and a breach of international standards on the right to vote.

¹⁹ The SBE decided to grant DEBs these powers based on the law on local elections, which is not applicable in these elections. A DEB in Mardin asked the SBE to clarify its decision, and the DEB in Van refused the authority that the SBE granted to them.

²⁰ The HDP and some heads of villages and neighborhoods lodged four complaints concerning relocations in Mardin and Sanliurfa. The SBE overturned the relocations by a DEB in Mardin.

²¹ Paragraph 7.3 states that the participating States will “guarantee universal and equal suffrage to adult citizens,” while paragraph 24 provides that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law.” Paragraph 14 of [General Comment No. 25](#) to Article 25 of the ICCPR states that grounds for deprivation of voting rights should be “objective and reasonable” and “if conviction for an offence is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offence and the sentence.” Also see paragraph 58 of the [Recommendation CM/REC\(2010\)4](#) of the Council of Europe Committee of Ministers on human rights of members of the armed forces, which states that “Any restrictions on the electoral rights of members of the armed forces which are no longer necessary and proportionately in pursuit of a legitimate aim should be removed.”

²² See ECtHR judgments [Soyler v. Turkey](#) from 2013 and [Murat Vural v. Turkey](#) from 2014.

²³ Out-of-country voters could vote at 3,379 BBCs in 60 countries from 7 to 19 June. Ballots cast abroad are returned and counted by 1,165 BBCs at a specially-designated DEB in Ankara. Out-of-country voters could vote in both elections but could not vote for independent candidates to parliament.

²⁴ Some 85,000 prisoners convicted of non-intentional crimes were registered to vote in 493 BBCs in 317 prisons.

eligible voters not on preliminary voter lists could register to vote at BBCs on election day provided they had a DEB certificate. Overall, stakeholders expressed confidence in the quality of the voter lists.

Party and Candidate Registration

Citizens over the age of 18 with primary education are entitled to stand for election to parliament. Presidential candidates must be at least 40 years of age and have a higher education. Those deprived of their legal capacity are not eligible to stand in either election. Citizens may not stand for election if they have not fulfilled their military service or are currently doing it, if they have been barred from public service and if they had been convicted of a non-exhaustive list of a broad range of crimes, including minor criminal offences, even if pardoned.²⁵ Convicts' right to stand can be restored under certain conditions.²⁶ These restrictions (other than the age requirement) are discriminatory and incompatible with paragraph 7.5 of the 1990 OSCE Copenhagen Document.²⁷ Judges, prosecutors, military officers and public servants must resign to stand and may not resume office if not elected.

In line with previous ODIHR recommendations, the recent amendments introduced a provision for independent presidential candidates and to some extent loosened eligibility criteria for parties to nominate candidates. Presidential candidates may be nominated by one or more parties that received at least five per cent of the votes in the last general elections. Independent candidates must submit supporting signatures of 100,000 voters after submitting a deposit of TRY 139,160, refundable only to those registered.²⁸ Parliamentary candidates may be nominated by political parties on closed party lists or stand independently, the latter by paying a deposit of TRY 13,916 refundable only to those elected.

Six presidential candidates, including one woman, were registered by 13 May.²⁹ Incumbent President Recep Tayyip Erdoğan was nominated by the AKP, Mr. Muharrem İnce – by the CHP, Mr. Selahattin Demirtaş – by the HDP, while Ms. Meral Akşener (İYİ), Mr. Temel Karamollaoğlu (Felicity Party) and Mr. Doğu Perinçek (Vatan) ran as independent candidates. Several complaints were filed on deficiencies in the signature collection process, including disqualification of supporting signatures from out-of-country voters, as well as citing a short timeframe, insufficient and inadequate locations for voters to provide signatures and intimidation of voters wishing to sign for independent candidates.³⁰

In order to contest parliamentary elections, parties must either have a parliamentary group of at least 20 MPs or have an organizational structure in at least half of the provinces and one third of the districts in each of those provinces and must have convened a party congress six months prior to the elections. In addition, parties must submit full candidate lists in at least half of the provinces.

²⁵ Those who have been sentenced to a prison term of at least one year for intentional offences; those convicted for dishonorable offences such as embezzlement, corruption, bribery, theft, fraud, forgery, breach of trust, fraudulent bankruptcy, smuggling, conspiracy in official bidding or purchasing, disclosure of state secrets, involvement in acts of terrorism or incitement and encouragement of such activities, even if they have been granted amnesty.

²⁶ The Judicial Records Law, states that convicts' candidacy rights may be restored after a minimum three-year period after full execution of the sentence, proof of "living a good life" and no new convictions for any crime. Following a 15-year period, convicts' criminal records are deleted.

²⁷ [Paragraph 7.5](#) of the 1990 OSCE Copenhagen Document states that participating States will "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination." Paragraph 15 [General Comment No. 25](#) to Article 25 of the 1960 ICCPR, Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation.

²⁸ Approximately 26,000 EUR (1 EUR=5.3 TRY). One prospective candidate lost his deposit after he was unable to collect the required number of signatures.

²⁹ Out of the 14 applicants, 8 were not registered: 3 applicants failed to pay the deposit and submit all documentation, 1 failed to collect the required amount of signatures and 4 applied after the deadline.

³⁰ These deficiencies potentially deprive independent candidates of the opportunity to stand. Complaints were filed to the SBE by Felicity, Vatan, IYI and a prospective independent candidate. The MHP leader stated that voters who sign for independent candidates must be screened for possible links to terrorist organizations.

Of the 86 registered parties, the SBE considered 11 eligible to run.³¹ The rest were deemed ineligible for lacking sufficient organizational structure, including for not holding all of their local congresses six months prior to the elections. The latter was based on a restrictive interpretation of the law introduced by the SBE in January 2018; it resulted in retroactive disqualification of two parties that had not held their local congress by 24 December 2017. Ten rejected parties requested the SBE to reconsider their eligibility to contest the elections and one, the Free Cause Party, was allowed to run. Eventually, a total of eight parties ran for parliament. Two election coalitions were registered by the SBE: the People's Alliance comprised of the AKP and MHP, and the Nation's Alliance uniting the CHP, İYİ and Felicity. Three parties contested the election outside of a coalition – the HDP, Free Cause Party and Vatan.

The law does not envisage gender quotas.³² Women constituted 996, or 20.5 per cent, out of the 4,851 registered candidates for parliament with few in higher spots.³³ Some 77 party nominated candidates were deemed ineligible by the SBE due to past convictions.³⁴ Out of a total of 78 nominated independent candidates, 68 were registered to stand in 35 constituencies, namely 57 men and 11 women. Four were rejected for not meeting the eligibility criteria and six withdrew. Nevertheless, voters were provided with a broad range of political alternatives offering a genuine choice.

Campaign Environment

The law aims at ensuring a fair and equitable campaign but establishes two campaign periods with different campaign rules. Stricter regulations and broader equitable campaign principles applied only during the official campaign period, which began 10 days before election day and ended at 18:00 on 23 June.³⁵ This leaves the larger campaign process under-regulated and does not ensure a fully level playing field. The law outlining the stricter campaign rules does not apply to the incumbent president and thus gives him favourable campaign conditions.³⁶

The campaign was energetic as contestants used a variety of traditional campaigning means such as rallies, campaign stands, posters, banners, flags, canvassing and vehicles with loudspeakers.³⁷ Such themes as the economy, the move towards a presidential system, the fight against terror and emergency rule, unemployment, and education dominated the campaign. Contestants used social media to attract youth as well as to overcome restrictions on assembly imposed in some provinces. Languages other than Turkish as well as sign language were used in the campaign. As the campaign coincided with the month of Ramadan, some contestants used the traditional *iftar* dinners and late evening hours to campaign despite a ban on campaign rallies after dark.³⁸ Despite a prohibition by law, some contestants campaigned abroad.³⁹

The tone of the presidential campaign was confrontational reflecting the general polarization in the society. While all candidates used emotionally charged rhetoric against each other, the incumbent president repeatedly

³¹ SBE decisions of 22 and 25 April deemed eligible the AKP, Independent Turkey Party (BTP), Grand Union Party (BBP), CHP, Democratic Party, HDP, İYİ, MHP, Felicity, Vatan and Free Cause.

³² In 2017, CHP MPs submitted a bill to parliament proposing a 33 per cent gender quota for candidate lists.

³³ The HDP nominated 229 women candidates, İYİ – 159, Vatan – 145, CHP – 136, AKP – 126, MHP – 76, Felicity – 70, Free Cause – 44.

³⁴ Of those, 30 had been nominated by the HDP, and 10 were eventually registered. The HDP claimed that the court delayed issuing the declarations to 20 of the HDP candidates beyond the legal deadline. Two HDP and one CHP candidate were rejected by the SBE on grounds they did not have political rights due to past convictions despite court declarations that confirmed the contrary. The SBE dismissed a complaint against the registration of an AKP candidate whose conviction for fraud was alleged to bar him from contesting the election.

³⁵ In the 10-day period the law explicitly prohibits the misuse of state resources, all public ceremonies (with some exceptions), speeches on government works, and bans the Prime Minister, Ministers and members of parliament from using public vehicles and civil servants while campaigning.

³⁶ The campaign rules have not been updated since the introduction of the direct presidential election system and repeal of the non-partisan nature of the office of the president.

³⁷ The ODIHR EOM observed 33 campaign rallies organized by election contestants.

³⁸ On 9 June, the CHP had a night rally in Istanbul; on 6 and 10 June, the AKP had night rallies, also in Istanbul.

³⁹ On 20 May, President Erdoğan had a campaign rally in Bosnia and Herzegovina. On 31 May, the CHP candidate visited Greece and Bulgaria for his campaign events. HDP had two campaign events on 26 May in Cologne and 2 June in Paris.

referred to other candidates and parties as supporters of terrorism.⁴⁰ On 28 May, the incumbent president launched a criminal complaint and a civil lawsuit, including for insult, against the CHP candidate for statements he made in a campaign speech; on 9 June, the CHP candidate filed a lawsuit against the incumbent for slander and grave insult.⁴¹ The HDP presidential candidate was in detention during the campaign and could not use his right to campaign freely.⁴²

During the campaign a number of incidents occurred, some violent. A significant number of attacks on party and campaign premises mainly affected the HDP, but also CHP, Felicity Party and İYİ Party.⁴³ The HDP informed the ODIHR EOM about detentions of some 375 party activists, obstruction of campaign activities, police monitoring and harassment, and being subject to selective application of campaign rules.⁴⁴ On 12 June the incumbent president stated that, according to information received from intelligence sources, those attending the CHP rally were HDP members.⁴⁵ On 14 June the incumbent president instructed AKP members to identify HDP voters in their respective neighbourhood and “keep a close watch on them.” Such pressure on and intimidation of contestants and supporters contributed to an atmosphere of fear and raise concerns about their equality of opportunity and ability to campaign in a fair and free atmosphere as required by the 1990 OSCE Copenhagen Document and Venice Commission Code of Good Practice.⁴⁶ On 14 June, a violent shooting incident in Suruc between AKP campaigners and local shop-keepers, some of whom were HDP supporters, left four people dead and eight injured.⁴⁷

⁴⁰ On 6 June in Mugla, the incumbent referred to the HDP presidential candidate as a terrorist, and to the CHP presidential candidate as a supporter of terrorism. Similar messages occurred in his campaign speeches on 7 June in Mersin and on 10 June in Denizli. On 8 June in Karabük, the CHP presidential candidate accused the president of supporting terrorists.

⁴¹ In a televised [interview](#) on 24 May, the CHP candidate claimed that before establishing the AKP, Mr. Erdoğan had visited Mr. Fetullah Gülen in Pennsylvania, which the incumbent president considered an insult. In his campaign [speech](#) in Kayseri on June 8 the incumbent president said that the CHP candidate “gets permission from Pennsylvania.”

⁴² On 21 May, Mr. Demirtas petition for release to campaign was denied by a local court, and a subsequent appeal was dismissed. A further appeal to the Constitutional Court lodged on 29 May was left undecided before election day. On 30 May, the Ministry of Justice denied his request to give phone interviews with journalists and his request to participate in four rallies in different cities in the last week of the campaign was denied.

⁴³ The CHP, HDP, Felicity and İYİ informed the ODIHR EOM about numerous attacks on campaign offices, vehicles and stands, and obstructions of rallies in Adana, Ankara, Bolu, Bursa, Diyarbakir, Erzurum, Gaziantep, Istanbul, Izmir, Kocaeli, Konya, Manisa, Tarsus, Ordu and Van. The HDP reported 97 campaign incidents. According to the Ministry of Interior between 20 April and 21 June, a total of 251 politically-related incidents occurred (78 HDP, 75 AKP, 38 İYİ Party, 32 CHP, 10 MHP, 14 Felicity Party, 2 Patriotic Party, 2 Free Cause Party). Following an incident involving activists of Felicity Party and MHP on 26 May in Ankara, the prosecutor opened a criminal investigation. On 12 June following an attack on CHP office in Konya, police launched an investigation and informed ODIHR EOM that around 40 people supposedly from AKP youth branch were involved in the attack. On 9 and 11 June İYİ Party campaign buses were attacked in Izmir.

⁴⁴ Police in Ankara, Manisa, Istanbul and Bursa confirmed to ODIHR EOM the incidences of violence and vandalism against the HDP. On 17 May, the Ankara Governor [initiated an investigation](#) against a police officer who allegedly disrupted the HDP campaign in central Ankara. On 5 June in Bolu, MHP activists allegedly took down and burnt the flags from the HDP party office; the police and the prosecutor launched an investigation. On 5 June in Ceylanpinar police dismissed HDP rally by using pepper spray, although rally was approved. On 7 June, the HDP cancelled its campaign rally in Ankara after the governorship stated they were not able to guarantee the security of the rally due to the proximity of an AKP rally. On 6 June in Baskale district in Van province, HDP flags were removed from the street by police, while on the same day ODIHR EOM observed AKP flags on the main street of Van that remained from the previous day’s rally. On 20 June, some 10 HDP supporters of which 6 BBC members were detained by the police in Inegol and Osmangazi on terrorism charges; some of whom were released later. The law obliges contestants to remove campaign materials as soon as a rally is over.

⁴⁵ The incumbent president’s [speech](#) in Eskisehir on 12 June. Police have the right to openly film rally participants.

⁴⁶ [Paragraph 7.7](#) states that participating States will “ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution.” According to section I.2.3.a of the Code of Good Practice, “Equality of opportunity should be ensured between parties and candidates and should prompt the state to be impartial towards them and to apply the same law uniformly to all.”

⁴⁷ One of the casualties was the brother of AKP member of parliament and the other three were HDP supporters. According to the media, 19 HDP activists and one HDP candidate for parliament were detained.

During the campaign period, the president inaugurated 5 completed projects.⁴⁸ Contrary to the law, several government officials publicly praised AKP government's achievements during the last 10 day of the campaign.⁴⁹ Municipal transport was used to transport people to rallies of the ruling party. There were reports about instances when military personnel and judges engaged in campaigning, which is against the law.⁵⁰ On 11 May, the parliament passed a bill proposed by the Council of Ministers giving premiums to retired people.⁵¹ These instances of misuse of administrative resources by the ruling party did not provide for level-playing field and were contrary to paragraph 5.4 of the 1990 OSCE Copenhagen Document, which provides for a "clear separation between the State and political parties."

Campaign Finance

Presidential candidates are not entitled to public funding and can only receive donations from Turkish citizens up to TRY 13,916 for each round. Donations by legal entities and from foreign sources, as well as loans, are prohibited. There is no campaign expenditure ceiling and no sanctions for irregularities. Donations over TRY 2,000 and all expenditures have to be made through a bank account. Candidates must deliver property declarations to the SBE together with their nomination papers, and within 10 days of the final results submit a campaign finance report on incomes and expenditures. Neither the reports nor the property statements are published.⁵² The law does not require any interim financial reports before the elections. The SBE is mandated by law but in practice the Court of Accounts audits the reports.⁵³ The law does not prescribe any sanctions for irregularities other than transfer of unspent donations and those over the permissible limit to the State Treasury.

Political parties that received at least three per cent of votes in the last parliamentary elections are entitled to annual public funding on a proportional basis, as well as campaign funding but only for regular elections. In addition, parties are financed from membership fees and private donations. Donations from public legal entities, state and public organizations and foreign sources are prohibited.⁵⁴ An individual may donate up to TRY 44,000 annually to a party. There is no ceiling for annual party and campaign-related expenditure. Parties declare their campaign funds solely through annual financial reports; these reports do not include incomes and expenditures incurred by candidates nor by third-parties. The Constitutional Court audits the reports but only publishes the auditing results several years later.⁵⁵ Independent candidates declare their campaign funds through personal tax declarations. Sanctions for breaches include warnings, imprisonment from three months to three years, monetary fines and dissolution of the party.

Overall, the legislation does not contain comprehensive regulations on party and campaign finance. In addition, the lack of substantial and pro-active oversight reduces the transparency, integrity and accountability of political finance.⁵⁶ Council of Europe's Group of States against Corruption (GRECO), concluded in its most recent report that the situation "of transparency of party funding is disappointing."⁵⁷

⁴⁸ The inauguration ceremonies took place on [May 30](#), [2 June](#), [7 June](#), [12 June](#) and [13 June](#). In addition, the official website of the president was used to report on the incumbent's campaigning activities.

⁴⁹ The Minister of Education, the Minister of Justice, the Deputy Prime Minister and Prime Minister spoke about past achievements on various television channels between 18 and 20 June.

⁵⁰ On 8 June, a State Council judge posted a tweet criticizing the CHP presidential candidate. On 1 June, an army commander applauded the incumbent president's critical remarks about an opponent candidate at an *iftar* dinner. Although the president denied describing the event as being campaign-related, [video](#) footage shows him speaking in front of a banner with the AKP campaign logo. Article 154 of the Law on Basic Provisions foresees criminal liability for military personnel and judges who engage in campaign activity or encourage or influence others who are campaigning.

⁵¹ The CHP considered the adoption of the law a form of vote-buying on behalf of the ruling party.

⁵² Only the property statement of the elected president is to be published in the Official Gazette.

⁵³ The SBE is required to complete auditing, determine irregularities and announce the results of auditing within two months.

⁵⁴ Parties may not engage in commercial activities and may not take loans or credit.

⁵⁵ The latest published results are on the 2014 reports of several smaller parties.

⁵⁶ Only three out of the 800 auditors of the Court of Accounts are mandated with auditing party and campaign finance. The Constitutional Court and the SBE, the two institutions mandated with oversight do not have expertise to conduct auditing.

⁵⁷ See also [GRECO's Fourth Evaluation Round, Interim Compliance Report](#), 8 December 2017.

Media

The media landscape is dominated by outlets whose owners are considered affiliated with the government or depend on public contracts, which limits the diversity of available views.⁵⁸ Television remains the main source of information, but the Internet penetration rate is 66.8 per cent (2017) and growing, and 80.7 per cent of households had access to Internet.⁵⁹ Social networks have become an important source of news, but primarily in urban areas.⁶⁰ Since 28 May, some 2,600 social media users were investigated for support of terrorism, using hate speech against the unity of the state and the security of the society and 894 have been legally charged.⁶¹

The Constitution contains a general provision regarding the right to freedom of expression, but also restrains it by allowing restrictions on media, including under Anti-Terror and Internet Laws. The Criminal Code contains broad defamation provisions, including for offending the nation and the State, public officials and the president. The OSCE RFoM has repeatedly called on the authorities “to engage in a fundamental reform of the laws that criminalize journalistic work, including the Press Law, provisions of the Criminal Code and the Anti-Terror Law.”⁶²

The legal framework obliges media to present impartial coverage of the campaign and guarantees eligible contestants equal access rights.⁶³ Additionally, during the last seven days of the campaign, parties contesting the parliamentary elections are granted free airtime on the public broadcaster, the Turkish Radio and Television Corporation (TRT). The SBE allowed the HDP presidential candidate in detention, to have his two 10-minute slots, but they were recorded on the same day, which restricted him from commenting on later developments in his second appearance. The IYI and CHP presidential candidates and all CHP parliamentary candidates boycotted the TRT for alleged lack of impartiality. Paid advertising is allowed in all media, including public. TRT was selective in refusing to broadcast a paid advertisement of the CHP on the ground that the Turkish flag was displayed, while at the same time allowing an AKP spot featuring the flag.⁶⁴ The SBE received two media-related complaints and rejected it, stating lack of authority.⁶⁵

While the regulatory body, the Radio and Television Supreme Council (RTSC) claimed to monitor national television channels and radio stations for impartiality of the coverage beginning on 30 April, the SBE decision listing the channels to be monitored was adopted only on 28 May.⁶⁶ To date, none of RTSC’s weekly monitoring reports have been published. The constitution requires the RTSC’s membership to include representatives of each political party with a parliamentary group. Currently, the HDP is left without

⁵⁸ For example, since the ownership of the Doğan Media Group earlier this year shifted to a conglomerate widely considered affiliated with the ruling party, a number of current affairs and political debate programmes were terminated and more than 50 journalists have lost their jobs (See: Bianet.org, t24.com.tr, medya24.com).

⁵⁹ [Information and Communication Technology \(ICT\) Usage Survey on Households and Individuals 2017](#).

⁶⁰ According to [Reuters Institute Digital News Report 2018](#), the Internet penetration rate is 70 per cent. Two-thirds of the urban sample use social media for news. Distrust in the news (40 per cent) is higher than trust (38 per cent).

⁶¹ See the Ministry of Interior’s Weekly Cyber Crime Report covering the periods 28 May to [18 June](#). According to the [Twitter Transparency Report](#), in the period from July to December 2017 Twitter received removal requests for 6,544 accounts and information requests for 2,583 accounts from the Turkish government. A total of 148 Twitter accounts and 322 Tweets were withheld for violations of personal rights and defamation provisions, as well as for violations of the Anti-Terror Law.

⁶² See [OSCE RFoM statement](#) of 7 May.

⁶³ Presidential candidates are entitled to two free airtime slots on public channels that were broadcast on 17 and 23 June. All eligible parties are entitled to two slots of ten minutes each. In addition, parties with parliamentary groups have the right to 10 minutes slots, while ruling AKP and main opposition CHP have the right to additional 20 and 10 minutes, respectively. Independent candidates do not qualify for free airtime.

⁶⁴ The ban on using the Turkish flag and religious symbols applied by an SBE decision in the 2014 presidential election is no longer in force. The decision was made by the TRT board at its own initiative.

⁶⁵ The CHP demanded the resignation of the Chief Executive Officer of TRT for bias. The SBE claimed it has never had any sanctioning power over TRT.

⁶⁶ With its decision 621 of 28 May, the SBE ratified a list of 156 national television channels and 22 radio stations which the RTSC had to monitor for their campaign coverage during the election period.

representation as after the expiry of its member's term in November 2017.⁶⁷ The imbalance in the composition of its board brings into question the ability of the RTSC to perform its oversight role in an impartial manner. In February, a 2017 government emergency decree that repealed the SBE's power to sanction private media for unbalanced and biased campaign coverage was adopted by parliament. This, combined with inactivity of the RTSC, left media campaign coverage essentially without effective oversight.

The ODIHR EOM conducted monitoring of five television channels (*TRT1*, *Show TV*, *Fox TV*, *CNN Türk* and *A Haber*), as well as five newspapers (*Hürriyet*, *Sabah*, *Sözcü*, *Cumhuriyet* and *Milliyet*). Patterns of coverage for the presidential and parliamentary contestants were rather similar with the AKP and the incumbent being covered more often and more favourably. The share of coverage received by the HDP was higher than that of its presidential candidate, and whenever Mr. Demirtaş was covered, it was either predominantly or exclusively in a negative tone.⁶⁸ Coverage of Felicity Party, Vatan and Free Cause Party and their respective presidential was significantly lower, if the channels chose to cover them at all.

Throughout the campaign period, four of the five monitored television stations (public *TRT1* and private *A Haber*, *CNN Türk* and *Show TV*) favoured the incumbent and the AKP, often covering them jointly and providing them between 33.7 and 58.5 per cent of the total news and current affairs airtime.⁶⁹ In contrast, these channels dedicated between 18.2 and 27 per cent of such coverage to Mr. Ince and between 1.2 and 11 per cent to Ms. Akşener. Their tone was rather balanced with regard to the IYI but predominantly negative for the CHP, especially on *TRT1* and *A Haber*. In fact, *TRT1* dedicated so much negative news and current affairs coverage to Mr. Ince that he was covered more than all other contestants, including the incumbent.⁷⁰ These four channels covered the incumbent predominantly in positive tone.

In contrast, *Fox TV* provided relatively equal amount of coverage to the presidential candidates of the AKP, IYI and CHP, and some to the HDP candidate. The channel covered the incumbent in predominantly negative tone, praised Ms. Akşener and was also relatively positive towards Mr. Ince.⁷¹ In the coverage of the parliamentary contest, *Fox TV* dedicated more airtime to the AKP-led alliance (64.8 per cent), with most of it in negative tone, and gave 20.2 and 13.5 per cent of rather balanced coverage to the CHP-led alliance and the HDP, respectively.

The paid advertising increased the advantage of the incumbent and the ruling party, but also helped the CHP and its candidate to make up for the extensive negative coverage, particularly on the TRT1.⁷²

The monitored print media were split along political lines, as the incumbent president and the governing party received mostly positive coverage in *Hürriyet*, *Sabah*, and *Milliyet*, while the opposition parties and candidates received mostly positive coverage in *Sözcü* and *Cumhuriyet*.⁷³

⁶⁷ RTSC members are elected proportionate to members of each political party's parliamentary group, by the plenary of the parliament. The HDP has filed an administrative lawsuit against the General Office of the parliament claiming violations of a number of procedural rules when they lost their seat on the RTSC; the Ankara Administrative Court dismissed the case for lack of jurisdiction and the decision on appeal has been pending since February in the higher court.

⁶⁸ The share of the HDP and Mr. Demirtaş coverage was 18.4 and 2 per cent on *TRT1*, 14.7 and 2.6 per cent on *A Haber*, 10.5 and 3.2 percent on *CNN Türk*, and 14 and 3.2 per cent on *Show TV*.

⁶⁹ The share of news and current affairs airtime dedicated to the AKP and the incumbent was 35.3 and 49.6 per cent on *TRT1*, 42 and 66.6 per cent on *A Haber*, 45.4 and 59.4 on *CNN Türk*, and 42 and 47.6 on *Show TV*, respectively.

⁷⁰ Half of the total news and current affairs coverage received by Mr. Ince was in negative tone.

⁷¹ In the news and current affairs on *Fox TV*, the incumbent's coverage was in negative tone in 47.6 per cent, Ms. Akşener coverage was positive in 87 per cent, and Mr. Ince was covered positively in 72 per cent of the time he received. Mr. Demirtaş was covered negatively in 38 per cent of his share of time.

⁷² Of the total paid air time on the monitored channels, 24 and 33 per cent were bought by the AKP and the incumbent president, 8.4 and 12 per cent by the CHP and Mr. Ince, 4.6 and 4.8 per cent by the IYI and Ms. Akşener, and 2.1 and 1 per cent by the HDP and Mr. Demirtaş, respectively.

⁷³ In *Hürriyet*, *Sabah*, and *Milliyet*, the AKP and the incumbent received between 47.4 and 61.7 per cent of mostly positive coverage, CHP and Mr. Ince received between 25.6 and 30.6 per cent of mostly positive coverage, the IYI and Ms. Akşener received between 1.6 and 8.5 per cent of generally positive coverage, and HDP and Mr. Demirtaş some 4 percent of mostly negative coverage. *Sözcü* and *Cumhuriyet* gave 13.7 and 21.35 per cent of its space to mostly negative coverage to AKP and Mr. Erdogan, 8 and 18 per cent to mostly positive coverage of CHP and Mr. Ince.

Complaints and Appeals

The legal framework does not fully guarantee effective redress for electoral disputes. Decisions of lower electoral boards can be appealed by all stakeholders except civil society organizations to higher boards, up to the SBE.⁷⁴ Decisions of the SBE are not subject to judicial review, including the decision on the final results and those regulations and decisions that concern constitutionally-protected rights.⁷⁵ This leaves the process and results under the final authority of an administrative body and denies the opportunity for effective judicial remedy in electoral disputes and does not ensure legal integrity, contrary to paragraph 5.10 of the 1990 OSCE Copenhagen Document and international good practice.⁷⁶

In the absence of judicial review, various stakeholders requested the SBE to reconsider some of its decisions. These included requests from parties and candidates banned from running in the elections, those affected by the decisions on relocation of polling stations, and civil society organizations refused accreditation to observe. Most requests were denied without due consideration, while some decisions were reversed.⁷⁷ One prospective presidential candidate tried to challenge in the Constitutional Court the SBE's decision that prevented voters abroad from submitting signatures to support independent candidates, but the application was ruled inadmissible. One party, the Democratic Left Party (DSP) that was barred from the elections, lodged a case directly to the ECtHR on 18 May, as no domestic recourse was available.

While the law does not contain provisions for filing campaign-related complaints, in practice, such petitions are lodged with election bodies, governors and courts. Many interlocutors informed the ODIHR EOM of campaign-related grievances, but few formal complaints were lodged.⁷⁸ Some opposition parties informed ODIHR EOM that they refrain from filing complaints due to a lack of trust in the election administration and law enforcement.⁷⁹

Citizen and International Observers

The Basic Election Law stipulates that the vote count is public and also allows representatives of political parties and candidates to observe voting and counting. Despite previous ODIHR and PACE recommendations, the legislation does not provide for observation by international and citizen observer organizations.⁸⁰ As in previous elections, requests for accreditation from civil society organizations were rejected by the SBE, and their representatives observed as political party nominees or as individual citizens.⁸¹ For these elections, civic observer groups and political parties have increased efforts to mobilize volunteers due to concerns about election day irregularities. Several civic platforms conducted parallel vote tabulation (PVT) on election day.

⁷⁴ With the exceptions that PEB decisions related to the formation of DEBs and BBCs, and DEB and PEB decisions on voter registration are final and cannot be appealed.

⁷⁵ In 2015, the Constitutional Court ruled that the constitutional provision stating that SBE decisions are final and not subject to judicial review also precludes individual petitions to the Constitutional Court against the SBE for alleged violations of fundamental rights and freedoms.

⁷⁶ [Paragraph 5.10](#) states that “Everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.” Section II.3.3.a of [the Code of Good Practice](#) states that “The appeal body should be either an electoral commission or a court. In any case, final appeal to a court must be possible.”

⁷⁷ Free Clause Party was originally denied the right to participate in the elections but was approved on 24 April after its request for reconsideration; requests for relocating polling stations.

⁷⁸ Some 10 complaints to the SBE concerned breach of campaign rules; an overly formalistic approach was taken by the SBE which refused to consider some of these complaints on technical grounds.

⁷⁹ For instance, the main opposition CHP noted that it no longer lodges complaints about what it views as the extensive misuse of administrative resources in the campaign. The HDP noted that its criminal complaints concerning attacks on its campaign activities are not effectively handled by law enforcement and subsequently lodged a complaint with the prosecutor's office on negligence of police officers' duties.

⁸⁰ See [PACE Election observation report, Observation of the referendum on the constitutional amendments in Turkey](#) (Doc. 14327, 16 April 2017).

⁸¹ On 10 May, the SBE rejected the observer application from the Association for Monitoring Equal Rights (ESHID) and on 16 May – the application of the Human Rights Association.

Election Day

IEOM observers assessed the opening of polling stations in a predominantly positive manner (115 of the 121 polling stations observed), although procedures were not always followed. Information about the number of ballots received was not systematically recorded in the logbook as required by law, as also confirmed by observations throughout the day, which is a serious irregularity. In ten per cent of observations, the BBC did not stamp the ballots. Some polling stations observed opened with a slight delay due to late preparations.

Voting was assessed negatively in six per cent of 1245 polling stations observed indicating some procedural problems. Contrary to the SBE instruction which prescribes that 390 and 410 ballot papers be distributed to every rural and urban and polling station, respectively, the number of delivered ballots varied, since they had been weighted at the SBE rather than counted prior to their distribution. As a rule, ballot papers were stamped by the BBCs and only in a few instances observers noted that a voter was given an unstamped ballot. Negative assessments were often given due to the large presence of police and security officers (12 per cent), who in a third of such instances were also interfering in the process. Voting was assessed more negatively in the east and south-east. Although the voting process was generally smooth, group voting was observed in four per cent of polling stations. Overcrowding (six per cent of observations) and inadequate layout (two per cent), at times lessened transparency (two per cent). In at least 15 polling stations, international observers were denied access by police officers or BBC chairpersons. Only 55 per cent of polling stations were considered suitable for independent access for voters with disabilities. Most polling stations closed on time.

Party and candidate observers were present in large numbers throughout election day (in 67 and 91 per cent of BBCs observed during voting and counting, and in 83 DEBs where tabulation was observed). Presence of civil society observers (in 14 cent of observations) contributed to transparency. However, there were also a number of reports about observers being expelled from polling stations.

On election day, in Karacoban district, Erzurum province, chairperson of the IYI Party and a voter were killed outside a polling station.⁸² Campaign activities were noted outside six per cent of polling stations observed, and, despite a prohibition, campaign text messages were sent to voters calling on them to vote for a certain party and presidential candidate.⁸³

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

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

International observers received a copy of results protocols in 67 per cent of counts and 72 per cent of tabulations observed. Results were announced by the media based on the data from the Anadolu agency, sources and veracity of which was questioned by some of the political actors. Preliminary results announced by the SBE at 02:15 matched those released in the media. The voter turnout was reported over 86 per cent.

⁸² A [gunfight broke out outside a polling station](#), allegedly after a group of men attempted to enter with false accreditations.

⁸³ IEOM was informed and showed with text messages advocating to vote for the AKP and Felicity.

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

MISSION INFORMATION & ACKNOWLEDGEMENTS

Ankara, 25 June 2018 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (PA) and the Parliamentary Assembly of the Council of Europe (PACE). All institutions involved in this International Election Observation Mission (IEOM) have endorsed the 2005 Declaration of Principles for International Election Observation.

The assessment was made to determine whether the elections complied with OSCE commitments and Council of Europe standards, other international obligations and standards for democratic elections and with national legislation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the tabulation, announcement of results, the second rounds and the handling of possible post-election day complaints or appeals. The ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its annual meeting in Berlin on 7 July 2018 and PACE will present its report at its meeting in Strasbourg in October 2018.

Mr Ignacio Sanchez Amor was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and Leader of the OSCE short-term observer mission. Peter Osuský headed the OSCE PA delegation. Olena Sotnyk headed the PACE delegation. Ambassador Audrey Glover is the Head of the ODIHR Election Observation Mission (EOM) deployed from 24 May.

The ODIHR EOM includes 15 experts in the capital and 22 long-term observers deployed throughout the country. On election day, 326 observers from 43 countries were deployed, including long-term and short-term observers deployed by the ODIHR, as well as 72 member delegation from the OSCE PA and a 32 member delegation from PACE. Opening was observed in 125 polling stations and voting was observed in 1,245 polling stations across the country. Counting was observed in 124 polling stations, and the tabulation at 97 district election boards.

The observers wish to thank the authorities for their invitation to observe the elections, and the Supreme Board of Elections and the Ministry of Foreign Affairs for the assistance. They also express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

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