

**INTERIM REPORT**  
**24 May – 13 June 2018**

**15 June 2018**

**I. EXECUTIVE SUMMARY**

- On 20 April, the parliament announced early presidential and parliamentary elections for 24 June. These elections will be held under an ongoing state of emergency. The 2017 constitutional amendments will come fully into force after these elections changing the system from parliamentary to presidential.
- Key amendments to the legal framework were adopted in March 2018 to legalize election coalitions and introduce changes to election day procedures. The constitutional amendments suspended the provision that prohibited changes to election legislation within one year of an election. Some of the changes were unsuccessfully challenged by the opposition political parties to the Constitutional Court.
- Members of parliament are elected for a five-year term either from closed party lists or as independent candidates. To be eligible for seat allocation, parties and coalitions must surpass a national ten percent threshold. The president is directly elected for a five-year term. If no presidential candidate receives the absolute majority of valid votes in the first round, a second round between the top two candidates will be held on 8 July.
- Elections are administered by a four-level structure comprising the Supreme Board of Elections (SBE), 91 provincial and 1,082 district election boards (PEBs and DEBs) as well as 180,064 ballot box committees (BBCs) operating in 54,742 polling stations. Apart from a two day delay in the formation of BBCs, the election administration is so far on track with technical preparations. Decisions of the SBE are final and not subject to judicial review.
- The voter registration system is passive. Some 55.3 million voters were registered to vote in country. Over 3 million voters abroad will vote at 3,379 BBCs in 60 countries.
- Six presidential candidates, including the incumbent, were registered. The law now allows for independent presidential candidates in line with previous ODIHR recommendations. Political parties need to satisfy a number of requirements to contest the elections. Eight parties will run for parliament; requests by ten parties to be considered eligible were rejected by the SBE. A total of 4,851 party and independent candidates, of whom 20.5 per cent are women, are competing for 600 seats in parliament.
- Although contestants can start campaigning once they are registered, the official campaign period begins on 14 June and ends on 23 June, which is when stricter campaign rules apply. Thus far, contestants have campaigned extensively. One of the six presidential candidates remains in pre-trial detention. The state of emergency powers exercised by governors in several provinces has led to restrictions on freedom of assembly, association and expression.
- Political parties that received at least three per cent of votes in the last parliamentary elections are entitled to annual public funding. While parties can receive public and private funding, presidential candidates may only receive private donations. The Court of Accounts assists the Constitutional Court and the SBE in auditing campaign finances. The law does not require interim reports before the elections.

- 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. Recently, legal changes were introduced with regard to regulation of online media. According to the legislation, media must provide impartial coverage of the campaign and equal access for contestants. SBE powers to sanction media have been repealed and media monitoring reports of the Radio and Television Supreme Council are not made public. On 27 May, the ODIHR EOM began monitoring five national television channels and five newspapers, and is following the election coverage in three online media outlets.
- Election observation by international and citizen observers is not provided for in the law; only representatives of contestants are allowed to observe voting. Efforts by civic groups to field observers as political party nominees or as individual citizens are underway. The SBE has accredited ODIHR observers and has assured full co-operation.

## **II. INTRODUCTION**

Following an invitation from the authorities of the Republic of Turkey, and based on the recommendations of the needs assessment mission (NAM) conducted from 8 to 10 May, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 24 May to observe the 24 June early presidential and parliamentary elections.<sup>1</sup> The ODIHR EOM, headed by Ambassador Audrey Glover, consists of a 12-member core team based in Ankara and 22 long-term observers deployed throughout the country from 29 May. Mission members are drawn from 23 OSCE participating States. The ODIHR has requested participating States to second 350 short-term observers to observe election day procedures.

## **III. BACKGROUND**

Following a proposal by the ruling Justice and Development Part (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 are being held under an ongoing state of emergency declared after the failed coup of 15 July 2016, which left 251 casualties and over 2,000 people injured. 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.<sup>2</sup> 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.<sup>3</sup> ODIHR EOM interlocutors as well as international organizations expressed concern about conducting elections under emergency rule as potentially jeopardizing the integrity of the election process.<sup>4</sup>

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<sup>1</sup> See previous [ODIHR election reports](#) on Turkey.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

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 are 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. The opposition parties disagree with this change and challenged the referendum result.<sup>5</sup>

#### **IV. THE LEGAL FRAMEWORK**

The elections are primarily regulated by the 1982 Constitution, 1961 Law on Basic Provisions for Elections and Voter Registers (Law on Basic Provisions), 1983 Law on Parliamentary Elections, 2012 Law on Presidential Elections and 1983 Law on Political Parties. A new Law on the Supreme Board of Elections (SBE) was adopted in November 2017 to mainly regulate and expand the body's organizational structure. The regulations and decisions of the SBE supplement the legal framework. ODIHR has previously recommended to review the legal framework and address gaps and shortcomings pertaining to the method of seat allocation, voter and candidacy rights, campaign finance, non-partisan observation, and election dispute resolution.

The constitution does not fully guarantee the fundamental rights and freedoms that underpin democratic elections, and permits legislation to establish further limitations.<sup>6</sup> In addition, under the Law on State of Emergency applicable during these elections, government decrees and governor's decisions may further restrict fundamental freedoms. Currently, citizens in several provinces are subject to governors' decisions restricting freedom of assembly and expression, and freedom of movement is restricted particularly in the east and southeast.<sup>7</sup> Venice Commission has previously noted that the 2017 constitutional amendments negatively impacted the independence of the judiciary.<sup>8</sup>

The recent constitutional amendments suspended the provision that prohibited changes to election legislation within one year of an election. 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 in February 2018. In March, key amendments jointly submitted by the ruling AKP and the

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<sup>5</sup> Following the 2016 referendum, two political parties unsuccessfully appealed the results to the Constitutional Court.

<sup>6</sup> As previously noted by ODIHR, the Constitution includes fundamental rights and freedoms and establishes the superiority of international law over national legislation but focuses on bans and prohibitions for the protection of the state rather than broad guarantees of rights and freedoms.

<sup>7</sup> The bans on assembly and expression first introduced in 2016 are still effective in Hakkari, Van, Mardin, Artvin and Eskisehir provinces. For instance, the bans restrict public meetings, demonstrations, setting up stands and issuing press statements throughout June. In Van and Hakkari, the restrictions do not, however, apply to campaign-related activities of political parties. In an additional 14 provinces, the holding of public meetings throughout the state of emergency are subject to permission of the governor. In Tunceli there is a complete ban on public events including distribution of leaflets, and holding press conferences requires permission. In Bitlis a broad curfew applies in one district.

<sup>8</sup> The Council of Europe's Venice Commission [Opinion on the amendments to the Constitution](#), adopted on 10-11 March 2017, 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."

MHP, legalized election coalitions and introduced changes to election procedures.<sup>9</sup> The amendments were widely criticized by opposition parties and civil society, including due to their adoption in a hasty manner without political or civil consultation or consensus.<sup>10</sup> The main opposition party unsuccessfully challenged some of the amendments in the Constitutional Court.<sup>11</sup>

## **V. 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.<sup>12</sup> If no candidate receives the absolute majority of valid votes in the first round, a second round between the top two candidates will be held on 8 July.

The members of the 600-seat unicameral parliament are elected for a five-year term through a proportional system in 87 multi-member constituencies, either from closed party lists or as independent candidates.<sup>13</sup> Election coalitions are now allowed, but joint lists and logos are not. To be eligible for seat distribution, parties and coalitions must surpass a national ten percent threshold. While the introduction of coalitions was not challenged in itself, various opposition parties denounce the fact that the threshold was not lowered, which has been a long-standing recommendation.<sup>14</sup>

Constituencies correspond to the administrative boundaries of the 81 provinces, except four provinces split into two or more constituencies.<sup>15</sup> 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 public consultations were not undertaken. In April, the SBE redistributed the seats based on a legislated formula that itself does not guarantee the equality of the vote; constituencies have between 1 and 35 seats with significant deviations in the number of voters per seat.

## **VI. THE ELECTION ADMINISTRATION**

Elections are administered by a four-level structure mirroring the administrative division of the country. The SBE has the overall responsibility for the regulation and conduct of elections. It is a seven-member permanent body composed of senior judges serving 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 (the AKP, the CHP, the HDP and the MHP) used their right to appoint a non-voting member each to the SBE and the PEBs. There are 1,082 district election boards (DEBs) chaired by the most

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<sup>9</sup> For instance, the amendments legalized the moving and merging of polling stations and splitting of voters residing in the same building, increased authority of law enforcement to be present in and around polling stations, replaced political party representatives with civil servants as chairs of ballot box committees, and repealed the provision on the invalidity of unstamped ballots.

<sup>10</sup> In April, after the election was called, another set of amendments was adopted to harmonize the election legislation with the 2017 constitutional amendments. The SBE was not formally consulted on the amendments.

<sup>11</sup> The [decision](#) was issued on 31 May; of the seventeen judge panel, two dissenting judges were of the opinion that three of the amendments were unconstitutional.

<sup>12</sup> This will be the second direct presidential election; prior to 2014 the president was selected by parliament. Possibility for a *de facto* third term was introduced by the 2017 constitutional amendments.

<sup>13</sup> Under the 2017 constitutional amendments the number of seats was increased from 550 to 600 and the term increased from four to five years.

<sup>14</sup> In response to the bill introducing coalitions, opposition parties called for the use of joint lists or not to allocate votes to parties if they are not specifically for a party as is the method under the amendments. The recommendation to consider lowering the threshold has also been made previously by [ODIHR, PACE and the European Parliament](#).

<sup>15</sup> Istanbul and Ankara have three constituencies, and Izmir and Bursa two.

senior judge in the district. They further comprise two civil servants and representatives with full voting rights of the four most voted political parties in the district.

Electoral boards sessions are not public and only the SBE is under a new legal obligation to upload decisions on its website; however not all SBE decisions are posted.<sup>16</sup> The election administration appears on track with preparations. Upon the request and with broad consent of political parties, the SBE extended deadlines for the formation of ballot box committees (BBCs) by two days. The SBE printed 154 million ballots for the parliamentary and the first round of the presidential elections. This includes some 37 million ballots in excess of the numbers of registered voters, which sparked public controversy. The SBE explained that in addition to the contingency ballots they are required by law to provide each BBC with a package of 400 ballots irrespectively of the number of voters registered to vote in the BBC.<sup>17</sup>

There are 180,064 ballot box committees (BBCs) located in 54,742 polling stations. BBCs are appointed ahead of each election and are responsible for polling and counting. BBCs consist of seven members – two civil servants and representatives of the five most voted political parties in the district. In line with the March 2018 amendments, BBCs are chaired by a civil servant appointed by the respective DEB rather than by a political party nominee as was the case in previous elections.<sup>18</sup>

Upon requests from governors based on security considerations, according to the SBE, a number of polling stations have been relocated and merged affecting some 144,000 voters in 16 provinces.<sup>19</sup> Some ODIHR EOM interlocutors have expressed concerns that these measures are aimed at lowering the turnout of voters in areas that are considered to be strongholds of the HDP. Governors claim that the measure will better ensure the secrecy of the vote for voters in insecure areas; however, several ODIHR EOM interlocutors noted that the affected communities opposed these measures. Although relocation of polling stations had to be completed by 24 May, the SBE considered requests after the legal deadline and allowed DEBs to merge polling stations.<sup>20</sup>

## **VII. VOTER REGISTRATION**

Citizens over 18 years of age have the right to vote, except conscripts, students in military schools and prisoners convicted of intentional crimes, regardless of the severity of the crime. The SBE issued a decision permitting all convicts not in prison to vote even if the sentence is not fully served.

Voter registration is passive. Some 55.3 million voters were registered to vote in country and some 3 million abroad.<sup>21</sup> The number of voters has increased by one million since the April 2017 referendum. The permanent central voter register is maintained by the SBE and linked to a civil status and address registry, operated by the Ministry of Interior. Data on ineligible voters is provided by the Ministry of

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<sup>16</sup> By 12 June, the last decision posted on the SBE website was dated 30 May. For instance, not all SBE decisions on relocation of polling stations in the 16 provinces or decisions pertaining to registration of political parties and candidates have been posted.

<sup>17</sup> Each BBC in country has between 6 and 400 voters with an average number of 307 voters.

<sup>18</sup> The district governor provides the names of civil servants to the DEB that draw lots to select a chairperson and a member of the BBC.

<sup>19</sup> The March amendments allow governors or PEBs to request the SBE to merge and relocate polling stations on security grounds. To date, 19 governors filed such requests; the SBE rejected 3 requests in the provinces Adiyaman, Erzincan and Erzurum and approved requests in the remaining 16 provinces.

<sup>20</sup> At the time of reporting the list of polling stations is not final; relocations and merge of polling stations are still being considered.

<sup>21</sup> Voters abroad can vote at 3,379 BBCs in 60 countries from 7 to 19 June. Ballots cast abroad will be returned and counted at a specially-designated DEB in Ankara by 1,165 BBC. Out of country voters can vote in both elections but only have the option to vote for political party candidates to parliament and cannot vote for independent candidates.

Justice and the Ministry of Defense. Voter registration is based on a personal identification number, which is linked to the voter's place of permanent residence. Special voter lists are compiled for out-of-country voters and for eligible imprisoned and detained voters.<sup>22</sup> BBCs will be established for bedridden voters in nursing homes and rehabilitation centers, but not in hospitals. Internal migrants and homeless people can vote only if they register at an address. 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. The SBE issued a decision providing an address and voter registration for nomadic people living in tents.

Voter registers were subject to public review between 2 and 12 May; voters could verify their own data as well as data of voters registered at the same building at the respective DEB or online. Eligible political parties have access to the preliminary and final voter register on a special electronic portal and may challenge and request changes to the list. The SBE made 679,182 address changes on voter lists. No changes were possible after 20 May, but eligible voters not on preliminary voter lists could register to vote with a DEB certificate.

## **VIII. PARTY AND CANDIDATE REGISTRATION**

Citizens over the age of 18 with legal capacity and 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. An individual may not be a candidate for president and parliament at the same time. Persons deprived of legal capacity, those convicted of a non-exhaustive list of a broad range of crimes, including minor criminal offences, even if pardoned, those barred from public service and those who are currently doing military service and those who have not completed their military service are not eligible to stand in either election.<sup>23</sup> Since 2012, the SBE for every election activity has adopted a decision providing for the restoration of convicts' candidacy rights under certain conditions.<sup>24</sup> Judges, prosecutors, military officers and public servants must resign to stand and may not resume office if not elected.

Presidential candidates may be nominated by one or more parties that received individually or jointly at least 5 per cent of the votes in the last general elections. In line with previous ODIHR recommendations, the 2017 constitutional amendments introduced a provision for independent presidential candidates and to some extent eased eligibility criteria for parties to nominate candidates. Independent candidates must submit supporting signatures of 100,000 voters and a deposit of TRY 139,160 refundable only to those registered.<sup>25</sup> 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 out of the fourteen nominated presidential candidates were registered by 13 May, five men and one woman. Incumbent President Recep Tayyip Erdoğan is nominated by the AKP, Mr. Muharrem

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<sup>22</sup> Some 85,000 prisoners convicted of non-intentional crimes will vote in 493 BBCs in 317 prisons. If there are less than 6 prisoners with voting rights in a prison, there will be no BBC in the prison and the prisoners will vote in a nearby regular BBC.

<sup>23</sup> Article 76 of the Constitution disqualify those who have been sentenced to a prison term totaling one year or more excluding involuntary offences, or to a heavy imprisonment; those who have been convicted for dishonorable offences such as embezzlement, corruption, bribery, theft, fraud, forgery, breach of trust, fraudulent bankruptcy; and persons convicted of smuggling, conspiracy in official bidding and purchasing, of offences related to the disclosure of state secrets, of involvement in acts of terrorism, or incitement and encouragement of such activities even if they have been granted amnesty.

<sup>24</sup> To reclaim their rights, convicts must wait 15 years following the full execution of their sentence and additionally prove they lived "a good life" for at least the first 3 years after their release.

<sup>25</sup> Approximately 26,000 EUR (1 EUR = 5.3 TRY).

İnce – by the CHP, Ms. Meral Akşener (İYİ) is running as an independent, Mr. Selahattin Demirtaş is nominated by the HDP, and Mr. Temel Karamollaoğlu (Felicity Party) and Mr. Doğu Perinçek (Vatan) are both running as independents.<sup>26</sup> The HDP candidate has been in pre-trial detention since 4 November 2016.

In order to contest elections, parties must either have a parliamentary group of at least 20 MPs in the outgoing parliament 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 January, the SBE introduced for the first time an additional requirement that parties must have held local congresses six months prior to the elections to be eligible. In addition, parties must submit full candidate lists in at least half of the provinces.

Eight parties will run for parliament: the AKP, the CHP, the MHP, İYİ Party, the HDP, Felicity Party, Vatan, and Free Cause Party. Two election coalitions have been formed: the People's Alliance comprised of the AKP and the MHP, and the Nation's Alliance uniting the CHP, the İYİ and the Felicity Party. Three parties will contest the election outside of a coalition – the HDP, the Free Cause Party, and Vatan Party.

Out of the 86 registered parties, 11 were considered eligible by the SBE and 8 decided to run.<sup>27</sup> Seventy-five parties were deemed ineligible on the grounds that they did not have sufficient organizational structure or for not holding all of their local congresses by 24 December 2017. Ten parties requested the SBE to review its decisions and one, the Free Cause Party, was allowed to participate.

The SBE rejected some 33 candidates for parliament for not meeting the eligibility requirements, all were replaced by the nominating political parties.<sup>28</sup> Out of the 78 nominated independent candidates, 68 were registered to stand in 35 constituencies, 57 men and 11 women. Four were rejected for not meeting the eligibility requirements and six withdrew.<sup>29</sup> The law does not envisage gender quotas.<sup>30</sup> Women constitute 996, or 20.5 per cent, out of the 4,851 registered candidates for parliament.<sup>31</sup>

## **IX. CAMPAIGN**

The Law on Basic Provisions provides a framework for regulation of campaign conduct, which establishes two periods with different applications of campaign rules. While the law aims at ensuring a fair and equitable campaign, only during the official campaign period, which starts 10 days before

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<sup>26</sup> Four independent candidates were rejected for insufficient documentation and four due to late application.

<sup>27</sup> SBE decisions of 22 and 25 April deemed eligible the AKP, the Independent Turkey Party (BTP), the Grand Union Party (BBP), the CHP, the Democratic Party, the HDP, İYİ, the MHP, Felicity Party Vatan Party and Free Cause Party.

<sup>28</sup> The AKP replaced 1 candidate, the CHP – 1, the HDP – 13, Free Cause Party – 1, the MHP – 2, Vatan – 3, Felicity – 6, and İYİ – 6. Six of the 13 HDP candidates were convicted and thereby disqualified after being nominated. Some HDP nominees had court declarations stating that they had political rights to stand in elections but their applications were rejected by the SBE.

<sup>29</sup> A candidate in Kocaeli was rejected due to previous conviction and lack of evidence for restoration of his political rights and also for failing to pay the deposit. Two candidates in Ankara failed to pay the deposit.

<sup>30</sup> In December 2017, a CHP member of the parliament submitted a bill to parliament proposing a 33 per cent gender quota for candidate lists.

<sup>31</sup> From the parties in the outgoing parliament, the AKP nominated 126 women candidates, the CHP – 137, the HDP – 220, and the MHP – 60.

election day and ends at 18:00 on 23 June, stricter regulations and broader equitable campaign principles are applied.<sup>32</sup> Also, the framework gives the president favorable campaign conditions.<sup>33</sup>

So far, parties and candidates have campaigned extensively using a variety of traditional means such as rallies, campaign stands, posters, banners, flags, canvassing and using vehicles with loudspeakers. Social media is used extensively as a means to reach out to young voters as well as to overcome restrictions on campaigning imposed in some provinces. As the campaign coincides with the month of Ramadan, contestants use the traditional *iftar* dinners and late evening hours to campaign. Despite a prohibition by law, some candidates campaigned abroad.<sup>34</sup>

The tone of the presidential campaign has been confrontational reflecting the general polarization. While all candidates have used harsh and denigrating rhetoric against each other, the incumbent president has repeatedly referred to other candidates and parties as supporters of terrorism.<sup>35</sup> On 28 May, the incumbent president launched criminal and civil suits, including for insult, against the CHP candidate for statements he made in a campaign speech.<sup>36</sup> On 9 June, the CHP candidate filed a lawsuit against the incumbent president demanding compensation for expressions containing slander and grave insult. Key campaign topics, so far, have been the change to a presidential system, the emergency rule, the economic situation, including currency devaluation, the unemployment rate among youth and education.

In five provinces, bans on assembly, public gatherings and press statements have been imposed. Opposition parties informed the ODIHR EOM that they have been obstructed in campaigning.<sup>37</sup> The HDP informed the ODIHR EOM about a pervasive atmosphere of fear, attacks on their party and campaign offices and stands, detentions of party activists, obstruction of campaign activities and being subject to selective application of campaign rules.<sup>38</sup>

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<sup>32</sup> In the 10-day campaign period stricter rules apply, particularly prohibiting the misuse of state resources and all public ceremonies (with some exceptions), speeches on government works are also prohibited and the Prime Minister, Ministers and members of parliament are banned from using public vehicles while on campaign tours.

<sup>33</sup> The president is exempted from these campaign rules as they have not been updated since introduction of the direct presidential election system and repeal of the non-partisan nature of the office of the president. Insult of the president is criminalized and under the constitution, criminal liability of the president is significantly limited, including in his personal capacity.

<sup>34</sup> 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. Germany, Austria and the Netherlands declared that they banned foreign campaigning in their respective countries.

<sup>35</sup> On 6 June in Mugla, President Erdoğan referred to the HDP presidential candidate as a terrorist, and to the CHP presidential candidate Mr. Ince as a supporter of terrorism. The same messages occurred in the incumbent president's campaign speeches on 7 June in Mersin and on 10 June in Denizli. On 8 June in Karabük, CHP presidential candidate Mr. Ince accused the president of supporting terrorists.

<sup>36</sup> In an [interview](#) on CNN Turk on 24 May, the CHP candidate claimed that before establishing AKP, Mr. Erdoğan had visited Fetullah Gulen in Pennsylvania, which the incumbent president considered an insult. In his campaign [speech](#) in Kayseri on June 8 the incumbent president claimed that the CHP candidate "gets permission from Pennsylvania."

<sup>37</sup> The HDP, Felicity and İYİ have registered attacks on campaign offices and obstructions for outdoor campaigning in Adana, Ankara, Bursa, Diyarbakir, Erzurum, Gaziantep, Istanbul, Izmir, Manisa and Van, which were also reported in the media. Following an incident involving activists of Felicity Party and MHP on 26 May in Ankara, the prosecutor opened a criminal investigation and the Ankara Governor's office issued a [statement](#).

<sup>38</sup> ODIHR EOM LTOs have held meetings with the police in several districts including Ankara, Istanbul, Manisa and Bursa who have confirmed incidences of violence and vandalism against HDP offices or activists. In several other areas, ODIHR EOM LTOs could not meet with the police despite repeated requests. On 17 May, the Ankara Governor issued a [statement](#) to initiate an investigation against a police officer who allegedly disrupted the HDP campaign in central Ankara. On 7 June, the HDP cancelled its campaign rally in Ankara after the police stated they were not able guarantee the security of the rally scheduled for 9 June due to the proximity of an AKP rally.



## X. CAMPAIGN FINANCE

Presidential candidates are not entitled to public funding. They may only receive donations of up to TRY 13,916 from individual Turkish citizens for each round. Loans are not permitted and there is no campaign expenditure ceiling. Presidential candidates are required to receive all donations and incur all expenditures through a bank account. They are required to submit their campaign finance reports on donations and expenditure to the SBE within 10 days of the announcement of the final results. The law does not require any interim reports before the elections. The SBE audits the reports with the assistance of the Court of Accounts and other public institutions. The SBE should announce the results of the auditing within one month following the completion of the audits, but is not required to publish the campaign finance reports.

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. In addition, parties are allowed to generate income, including from membership fees and private donations. Donations from public legal entities, state and public organizations and foreign sources are prohibited. Parties may not engage in commercial activities and may not take loans or credit. An individual may donate up to TRY 35,000 annually to a party. There is no ceiling for annual party and campaign-related expenditure. Parties are required to declare their campaign funds solely through annual party financial reports submitted to the Constitutional Court. 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.

## XI. THE MEDIA

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 figures and the president. Furthermore, recent changes to the Law on the Establishment of Radio and Television Enterprises and their Media Services (Law on Broadcasting) regulate online media.<sup>39</sup> According to the Ministry of Interior, from 28 May to 11 June, 1,199 social media users were found propagating, praising and associating themselves with terrorist organizations, using hate speech against the indivisible unity of the state and the security of the society, of whom 643 have been legally charged.<sup>40</sup> The OSCE Representative on Freedom of the Media (RFoM) has repeatedly called on the authorities “to engage in a fundamental reform of the laws that criminalize journalistic work.”<sup>41</sup>

The media landscape is dominated by outlets whose owners are considered affiliated with the government or depend on public contracts. There is a large number of media outlets, but they remain polarized.<sup>42</sup> Television remains the main source of information, followed by the online media outlets,

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<sup>39</sup> The amendment introduced on 8 March widens the authority of RTSC to monitor online media broadcasts and block the content through court. OSCE RFoM [argued](#) that the banning of social networks such as YouTube and Google Sites has very strong implications on political expression and that the State’s response to Internet content and publications is evidently problematic since their action resulted in blocking access not only to allegedly illegal content but also legal content and information. According to the RTSC, the recent amendments will not be implemented before the forthcoming elections.

<sup>40</sup> See the Weekly Cyber Crime Report covering the periods [28 May to 4 June](#) and [4 to 11 June](#).

<sup>41</sup> See [OSCE RFoM statement](#) of 7 May.

<sup>42</sup> 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](#)).

as well as social media.<sup>43</sup> The Internet penetration rate was 66.8 per cent in 2017, and 80.7 per cent of households had access to the Internet at home..<sup>44</sup>

The campaign coverage in broadcast media is regulated by the Law on Broadcasting, the Law on Basic Provisions, and SBE decisions. The legal framework obliges media to present impartial coverage of the campaign and guarantees eligible political parties and presidential candidates equal access rights. 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). All eligible parties are entitled to two slots of ten minutes each. In addition, parties with parliamentary groups (the AKP, the CHP, the MHP and the HDP) 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.

The legal framework grants each presidential candidate a total of 20 minutes of free airtime on public television channels to be broadcast in 10-minute slots on 17 and 23 June.<sup>45</sup> Candidates can use half of the time for visual materials. All but the CHP candidate applied for free airtime. Paid advertising is allowed in all media. Publication of opinion polls is prohibited in the last 10 days prior to election day. The regulatory body, the Radio and Television Supreme Council (RTSC) monitors national channels for compliance with the legal requirement of an impartial and equal coverage of the campaign. So far, no media monitoring reports have been published. The SBE's authority to sanction private media was repealed in 2017 and it informed the ODIHR EOM that it is not receiving RTSC media monitoring results.

On 27 May, the ODIHR EOM commenced qualitative and quantitative monitoring of five television channels with nation-wide coverage and five newspapers, and qualitative analysis of two newspapers and three online media outlets.<sup>46</sup>

## XII. COMPLAINTS AND APPEALS

Decisions of lower electoral boards can be appealed by all stakeholders except civil society organizations to higher boards, up to the SBE, or to courts.<sup>47</sup> Decisions of the SBE are not subject to judicial review, including those regulations and decisions that are related to the constitutionally-protected rights and the decision on the final results.<sup>48</sup> The legal framework does not establish a system on filing campaign-related complaints; in practice, such petitions are lodged with election bodies, governors and courts. Criminal complaints concerning attacks on opposition campaign activities have been submitted to law enforcement bodies.<sup>49</sup>

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<sup>43</sup> According to [Reuters Institute Digital News Report 2017 – Turkey Supplementary Report](#), 47 per cent of the population obtain political information from TV as their main news source and 39 per cent – from online media.

<sup>44</sup> See the [Information and Communication Technology \(ICT\) Usage Survey on Households and Individuals 2017](#).

<sup>45</sup> The SBE issued a decision that the HDP presidential candidate, currently in detention, will have his two 10-minute slots recorded by the TRT on the same day, while other contestants have the right to record on two separate days.

<sup>46</sup> Television channels: *TRT1*, *Show TV*, *Fox TV*, *CNN Turk* and *A Haber*; newspapers: *Hurriyet*, *Sabah*, *Sözcü*, *Cumhuriyet* and *Milliyet*. Additionally, the ODIHR EOM conducts qualitative analysis of two newspapers *Birgun* and *Yeni Safak* and three online media outlets: *ensonhaber.com*, *bianet.org* and *t24.com.tr*.

<sup>47</sup> 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.

<sup>48</sup> 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.

<sup>49</sup> For instance, HDP filed eight complaints to police in Ankara for criminal incidents related to obstruction of their campaign activities; Felicity Party filed a criminal complaint for an attack on their activists in Ankara.

In the absence of judicial review, various stakeholders requested the SBE to reconsider some of its decisions. These included decisions to ban parties and candidates from running in the elections, civil society organizations being refused accreditation to observe, and requests from those affected by the relocation of polling stations. Some decisions were reversed.<sup>50</sup> One prospective presidential candidate tried to challenge to the Constitutional Court the SBE's decision that prevented voters abroad from submitting signatures for 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 European Court of Human Rights (ECtHR) on 18 May, as no domestic recourse was available.

### **XIII. 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 polling and counting. Despite ODIHR previous recommendations, the legislation does not provide for observation by international and citizen observer organizations. As in previous elections, efforts by civic groups to mobilize volunteers to carry out observation activities on election day and crosscheck the count are underway. Civil society organizations will observe as political party nominees or as individual citizens. SBE has accredited ODIHR observers and has assured full co-operation.

### **XIV. ODIHR EOM ACTIVITIES**

The ODIHR EOM opened in Ankara with a press conference on 24 May. The Head of Mission met with the Ministry of Foreign Affairs, the SBE, the Constitutional Court, the Court of Accounts, the Ministry of Interior, the Ministry of Justice as well as representatives of candidates, political parties, media, civil society and the resident diplomatic community. The OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe have announced that they will deploy observer delegations for election day observation.

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

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<sup>50</sup> A party denied the right to participate in the elections was approved on 24 April (Free Clause Party) after its request for reconsideration; requests for relocating polling stations were approved, in part, by the SBE on reconsideration after the 24 May deadline. For instance, the SBE by its decision no. 664 of 29 May partly satisfied a governor's request for relocation of polling stations on reconsideration of its decision no. 582 of 26 May.