



Office for Democratic Institutions and Human Rights

# REPUBLIC OF TURKEY

## PRESIDENTIAL ELECTION

10 August 2014

OSCE/ODIHR Limited Election Observation Mission  
Final Report



Warsaw  
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## TABLE OF CONTENTS

<b>I.</b>	<b>EXECUTIVE SUMMARY</b> .....	<b>1</b>
<b>II.</b>	<b>INTRODUCTION AND ACKNOWLEDGMENTS</b> .....	<b>3</b>
<b>III.</b>	<b>BACKGROUND</b> .....	<b>4</b>
<b>IV.</b>	<b>ELECTORAL SYSTEM AND LEGAL FRAMEWORK</b> .....	<b>5</b>
<b>V.</b>	<b>ELECTION ADMINISTRATION</b> .....	<b>6</b>
<b>VI.</b>	<b>VOTER REGISTRATION</b> .....	<b>10</b>
<b>VII.</b>	<b>CANDIDATE REGISTRATION</b> .....	<b>11</b>
<b>VIII.</b>	<b>CAMPAIGN ENVIRONMENT</b> .....	<b>12</b>
<b>IX.</b>	<b>CAMPAIGN FINANCE</b> .....	<b>15</b>
<b>X.</b>	<b>MEDIA</b> .....	<b>16</b>
	<b>A. LEGAL FRAMEWORK AND MEDIA ENVIRONMENT</b> .....	<b>16</b>
	<b>B. OSCE/ODIHR MEDIA MONITORING</b> .....	<b>18</b>
<b>XI.</b>	<b>COMPLAINTS AND APPEALS</b> .....	<b>19</b>
<b>XII.</b>	<b>CITIZEN AND INTERNATIONAL OBSERVERS</b> .....	<b>21</b>
<b>XIII.</b>	<b>ELECTION DAY AND ANNOUNCEMENT OF RESULTS</b> .....	<b>21</b>
<b>XIV.</b>	<b>RECOMMENDATIONS</b> .....	<b>22</b>
	<b>A. PRIORITY RECOMMENDATIONS</b> .....	<b>23</b>
	<b>B. OTHER RECOMMENDATIONS</b> .....	<b>24</b>
	<b>ANNEX I: FINAL ELECTION RESULTS</b> .....	<b>26</b>
	<b>ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION</b> <b>OBSERVATION MISSION</b> .....	<b>27</b>
	<b>ABOUT THE OSCE/ODIHR</b> .....	<b>30</b>

**REPUBLIC OF TURKEY  
PRESIDENTIAL ELECTION  
10 AUGUST 2014**

**OSCE/ODIHR Limited Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the authorities of the Republic of Turkey to observe the 10 August 2014 presidential election, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed a Limited Election Observation Mission (LEOM) on 9 July. The OSCE/ODIHR LEOM remained in Turkey until 19 August and assessed compliance of the electoral process with OSCE commitments and other international obligations for democratic elections, as well as with domestic legislation. For election day, the OSCE/ODIHR LEOM joined efforts with observer delegations from the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE).

The 10 August presidential election presented Turkish voters with an important opportunity to directly choose their president for the first time. Three party-nominated candidates, including the Prime Minister, representing different political positions, were generally able to campaign freely. Freedoms of assembly and association were respected. However, the use of official position by the Prime Minister as well as biased media coverage gave him a distinct advantage over the other candidates. Direct debates among candidates would have brought more balance and been an opportunity to further engage in a dialogue on key issues facing Turkey.

The legal framework is generally conducive to the conduct of democratic elections, although key areas need improvement. The 2012 Law on Presidential Elections (LPE) was adopted in an expedited manner and without public consultation; other relevant laws were not harmonized with it, resulting in a lack of clarity in the legal framework and its inconsistent implementation.

In a positive step, recent amendments addressed a number of previous OSCE/ODIHR and PACE recommendations such as permitting campaigning in languages other than Turkish and regulating out-of-country voting. At the same time, a number of recommendations remain unaddressed.

The possibility for independent candidacy is limited by the requirement for nominees to have the support of at least 20 members of parliament who can only support one candidate. All thirteen individuals who applied as independent candidates lacked the necessary parliamentary support to register.

The campaign was characterized by a general respect for fundamental freedoms and contestants were generally able to campaign without hindrance. A decision by the Supreme Board of Elections (SBE) regarding the official start of the campaign deferred by nearly three weeks the legal start date for the application of key campaign prohibitions and guarantees stipulated in the legislation, including on the misuse of administrative resources and official positions for campaign purposes. This shortened campaign period benefitted the Prime Minister and was insufficient to adequately ensure equal opportunities for all candidates to compete in the election.

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<sup>1</sup> The English version of this report is the only official document. An unofficial translation is available in Turkish.

While all three candidates actively campaigned, the campaign of the Prime Minister was the most visible. The misuse of administrative resources and the lack of a clear distinction between key institutional events and campaign activities granted him an undue advantage and at odds with paragraph 5.4 of the 1990 OSCE Copenhagen Document and the Report on the Misuse of Administrative Resources during Electoral Processes by the Council of Europe's Commission for Democracy through Law (Venice Commission). On a positive note, the Kurdish language was used during rallies, and campaign material was available in Kurdish. The campaign of Mr. Selahattin Demirtaş was disrupted on several occasions and some instances of violence occurred.

The election administration, headed by the SBE, which is composed of judges, generally administered the election in a professional manner. Despite a previous OSCE/ODIHR recommendation and the Venice Commission Code of Good Practice in Electoral Matters, the law does not provide for SBE meetings and those of lower electoral boards to be open to observers and the media, and some regulations and many decisions were not publicly available, thereby reducing the transparency of the election administration's work. Some regulations of the SBE resulted in it overstepping its regulation-making authority and conflict with the legislation.

Under the Constitution, SBE decisions are not subject to judicial review. Although composed of judges, the SBE is an administrative organ. Its acting as a last instance in election disputes thereby denying the opportunity for effective judicial remedy is not compliant with OSCE commitments and other international obligations. A 2010 constitutional amendment allows individual petitions to the Constitutional Court on breaches of fundamental rights; however, on 23 July, the Court refused jurisdiction in the first-ever election case. There are no legal deadlines for the Court's adjudication of electoral cases.

Overall, there was confidence in the quality of the voter register. In a positive step, the SBE adopted a decision allowing all convicts outside of prison the right to vote. However, the deprivation of voting rights of active conscripts, cadets and prisoners who have committed intentional crimes, regardless of the severity of the crime committed, is at odds with the principle of universal suffrage and a recent ruling of the European Court of Human Rights.

For the first time, nearly three millions overseas voters were given the opportunity to vote abroad. According to the SBE, the procedure to assign these voters to polling stations was in some respects problematic.

The introduction of a more comprehensive campaign finance framework is a positive development, yet key areas require improvement. The LPE permits candidates to receive limited donations from Turkish citizens while candidates' personal funds and party funding are not addressed. An SBE regulation went beyond the scope of the LPE by allowing nominating parties to support their candidates by paying for political advertising. The existing framework lacks provisions for full disclosure, comprehensive reporting, and sanctions, and thus limits the transparency and accountability of the process.

OSCE/ODIHR media monitoring results showed that three out of the five monitored TV stations, including the public broadcaster, TRT1, displayed a significant bias in favour of the Prime Minister. The overall disproportionate television coverage, the main source of political information, in favour of the Prime Minister, including live broadcasting of his events and speeches, coupled with the limited amount of political advertising of the other two candidates, gave the Prime Minister a distinct advantage and

limited pluralistic information on political alternatives for voters. The framework does not provide for a clear definition of the impartiality requirement for broadcasters, and state institutions failed to redress, in a timely manner, unbalanced media coverage.

There were no women among the presidential candidates, although one woman attempted to register as an independent candidate. Mr. Demirtaş was particularly vocal on addressing gender-equality in his campaign.

The law does not create the legal basis for the effective implementation of citizen and international observation as per paragraph 8 of the 1990 OSCE Copenhagen Document, previous PACE recommendations, and the Venice Commission Code of Good Practice in Electoral Matters. International observers were, however, accredited for this election. Citizen observers were not accredited at a national level; nevertheless, ballot box committees allowed observation on election day on an ad hoc basis. Legal provisions regulating the accreditation and activity of party observers remain insufficient.

In line with OSCE/ODIHR standard methodology, the OSCE/ODIHR LEOM focused on the longer-term electoral process without the additional deployment of short-term observers that would have provided the basis for a quantitative assessment of election day. In the limited number of polling stations visited by international observers, election day was generally organized in a professional and efficient manner, and election procedures were followed overall. In a few documented cases, international and citizen observers were not allowed to observe the voting process. Where observed, counting and tabulation processes were transparent and well organized. While the SBE did not post preliminary results on its website, polling station results protocols were accessible to eligible political parties.

## **II. INTRODUCTION AND ACKNOWLEDGMENTS**

Following an invitation from the authorities of the Republic of Turkey to observe the 10 August 2014 presidential election, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed a Limited Election Observation Mission (LEOM) on 9 July. The OSCE/ODIHR LEOM was headed by Ambassador Geert-Hinrich Ahrens and consisted of 13 experts based in Ankara and 16 long-term observers (LTOs) deployed throughout the country. Mission members were drawn from 21 OSCE participating States.

In line with the OSCE/ODIHR's standard methodology for LEOMs, the mission did not include short-term observers, and did not carry out comprehensive or systematic observation of election day proceedings. However, mission members visited a limited number of polling stations and followed the tabulation of results in some districts. The mission followed electoral proceedings on 10 August jointly with delegations from the OSCE Parliamentary Assembly (OSCE PA), headed by Åsa Lindestam, and the Parliamentary Assembly of the Council of Europe (PACE), headed by Meritxell Mateu Pi. Vilija Aleknaitė-Abramikienė was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator to lead the short-term observer mission. The OSCE/ODIHR LEOM remained in Turkey until 19 August and followed post-election developments.

The OSCE/ODIHR LEOM assessed compliance of the election process with OSCE commitments and other international obligations for democratic elections, as well as domestic legislation. This final report follows the Statement of Preliminary Findings and Conclusions, which was released on 11 August 2014.<sup>2</sup>

The OSCE/ODIHR LEOM wishes to thank the authorities of the Republic of Turkey for the invitation to observe the election, and the Ministry of Foreign Affairs, the Supreme Board of Elections (SBE), national and local authorities, as well as candidates, political parties, and civil society organizations for their co-operation. The OSCE/ODIHR LEOM also wishes to express appreciation to diplomatic representations of OSCE participating States and international organizations for their co-operation throughout the course of the mission.

### III. BACKGROUND

Turkey is a parliamentary republic with executive power exercised by the Council of Ministers, headed by the prime minister, and legislative power vested in the Turkish Grand National Assembly (parliament). The president serves as the head of state and holds certain limited functions and authority related to the legislative, executive, and judicial branches.

The 10 August presidential election was set by the SBE on 7 March and was the first direct election of the president. The election took place in an environment dominated by the Justice and Development Party (AKP)<sup>3</sup> headed by its party leader and Prime Minister, Recep Tayyip Erdoğan. The AKP has held a majority in the parliament since the 2002 parliamentary elections.

The 550-member parliament is currently composed of the AKP with 313 seats, the Republican People's Party (CHP) with 130 seats, the Nationalist Movement Party (MHP) with 52 seats, the Peoples' Democratic Party (HDP) with 27 seats, the Democratic Regions Party with 1 seat, and 14 independent candidates.<sup>4</sup>

Local elections were held on 30 March 2014 and yielded the following results: the AKP received 42.87 per cent of the vote, the CHP received 26.34 per cent, and the MHP and the BDP received 17.82 and 4.16 per cent, respectively.<sup>5</sup>

Following the outcome of the local elections and with the upcoming presidential election in mind, the two main opposition parties in parliament, CHP and MHP, jointly nominated a candidate whose appeal was intended to cross party lines. In order to establish a broader base of support for its prospective presidential candidate, the HDP co-operated with the Peace and Democracy Party (BDP).

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<sup>2</sup> Previous OSCE/ODIHR reports on Turkey are available at: <http://www.osce.org/odihr/elections/turkey>.

<sup>3</sup> The abbreviations used for political parties are based on their names in Turkish.

<sup>4</sup> Thirteen seats in parliament remain vacant (3 members of parliament died and 10 seats became vacant as they were held by members of parliament (MPs) elected as mayors during the 30 March 2014 local elections).

<sup>5</sup> The results shown are for the municipal councillor elections; four different elections were held for councillors and mayors throughout the country.

#### IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The legal framework for presidential elections is generally conducive to the conduct of democratic elections, although key areas are in need of improvement. Regarding fundamental rights and freedoms, the 1982 Constitution, adopted under military rule, concentrates on bans and prohibitions for the protection of the state rather than broad guarantees. While it establishes the supremacy of applicable international law over national law, it entrenches, and permits legislation to establish undue limitations on the freedoms of association, assembly, and expression, and on electoral rights. The Constitution guarantees gender equality, but not the rights of ethnic groups. A two-year process to draft a new civil constitution that would broadly guarantee fundamental rights and freedoms stalled in October 2013.

*To ensure a fully democratic basis for the conduct of elections, the government is encouraged to resume the drafting of a new constitution, which should broadly guarantee fundamental rights and freedoms, in an inclusive public consultation process.*

A constitutional referendum in 2007 changed the indirect presidential election system to a direct election of the president. Under the revised constitution, the president is elected by popular vote with an absolute majority of valid votes. If no candidate wins the required majority in the first round, a second round between the top two candidates is held two weeks later. Constitutional amendments also reduced the term of the president from seven to five years and increased the limit from one to two terms. Under the Constitution, if the president-elect is a member of a political party, they must sever their relationship with the party.

The Law on Presidential Elections (LPE), adopted in January 2012, regulates aspects of the new presidential election system. It was adopted five years after the constitutional change in an expedited manner with limited debate and no public consultation nor support of opposition parties.<sup>6</sup> The LPE lacks sufficient clarity, including on the role of political parties in the electoral and campaign process. In March 2012, 117 MPs from the CHP challenged several provisions in the LPE in the Constitutional Court and requested, among others, to oblige presidential candidates to resign from specific public posts, including the Prime Minister. The court dismissed all but one of the requests, and in the one case it annulled a provision prohibiting current and past presidents from running for a second term.

The 1961 Law on Basic Provisions on Elections and Voter Registers (Law on Basic Provisions) regulates all elections. However, it was not harmonized with the LPE and the new presidential election system, leaving inconsistencies and ambiguities relating to the implementation of presidential elections. In addition to the applicability of the Law on Basic Provisions, the LPE provides for the general application of all laws regulating other types of elections in circumstances that do not have specific provisions in the LPE, thus further reducing the clarity, transparency, and consistent implementation of the legal framework for presidential elections.<sup>7</sup> Moreover, the Law on Basic Provisions contains a number of gaps on key issues such as regulations on recounts and invalidation of results.

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<sup>6</sup> Preceding the adoption of the LPE, a political debate took place towards the end of the president's fifth year in office over whether the outgoing president was entitled to serve his full seven-year term that started in 2007 or the five-year term established under the revised constitution. The LPE included a provisional article stating that the term of office of the outgoing president was seven years.

<sup>7</sup> Article 2 of the LPE refers to the application of the Law on Basic Provisions, the Law on Parliamentary Elections, the Law on Local Administration Elections, the Law on Referenda on Constitutional Amendments, and the Law on Political Parties.

*It is recommended to review the LPE and the Law on Basic Provisions with the aim of harmonization and to address inconsistencies, gaps, and ambiguities. Furthermore, these laws should together comprehensively and sufficiently regulate presidential elections.*

In general, the SBE did not effectively elaborate the legislation. Necessary regulations were not adopted, such as on the accreditation of partisan observers, while some regulations merely repeated the law. Furthermore, the SBE's regulation of some matters, including on the campaign period and campaign financing resulted in the SBE overstepping its regulation-making authority and conflict with the legislation. Some SBE decisions lacked a clear legal basis (see below).

*The SBE should refrain from adopting regulations that overstep its regulation-making authority and conflict with the legislation. Furthermore, to guarantee that elections are administered in accordance with the law and in a transparent manner, the SBE should ensure that its decisions are based on relevant legislation and that written decisions provide a sufficient legal basis.*

In a positive step, recent amendments to the legal framework addressed some previous OSCE/ODIHR and PACE recommendations, although a number of recommendations remain unaddressed.<sup>8</sup> The LPE regulates to some extent campaign finance for the first time. The Law on Basic Provisions was amended in May 2012 to incorporate regulations for out-of-country voting. Recent loosening of restrictions on using unofficial languages in the public sphere included a March 2014 amendment to Article 58 of the Law on Basic Provisions in order to permit campaigning in languages other than Turkish.<sup>9</sup> However, a prohibition on the use of languages other than Turkish in campaigning remains in Article 81 of the Law on Political Parties.<sup>10</sup> Furthermore, the SBE adopted a regulation on 2 July stipulating that Turkish be the main language in campaign coverage and advertising for the presidential election.<sup>11</sup>

*To fully guarantee the right to campaign in any language, it is recommended that Article 81 of the Law on Political Parties be repealed or harmonised with the Law on Basic Provisions.*

## V. ELECTION ADMINISTRATION

The election was administered by four levels of election administration: the SBE, 81 Provincial Electoral Boards (PEBs), 1,067 District Electoral Boards (DEBs) and 165,574 Ballot Box Committees (BBCs).<sup>12</sup> In addition, one DEB was established in Ankara to co-ordinate the activities of 1,186 out-of-country BBCs.

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<sup>8</sup> See the PACE report: Observation of the Parliamentary Elections in Turkey, 12 June 2011: <http://assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileId=12999&Language=en>.

<sup>9</sup> Article 67 of the Constitution provides that amendments to election laws are not to be applied within one year of their adoption. The version of Article 58 of the Law on Basic Provisions that remained in force for the presidential election stated that mainly the Turkish language must be used in campaigning.

<sup>10</sup> On 22 January 2013, the European Court of Human Rights (ECtHR) ruled in a case filed by Kurdish politicians from Turkey convicted of using Kurdish in election campaigns, that a blanket ban on the use of unofficial languages coupled with criminal sanctions violates the freedom of expression. See judgment by the ECtHR: *Şükran Aydın and Others v. Turkey*, applications nos. 49197/06, 23196/07, 50242/08, 60912/08 and 14871/09, 27 May 2013.

<sup>11</sup> One non-governmental organization requested the SBE to cancel its regulation on the use of language, and if not, to clarify that the provision did not prohibit the use of unofficial languages in campaign advertising. On 24 July, the SBE replied without clarification that the provision is in line with current legislation.

<sup>12</sup> Generally, each district has one DEB, with additional DEBs established in areas with higher populations.



The Constitution provides that elections are held under the general administration and supervision of the judicial organs. The SBE is a permanent 11-member body tasked with overall authority and responsibility for the conduct of the election. It is an administrative body, although its members are judges elected by high courts for a six-year term.<sup>13</sup> PEBs and DEBs are permanent bodies whose members have two-year terms. PEBs consist of three members appointed from judges in the respective province based on seniority. DEBs have seven members (four members nominated by political parties and two local civil servants) and are chaired by the most senior judge in the district. BBCs are constituted ahead of each election and are composed of seven members. Of the BBC members, five are nominated by political parties and one by the local council; the chairperson is selected through a process by the respective DEB.

The election administration suffered from a lack of trust due to concerns over its level of institutional independence. In particular, recent reforms to the broader legal framework increased the control of the Ministry of Justice over the courts, which led to a perceived undermining of the independence of judges and, in effect, the members of the SBE and PEBs and heads of the DEBs.<sup>14</sup> As the Ministry of Justice has the authority to discipline and dismiss judges, there is concern that this gives it control over election administrators given that they include active judges.<sup>15</sup> The independence of the election administration is further undermined as the SBE's budget falls within the budget of the Ministry of Justice.

*Consideration should be given to revising the constitutional and legal framework in order to strengthen the independence of the judiciary and of the election administration, which will also serve to increase public trust in the election administration.*

Eligible political parties were entitled to nominate non-voting representatives to the SBE, PEBs and DEBs and members to DEBs and BBCs.<sup>16</sup> Although the HDP nominated a presidential candidate, it did not meet the legal requirements to nominate a non-voting representative to the SBE or members to

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<sup>13</sup> Six members are elected by the Supreme Court and five by the Council of State. Of the 11 members, 10 are male and 1 female.

<sup>14</sup> Under Article 159 of the Constitution and the 2010 Law on the High Council of Judges and Prosecutors, the head of the High Council of Judges and Prosecutors (High Council) is the Minister of Justice. The High Council oversees the judiciary, including discipline and dismissal of judges. Amendments of the law in February, April, May and June 2014, brought the judiciary under increased control of the government; between January and June 2014, the High Council replaced several thousand judges and prosecutors.

<sup>15</sup> Section II.3.1(75) of the 2002 Code of Good Practice in Electoral Matters of the Council of Europe's Commission for Democracy through Law (Venice Commission) states that "judicial appointees should not come under the authority of those standing for Office." and section II.3.1(77) notes that "bodies that appoint members to electoral commission should not be free to recall them, as it casts doubt on the independence. Discretionary recall is unacceptable, but recall for disciplinary reasons is permissible – provided that the grounds for this are clearly and restrictively specified in the law." See: <http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD%282002%29023-e>.

<sup>16</sup> The law provides that the four political parties that garnered the highest number of votes in the last parliamentary elections may nominate a non-voting representative to the SBE. Parties with at least one member from their candidate list elected in the last parliamentary elections, or that held their congress in the last six months prior to the election and have the required nationwide organizational structure, may nominate non-voting representatives to PEBs and DEBs. In addition, political parties that garnered the highest number of votes in the last parliamentary elections in a particular district may nominate members to DEBs and BBCs: the top four parties can each nominate one member to the DEBs and the top five parties can each nominate one member to the BBCs.

electoral boards.<sup>17</sup> Nevertheless, the HDP was permitted to nominate a non-voting representative to the SBE, but not to lower boards or members to DEBs and BBCs.<sup>18</sup>

*It is recommended that the legal framework be amended to ensure that all nominating political parties and independent candidates are entitled to have representation and/or membership on electoral boards at all levels in presidential elections.*

Communication and reporting of the lower level electoral boards to the SBE was not regulated and in practice communication and reporting mechanisms were insufficient for the presidential election. In particular, BBCs, DEBs and PEBs were not required to inform the SBE about the number and subject of complaints, enquiries of voters or political parties at the local level, or the participation of voters on election day. These shortcomings considerably reduced the oversight of the SBE and its accountability to stakeholders in the electoral process.

*Consideration could be given to establishing a clear monitoring and reporting framework between the SBE and lower level electoral boards that could enhance accountability and contribute to public confidence.*

The law does not require meetings of electoral boards to be open to observers and the media, despite a previous OSCE/ODIHR recommendation and the Venice Commission Code of Good Practice in Electoral Matters.<sup>19</sup> The OSCE/ODIHR LEOM was not allowed to attend SBE sessions, while its access to DEB meetings varied throughout the country. While party representatives had access to SBE documents, some SBE regulations and many decisions of the various electoral boards were not posted on the SBE website or otherwise made publicly available, undermining the transparency of the legal framework and the administration's decision-making process.

*To increase transparency of the SBE and lower level electoral boards, it is recommended that the legislation require that all regulations and decisions of the election administration be made publicly available, including being posted on the SBE website, and that meetings of all electoral boards are open to the media and observers.*

The technical preparations for the election were adequate, despite some shortcomings, in particular in not meeting certain legal deadlines.<sup>20</sup> The campaign framework, established in the Law on Basic Provisions, was not sufficiently regulated by the SBE or fully implemented by the DEBs and the local administration.

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<sup>17</sup> The HDP was formed in 2012 and therefore did not participate as a party in the last parliamentary elections held in 2011. Its current MPs were elected as independent candidates in the last general elections.

<sup>18</sup> On 22 July, the HDP informed the OSCE/ODIHR LEOM that the SBE, based on legal criteria, denied its application to appoint a representative to the SBE; on 4 August, the SBE informed the OSCE/ODIHR LEOM that the HDP had a representative to the SBE; and on 5 August, the HDP retracted its initial statement and confirmed its representative.

<sup>19</sup> Section II.3.1(68) of the Venice Commission Code of Good Practice in Electoral Matters states that “only transparency, impartiality and independence from politically motivated manipulation will ensure proper administration of the election process, from the pre-election period to the end of the processing of results.”

<sup>20</sup> In particular, DEBs generally missed the legal deadline, set by the legislation, for designating and allocating locations to hold rallies and post campaign material on an equal basis.

Widespread lack of clarity among the authorities and the election administration on their campaign-related responsibilities led to an inconsistent application and enforcement of the campaign framework.<sup>21</sup>

The SBE, through DEBs, provided training for BBC members, although only the BBC chairperson and one member of each BBC were selected to participate.<sup>22</sup> Political parties provided separate trainings to their BBC members. It is preferable that members of electoral commissions receive standard training.<sup>23</sup>

*Consideration could be given to establishing standardized training for members of the electoral administration at all levels.*

The SBE prepared televised spots on voter information for in-country and out-of-country voters. The information regarding voting procedures and key deadlines for out-of-country voters was available on the SBE website. The SBE introduced special arrangements for voters with disabilities and those over 75 years of age; these voters were included in voter lists of polling stations designed to be fully accessible.

The SBE printed and distributed 75,708,180 ballots, which included a surplus of some 30 per cent.<sup>24</sup> There was no clear legal prescription for the decision of the SBE on the total number of ballots to be printed. The SBE referred to the Law on Local Administration Elections, which stipulates that the quantity of surplus ballots should amount to no more than 15 per cent of the number of registered voters. In addition, the Law on Basic Provisions stipulates that each polling station should be provided with a package of 400 ballots; however, the SBE distributed packages of 420 ballots (plus two per cent reserve) to each polling station in-country, explaining that the additional ballots were for contingency purposes. No legal provisions exist for the number of ballots to be distributed to out-of-country and border crossing polling stations. The number of unused ballots was not declared by the SBE nor included in the DEB/PEB result protocols.

*To enhance transparency and confidence in the electoral process, it is recommended that regulations for the number of ballots to be printed and distributed be clearly and sufficiently defined in the Law on Basic Provisions. Furthermore, it is recommended that results protocols include information on the number of used, unused, and reserve ballots.*

For the first time, voters abroad were given the opportunity to vote. Out-of-country voting for voters residing abroad was established from 31 July to 3 August in 54 countries, and additionally took place from 26 July to 10 August at 42 border crossings. According to the SBE, the procedures to assign voters abroad to polling stations was problematic in some respects, including assigning some voters to polling stations far from their residence, which may have contributed to a low out-of-country voter turnout; the AKP filed an official complaint on the matter to the SBE. Out-of-country ballots were returned and counted in Ankara and ballots cast at border crossings were counted by their assigned DEBs.

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<sup>21</sup> Under the Law on Basic Provisions, DEBs have the responsibility to implement provisions for ensuring equal opportunities for outdoor campaign meetings and equal space for posting of campaign materials. In addition, DEBs and local authorities have responsibility to enforce rules on the posting of campaign materials.

<sup>22</sup> The OSCE/ODIHR LEOM was informed that DEB and PEB members were trained before the March 2014 local elections and did not receive additional training ahead of the presidential election.

<sup>23</sup> Section II.3.1(84) of the Venice Commission Code of Good Practice in Electoral Matters.

<sup>24</sup> Total number of ballots: in-country: 69,344,520 + 1,681,260 contingency; out-of-country: 2,956,320 + 113,760 contingency; border crossings: 1,500,000; and 112,320 ballots lost in a flood in Düsseldorf.

## VI. VOTER REGISTRATION

Citizens over 18 years of age have the right to vote. However, under Article 67 of the Constitution, active conscripts, cadets, and prisoners who have committed intentional crimes, regardless of the severity of the crime, are not eligible to vote. This is not in line with paragraph 7.3 of the 1990 OSCE Copenhagen Document and other international obligations.<sup>25</sup> Furthermore, Article 53 of the Criminal Code provides that voting rights are to be restored when a convict's sentence is fully executed, which effectively extends the voting ban to convicts with suspended sentences and during the period of conditional release.

In September 2013, the ECtHR ruled that Turkey's ban on convicted prisoners' voting rights is too broad and in breach of the right to free elections.<sup>26</sup> On 20 June, the SBE issued a decision that partially implemented the ECtHR decision, whereby it referenced the ECtHR decision and Article 90 of the Constitution that establishes the supremacy of applicable international law over domestic legislation, and determined that all convicts outside of prison are entitled to vote, whether or not their sentence is fully executed as required by Article 53 of the Criminal Code.<sup>27</sup> The SBE decision did not address the restrictions on voting rights of convicts in prison since this is established in the Constitution.

*It is recommended that parliament fully implement the ECtHR decision on prisoners' voting rights to ensure that the loss of voting rights for convicts is proportionate to the crime committed and the imposed sentence, and that convicts' rights are automatically restored on release from prison. Furthermore, the ban on voting rights for conscripts and cadets could be repealed to bring the Constitution in line with international obligations.*

The voter registration system is passive. The permanent central voter register (SECSYS) is maintained by the SBE and linked to a civil and address registry (MERNIS), operated by the Ministry of Interior. Information regarding some categories of ineligible voters is provided to the SBE by the Ministry of Defense and the Ministry of Justice. Voter registration is based on a personal identification number, which is linked to the voter's place of permanent residence. While the authorities informed the OSCE/ODIHR LEOM that voting is compulsory under the Law on Parliamentary Elections whilst not

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<sup>25</sup> 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". See also paragraph 14 of the 1996 UN Human Rights Committee General Comment No 25 to Article 25 of the International Covenant on Civil and Political Rights (ICCPR), which states: "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 CoE Committee of Ministers Recommendation CM/Rec(2010)4 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 proportionate in pursuit of a legitimate aim should be removed."; <https://wcd.coe.int/ViewDoc.jsp?id=1590149&Site=CM>.

<sup>26</sup> Judgment by the ECtHR: *Söyler v. Turkey*, application no. 29411/07, 20 January 2014. The case concerned a complaint brought by a citizen convicted for issuing cheques with insufficient funds, who was not allowed to vote in the 2007 general elections, while in prison, or in the 2011 general elections, after his conditional release. The ECtHR found that the ban on convicted prisoners' voting rights established in Article 67 of the Constitution, Article 7 of the Law on Basic Provisions, and Article 53 of the Criminal Code, was automatic and indiscriminate and did not take into account the nature or gravity of the offence, the length of the prison sentence or the prisoner's individual conduct or circumstances, and was applicable even to those convicts given suspended sentences and during the period of conditional release.

<sup>27</sup> The decision applies to individuals waiting to serve their prison sentence, under a suspended sentence, on conditional release, and on probation. The SBE issued the same decision for the first time in December 2013 applicable to local elections in March 2014.

generally enforced, the legal framework is unclear whether voting is compulsory for presidential elections.

During an election period, the SBE extracts voter information, compiles voter lists, and forwards them to DEBs for posting and public review. The total number of eligible voters was 52,894,115 in-country, and 2,798,726 out-of-country. Special voter lists were compiled for eligible imprisoned voters. A public review took place between 2 and 9 July, whereby voters could verify their information on voter lists at DEBs or online. More than 1,300,000 enquiries from voters were registered on the SBE website. Overall, the SBE made more than 400,000 changes to voter lists prior to their finalization on 20 July. No changes were possible after this date with voters required to vote at their place of registration.

*Consideration could be given to extending the period of public scrutiny of voter lists and to bringing the deadline for changes to voter lists closer to election day.*

A lack of provisions for voters in hospitals and sanatoriums as well as seasonal workers to cast their vote in their place of temporary stay reduced their possibility to exercise their right to vote.

The Law on Basic Provisions allows voters and political parties to challenge voter lists. Political parties were entitled to receive copies of voter lists; only four of the twenty-six eligible parties applied to the SBE for a copy and none lodged complaints related to accuracy. The representative of the MHP at the SBE informed the OSCE/ODIHR LEOM that parties share voter lists among each other and no legal provisions prevent them from doing so. While contributing to the transparency of the electoral process, the access of political parties to all categories of data on voter lists and a lack of restrictions on a further dissemination of data by political parties raises concerns related to the protection of personal data.<sup>28</sup> Overall, stakeholders expressed confidence in the quality of the voter lists.

## VII. CANDIDATE REGISTRATION

Under Articles 76 and 101 of the Constitution, presidential candidates must be at least 40 years of age, have a higher education, and be eligible to be an MP, which includes a ban on all persons convicted of a non-exhaustive list of a broad range of crimes, barred from public service, or who have not completed their military service.<sup>29</sup> In 2012, Article 12 of the Judicial Records Law was amended to provide for the restoration of convicts' candidacy rights after a minimum 15-year waiting period following full execution of the sentence.<sup>30</sup> To reclaim their rights, convicts must also prove they lived "a good life" for at least the first three years after full execution of their sentence. These restrictions (other than the age requirement)

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<sup>28</sup> A constitutional amendment in 2010 guarantees protection of personal data; however, legislation in this respect has not yet been adopted.

<sup>29</sup> Article 76 prescribes that persons "who have not completed primary education, who have been deprived of legal capacity, who have not performed compulsory military service, who are banned from public service, who have been sentenced to a prison term totalling one year or more excluding involuntary offences, or to a heavy imprisonment; those who have been convicted for dishonourable offences such as embezzlement, corruption, bribery, theft, fraud, forgery, breach of trust, fraudulent bankruptcy; and persons convicted of smuggling, conspiracy in official bidding or purchasing, of offences related to the disclosure of state secrets, of involvement in acts of terrorism, or incitement and encouragement of such activities, shall not be elected as a deputy, even if they have been granted amnesty."

<sup>30</sup> A 2011 Constitutional Court decision annulled a former provision that established a lifetime ban on candidacy rights.

are incompatible with the fundamental right to stand for election and with paragraph 7.5 of the 1990 OSCE Copenhagen Document.<sup>31</sup>

Presidential candidates require the support of at least 20 MPs, with each MP only permitted to support one nominee. This requirement limited the possibilities for independent candidacy. Parliamentary parties and parties that jointly received at least 10 per cent of the votes in the last general elections may each nominate one presidential candidate. The LPE requires presidential candidates to resign from certain public positions, but does not specifically include the posts of prime minister, ministers, and MPs.

*It is recommended that the eligibility requirements for presidential candidates and the provisions on restitution of candidacy rights be reviewed and amended to bring them in line with international obligations and good electoral practice. In addition, consideration could be given to amending the current provision requiring nominees to have support from members of parliament to broaden the opportunity for independent candidates to contest presidential elections.*

Three candidates were nominated by political parties: Recep Tayyip Erdoğan, nominated by the AKP; Ekmeleddin İhsanoğlu, jointly nominated by the CHP and the MHP; and Selahattin Demirtaş, nominated by the HDP. Thirteen individuals, including one woman, applied as independent candidates, but were not registered as candidates by the SBE due to the lack of support from the required 20 MPs.<sup>32</sup> The final candidate list was published on 11 July.

## VIII. CAMPAIGN ENVIRONMENT

According to Article 13 of the LPE, the official campaign period began on 11 July, the date the final candidate list was published.<sup>33</sup> The Law on Basic Provisions defines the end of the campaign period at 18:00 on 9 August.

The Law on Basic Provisions establishes a clear and strict regulatory framework for campaign conduct aimed at ensuring a level playing field, including detailed prohibitions on the misuse of administrative resources and official positions for campaign purposes. However, an SBE decision deferred the application of this regulatory framework by nearly three weeks. While the LPE provides for a campaign period starting on 10 July, the SBE, in applying the provisions in the less recent Law on Basic Provisions,

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<sup>31</sup> Paragraph 7.5 provides 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 of General Comment No 25 to Article 25 of the ICCPR states that "...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." Paragraph 24 of the 1990 OSCE Copenhagen Document provides that restrictions on rights and freedoms must be "strictly proportionate to the aim of the law".

<sup>32</sup> As reported in the media, on 18 July one of the individuals not registered lodged an appeal to the ECtHR claiming that their right to be an independent candidate was violated due to the legal requirement of support of 20 MPs.

<sup>33</sup> Article 13 of the LPE was the result of a political negotiation in which the ruling party proposed a 10-day official campaign period (the period applicable for parliamentary and local elections under the Law on Basic Provisions) and the opposition proposed a 60-day period; the negotiated result was, in effect, a 30-day official campaign period. The opposition's proposal to include the new official campaign period in the Law on Basic Provisions to make it clear it was an exception to the general 10-day official campaign period established in that law was not accepted by the governing party and it was instead included in the LPE. Under the law, the official campaign period is the period during which the campaign regulations are applicable.

deferred the start regarding the regulatory framework to 31 July.<sup>34</sup> The resulting 10-day campaign period benefitted the Prime Minister and was insufficient to adequately ensure equal opportunities for all candidates to compete in the election.<sup>35</sup>

*To ensure an equitable campaign environment, it is recommended to amend the Law on Basic Provisions to provide that all campaign prohibitions, including on the misuse of administrative resources and official positions for campaign purposes apply for the duration of the electoral period, not only during the official campaign period.*

The political environment was influenced by a confrontation between the current government and a movement purportedly challenging state structures. This was exemplified by investigations of corruption involving state officials and arrests and detentions of a number of law enforcement personnel including during the campaign period. Throughout his campaign, the Prime Minister frequently referred to the importance of dismantling any existing alternative state structures that challenge state institutions.

The campaign was characterized by a general respect for freedoms of assembly and association with contestants able for the most part to campaign without hindrance. However, the use of state events for campaigning granted the Prime Minister an undue advantage over other electoral contestants.

This first direct presidential election featured a contest between three candidates representing different political positions.<sup>36</sup> A key issue in the campaign was the debate on the future of Turkey's system of government; Mr. Erdoğan called for a strong presidential system while Mr. İhsanoğlu promised to preserve the current parliamentary system. Additionally, the ongoing situations in the Gaza Strip, Syria, and Iraq, the issue of corruption of state officials, and the continuation of the Kurdish peace process in Turkey were all highlighted in the campaign. Mr. Demirtaş underlined the need to stand with people who face discrimination due to ethnic, religious, gender, or class-based identity and was particularly vocal on gender-equality. On 7 August, during a campaign rally, the Prime Minister verbally attacked a journalist for remarks she made on a television programme. His comments were publicly criticized as being highly offensive.<sup>37</sup>

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<sup>34</sup> The date of 31 July was based on Article 49 of the Law on Basic Provisions, which provides that the official campaign period starts 10 days prior to election day; this period has applied to all elections up to the adoption of the LPE, which specifically regulates presidential elections.

<sup>35</sup> The SBE specifically deferred the application of Articles 64 – 66 of the Law on Basic Provisions prohibiting certain activities. Among others, the prohibitions include holding official ceremonies (including inaugurations), making speeches and statements related to the works and services of the government, use of official vehicles by the Prime Minister, Ministers and MPs on campaign tours, holding of welcoming ceremonies and protocol meetings for the Prime Minister, Ministers and MPs during their campaign tours, and government officers participating in campaign tours of the Prime Minister, Ministers, and MPs. Article 155 of the Law on Basic Provisions establishes a prison sentence of three months to one year for any breach of Articles 64 – 66 by the Prime Minister, Ministers or MPs.

<sup>36</sup> Mr. Erdoğan was supported by the AKP. Mr. Ekmeleddin İhsanoğlu was supported by the CHP and MHP and 12 non-parliamentary parties: Democratic Left Party, Independent Turkey Party, Democratic Party, Great Union Party, Socialist Worker's Party of Turkey, Revolutionary People's Party, Social Reconciliation Reform and Development Party, Liberal Democrat Party, True Path Party, Women's Party, Right and Justice Party and Great Anatolian Development Movement Party. Mr. Selahattin Demirtaş was supported by the HDP and the Labour Party.

<sup>37</sup> On 8 August, the OSCE Representative on Freedom of the Media (RFoM) expressed concern over the intimidation of the journalist and for her safety following the widespread smear campaign against her, including on social media. See OSCE RFoM Press Release, 8 August 2014; <http://www.osce.org/fom/122480>.

While all three candidates actively campaigned, the campaign was characterized by the high visibility of Mr. Erdoğan who travelled extensively throughout the country in his official role as Prime Minister, combining this activity with campaign events organized by the AKP and at times by the local administration.<sup>38</sup> In addition, campaigning took place during the inauguration of key state infrastructure projects.<sup>39</sup> The misuse of administrative resources and a lack of clear distinction between state and party activities are at odds with paragraph 5.4 of the 1990 OSCE Copenhagen Document and the Venice Commission's Report on the Misuse of Administrative Resources during Electoral Processes.<sup>40</sup> Furthermore, instances of distributing food parcels and vouchers by the Prime Minister's campaign were noted by the OSCE/ODIHR LEOM and confirmed by AKP representatives.

*The authorities should consider developing safeguards to ensure a clear separation between the State and party to prevent candidates from unduly using the advantage of their office for electoral purposes, as required by paragraph 5.4 of the 1990 OSCE Copenhagen Document. Moreover, public officials should refrain from misusing their public positions and state resources for partisan ends.*

Campaigning by all three candidates included rallies, door-to-door canvassing, distribution of brochures, and the use of billboards and loudspeakers.<sup>41</sup> Candidates used social media, in particular Mr. Demirtaş due to his campaign's limited financial resources and in order to address young voters. Representatives of Mr. İhsanoğlu and Mr. Demirtaş informed the OSCE/ODIHR LEOM that their capacity to purchase advertising space outdoors and in the media was limited due to financial constraints. The use of the Kurdish language featured in most of the observed events held by Mr. Demirtaş and campaign material was also available in Kurdish. In some instances, the OSCE/ODIHR LEOM also noted the use of the Zaza language.

Several cases of physical attacks on campaign activists of Mr. Demirtaş occurred while carrying out campaign activities.<sup>42</sup> In the last days of the campaign, the Prime Minister was criticized by some opposition parties and members of civil society for using inflammatory rhetoric against a number of ethnic and religious groups.<sup>43</sup> One CHP MP and the HDP lodged separate complaints with public

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<sup>38</sup> The OSCE/ODIHR LEOM was aware of 15 events where official visits to governors were combined with campaign activities. Both the Prime Minister's official website and that of his campaign provided a schedule of his daily campaign events and upcoming official inaugurations.

<sup>39</sup> On 25 July, the Prime Minister campaigned during the inauguration of the high-speed train between Istanbul and Ankara. On 26 July, he participated in the opening ceremony of the Başakşehir football stadium in Istanbul.

<sup>40</sup> Paragraph 5.4 of the 1990 OSCE Copenhagen Document provides for "a clear separation between the State and political parties; in particular, political parties will not be merged with the State." See the Venice Commission 2013 Report at: <http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD%282013%29033-e>. While Turkish legislation contains similar restrictions under Articles 63 to 66 of the Law on Basic Provisions, these were only applied during the last 10 days of the campaign period (See earlier in this section).

<sup>41</sup> In total, the OSCE/ODIHR LEOM observed 32 rallies by the three candidates (10 for Mr. Erdoğan, 10 for Mr. İhsanoğlu and 12 for Mr. Demirtaş). An estimated 35 per cent of rally attendees were women.

<sup>42</sup> Attacks on Mr. Demirtaş's campaign activists, campaign stands and materials were reported to the OSCE/ODIHR LEOM as follows: Samsun (26 July), Rize (26 July), İzmir (26 July and 7 August), İstanbul (21, 28, 29, and 31 July), Gaziantep (1 August), Hasanbeyli (6 August), and Kadirli (8 August). On 28 July, in İstanbul (district of Küçükçekmece) there were verbal assaults and a shot fired at supporters of Mr. Demirtaş in front of his campaign office. On 31 July, in İstanbul (district of Sultangazi), a 16-year old boy was killed during a clash between the HDP and an extreme left organization. In addition, on 8 August, the OSCE/ODIHR LEOM was informed by stakeholders that in several villages in Kars Province a number of BBC members nominated by the AKP resigned from their positions following threats.

<sup>43</sup> This included references to Alevis, Zazas and Armenians.



prosecutors on 6 and 7 August, respectively, regarding offensive comments made by the Prime Minister against a religious group, referring to Article 216 of the Criminal Code on hate crimes.

## IX. CAMPAIGN FINANCE

In following previous OSCE/ODIHR recommendations, this election included the introduction of specific provisions to regulate campaign financing. However, while some aspects of the regulatory framework were established, a number of important elements were not adequately addressed or remained unclear, including on sources of funding, reporting requirements, oversight, and sanctions.

While the LPE regulates campaign finance for presidential elections, the only funding sources permitted and reporting requirements for candidates relate to the limited donations from Turkish citizens.<sup>44</sup> Candidates were not entitled to receive public funding, and loans were not permitted. The law does not provide for any limitation on campaign expenditure.

Overall, SBE regulations did not adequately supplement the legal framework on campaign finance, which resulted in allowing candidates to use additional, non-transparent sources of funding. An SBE regulation of 6 June prohibited in-kind donations. However, another SBE regulation of 2 July went beyond the scope of the LPE by allowing nominating political parties to provide support to their candidate by paying for political advertising on television without limit or a requirement to report, which circumvented the reporting of candidates and overall limited effectiveness of the framework.

The LPE required candidates to open a bank account dedicated to donations and report to the SBE on donated income and expenditure within 10 days of the announcement of the final results. All three candidates submitted their respective reports by the deadline. However, the lack of requirement for any interim reporting undermined transparency. While the SBE is required to “announce the results of the inspections” within one month following the completion of its inspection, the law does not require the SBE to publish candidate campaign finance reports, further reducing the opportunity for public scrutiny of campaign funding. All three candidates opened dedicated bank accounts and each voluntarily disclosed donations received during the course of the campaign, although no one published the names or amounts of individual donors.<sup>45</sup> While the SBE is legally required to conduct an inspection of the campaign finance reports and to determine irregularities, it does not have the resources necessary to undertake a comprehensive audit.<sup>46</sup>

While the LPE does not provide for candidates to use their personal funds in the campaign, a certain level of uncertainty was noted as some OSCE/ODIHR LEOM interlocutors claimed that candidates were allowed to use their personal funds without limit and that political parties were able to directly fund the campaign events of their candidates. Moreover, the law does not require reporting on any personal or

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<sup>44</sup> The law limits the amount an individual can donate for each round, which cannot exceed one month’s salary of the highest-ranking civil servant. The SBE defined this amount at 9,082.51 Turkish Lira (TL) (approx. EUR 3,150).

<sup>45</sup> Mr. Demirtaş: 1,213,000 TL (approx. EUR 418,275) from 7,119 donors as of 9 August, as per his website (<http://en.selahattindemirtas.net>). Mr. İhsanoğlu: 8,500,000 TL (approx. EUR 2,931,034) from some 21,257 donors as of 9 August, as published by his press office. Mr. Erdogan stated on 8 August on ATV and A Haber TV that he received 55,260,778 TL in donations (approx. EUR 19,055,440) from 1,350,796 donors.

<sup>46</sup> Article 14(6) of the LPE allows the SBE to seek the assistance of the Court of Accounts and other concerned public institutions in conducting the inspection, but it is not required to do so.

party resources used for campaign purposes. In addition, there are no legal sanctions for breach of established campaign finance provisions.

The lack of a requirement for comprehensive and intermittent disclosure of campaign funds and expenditures, coupled with an absence of sanctions, falls short of international obligations and good practice for transparent and accountable campaign financing, including recommendations by the Council of Europe's Group of States against Corruption (GRECO).<sup>47</sup>

*To bring the campaign finance framework in line with international good practices and to follow recent GRECO recommendations, authorities could address noted gaps and ambiguities. In particular, this could include clarifying the permissible sources of campaign funds, establishing periodic, timely and transparent reporting of financial and in-kind campaign contributions, providing a clear oversight and monitoring mandate to the Court of Accounts or other qualified independent institution, and requiring the responsible authority to publish all campaign finance reports in a timely manner. Furthermore, effective, proportionate and dissuasive sanctions for breach of campaign finance regulations could be introduced.*

## **X. MEDIA**

### **A. LEGAL FRAMEWORK AND MEDIA ENVIRONMENT**

Undue restrictions on freedom of expression in the media legal framework undermine the sound basis for open debate on matters of public concern. The Constitution does not fully protect the right to freedom of expression by permitting undue restrictions, among others, to protect “the basic characteristics of the Republic and the indivisible integrity of the state with its territory and nation.” Legislation and its implementation criminalize speech on certain matters of public importance. In particular, this includes broad provisions on criminal defamation in the Criminal Code, including defamation of the Turkish nation, and on propaganda in favour of a terrorist organization, in the Anti-Terrorism Act.<sup>48</sup>

*The legal framework should be amended to bring it in line with international obligations on freedom of expression, including the decriminalization of related offences. In addition, all media-related cases should be dealt with by the respective institutions in compliance with Article 10 of the European Convention on Human Rights (ECHR) on freedom of expression and relevant ECtHR case law.*

The media environment is characterized by numerous broadcast and print outlets, most of which are associated with one of the political forces. Few media outlets are considered to be independent. A number of journalists and academics expressed concerns to the OSCE/ODIHR LEOM that the dependency of media-owning business conglomerates on the state for obtaining lucrative industrial tenders causes direct

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<sup>47</sup> See Article 7.3 of the United Nations Convention against Corruption, which states that “Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office...” See also paragraphs 169, 194 and 205 of the Joint Venice Commission and OSCE/ODIHR Guidelines on Political Party Regulation, June 2011; <http://www.osce.org/odihr/77812>; and GRECO's Third Evaluation Round, Compliance Report, 23 March 2012 at: [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3\(2012\)4\\_Turkey\\_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2012)4_Turkey_EN.pdf).

<sup>48</sup> As of 18 June 2014, the OSCE RFoM currently lists, after recent releases, 21 imprisoned journalists: <http://www.osce.org/fom/119921>.

interference in editorial freedom, resulting in limited criticism of the government, particularly on television. In addition, journalists reported to the OSCE/ODIHR LEOM that the fear of withdrawal of advertising by state companies allocated to government-friendly media outlets leads to self-censorship. Furthermore, journalists working with outlets not affiliated with the government reported that their accreditation to cover official government events was at times denied.<sup>49</sup>

*State advertisement contracts should be procured transparently and be subject to audit by an independent body. Consideration could be given to allocating state advertising only to outlets that provide for full transparency of media ownership and funding structures.*

The Internet contributes to media pluralism, particularly in social media and was widely used during the course of the campaign.<sup>50</sup>

The conduct of media during elections is guided by the Law on the Establishment of Radio and Television Enterprises and their Media Services (Law on Broadcasting), which contains provisions on political coverage. The Law on Basic Provisions provides for candidates' rights on free and paid airtime. The SBE issued decisions basically reiterating relevant legal provisions.

The supervisory body for broadcasters, including on campaign coverage, is the Radio and Television Supreme Council (RTSC). However, the appointment process of RTSC members by political parties results in a lack of independence.<sup>51</sup> Moreover, the RTSC nominates the General Director and administrative board members of the public broadcaster, the Turkish Radio and Television Corporation (TRT).

While Article 8 of the Law on Broadcasting requires all broadcasters to ensure “impartiality, truthfulness and accuracy” in political coverage, including the campaign, the provision lacks precision and was not elaborated by SBE decisions. Stakeholders, including members of the RTSC, provided contradictory interpretations of the impartiality requirement.

*The Law on Broadcasting should be amended in order to provide for a precise definition of “impartiality” in the context of broadcasting.*

The legal framework does not establish a transparent and effective monitoring and reporting procedure between the RTSC, as the monitoring body, and the SBE, the sanctioning body. OSCE/ODIHR LEOM

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<sup>49</sup> See CoE Recommendation CM/Rec(2011)7 of the Committee of Ministers to member states on a new notion of media: <https://wcd.coe.int/ViewDoc.jsp?id=1835645&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>.

<sup>50</sup> The corresponding legislation is unduly restrictive. The 2007 ‘Internet’ Law, last amended in February 2014, allows authorities to block websites, without sufficient court supervision. The OSCE RFoM has made several interventions on Turkey concerning its Internet legislation. See, among others, the OSCE RFoM Press Release of 5 August 2013: <http://www.osce.org/fom/104157>. The social networking sites Twitter and YouTube were blocked by the telecommunications regulator on 20 and 23 March, respectively. The Constitutional Court subsequently lifted the blocking for Twitter on 2 April and YouTube on 29 May, and the authorities unblocked the sites on 3 April and 3 June, respectively. The OSCE/ODIHR LEOM was not made aware of complaints of direct interference with election-related Internet activities.

<sup>51</sup> The RTSC consists of nine members elected by parliament: five nominated by the AKP, two by the CHP and one member each by the MHP and BDP.

interlocutors stated that the RTSC did not provide monitoring results, but only reported to the SBE on violations as identified by RTSC monitors.<sup>52</sup>

On 4 August, the SBE informed the OSCE/ODIHR LEOM that 17 warnings had been issued to 17 TV stations. In addition, following previous RTSC warnings, 12 decisions against 9 TV stations ordered the suspension of the TV programmes concerned. However, in the absence of legal deadlines, the warnings issued were too late to provide for effective remedy during the campaign and did not include the necessary measures to be taken by the broadcaster in order to provide for impartiality.<sup>53</sup> The issue of biased coverage on TRT in favour of the Prime Minister became a campaign issue and featured prominently in the media. Two SBE decisions against TRT were based on a complaint filed by the CHP on TRT's biased coverage in favour of Mr. Erdoğan. In addition, two complaints on the same issue were filed with the prosecutor's office. None of the media-related complaints or related SBE decisions were made public. In addition, RTSC monitoring results were not published.

*The impartiality requirement for broadcasters related to political coverage, including during the campaign, should be overseen by a genuinely independent regulatory body, which can act upon complaints or on its own initiative upon monitored violations in a timely manner. Any remedies imposed should not prevent the media from carrying out their activities.*

Each presidential candidate was granted a total of 30 minutes of free airtime on TRT and the right to purchase advertising time and space under equal conditions. The law does not set a limit on the amount of paid political advertising contestants can purchase; it is only constrained by a provision in the Law on Broadcasting that limits advertising to 20 per cent per hour.

## B. OSCE/ODIHR MEDIA MONITORING



The OSCE/ODIHR LEOM media monitoring showed that three of the five monitored TV stations, including the public broadcaster, TRT1, displayed explicit bias in campaign coverage in favour of the Prime Minister in news, current events, and discussion programmes.<sup>54</sup> TRT 1 devoted 51 per cent of coverage to Mr. Erdoğan, while Mr. İhsanoğlu and Mr. Demirtaş received 32 per cent and 18 per cent, respectively. In addition, 25 per cent of Mr. İhsanoğlu's coverage was negative in tone, while Mr. Erdoğan's coverage was almost all positive. TRT adhered to its legal obligation to broadcast a total of 30 minutes of free airtime for each candidate.

ATV devoted 70 per cent coverage to Mr. Erdoğan, while Mr. İhsanoğlu and Mr. Demirtaş received 18 and 11 per cent, respectively. Forty-nine per cent of Mr. İhsanoğlu's coverage was negative in tone. NTV gave 70 per cent of its coverage to Mr. Erdoğan, and only devoted 20 and 10 per cent to Mr. İhsanoğlu and Mr. Demirtaş, respectively; it covered all candidates in a positive/neutral tone. While CNN TÜRK devoted 54 per cent of its coverage to Mr. Erdoğan, it displayed a critical approach with 28 per cent of its

<sup>52</sup> In recent years the ECtHR adjudicated in several cases against decisions by the RTSC and their subsequent validation by administrative courts, for, among other things, arbitrary sanctioning and the violation of procedural guarantees necessary for the respect of Article 10 of the ECHR. See judgment by the ECtHR: *Nur Radyo Ve Televizyon Yayıncılığı A.Ş. v. Turkey*, application no. 42284/05, 12 October 2010.

<sup>53</sup> The SBE informed the OSCE/ODIHR LEOM that its decisions are forwarded to the relevant governor who informs the respective broadcaster. In addition, the RTSC is required by law to implement SBE decisions. One TV station concerned informed the OSCE/ODIHR LEOM that it received a SBE warning dated 19 July only on 7 August.

<sup>54</sup> The OSCE/ODIHR LEOM conducted media monitoring from 14 July until the start of the electoral silence period on 9 August 2014. Media monitoring comprised five TV stations: ATV, CNN TÜRK, NTV, TRT1 and *Samanyolu TV*; and four newspapers: *Hürriyet*, *Zaman*, *Sözcü* and *Sabah*.

coverage negative in tone; Mr. İhsanoğlu and Mr. Demirtaş received 27 and 20 per cent coverage, respectively. *Samanyolu TV* displayed a bias against Mr. Erdoğan and in favour of Mr. İhsanoğlu, with the Prime Minister receiving 62 per cent coverage, of which 92 per cent was negative. Mr. İhsanoğlu and Mr. Demirtaş received 28 and 11 per cent coverage, respectively.

In addition, on the monitored TV stations, Mr. Erdoğan was featured in almost seven hours of purchased political advertising, while Mr. İhsanoğlu and Mr. Demirtaş purchased 36 minutes and 19 minutes, respectively. Direct debates among the candidates did not take place.

The overall disproportionate coverage on television, the main source of political information, in favour of the Prime Minister, including live broadcasting of his events and speeches, coupled with the limited amount of paid political advertising featuring the other two candidates, gave the Prime Minister a distinct advantage, and limited pluralistic information on political alternatives for voters. However, three out of the four newspapers monitored by the OSCE/ODIHR LEOM displayed distinct criticism towards Mr. Erdoğan.

## **XI. COMPLAINTS AND APPEALS**

The electoral complaints and appeals process is primarily regulated by the Law on Basic Provisions. Non-final decisions of lower level electoral boards can be appealed to higher level boards, up to the SBE.<sup>55</sup> Complaints can be lodged by political parties, voters, party observers, and candidates, but not by civil society organizations. The law does not establish a process for filing campaign-related complaints.<sup>56</sup> Clear deadlines for submission and adjudication of pre-election day complaints and appeals are not fully provided in the law. Complaints against election results at various levels can be lodged with higher level election boards, with established short deadlines. The law does not provide criteria for conducting recounts or on invalidation of results.

Prior to election day, the SBE received some 35 complaints. Most regarded the Prime Minister's eligibility as a candidate, resignation from his public post, and the misuse of administrative resources; all of which were dismissed. Few complaints were lodged with lower level electoral boards prior to election day, mostly regarding posting of campaign material.<sup>57</sup> Lower level boards were not required to report to the SBE on handled complaints either in number or substance, and in practice they did not do so. This prevented the SBE from conducting general oversight of the complaints process. The adjudication of complaints and appeals by election bodies was not open to observers or the media, and complaints and decisions were generally not posted on the SBE's website or otherwise publicly available, undermining the transparency of the process. Decisions were not issued to affected stakeholders on a timely basis.<sup>58</sup> The SBE provided the OSCE/ODIHR LEOM with most of its decisions on complaints; in general, the reasons for decisions were insufficiently elaborated. Some OSCE/ODIHR interlocutors expressed a lack

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<sup>55</sup> PEB decisions on complaints related to the formation of DEBs and BBCs, and DEB and PEB decisions on voter registration complaints are final and cannot be appealed.

<sup>56</sup> In practice, campaign-related complaints were generally lodged with relevant DEBs during the official campaign period.

<sup>57</sup> These related to posting of campaign material in unauthorized places (e.g. bridges, public buses, etc.), use of the Turkish flag in campaign materials in breach of the law, damage to campaign posters, and removal of campaign posters from authorized places.

<sup>58</sup> SBE decisions were drafted, signed by members, and generally issued to affected parties between 10 to 15 days after the decisions were adopted.

of trust in the election administration and law enforcement to handle electoral complaints in an impartial manner.

*To increase the integrity, transparency and effectiveness of the election dispute process, it is recommended that the law establish a right for civil society organizations to lodge complaints, a campaign-related complaints and appeals process, reasonable deadlines for submission and adjudication of complaints, a requirement for publication of complaints and decisions, and public proceedings for adjudication of complaints.*

Under the Constitution, SBE decisions (regulations, administrative decisions, including the determination of election results, and decisions on complaints) are not subject to judicial review. Although composed by judges, the SBE is an administrative organ. Its acting as a last instance in election disputes by denying the opportunity for effective judicial remedy is not compliant with OSCE commitments and other international obligations.<sup>59</sup> The President of the Constitutional Court informed the OSCE/ODIHR LEOM that he supports establishing a mechanism for judicial review of SBE decisions, particularly by the Constitutional Court.

*To provide effective means of redress against decisions of the election administration, it is recommended that Article 79 of the Constitution and related articles in the Law on Basic Provisions be amended to provide a right to judicial review of SBE decisions in a timely manner.*

A 2010 constitutional amendment established the right to file individual petitions to the Constitutional Court for violations of fundamental rights and freedoms within the scope of the ECHR and guaranteed by the Constitution. However, on 23 July, the Constitutional Court refused jurisdiction in the first ever election-related petition on grounds that the right to free elections under the ECHR applies only to parliamentary elections, and did not examine its substance. The case challenged the results for the Mayor of Ankara of the March 2014 local elections. Additionally, the court stated it would remain silent on the review of individual petitions related to elections, as Article 79 of the Constitution stipulates that appeals against SBE decisions are not possible.

Three cases challenging the candidacy of the Prime Minister and/or his refusal to resign while running for president, and three petitions requesting out-of-country ballots to be counted in the countries where they were cast were also rejected by the Constitutional Court. Decisions in the latter three cases were not publicly announced prior to election day; the legal reasoning for five of the six decisions was not published as of the date of the release of this report.<sup>60</sup> There are no legal deadlines for the court's adjudication of electoral cases.

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<sup>59</sup> Paragraph 18.4 of the OSCE 1991 Moscow Document states that “the participating States will endeavour to provide for judicial review of such regulations and decisions. See also paragraph 5.10 of the 1990 OSCE Copenhagen Document, which 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”; and Section II.3.3 of the Venice Commission Code of Good Practice in Electoral Matters.

<sup>60</sup> In one case in which a CHP MP challenged Mr. Erdoğan's refusal to resign as Prime Minister subsequent to his registration as presidential candidate, the court refused jurisdiction on grounds that the personal rights of the petitioner were not affected in the matter. The court's decision in essence disregarded the inherent public nature of elections and the right of each voter to an election process, including candidate registration, which is conducted in a wholly lawful manner. The decision did not refer to the jurisdictional matter under Article 79 of the Constitution or the provision on free elections in the ECHR.

*It is recommended that the Constitutional Court broadly interpret and exercise its jurisdiction over individual petitions related to violations of fundamental rights to ensure that electoral rights are protected, which should include reasonable deadlines for the adjudication of electoral cases.*

## **XII. CITIZEN AND INTERNATIONAL OBSERVERS**

The law does not provide for non-partisan citizen observation and for international observers. It is therefore not fully compliant with paragraph 8 of the 1990 OSCE Copenhagen Document and Section II.3.2 of the Venice Commission Code of Good Practice in Electoral Matters.<sup>61</sup> Nevertheless, international observers from five international organisations were accredited by the SBE for this election.<sup>62</sup> At a national level, citizen observers were not accredited,<sup>63</sup> however, some were able to deploy observers on election day due to collaboration with political parties or through the goodwill of some BBCs on an *ad hoc* basis. The non-governmental organization “Vote and Beyond” deployed observers on election day and conducted a parallel vote tabulation exercise. The results of more than 20,000 polling stations from six main cities in Turkey were uploaded on the organization’s website on 13 August. The vote count could be observed by the public

*Consideration should be given to amending the election legislation to explicitly provide for the presence of international and citizen observers to ensure full compliance with paragraph 8 of the 1990 OSCE Copenhagen Document.*

Twenty-six political parties were eligible to nominate observers to observe election day procedures. Partisan observers had the right to receive a copy of results protocols upon request, which had to be signed and sealed by the BBC’s chairperson and members. However, there is no established mechanism for accrediting partisan observers or any SBE requirement for BBCs to record the number and affiliation of observers who visit polling stations. This undermines the transparency of election observation efforts and may cause procedural problems on election day, including making it difficult to identify whether those present in the polling station are authorized and who they represent.

## **XIII. ELECTION DAY AND ANNOUNCEMENT OF RESULTS**

In line with standard OSCE/ODIHR LEOM methodology, the mission did not conduct a comprehensive and systematic observation of election day proceedings. However, mission members visited a limited number of polling stations and followed the tabulation of results in some districts.

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<sup>61</sup> Paragraph 8 of the 1990 Copenhagen Document reads: “The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law.” Also see previous recommendations from the OSCE/ODIHR Election Assessment Mission Report, 31 October 2011; and PACE Report: Observation of the Parliamentary Elections in Turkey, 12 June 2011.

<sup>62</sup> This included: OSCE/ODIHR, OSCE PA, PACE, Parliamentary Assembly of Turkic-Speaking Countries and Cooperation Council of Turkic-Speaking States.

<sup>63</sup> The SBE denied two formal requests by non-governmental organizations to observe election day proceedings citing the limitation in the Law on Basic Provisions that permits only partisan observation.

Based on observation of the limited number of polling stations visited by international observers, election day was generally organized in a professional and efficient manner, and BBC members overall were well prepared and followed voting procedures. However, in many polling stations observed the number of BBC members was less than seven, which meant that not all entitled political parties were present as members; although this did not impact on the voting process.<sup>64</sup> In addition, party and citizen observers were noted as being present in less than half of polling stations observed. In a few cases, international and citizen observers were not allowed to observe the voting process and in some cases were obstructed by unauthorized persons.

While some complaints were filed with BBCs and DEBs throughout election day, the OSCE/ODIHR LEOM was not able to establish the number and nature of complaints filed throughout the country as there lacked reporting requirements from lower level boards to the SBE with regards to complaints or appeals. During the course of voting the SBE did not release any statement or inform the public about election day developments or voter turnout.

In the limited number of polling stations where international observers were present, the counting process was noted as transparent and well organized. However, there were some instances where procedures were not followed, including pre-signed results protocols. The tabulation process, in the limited number of DEBs observed, was conducted in an orderly and efficient manner.

While the SBE did not publically post preliminary results on its website, polling station results protocols were accessible on restricted webpages to eligible political parties throughout election day. Although twenty-six parties were eligible to access these results, only six applied to the SBE for access prior to election day as required.

*To enhance transparency of the electoral process and trust in the election administration, the law should include provisions for the publication of detailed preliminary election results by the SBE on its website in a timely manner, broken down by polling station with all data from BBC protocols, prior to the determination of the final election results.*

According to the SBE, voter turnout on election day was 74.13 per cent. In-country voter turnout was 77 per cent, and some 530,116 votes were cast out-of-country and at border crossings, constituting an out-of-country voter turnout of some 19 per cent.

In line with legal requirements, the SBE announced preliminary results on 11 August and final election results on 15 August. Detailed results broken down by polling station were not made available. The OSCE/ODIHR LEOM was not made aware of any complaints related to the results. Final results were published in the Official Gazette on 28 August, the day the newly-elected president was inaugurated.

#### **XIV. RECOMMENDATIONS**

These recommendations as contained throughout the text are offered with a view to enhance the conduct of elections in Turkey and bring them fully in line with OSCE commitments and other international obligations for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed. OSCE/ODIHR stands ready to assist the

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<sup>64</sup> The Law on Basic Provisions stipulates that each BBC should be composed of seven members.



authorities of Turkey to further improve the electoral process and in following up on recommendations contained in this and previous reports.<sup>65</sup>

**A. PRIORITY RECOMMENDATIONS**

1. It is recommended to review the LPE and the Law on Basic Provisions with the aim of harmonization and to address inconsistencies, gaps, and ambiguities. Furthermore, these laws should together comprehensively and sufficiently regulate presidential elections.
2. The SBE should refrain from adopting regulations that overstep its regulation-making authority and conflict with the legislation. Furthermore, to guarantee that elections are administered in accordance with the law and in a transparent manner, the SBE should ensure that its decisions are based on relevant legislation and that written decisions provide a sufficient legal basis.
3. To increase transparency of the SBE and lower level electoral boards, it is recommended that the legislation require that all regulations and decisions of the election administration be made publicly available, including being posted on the SBE website, and that meetings of all electoral boards are open to the media and observers.
4. It is recommended that parliament fully implement the ECtHR decision on prisoners' voting rights to ensure that the loss of voting rights for convicts is proportionate to the crime committed and the imposed sentence, and that convicts' rights are automatically restored on release from prison. Furthermore, the ban on voting rights for conscripts and cadets could be repealed to bring the Constitution in line with international obligations.
5. The authorities should consider developing safeguards to ensure a clear separation between the State and party, so as to prevent candidates from unduly using the advantage of their office for electoral purposes, as required by paragraph 5.4 of the 1990 OSCE Copenhagen document. Moreover, public officials should refrain from misusing their public positions and of state resources for partisan ends.
6. The legal framework should be amended to bring it in line with international obligations on freedom of expression, including the decriminalization of related offences. In addition, all media-related cases should be dealt with by the respective institutions in compliance with Article 10 of the European Convention on Human Rights on freedom of expression and relevant ECtHR case law.
7. The Law on Broadcasting should be amended in order to provide for a precise definition of "impartiality" in the context of broadcasting.
8. To provide effective means of redress against decisions of the election administration, it is recommended that Article 79 of the Constitution and related articles in the Law on Basic Provisions be amended to provide a right to judicial review of SBE decisions in a timely manner.

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<sup>65</sup> In paragraph 24 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations."

9. Consideration should be given to amending the election legislation to explicitly provide for the presence of international and citizen observers to ensure compliance with paragraph 8 of the 1990 OSCE Copenhagen Document.
10. It is recommended that the eligibility requirements for presidential candidates and the provisions on restitution of candidacy rights be reviewed and amended to bring them in line with international obligations and good electoral practice. In addition, consideration could be given to amending the current provision requiring nominees to have support from members of parliament to broaden the opportunity for independent candidates to contest presidential elections.

## **B. OTHER RECOMMENDATIONS**

### **Legal Framework**

11. To ensure a fully democratic basis for the conduct of elections, the government is encouraged to resume the drafting of a new constitution, which should broadly guarantee fundamental rights and freedoms, in an inclusive public consultation process.
12. To fully guarantee the right to campaign in any language, it is recommended that Article 81 of the Law on Political Parties be repealed or harmonised with the Law on Basic Provisions.

### **Election Administration**

13. Consideration should be given to revising the constitutional and legal framework in order to strengthen the independence of the judiciary and of the election administration, which will also serve to increase public trust in the election administration.
14. It is recommended that the legal framework be amended to ensure that all nominating political parties and independent candidates are entitled to have representation and/or membership on electoral boards at all levels in presidential elections.
15. Consideration could be given to establishing a clear monitoring and reporting framework between the SBE and lower level electoral boards that could enhance accountability and contribute to public confidence.
16. Consideration could be given to establishing standardized training for members of the electoral administration at all levels.
17. To enhance transparency and confidence in the electoral process, it is recommended that regulations for the number of ballots to be printed and distributed be clearly and sufficiently defined in the Law on Basic Provisions. Furthermore, it is recommended that results protocols include information on the number of used, unused, and reserve ballots.

### **Voter Registration**

18. Consideration could be given to extending the period of public scrutiny of voter lists and to bringing the deadline for changes to voter lists closer to election day.

## **Campaign Environment**

19. To ensure an equitable campaign environment, it is recommended to amend the Law on Basic Provisions to provide that all campaign prohibitions, including on the misuse of administrative resources and official positions for campaign purposes apply for the duration of the electoral period, not only during the official campaign period.

## **Campaign Finance**

20. To bring the campaign finance framework in line with international good practices and to follow recent GRECO recommendations, authorities could address noted gaps and ambiguities. In particular, this could include clarifying the permissible sources of campaign funds, establishing periodic, timely and transparent reporting of financial and in-kind campaign contributions, providing a clear oversight and monitoring mandate to the Court of Accounts or other qualified independent institution, and requiring the responsible authority to publish all campaign finance reports in a timely manner. Furthermore, effective, proportionate and dissuasive sanctions for breach of campaign finance regulations could be introduced.

## **Media**

21. State advertisement contracts should be procured transparently and be subject to audit by an independent body. Consideration could be given to allocating state advertising only to outlets that provide for full transparency of media ownership and funding structures.
22. The impartiality requirement for broadcasters related to political coverage, including during the campaign, should be overseen by a genuinely independent regulatory body, which can act upon complaints or on its own initiative upon monitored violations in a timely manner. Any remedies imposed should not prevent the media from carrying out their activities.

## **Complaints and Appeals**

23. To increase the integrity, transparency and effectiveness of the election dispute process, it is recommended that the law establish a right for civil society organizations to lodge complaints, a campaign-related complaints and appeals process, reasonable deadlines for submission and adjudication of complaints, a requirement for publication of complaints and decisions, and public proceedings for adjudication of complaints.
24. It is recommended that the Constitutional Court broadly interpret and exercise its jurisdiction over individual petitions related to violations of fundamental rights to ensure that electoral rights are protected, which should include reasonable deadlines for the adjudication of electoral cases.

## **Election Day and Announcement of Results**

25. To enhance transparency of the electoral process and trust in the election administration, the law should include provisions for the publication of detailed preliminary election results by the SBE on its website in a timely manner, broken down by polling station with all data from BBC protocols, prior to the determination of the final election results.

## ANNEX I: FINAL ELECTION RESULTS

<b>Total Number of Registered Voters</b>	55,692,841
<b>Total Number of Votes Cast</b>	41,283,627
<b>Total Number of Valid Votes</b>	40,545,911
<b>Total Number of Invalid Votes</b>	737,716
<b>Turnout (percentage)</b>	74.13

<b>Candidates</b>	<b>In country</b>	<b>Out-of-country</b>	<b>Border crossings</b>	<b>Total</b>	<b>Percentage</b>
Recep Tayyip Erdoğan	20,670,826	143,873	185,444	21,000,143	51.79
Selahattin Demirtaş	3,914,359	22,582	21,107	3,958,048	9.76
Ekmeleddin Mehmet İhsanoğlu	15,434,167	64,483	89,070	15,587,720	38.44
<b>Total</b>	<b>40,019,352</b>	<b>230,938</b>	<b>295,621</b>	<b>40,545,911</b>	<b>100</b>

Source: SBE Decision No. 3719, 15 August 2014

## ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

### Short-Term Observers

#### OSCE Parliamentary Assembly

Reinhold	Lopatka	Austria	
Georg	Willi	Austria	
Milovan	Petkovic	Croatia	
Branko	Vukšić	Croatia	
Kyriakos	Kyriakou-Hadjiyanni	Cyprus	
Andreas	Baker	Denmark	
Teissier	Guy	France	
George	Tsereteli	Georgia	
Peter	Beyer	Germany	
Thomas	Stritzl	Germany	
Terens	Quick	Greece	
Evangelia	Stavraka	Greece	
Georgios	Varemenos	Greece	
Luigi	Compagna	Italy	
Roberto	Montella	Italy	
Marietta	Tidei	Italy	
Giuseppe	Trezza	Italy	
Mikhail	Bortnik	Kazakhstan	
Vilija	Aleknaite-Abramikiene	Lithuania	Special Co-Ordinator
Barbara	Bartus	Poland	
Henrik	Smolarz	Poland	
Adao	Silva	Portugal	
Asa	Lindestam	Sweden	Head of Delegation
Marie	Norden	Sweden	
Margareta	Kiener Nellen	Switzerland	
Iryna	Sabashuk	Ukraine	
Simon	Burns	United Kingdom	

#### Parliamentary Assembly of the Council of Europe

Merixell	Mateu Pi	Andorra	Head of Delegation
Ganira	Pashayeva	Azerbaijan	
Ingrid	Anticevic-Marinovic	Croatia	
Athina	Kyriakidou	Cyprus	
Sylvie	Affholder	France	
Bernadette	Bourzai	France	
Danièle	Gastl	France	
Andrej	Hunko	Germany	

Foteini	Pipili	Greece
Kostas	Triantafyllos	Greece
Konstantinos	Tzavaras	Greece
Zsolt	Csenger-Zalán	Hungary
Jim	D'Arcy	Ireland
Andrea	Rigoni	Italy
Birute	Vesaite	Lithuania
Emanuelis	Zingeris	Lithuania
Grigore	Petrenco	Moldova
Mark	Verheijen	Netherlands
Ingebjørg	Godskesen	Norway
Tadeusz	Iwiński	Poland
Viorel	Badea	Romania
Florin	Iordache	Romania
Bogdan	Torcătoriu	Romania
Marietta	de Pourbaix-Lundin	Sweden
Carina	Hagg	Sweden
Doris	Fiala	Switzerland
Andreas	Gross	Switzerland
Anne	Godfrey	United Kingdom
Robert	Neill	United Kingdom

### Long-Term Observation Mission

#### OSCE/ODIHR LEOM Core Team

Arba	Murati	Albania	
Damir	Malbašić	Bosnia and Herzegovina	
Marla Joy	Morry	Canada	
Zorislav Antun	Petrović	Croatia	
Geert-Hinrich Ahrens	Ahrens	Germany	Head of Mission
Elma	Šehalić	Germany	
Pavel	Cabacenco	Moldova	
Roman	Railean	Romania	
Vadim	Zhdanovich	Russian Federation	
Branko	Živanović	Serbia	
Jelena	Stefanović	Serbia	
Poline Maria Lemos	Lemos	United Kingdom	
Fergus Harvey	Anderson	United Kingdom	

#### OSCE/ODIHR LEOM Long-Term Observers

Gazmend	Agaj	Albania
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Silvia	De Carvalho	Austria
Anastasiya	Matchanka	Belarus
Lenka	Homolkova	Czech Republic
Klaus Friis	Koenig	Denmark
Hildegard	Rogler-Mochel	Germany
Gerd	Gersbeck	Germany
Michael	Wiersing	Germany
Barbara	O'Shea	Ireland
Catharina	Appel	Netherlands
Gent	Ramadani	Norway
Bartosz Filip	Lech	Poland
Alexandrina	Rusu	Romania
Marc Emilian	Morar	Romania
Peter	Wallberg	Sweden
David	Dahmen	Sweden

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it coordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).