**INDEPENDENT ELECTION OBSERVATION PLATFORM[[1]](#footnote-1)**

**12 JUNE 2011**

**XXIVth TERM PARLIAMENTARY ELECTIONS**

**OBSERVATION REPORT**

**EXECUTIVE SUMMARY**

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**Prepared by**

**NEJAT TAŞTAN**

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Equal Rights Watch Association

Kamerhatun Mah. Hamalbaşı Sokak

No:22/9 Beyoğlu İstanbul

[www.esithaklar.org.tr](http://www.esithaklar.org.tr)

email: esithaklar@gmail.com

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Tel: 312 230 02 49 Fax: 312 229 34 33

**Table of Contents**

**Abbreviations**

**Introduction**

**Background**

**Provisions in Turkish Legislation Creating Inequality in the Right to Vote and be Elected**

**The Political Environment in Turkey During the Election Period**

**The Election Authority**

**The Date of Elections**

**Voter Registers**

**Disadvantaged Groups in the Registered Voter Profile**

**Informing and Training Voters**

**The Electoral Threshold**

**The Candidacy Process**

**Members of Disadvantaged Groups among the Pre-candidates**

**Hate Speech in the Media and Election Campaigns**

**Materials used During the Election Period**

**Ballot Box Committees and Political Party Observers**

**Election Day**

**Violations Experienced by Disadvantaged Voters**

**Observations regarding violations of Law No 298 on the Basic Provisions for Elections and Voter Registers and SBE Decisions and Circulars**

**Elections in Closed Institutions**

**Recommendations**

**ABBREVIATIONS**

OSCE Organization for Security and Cooperation in Europe

ECoHR European Court of Human Rights

BDP Peace and Democracy Party

UN United Nations

ESHID Equal Rights Watch Association

ODIHR OSCE Office of Democratic Institutions and Human Rights

OZIDA Prime Ministry Presidency of the Administration for

 Disabled Persons

LBPEVR Law on Basic Provisions for Elections and Voter Registers

TGNA Grand National Assembly of Turkey

TUIK Turkish Statistics Authority

SBE Supreme Board of Elections

TUSIAD Association of Turkish Industrialists and Businessmen

**INTRODUCTION**

The elections of 2002 and 2007 in Turkey have been observed and reported by the Organization for Security and Cooperation in Europe (OSCE) Office of Democratic Institutions and Human Rights (ODIHR). In both reports, OSCE ODIHR recommended that access should be permitted to the election process for independent observer groups.

The ‘Independent Election Observation’ that took place with the participation of 46 NGOs during the parliamentary elections of June 12, 2011 is the first activity of its kind focusing on the access to the right to vote and be elected by groups at risk of discrimination. The observation process aimed at identifying the opportunities and conditions under which the right to vote and be elected was exercised by women, disabled persons, people from different ethnic backgrounds, with different religious beliefs, mother tongue and sexual identity, internally displaced persons and illiterate people. Violations occurring during the election process were aimed to be identified and reported.

This study aims to contribute to holding more democratic and fair elections with equal rights for all and ensuring equal access to the right to vote and be elected.

The Equal Rights Watch Association (ESHID), submitted an official petition to the Supreme Board of Elections (SBE) on April 13, 2011 requesting the necessary accreditation for Independent Election Observation in line with international human rights conventions to which Turkey was a signatory party and the domestic legislation[[2]](#footnote-2). SBE denied such accreditation with its decision number 384 dated April 16, 2011 on grounds of articles 25, 81 and 82 of the Law No. 298 on the Basic Provisions for Elections and Voter Registers.

The ‘Independent Election Observation’ activity is a non-partisan effort without any association to political parties or independent candidates.

**BACKGROUND**

The right to universal suffrage without discrimination is safeguarded in the Universal Declaration of Human Rights and the International Covenant on Civil an Political Rights. The UN International Convention on the Elimination of All kinds of Discrimination against Women, the Convention on the Political Rights of Women and the United Nations Convention on the Rights of Persons with Disabilities incorporate provisions on access to the right to vote and be elected by disadvantaged groups and on the prevention of discrimination.

While the conventions do not recommend any specific election system to the signatory states, they bring an obligation on states to take all necessary measures to ensure that everyone can exercise the right to vote and be elected in an equal way. The Republic of Turkey is a party to these conventions and therefore has obligations under their provisions.

Article 67 of the Constitution of the Republic of Turkey guarantees that elections shall be held under the direction and supervision of the judiciary, in accordance with the principles of free, equal, secret, and direct, universal suffrage, and public counting of the votes.[[3]](#footnote-3).

**PROVISIONS IN TURKISH LAW CREATING INEQUALITY IN THE RIGHT TO VOTE AND BE ELECTED**

In Turkish law, there are provisions preventing the effective exercise of the right to vote and be elected.

Provisions in the Constitution:

Eligibility to be a Deputy

 “Article 76-(As amended by 13/10/2006-5551/art. 1) Every Turk over the age of 25 is eligible to be a deputy.”[[4]](#footnote-4)

While it is sufficient to have reached the age of 18 to enjoy civil and political rights in Turkey, the age limit of 25 to be elected a deputy is a rule that leads to discrimination based on age.

Provisions in Law No 298 on the Basic Provisions for Elections and Voter Registers (LBPEVR)**;**

“Article 7- Following persons are not eligible to vote:

…

3. (Annex: Article 44 of Law 2839 on 10 June 1983; article 2 of Law 4125 as amended on 27 October 1995) Convicted persons serving their time in Judicial Execution Institutions.”[[5]](#footnote-5)

The ban on convicted prisoners with regard to the right to vote is a significant restriction. Turkey is a signatory party to the European Convention on Human Rights. The European Court of Human Rights (ECoHR), with the mandate to pass judgements regarding the rights safeguarded in the Convention and its protocols, found there to be a violation of the Convention in the Hirst v. UK decision where John Hirst, a convicted prisoner sentenced with life imprisonment made an application to the court regarding the blanket ban on prisoners’ right to vote.

Organizing the Voter Registers:

“Article 33 – (as amended on 17/5/1979 by 2234/art. 1)

(Amended first paragraph: 4th Article of Law 5749, amended on 13 March 2008)

Voter Registers are reorganized each year in accordance with the procedures and principles determined by the Supreme Board of Elections on the basis of the information in the address registry system, and updated each election period through continuous gathering of data.”[[6]](#footnote-6)

The organizing of voter registers based on the address registry system prevents homeless people, women in shelter homes, people living in nursing homes and student dormitories from casting votes.

Electioneering on Television and Radio:

“ARTICLE 52- (As amended on 17/5/1979 by 2234/ art. 1)

(Article 46 of Law 2839, as amended on 10 June 1983.) Political parties who are running for the election may conduct electioneering activities on radio and television after the 7th day prior to the election day until 18:00 hours on the eve of the election, reserving the provisions in exclusive laws.

 (Article 3 of Law 3377, as amended on 23 May 1987.) Those who are running for elections have the following rights in terms of electioneering on television or radio;

 a) Each political party running for the elections has the right to two speeches not more than 10 minutes on the first 10 days and the last day to explain their programs and projects,

 b) Parties who have a group in the TGNA have an additional 10 minute slot,

 c) (Article 4 of Law 4125, as amended on 27 October 1995.) A further 20 minutes are given to the party in power or senior partner in a coalition government, with 15 minutes for minor partners,

 d) The main opposition party has the right to an additional 10 minute speech…….”[[7]](#footnote-7)

The arrangements in Article 52 of the Law eliminate a level playing field and create inequalities amongst political parties running in the elections as well as between political parties and independent candidates.

 Articles in Law No. 2839 on Parliamentary Elections:

“Article 26 paragraph (f) (Annex paragraph 08/04/2010 - 5980 S.K./art 31) The special emblems of political parties on the joint ballots can be printed in colour in line with the political party statute. The Party statute shall be taken as a basis in determining how the special emblem, name, acronym will be used on the joint ballot. Political parties that do not have acronyms as per their statute shall use their full names on the joint ballot. Independent candidates cannot use any special emblems or signs on joint ballots.”

 The lack of an opportunity to use distinctive emblems or signs by independent candidates and the fact that their names are allocated a smaller slot using smaller sized fonts creates inequality.

 …

“State aid: 0312 397 4791

Annex Article 1 – (provision of Annex article brought on 27/6/1984 by 3032/art 2. Numbered for succession)

Political parties who have been granted the right to run in the last parliamentary elections by the Supreme Board of Elections and who have passed the general threshold indicated in article 33 of Law no 2839 on Parliamentary Elections shall be allocated an amount of money by the Treasury for that financial year corresponding to two of five thousandth of the total amount in ‘Table B’ of the overall budget revenue of that year.(1) “

 ……………

(Annex paragraphs: 7/8/1988 - 3470/ art. 1)

Political parties who have received more than 7% of the valid votes in the parliamentary elections shall also be given financial assistance by the state.…….”[[8]](#footnote-8)

This regulation in the Law on Political Parties makes it impossible for political parties running in the elections to run on equal terms.

**THE POLITICAL ENVIRONMENT IN TURKEY DURING THE ELECTION PERIOD**

Six months before the start of the election period, Turkey was going through a period where political tensions were high due to the discussions on Constitutional changes. Such political tension was reflected in the society during the campaigns on the Referendum for Constitutional change on September 12, 2010. Tension did not drop after the referendum while arrangements were being made for the supreme courts as well as the judicial election process.

In fall of 2009, it was announced that the ‘democratic opening’ programme would be implemented to address the Kurdish issue and this announcement received support from the public. However, failure to develop tangible policies following the announcement pointed towards a new period of tension in Turkey with regard to the Kurdish issue. Some of the most significant agenda items at the forefront of discussions were the right to education in the mother tongue and the arrest of BDP rulers and members as well as local administrators. Other than discussions on the Kurdish issue, arrest of journalist within the scope of the Ergenekon case and discussions on the politicisation of the judiciary were prominent subjects.

Another important issue is the preparation phase for the new constitution in Turkey. The newly elected parliament in the elections of 12 June would be the one to make the new constitution; this made the elections even more important. Discussions on the new constitutional process focused on the articles f the constitution that cannot be amended, the lifting of the 10% election threshold to create a national assembly that would make the constitution and to ensure that representation covered a wider political spectrum.

**ELECTION AUTHORITY**

According to Turkish legislation, the Supreme Board of Elections (SBE) is responsible for carrying out and supervising the elections. Furthermore, there is a Provincial Board of Election in each province and a District Board of Election in each district.

The most important problem in Turkey regarding the election authority is that the SBE’s decisions are not open to judicial review. As per the legislation, decisions of the SBE can only be appealed to the SBE itself. The decision of the SBE regarding the appeal is final. SBE decisions are not open to review by any other organ. In this respect, the post-election appeal (No. 1022 dated 21.06.2011) made to the Constitutional Court regarding the decision of the SBE on the annulment of Hatip Dicle’s deputyship after being elected an independent deputy from Diyarbakır, was rejected by the Constitutional Court on grounds that the Court had no jurisdiction as per article 79 of the Constitution.

The SBE undersigned many decisions during the 12 June election period leading to intense public criticism. Its decision no. 120 dated 26.02.2011, regarding the casting of votes by voters residing abroad at the customs gates for the 12 June Elections, its decision No. 200 dated 14.03.2011 on the required procedures for the application of independent candidates where the independent candidacy fee was increased by 1600% amounting to 7,734 TL, its decision dated 17.04.2011 on the rejection of the candidacy of Harun Özcan, Abdullah Kızılay, Mehmet [Hatip Dicle](http://www.cnnturk.com/guncel.konular/hatip.dicle/689/index.html), Leyla Zana, İsa Gürbüz, Çiçek Otlu, Mehmet Salih Yıldız, Ertuğrul Kürkçü, Nezir Sincar, Gültan Kışanak (Özer), Sebahat Tuncel ve Şerafettin Efe were all decisions creating controversy and tension in the election process

Immediately after the elections, the SBE decision No 1022, dated 21.06.2011 to annul the deputyship of independent Diyarbakır deputy Mehmet Hatip Dicle also created wide controversy among the public. This decision lead to a boycott in the parliament by independent BDP deputies. The boycott of independent deputies in the Grand National Assembly ended on October 1, 2011.

**DATE OF THE ELECTIONS**

The Grand National Assembly of Turkey decided to hold the 24th Term Parliamentary Elections on June 12, 2011.

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| **Observations on the date of the elections;*** Not taking into account the economic/labour mobility and the academic semesters in the universities in the country prevents some voter groups from casting votes.
* Restricting the elections to a single day prevents a certain part of the voters from casting votes.
 |

**VOTER REGISTERS**

As of the year 2009, elections in Turkey are held based on the voter registers determined by the address-based population records. The places where voters will be casting their votes are determined based on the addresses in their voter registers.

**Disadvantaged Groups in the Registered Voter Profile**

The address-based voter register prevents homeless people and women living in shelter homes from voting. This situation is accepted in the SBE notice dated 01.06.2011. The notice states that other than those who are not eligible to vote as per the laws, those who do not have an address are not registered in the voter registers. “….If the people within the said age range are considered as voters, (excluding those who are performing their compulsory military service, sentenced prisoners other than those convicted for crimes of negligence, those who have been expatriated, those who have been restricted with a court order, **those who have no address**) the number of eligible voters in the country for the 24th Parliamentary Elections on 12 June are verified by this information.”[[9]](#footnote-9)

In Turkey, personal data on ethnic origin and sexual orientation is not legally collected however, data on gender, disability, age and literacy are collected by the Directorate General for Population and Citizenship Affairs, the Turkish Statistics Authority (TUIK) and the Prime Ministry Presidency of the Administration for Disabled Persons (OZIDA). Although all this data is used during the creation of the Voter Registers, the statements of the SBE regarding the June 12 Elections do not comprise any details about the gender, disability, literacy and age of voters.

Until the 2010 referendum for Constitutional change, it was not possible to access data about women voters in Turkey.

**TABLE 1:** Voter Profile Statistics in the 2010 Referendum (TUİK)**[[10]](#footnote-10)**

|  |
| --- |
|  **TURKISH STATISTICS AUTHORITY**  |
| **REFERENDUM VOTER PROFILE DATABASE**  |
| **Breakdown of voters based on level of education**  |
| **Turkey** | **Men** | **Women**  | **Total** |
| **Illiterate**  | 857.253 | 3.630.733 | **4.487.986** |
| **Literate but not graduated from any school**  | 1.102.693 | 1.762.358 | **2.865.051** |
| **Primary School**  | 8.783.098 | 9.471.703 | **18.254.801** |
| **Primary Education** | 1.858.929 | 1.673.885 | **3.532.814** |
| **Secondary or equivalent**  | 1.753.345 | 993.523 | **2.746.868** |
| **High school or equivalent**  | 5.744.991 | 4.299.596 | **10.044.587** |
| **Tertiary Education (College or University)** | 2.695.946 | 1.898.693 | **4.594.639** |
| **Unknown** | 1.589.066 | 1.330.457 | **2.919.523** |
| **Total** | 24.385.321 | 25.060.948 | 49.446.269 |
| Note: 1. Includes voters casting their votes at the customs entry gates (voters living abroad) and those in prisons and detention houses. 2. Education level of voters; data from National Education Database. |
| **Observations regarding Voter Registers:*** With regard to the creation of voter registers, no solution has been brought to the problem of the address-based voter register which excludes a significant part of the population. The address-based voter registry system does not account for the homeless and does not give a voting opportunity for women in shelter homes, university students whose registered addresses are in the province where their families reside, those who work as seasonal workers in the agriculture, construction and tourism sectors in provinces other than where they reside, those who have been deprived of their homes due to urban transformation projects[[11]](#footnote-11).[[12]](#footnote-12)
* Individuals who are obliged to change their address after the finalization of the voter registries cannot cast their vote in their new area,
* The majority of the neighbourhood/village headmen buildings, where the voter register lists are hung are not accessible by disabled persons and the elderly with physical restraints. The accessibility issue for such persons is not limited to these buildings. The roads and vehicles going to the headmen’s offices are also not accessible,
* With regard to the method of listing voter registers: Both the lists hung in the headmen’s offices and the internet lists are not accessible by illiterate and visually impaired people. The SBE web-site is not accessible by the blind.
* Procedures regarding registry and objection to the voter registers and the methods used to make announcements are based on the assumption that everyone is literate and knows Turkish. Yet, according to the official figures of 2010, a total of 4.487.986 voters (3.630.733 of which are women) cannot read or write. There is no information about voters who do not know Turkish. (see. Table 1),
* There are citizens who are dropped from the voter registers and cannot vote because a notification is not made to the voter when they are dropped from the list.[[13]](#footnote-13)
 |

 **VOTER TRAINING**

The SBE, which is responsible for organizing and holding elections gives information about the elections only in writing and only in the Turkish language.

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| **Observations regarding the training of voters:*** The printed material disseminated to inform voters is not suitable for the illiterate, non-Turkish speakers and the visually impaired,
* The audio-visual material produced to train and inform voters is not suitable for the those with visual and hearing impairments and non-Turkish speakers,
* The opinion of NGOs who work with disadvantaged groups are not taken or considered in the preparation of voter training material.
 |

1. **GENERAL THRESHOLD**

Article 33 of the Law No 2839 on Parliamentary Elections sets forth provisions on the general election threshold.

General Threshold and its Calculation:

‘ARTICLE 33 – (Amended first paragraph 23/5/1987 – 3377 art. 9) Political parties that have not obtained at least 10% of the valid votes throughout Turkey or in all of the constituencies in the bye-elections, if applicable, cannot be represented in the Parliament. The election of an independent candidate who stands for elections on a political party candidate list, is possible in cases where that political party obtains at least 10% of the valid votes throughout Turkey or in all of the constituencies in the bye-elections, if applicable.

 ……..“[[14]](#footnote-14)

The 10% election threshold, which has been implemented in Turkey since 1983, is the main subject of discussion in every election term.[[15]](#footnote-15) While the official justification of the threshold is ‘to ensure political stability’, it prevents different political ideas from being represented in parliament, creates an unfavourable situation for smaller political parties and obstructs justice in representation.[[16]](#footnote-16) The entire public, including political parties, accepts that the 10% threshold is an anti-democratic practice.

The 10% threshold was brought before the ECoHR by Democratic People’s Party (DEHAP) Şırnak candidates Mehmet Yumak and Resul Sadak during the 2002 elections. In its decision of 8 July 2008, the ECoHR has ruled as follows:

‘In conclusion, the Court considers that in general a 10% electoral threshold appears excessive. In that connection, it concurs with the organs of the Council of Europe, which have stressed the threshold's exceptionally high level and recommended that it be lowered (see paragraphs 57 and 130 above). It compels political parties to make use of stratagems which do not contribute to the transparency of the electoral process. In the present case, however, the Court is not persuaded that, when assessed in the light of the specific political context of the elections in question, and attended as it is by correctives and other guarantees which have limited its effects in practice, the threshold has had the effect of impairing in their essence the rights secured to the applicants by Article 3 of Protocol No. 1.

There has accordingly been no violation of that provision.”[[17]](#footnote-17)

In July of 2010, a bill was submitted to the TGNA to lower the electoral threshold to 7%. The bill was not discussed during the legislative year and therefore was annulled.

**CANDIDACY PROCEDURES**

The existing political structure in Turkey carries obstacles for the effective enjoyment of the right to vote and be elected by women, the disabled, those with different beliefs, different ethnicities and a different sexual orientation as well as those who do not speak Turkish or are illiterate.

**Members of Disadvantaged Groups among the pre-candidate Deputies**

 In the elections of 12 June, there were individuals from various disadvantaged groups who had applied to political parties to be elected deputy. Other than the reduced candidacy fee for women and people with disabilities, implemented by political parties, no policy was implemented to increase the representation of disadvantaged groups in the TGNA. Disadvantaged voter groups, on the other hand, remained to be viewed by political parties as a mere ‘potential for votes’.

**HATE SPEECH IN THE MEDIA AND DURING THE ELECTION CAMPAIGNS**

Throughout the election period, a discriminatory language was used focusing on ethnic origin, religious belief, gender and sexual orientation. This discourse sometimes turned into multiple discrimination crossing over to discrimination based on ethnicity-gender, ethnicity-religious belief or gender-religious belief. No action was taken on the part of the election authority or the judicial organs against discourse and incidents that provoked discrimination, hatred or defamation.

**PRINTED MATERIALS USED DURING THE ELECTION PERIOD**

None of the printed material developed and used by the SBE during the election period cater to the needs of all voter groups. All materials are prepared with the assumption that all voters know how to read and write in Turkish and do not have any visual impairments. However, all such materials directly affect the votes of voters.

**Observations about the materials used during the election period:**

* Voter Information Cards are not suitable for voters who are illiterate or blind,
* There is failure in the delivery of the Voter Information Cards to the address of each voter[[18]](#footnote-18),
* The direction signs hung up in the voting locations are not suitable for the blind and illiterate[[19]](#footnote-19),
* Voting ballots make it impossible for blind and illiterate voters to cast votes,
* The design of the ballots cause inequality between political parties and independent candidates,
* Illiterate voters wanting to vote for independent candidates are placed in a disadvantaged position because of the design of the ballots,
* The signs hung up on the polling booths are not accommodated for illiterate and blind voters,[[20]](#footnote-20)

**BALLOT BOX COMMITTEES and POLITICAL PARTY OBSERVERS**

The LBPEVR No. 298 states that the chairmen of the ballot box committees shall be chosen among ‘well-reputed and literate persons among voters’.[[21]](#footnote-21) The law puts an emphasis on such objective criteria as being ‘well-reputed’. Such open-ended and objective criteria and the names of public officials who are to be assigned at polling stations being determined by public authority administrators and given to provincial and district electoral boards leads to controversies about the appointment of polling stations chairmen.

There is no policy or practice developed to ensure the representation of disadvantaged groups in determining the Ballot Box Committee Chairmen and members.

The gender breakdown of the ballot box committees were observed during the observation activities. The gender breakdown of 662 ballot box committee chairmen in the 10 provinces observed are given below.

TABLE 2

|  |
| --- |
|  **STATISTICS FROM THE ELECTION OBSERVATION ACTIVITY**  |
| **PROVINCE** | **NUMBER OF BALLOT BOXES**  | **GENDER OF BALLOT BOX COMMITTEE PRESIDENTS**  |
|
| **WOMEN** | **MEN** |
|
| ADANA | 73 | 16 | 57 |
| ADIYAMAN | 133 | 1 | 132 |
| DIYARBAKIR | 56 | 7 | 49 |
| EDIRNE | 45 | 18 | 27 |
| ISTANBUL | 54 | 19 | 35 |
| IZMİR | 78 | 43 | 35 |
| MERSİN | 84 | 17 | 67 |
| SANLIURFA | 58 | 6 | 52 |
| TRABZON | 37 | 4 | 33 |
| VAN | 44 | 8 | 36 |
| **TOTAL** | **662** | **139** | **523** |
| **Observations regarding Ballot Box Committees** * Representation of disabled groups is not considered in determining members of the Ballot Box Committees.
* The criteria for the selection of the Ballot Box Committee as stated in Law No 298, are not objective.
* The existing party observers system creates an advantage for larger political parties.
* There are voters who are registered as a ballot box committee member or party observer against their own will.
* The chairmen and members of ballot box committees have acted against the LBPEVR No 298 and SBE Circular 135 by entering the polling booths together with elderly, disabled and illiterate voters in many incidents to assist them in casting their votes.[[22]](#footnote-22)
 |

**ELECTION DAY**

**Violations faced by disadvantaged voters**

On 12 June election day, there were widespread violations emerging from issues such as accessibility of disadvantaged groups to polling stations, the direct casting of votes by the voter himself, and the secrecy of votes.

A majority of disabled people and the elderly were unable to access the locations of the polling station. Voters in such conditions were either carried by people to the polling station or cast their votes in the open under the supervision of the ballot box committee members. Some voters were not able to cast votes.

Taking a closer look at the individual ballot box results from the 12 June elections, the results obtained from Adıyaman, Diyarbakir, Sanliurfa and Van out of the 10 pilot provinces cause suspicions that collective voting may have taken place or the votes may have been cast on behalf of the voters. The entirety of the valid votes from 179 ballot boxes in Adıyaman, Diyarbakır, Sanliurfa and Van belong the to the same political party or candidate. In addition, although these 179 ballot boxes were located in villages the number of invalid votes are only 104 in 24589. The percentage of invalid votes in these centres is 0,.5%. However, the overall election results show that the total invalid votes in these four provinces is around 2.9%. The breakdown of total invalid votes according to provinces is as follows: Adıyaman 1.7%, Diyarbakır 3.5%, Şanlıurfa 3%, Van 3.2%. The level of voting in the locations shown in the table is 95%. This percentage is 8 points above the participation rate throughout the country. When these numbers are read bearing in mind that the literacy rate in rural areas in Turkey is lower, the possibility of collective voting or voting on behalf of the voters arises as a strong probability.

**Observations regarding the violation of Law No 298 on the Basic Provisions for Elections and Voter Registers and SBE decisions and Circulars**

* Article 2 of the LBPEVR No. 298;
* Article 25 of the LBPEVR No. 298, both of which regulate the principles of elections

Article 82 of the LBPEVR No 298 regulating public order in the polling station area in conjunction with article 83 regulating the security measures and prohibited acts in the polling station area and SBE Circular No 135;

* Article 93 of the LBPEVR No 298 regarding the marking of joint ballots and casting votes;
* SBE Circular No 756 on the prohibition of casting votes while armed
* Article 60 of the LBPEVR No 298 regarding places of advertising and notices and SBE Circular No 887

**ELECTIONS IN CLOSED INSTITUTIONS**

Legal and administrative safeguards are a prerequisite for voters to exercise their free will at polling stations set up institutions that are under the administration and supervision of the state. This requires that the managers of such institutions refrain from practices that would influence the choice of voters, that all measures are meticulously taken to ensure secrecy of votes, and that the results of the ballot boxes in such institutions do not create negative conditions for people living in the institutions.

In Turkey, thee are citizens who have the status of voters in prisons under state administration, nursing homes for the elderly, care centres for the disabled, student dormitories and women’s shelter homes. Election Observation Missions have tried to gather information on the care centres for the elderly and shelter homes in the provinces which they made observations.

 **RECOMMENDATIONS**

* Article 76 of the Constitution should be amended to reduce the acceptable age for candidacy from 25 to 18,
* Necessary legal arrangements should be made to allow for the judicial review o SBE decisions,
* The Law on Political Parties should be re-drafted with an understanding that allows everyone to take part in politics, ensures internal party democracy and transparency of political parties,
* Article 7 of LBPEVR should be amended to grant voting rights to sentenced prisoners,
* Article 33 of Law No. 298 on Basic Provisions for Elections and Voter Registers should be amended to make arrangements for the registry of the homeless, those residing in women’s shelter homes, nursing homes for the elderly and care centres for the disabled,
* Citizens who are deleted from the voter registers or who have just been included should be informed of their situation,
* Voter registers should be rearranged to include information on citizens’ age and disabilities; polling stations that accommodate for such disabilities should be assigned to these citizens,
* Mentally disabled individuals should be registered in the voter registers only after it has been determined whether they have the power of discretion; whether or not mentally disabled citizens have a legal guardian should not be a determinant in granting voter rights,
* Article 52 of Law No. 298 on the Basic Provisions of Elections and Voter Registers should be amended to repeal provisions causing inequality between political parties and independent candidates running in the elections,
* Article 26 of the Parliamentary Elections Law No. 2839 on the format of ballots should be amended to ensure equality between political parties and independent candidates,
* Article 33 of the Parliamentary Elections Law should be amended to reduce the 10% electoral threshold,
* The article of the Parliamentary Elections Law 2839, regulating state aid to political parties should be amended to accommodate for state aid to be given to all political parties based on the percentage of votes they have received,
* The opinion of NGOs working with disadvantaged voter groups should be taken into account in the development of informative materials for voters,
* Polling stations located in areas where there are only a few voters should be joined with the closest polling stations in order to ensure that the voters preferences are not indirectly disclosed,
* Policies and legislation should be developed to overcome barriers and encourage disadvantaged groups in the exercise of the right to vote and be elected,
* Legislation on the freedom of expression and association should include arrangements enabling the effective use of the right to vote and be elected,
* The election date should be determined in consideration of seasonal workers and the academic year,
* A time period covering at least 3 days should be determined as voting dates,
* Mobile polling station committees should be established for disabled citizens and the elderly who cannot leave their homes,
* The media and political parties should refrain from using defaming, humiliating and discriminatory expressions in their discourse; this should be safeguarded by legal arrangements,
* The SBE should carry out an analytical study after each election to identify voters who did not/could not vote and share the findings with the public,
* All stages of the election process should be made accessible to independent non-partisan observation.



1. The Election Observation Platform consists of 46 NGOs under the coordination of the Equal Rights Watch Association. Please refer to Annex 2 of the Report for detailed information on the Platform. [↑](#footnote-ref-1)
2. Annex 3: Petition for Obtaining Accreditation for Independent Election Observation [↑](#footnote-ref-2)
3. <http://www.tbmm.gov.tr/anayasa.htm> [↑](#footnote-ref-3)
4. <http://www.tbmm.gov.tr/anayasa.htm> [↑](#footnote-ref-4)
5. <http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.4.298&sourceXmlSearch=&MevzuatIliski=0> [↑](#footnote-ref-5)
6. <http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.4.298&sourceXmlSearch=&MevzuatIliski=0> [↑](#footnote-ref-6)
7. <http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.4.298&sourceXmlSearch=&MevzuatIliski=0> [↑](#footnote-ref-7)
8. <http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.4.298&sourceXmlSearch=&MevzuatIliski=0> [↑](#footnote-ref-8)
9. <http://www.ysk.gov.tr/ysk/docs/2011MilletvekiliSecimi/SecSay01062011.pdf> [↑](#footnote-ref-9)
10. <http://tuikrapor.tuik.gov.tr/reports/rwservlet?secimdb2=&report=SECMEN_TR.RDF&p_satir=egitimdurum&p_satir2=bos&p_sutun=cinsiyet&p_dil=1&p_tab_kod=halksecmen&desformat=spreadsheet&ENVID=secimEnv> [↑](#footnote-ref-10)
11. In the district of Küçükbakkalköy located in Istanbul, Romani citizens live in tents because of the urban transformation projects that resulted in the tearing down of their homes. This process has lead to the deletion of their names from the voter registry. [↑](#footnote-ref-11)
12. In the Tuzla region of the province of Adana, approximately 250 citizens are not registered as voters. These citizens have been living in the region ever since their villages were evacuated, yet they are not registered as voters. [↑](#footnote-ref-12)
13. An example sent by e-mail:

“I have been living in the same address for 15 years. I had registered in the address-based registry system. A year ago, we rented out the ground floor of our home. Everything started after that point. First, my children’s’ exam results were not delivered to our address. I didn’t mind and thought that it may been lost in the post. Then I started to experience problems in all procedures where my address was involved. In short, our voter registry card did not arrive. I then applied to the district population directorate. I found out that when our tenant registered the address in his name, our register was deleted from the system.

No information was given to me when my register was deleted from the system. Although I live in the same address, I officially do not have an address. There was no record of where I live. In order to re-enter the system I was asked to prove that I live at that address; this wasn’t even asked from my tenant. I was able to re-enter the system only after I proved the address I had been living in for 15 years.” [↑](#footnote-ref-13)
14. <http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.5.2839&sourceXmlSearch=&MevzuatIliski=0> [↑](#footnote-ref-14)
15. During the 1983 elections, there were two thresholds, the first was the general nationwide threshold of 10%, the second was the constituency threshold. [↑](#footnote-ref-15)
16. According to the study done by TUSIAD in 2001 on the Election System and Political Parties, 53% of respondents believe that the election system prevents smaller parties from being represented in the parliament. [↑](#footnote-ref-16)
17. [www.inhak-bb.adalet.gov.tr/aihm/karar/yumakvesadak24.09.2008.doc](http://www.inhak-bb.adalet.gov.tr/aihm/karar/yumakvesadak24.09.2008.doc) [↑](#footnote-ref-17)
18. In the SBE Circular 135 about the mandate of the polling station boards, the voter information cards that cannot be delivered to voters in due time must be obtained from the district election boards by the president of the polling station committee among other documents.

<http://www.ysk.gov.tr/ysk/docs/genelge/2011Pdf/2011-Ornek135.pdf> [↑](#footnote-ref-18)
19. Please see Annex 3. [↑](#footnote-ref-19)
20. **Signs to be Hung up in the Closed Polling Booths**

**Article 9-** Oncethe ballot box committee determines the places where the ballot boxes and polling booths will be placed, they shall hang up the sign displaying the provisions of Law 298 on the casting of free votes in secret (Sample 19) along with a list of the candidates in the constituency (Sample 44).

(298/76).

<http://www.ysk.gov.tr/ysk/docs/genelge/2011Pdf/2011-Ornek135.pdf> [↑](#footnote-ref-20)
21. Selection of the Ballot Box Committee Chairman

**Article 22 – (As amended on 17/5/1979 by 2234/art. 1)**

The chairman of the District Electoral Board consults with the regular members brought to the District Electoral Board excluding members from political parties, and prepares a list for each ballot box in the election district all of which are affiliated to the board, containing the names of well-reputed and literate persons amongst voters within or out of the election district, in which the ballot box is going to be established.

Each regular board member who is elected from the political parties submits a list, prepared according to the qualifications explained in the above paragraph, within the time restraint defined by the chairman of the District Electoral Board. The party representative who does not submit a list within the previously defined period is considered to have forfeited this right.

The chairmen of the each Ballot Box Committee is drawn by lot amongst the chairman candidates whose names are proposed and written on the list prepared according to the above paragraphs, for the chairmanship of the ballot box.

<http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.4.298&sourceXmlSearch=&MevzuatIliski=0> [↑](#footnote-ref-21)
22. SBE Circular No 135

**Article 27-** Disabled voters with apparent disabilities such as blindness, paralysis or similar physical defects may be accompanied by one of their relatives who are voters in the same election district or, in the absence of any relative, by any other voter to provide assistance in their voting performance. A voter can not accompany to more than one disabled person. (298/93).

<http://www.ysk.gov.tr/ysk/docs/genelge/2011Pdf/2011-Ornek135.pdf> [↑](#footnote-ref-22)