INDEPENDENT ELECTION OBSERVATION PLATFORM

OBSERVATION REPORT

ON THE PARLIAMENTARY

ELECTIONS OF JUNE 7TH 2015

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Kısaltmalar

AGİT  AVRUPA GÜVENLİK VE İŞBİRLİĞİ TEŞKİLATı
AGİT ODIHR  AGİT DEMOKRATİK KURUMLAR VE İNSAN HAKLARI BÜROSU
BM  BİRLEŞMİŞ MILLETLER
BSİP  BAĞIMSIZ SEÇİM İZLEME PLATFORMU
CEDAW  KADINLARA KARŞI HER TÜRLÜ AYRIMCIL İstanbulULUSLARARASI SÖZLEŞMESİ
MVK  MILLETVEKİLİ SEÇİMİ KANUNU
MSHS  MEDENİ VE SIYASİ HAKLARA İLİŞKİN ULUSLARARASI SÖZLEŞME
STHVSKHK  SEÇİMLERİN TEMEL HÜKÜMLERİ VE SEÇMEN KÜTÜKLERİ HAKKINDA KANUN
TÜİK  TÜRKİYE İSTATİSTİK KURUMU
YSK  YÜKSEK SEÇİM KURULU
Introduction

Independent election observation aims to contribute to holding elections that are democratic, fair and that provide equal opportunities for all as well as equal access to the right to vote and be elected. Independent election observation is one of the criteria that ensures the legitimacy of elections.

[box]

**UN Human Rights Committee**

There should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes.

[box]

In a country like Turkey, where casting a vote in the elections is almost the only means available for citizen participation, where democratic participation mechanisms are extremely limited, the independent observation of elections becomes ever more important. The Parliamentary Elections of 2002, 2007 and 2011, as well as the Presidential elections of 2014 in Turkey were observed and reported by OSCE/Office of Democratic Institutions and Human Rights. In all its election reports, ESCE/ODIHR has recommended that the election process in Turkey be made accessible to independent observers.

The Independent Election Observation Platform (IEOP) was founded in 2011 by rights-based NGOs in an effort to conduct human rights-based election observation. The IEOP bases its activities on international standards and focuses on identifying violations of rights and discrimination in the process of elections and determining the opportunities and conditions for exercising the right to vote and be elected with respect to women, persons with disabilities, those who have different ethnicities, religious beliefs, mother tongues and sexual orientations, IDPs, as well as people who are not literate in Turkish.

IEOP has shared all its observation reports with the Supreme Board of Elections (SBE) and has made recommendations on practices in elections. The IEOP has made official applications to the SBE prior to the 2011 Parliamentary Elections and in all elections held after that date, to be granted the status of Independent Observer.

The IEOP has carried out independent election observation during the 2011 Parliamentary Elections, the 2014 Local Elections and the 2014 Presidential Elections and has produced reports for all election observation activities.

The activities related to independent election observation or the platform are not directly or indirectly associated with any political party or candidate. Our independent election observers act in accordance with the Declaration of Principles for International Election Observation.

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1 Human Rights Committee, General Comment No. 25.
Methodology and Scope

The Independent Election observation activities aim to monitor and report, throughout the election process, on the exercise of the right to vote and be elected, as guaranteed by international human rights instruments, with respect to disadvantaged groups and to determine whether elections were held democratically. The process of observation, as a whole, covers the creation of the voter registries, the determining of candidates, electioneering activities, voter training, election day observation, appeals and the examination of the election results.

Two associations, who are members of the Platform, namely, Association for Monitoring Equal Rights (AMER) and The Human Rights Association (HRA) individually petitioned the Supreme Board of Elections (SBE) requesting accreditation as independent observers. However, the SBE rejected both applications. Subsequent to the appeals made against the SBE decision, the Human Rights Association made an application to the Constitutional Court.

In addition to the OSCE, accreditation was granted by the SBE to the Council for Cooperation for Turkish Speaking Countries and the Parliamentary Assembly for Turkish Speaking Countries to observe the elections of 7 June.

Despite the rejection by the SBE, in an effort to exercise the democratic right to observe the elections, the provincial election boards were sent notifications and election observation teams were set up. In addition, a call was made to voters, via AMER’s web site and the social media, to become a ‘An Observer for equality’ to report any violations they may have witnessed to the platform.

In the process of elections, 4 citizens have given reports regarding voter registries, voter education and the right to vote. Detailed information about these reports can be found under the relevant sections.

Reports were made to the platform by citizens who had filed 17 separate petitions for information to eight different institutions during the election process. Information about these petitions can be found in the report.

In the June 7 elections, Independent observers from 38 NGOs observed the voting process in 21 provinces at 1,703 ballot boxes; and the counting process at 309 ballot boxes. Election observation was conducted using three separate standard forms. The forms, which were filled out by observers were analyzed using SPSS 21.0. Election observation was carried out in the following provinces: Adana, Adıyaman, Ankara, Çanakkale, Diyarbakır, Edirne, Elazığ, Gaziantep, Hakkari, Hatay, Mersin, Istanbul, İzmir, Malatya, Manisa, Muğla, Sakarya, Şanlıurfa, Trabzon, Tunceli and Van.

During the post election day observation, an evaluation was made of the appeals and complaints against the election results as well as the results themselves. Since it was not possible to access any clear information regarding these decisions of the SBE, which are not subject to judicial review, it has not been possible to evaluate whether or not they were in compliance with the law or based on equal treatment. Hence, an in depth legal analysis could not be performed on this front. The post election evaluation is limited to information gathered from newspaper reports and some quantitative data.

The names of persons conducting observation in polling stations, the number of the polling stations and other private information, other than such information that has been reported to the press and the judiciary, have been omitted in order to ensure that the relevant persons do not face any negative repercussions.

The information in this report does not, in any way, reflect the entire situation in the country or the situation in the provinces where election observation took place. The information is limited to those cases in which a determination could be made.
Provisions in Turkish Legislation Leading to Inequality in terms of the Right to Vote and be Elected

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, direct, universal suffrage, and public counting of the votes. And that all citizens over eighteen years of age shall have the right to vote in elections.²

The overall approach in international criteria is guaranteed by this article. However, some legislation in Turkey includes discriminatory provisions in terms of the right to vote and be elected.

The provisions in the Constitution;

In Turkey, whereas it is sufficient for an individual to be over the age of 18 to exercise their civil and political rights, the age requirement to be elected as a deputy is 25. In terms of human rights, this provision amounts to discrimination on grounds of age.

Article 67 of the Constitution and Article 7 of the Law on the Basic Provisions of Elections and Voter Registries (Law no 298), lists those persons who are not eligible to cast a vote. ⁴

As set forth in these provisions, the restriction for convicted prisoners in terms of their right to vote is worth noting. A. Atahür Söyler, who was unable to cast a vote due to a sentence he received in 2007 took his case to the European Court of Human Rights (ECtHR).

² http://www.tbmm.gov.tr/anayasa.htm
³ http://www.tbmm.gov.tr/anayasa.htm
⁴ Constitution 67/5; Privates and corporals at arms, cadets, and convicts in penal execution institutions excluding those convicted of negligent offences shall not vote.
Law No 298 on Basic Provisions of Elections and Voter Registries:
“Article 7-The following persons are not eligible to vote:
....
In its judgment in 2013, the ECtHR noted that Turkey imposes a blanket ban on voting for all convicted prisoners and that it fails to take into account the nature and gravity of the crime, the length of imprisonment and the conduct of the convicted person. The ECtHR found Turkey to be in violation of Article 3 of Protocol 1 to the Convention, which guarantees the right to free elections.\(^5\)

Although the SBE has issued a decision in 2014 stating that those convicted persons on parole will be eligible to vote, this regulation still fails to meet the criteria.

Similarly, Article 8 of the Law on the Basic Provisions of Elections and Voter Registries (No: 298)\(^6\) sets forth that persons who are legally incapacitated may not cast their vote. Hence, those with mental disabilities who have been appointed a legal guardian by a court are not able to exercise their right to vote. This article is against the UN Convention on the Rights of Persons with Disabilities.

However, in practice, there are also cases where voter registries are not kept in compliance with the law in terms of mentally disabled persons.\(^7\)

Electioneering on radio and television:

“Article 52—(Amended:17/5/1979-2234/1.)

(Amended by Article 46 of Law 2839, on 10 June 1983.) Political parties 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.

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

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

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

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

d) The principal party of opposition has the right to an additional 10 minute speech.\(^8\)

The regulations under Article 52 of the Law do not provide a level playing field in elections and create inequality amongst political parties as well as between political parties and independent candidates.
Provisions in Law No 2839 on Parliamentary Elections:

“f) [Additional paragraph: 08/04/2010 – Law 5980/Art. 31.] The special emblems of political parties shall be printed on the joint ballots in accordance with their description in the party statute. The party statute shall be taken as a basis in determining the emblem, the name and abbreviation of the political party to be printed on the joint ballot. Political parties which do not have abbreviated names shall be represented on the joint ballot with their full names. No special emblem or sign shall be used on the joint ballots for independent candidates.”

The fact that there is no opportunity to use identifying symbols for independent candidates on the ballots as well as the practice of writing the names of independent candidates with a smaller font in a smaller area of the ballot in comparison to political parties, amounts to unequal treatment.

**Election Threshold**

The 10% election threshold, which has been in place since 1983, is the main subject of discussion in every election period. The official justification for the 10% threshold is ‘to ensure political stability’. Yet, this practice prevents different political ideas from being represented in parliament and poses a disadvantage to smaller political parties thereby impeding fair representation.

In every election period, public poll researchers reiterate that the 10% election threshold influences voters in their choices and that they refrain from voting for parties which they believe will not pass the threshold.

Despite the fact that the threshold is defended by various circles to ensure political stability, the elections of 1991, 1995 and 1999 yielded results that only allowed for the creation of coalition governments.

The public, as well as political parties, accept that the 10% election threshold is an antidemocratic practice. Yet, there is persistence in failing to introduce the legal amendments necessary to abolish it.

Due to the high election threshold, the Felicity Party and the Great Union Party ran in the elections of June 7th by entering into an alliance. On the other hand, the Kurdish political movement, which has been taking part in the elections for many years with independent candidates, decided to take part in these elections as a political party. The question of whether the People’s Democratic Party will pass the threshold was the biggest topic of discussion during the election process.

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5 In the elections of 1983, two thresholds were enforced, namely the countrywide election threshold of 10% and the constituency-based threshold.
6 According to a study conducted by TUSIAD (Turkish Industry and Business Association) in 2001 titled A Study on the Election System and Political Parties, 53% of the respondents are of the opinion that the election system serves to prevent small parties from entering parliament.
Voter Registries – Date of Elections

The reliability of the voter registries created via the Address-based Population Registry System, the number of voters and the irregularities in voter registration are topics that lead to wide public debate in nearly all elections.

Following the disclosure of the voter registries, a woman by the name of Ş.G. has made an application to AMER, has stated that she lives with her husband in a house owned by her but that an unknown male voter was also registered at their address. The search we conducted on the SBE voter query system confirmed that the applicant’s claims were true. Similar reports were also covered by the media. 8

In addition to irregularities in the voter registries, there have been reports of people being deleted from the voter registry although no change had taken place in their legal status, or people who had not been deleted from the system although they were deceased.

An incident reported by one of our independent observes in Gaziantep: “The voter certificates of S.K., D.S., and E.S., who were registered at Ballot box No: 1150 at the Ali Künkülü Middle School, were handed over to the polling station committee by the superintendent of the building who stated that these persons did not live at that address”. 9

The current system deprives many individuals from exercising their right to vote including the homeless, those living in tents and women in shelter homes.

In response to a petition for information filed with the Ministry of Family and Social Policies regarding the number of homeless people in Turkey, their ages and gender, the ministry has responded ‘we do not have a data base for this information’. 21

Prior to the elections, a petition was sent to the SBE regarding the right to vote of women in shelter homes. The SBE’s response was that “There are no activities regarding the right to vote of women staying at shelter homes and women’s guest houses”. 22

There is no data regarding the literacy status or knowledge of Turkish of voters registered in the voter registry system. However, according to data published by the Turkish Statistics Authority (TÜİK),

8 http://www.aktifhaber.com/samsunda-olulerin yerine oy kullanildi-1182849.html
9 Human Rights Committee, General Comment No. 25 paragraph 11.
as of the end of 2014, 2,656,963 people aged 18 and above are illiterate. Of this number, 2,203,585 are women.

There is also lack of accurate data with respect to disabled voters. The percentage of the population with disabilities makes one question the validity of the number of disabled voters announced by the SBE.

Indeed, in answer to a petition for information filed with the SBE regarding the number of disabled voters living abroad as well as their gender distribution, the SBE has replied ‘there is no data concerning the disabled voters registered in the overseas voter registry’’. This answer shows that the access of disabled and elderly voters living abroad to polling stations is not a subject given due consideration.

There is lack of a standard practice in terms of mentally disabled persons registered in voter registries.

In determining the election date, the situation of seasonal agricultural, construction and tourism workers was not taken into consideration. Seasonal workers move from their abodes to the areas where work is available between 15 April and 15 October. It is estimated that approximately 1 million people, in the agricultural sector alone, move for seasonal work.

**Overseas Voters**

Granting the right to vote to overseas voters is a positive step forward. In order for overseas voters to be able to use their right to vote in an effective manner, plans should be made to increase the number of countries where polling stations are set up and polling stations should be available in more than one centre in a country.

For those overseas voters who are disabled, old, illiterate or who do not know Turkish, voter education should be conducted using different means. The physical characteristics of the centres where polling stations are to be set up should be determined according to voter profiles.

In determining the countries where polling stations are to be set up, objective criteria such as number of voters should be taken as a basis. According to the data from the Ministry of Foreign Affairs, Iraq is the fifth most populated country with respect to Turkish citizens living abroad. Failure to set up a polling station in Iraq, where there are four consulate generals, and disallowing the casting of votes in any customs gate to Iraq amounts to discrimination against voters residing in this country.

Regulations should be made to improve the conditions to protect the overseas ballot boxes throughout the elections, the conditions of transporting the ballot boxes to Turkey and allowing for shares to independent candidates when distributing the votes cast by overseas voters.

The active role assumed by the Ministry of Foreign Affairs requires for this Ministry to also be covered by Article 114 of the Constitution.
Voter Education

According to international standards, states are responsible for ensuring that information about elections is prepared to enable illiterate voters or those with a different mother tongue to effectively exercise their right to vote.

Prior to the June 7th elections, two women voters applied to AMER, which is a member of the Platform, and asked for the voter education TV spots of the SBE to be broadcasted in Kurdish since they did not speak, read or write in Turkish. Legal support was provided to the applicants to enable them to apply to the SBE requesting a board decision allowing voter education in other languages. However, the SBE rejected both applications without adopting a board decision, with an official written decision by the President of the SBE. The reasoning of the decision sent to the applicants states “If this is done in Kurdish, it would also have to be done in other languages”. The applicants applied the SBE a second time through their lawyers and claimed that the rejection of their request without being discussed in the board was unlawful and stated that a board decision should be adopted on the matter.

Upon the second application, the SBE stated that they do not give voter education in other languages but that the voting process would be explained to non-Turkish speakers and illiterate voters at the ballot box by means of an interpreter. This decision is important not only for voters who are non-Turkish speakers with a different mother tongue, but also for illiterate voters with hearing impairments.10

However, the SBE did not inform the chairpersons of the ballot box committees of this positive decision and has not published it on its web site. The following is a note by an observer regarding the issue: “Z.D. arrived at the Ballot box No: 1016 at the Hüriyet Beşir primary school with a photocopy of the SBE decision No: 1040 and asked for a Kurdish interpreter because she did not know Turkish. However, the Chairperson of the Ballot box Committee stated that the document was not valid because it lacked a wet signature. After the lawyer and building official examined the decision, it was decided that the ballot box chairperson would provide interpretation in Kurdish for ZD.”

The women voters who had made an application to the SBE went to their ballot boxes with the decision that had been sent to them by the SBE and stated that they wished to be informed in their mother tongue about the voting process. The chairpersons of the respective ballot boxes stated that they were not informed of such an SBE decision.

AMER has applied to the Ombudsman and the National Human Rights Institute of Turkey requesting for decisions attesting to the fact that the failure of the SBE to have prepared public information spots in other languages is a human rights violation.

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10 Although the SBE decision stated that voter education did not take place, there are public spots on the SBE web sites regarding the registration of domestic and overseas voters as well as on how to cast their votes.

Link https://media.ysk.gov.tr/MV2015-YiciSecmen.mp4

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The Ombudsman decided that the application was inadmissible and the National Human Rights Institution decided that it was a violation of the right to vote and be elected.

In line with the International Covenant on Civil and Political Rights, the State has the responsibility to deliver voter education to voters who are illiterate, have a hearing impairment and who have a different mother tongue. Voter education will also have the effect of reducing the number of invalid votes cast on election day.

According to data from the Turkish Institute of Statistics, most illiterate voters are women. Failing to provide voter education for illiterate voters mostly affects the rights of women voters to effectively exercise their right to vote and be elected.

Membership to the Ballot Box Committees and Political Party Observers

The selection process of the chairperson and members of the ballot box committees is set forth in Law No 298 on the Basic Provisions of Elections and Voter Registries. The law states that Chairpersons of the ballot box committees “shall be selected from among literate voters who are known to have a good reputation”\(^\text{11}\). The Law employs subjective criteria, namely, being known to have a good reputation. The lack of objective criteria and the fact that the lists of names of public officials to be assigned to ballot boxes is prepared by administrators of public agencies and notified to the provincial and district election boards and the selection process of the chairpersons of ballot boxes are all topics that lead to controversy regarding ballot box committees. A similarly problematic practice is the notification by political parties of the names of people in ballot box committees to the provincial and district election boards. This practice leads to events such as citizens being notified as ballot box committee members to the boards by political parties against their will. Citizens in this situation usually find this out when they arrive at the ballot box cast their vote and some of them are not able to do so because of the confusion.

Note the following observation: “H.C. who was registered at Ballot box No 1185 at the Necmiye Bilgin Primary and Middle School could not cast her vote in either this ballot box or the ballot box in the Attaroğlu Primary School where she had been officially assigned as a ballot box committee member.”

Our independent observers have witnessed similar incidents on the day of the elections on June 7\(^\text{th}\): “Voter N.A. arrived at ballot box No. 1149 to cast a vote and saw only then that across his name it was written: ‘this person may not cast a vote at this ballot box since they are officially assigned as a committee member’. However, N.A. stated that he had not made any application whatsoever to be assigned to any ballot box.”

\(^{11}\) Selection of the Ballot Box Committee Chairperson

ARTICLE 22-(1§ Article of Law 2234, amended on 17 May 1979.) 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 submit 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 relinquish this right.

The chairmen of the each Polling Station 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=14.298&sourceXmlSearch=&MevzuatIliski=0
Impartiality of the State

The supervision of public resources and authority during elections by parties and candidates is one of the prerequisites of democratic elections.

One of the most widely discussed issues during the June 7th elections was the fact that the activities carried out by the President, who, according to the Constitution, should be impartial, explicitly turned into campaigning for the ruling party.

Various political parties have applied to the SBE regarding the impartiality of the President, however the SBE has rejected all of them.

In addition to the President, the practices of ministries, governorships and other public agencies were challenged in terms of the impartiality of public institutions. Many news reports were covered in the media regarding the impartiality of public agencies.

With regard to these news reports, the platform was notified of the right to information petitions filed with the Ministry of Justice, Ministry of Interior, the Ministry of Transportation, the Governorships of Bingöl and Afyon and the Istanbul Provincial Office of the Mufti.  

According to the answers given to the applications, in line with Article 114 of the Constitution, among the ministries assigned as an independent ministry, only the Ministry of Transportation, sent a circular to its affiliated agencies and staff to pay special attention to ‘impartiality’. Neither the Ministry of Interior nor the Ministry of Justice issued any such circulars.

Similarly, another petition was filed to the Istanbul Office of the Mufti requesting information about a reported event where a political party campaign bus was provided electricity from a mosque. The Istanbul Office of the Mufti replied that the report was true yet that they had intervened and stopped the provision of electricity when they received the report.

Another example regarding impartiality was the four separate warnings and one broadcasting ban issued by the SBE about the channels under the National Broadcasting Authority (TRT). All these sanctions were issued due to biased broadcasting.

The Candidacy Process

The Parliamentary Elections of June 7th were one in which there was relatively more diversity in terms of both precandidates and the candidates nominated by political parties. Just like in all elections, many women and disabled persons made applications to political parties to be nominated as a candidate. Different from the earlier elections, many citizens from different ethnic and religious backgrounds also applied as precandidates. In addition individuals with different gender identities also applied as precandidates.

For the first time in the history of Turkey, a Roma individual, two Yezidi individuals and one Mhallami individual were shown as candidates by their political parties in constituencies where they can be elected and thus were able to enter the parliament as deputies. Similarly, after an interval of 54 years, three Armenian candidates were elected as deputies from three political parties and entered the parliament.

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12 See, Annex I Petition filed under the Law on Right to Information
13 See, Annex I Petition filed under the Law on Right to Information
14 See, Annex I Petition filed under the Law on Right to Information
15 See, Annex II SBE Decisions regarding the media
With regard to precandidate women, 510 were shown as candidates by their political parties. 97 women shown as candidates in the elections were elected, which resulted in a parliamentary composition with the highest number of women parliamentarians to date. None of the LGBTI precandidates were given a place in the lists in a ranking that gave them a chance of being elected. Despite the increase in the number of women parliamentarians, political parties did not list women candidates in a ranking where they had a chance of being elected in 37 provinces. As a country where more than half the voters are women, Turkey is still far from gender equality standards in terms of women’s representation in the parliament.

There were numerous disabled citizens applying to political parties as precandidates. However the parties only enlisted three disabled precandidates in rankings which they could be elected. These three candidates were elected and entered parliament.

During the electioneering period, discrimination based on ethnicity, gender identity or religion as well as hate speech was used intensely by both the media and the political parties.

We were not able to access any information as to whether investigations have been launched by prosecutors regarding discrimination and hate speech.

**Attacks Against Political Parties During the Electioneering Period**

The right to freedom of expression and peaceful assembly are two of the most important criteria for political parties and independent candidates to ensure democratic elections. According to these criteria, it is the responsibility of the state to ensure that all parties and candidates are afforded protection during their electioneering, that their buildings are protected and campaign activities are held in a safe environment.

According to our findings, there have been 172 attacks against political parties and candidates throughout the campaign period for the June 7th Elections. One citizen has lost their life as a result of these attacks. Effective measures were not taken to prevent these attacks and no investigation was launched concerning the attacks.

**Election Material**

One of the most fundamental factors impacting the right to vote is the extent to which the material and methods used in the elections are suitable for all voter groups. This includes employing practical and accessible solutions for those voters who have to vote under different conditions.

A common problem across all elections is that the ballots are not suitable for the blind. The SBE has not taken any steps in this regard.

Similarly, the ballots are not suitable for illiterate voters. As a platform, we have been recommending, since 2011, that allowing for photographs of independent candidates to be used on the ballots will be a positive step for illiterate voters.

The sign posts used in polling stations to direct voters are not suitable for blind and illiterate voters. There should be an official to direct voters to their respective ballot boxes at each polling station. In regions where the mother tongues of the voters are different, this service should also be given in languages used in the region.

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16 There were 153 attacks against HDP. There were 18 attacks against other political parties or independent candidates.
Voting in Closed Institutions

In every election, there are problems regarding the casting of votes in prisons, nursing homes and care centres for the disabled. Polling stations are set up in some state nursing homes and centres for the disabled whereas they are not set up in others. Similarly, individuals living in these institutions have voiced concerns over the fact that there were problems regarding the updating of voter registries, that some voters were offered transport to polling stations on election day by the institution while others were not able to benefit from this service on election day.

There are ballot boxes in prisons where the voter population is very low, yet voters are not able to vote in these ballot boxes. Setting up ballot boxes in prisons where there are very few people is a violation of the principle of the secret vote.

By creating ballot boxes that would only cater to very few voters, the SBE is violating the principle of secret votes. In ballot boxes where there are only one or two voters, the count inevitably exposes the political preferences of the voters.

*This table was created by reference to the SBE’s Ballot box-based election results by scanning the Prison Ballot Box Results Throughout Turkey.
Problems Related to Election Day

On Election Day, our independent observers were prevented from observing in a limited number of polling stations. The statements of the observers with regard to these incidents are as follows:

“It has determined that the authorized police station command has made the ballot box chairperson sign a protocol that they are not to allow independent election observers to observe the voting process in the Adıyaman Başbaşi village polling station district. It was also reported that the chairperson of the ballot box committee was put under pressure to allow for the village headman and his acquaintances as well as some other people without ID cards to cast their vote.”

“The chairperson of the ballot box committee for Ballot Box 1119 at the Adıyaman Akıncılar Primary School stated that the Gendarmerie had visited the polling station in the morning and had them sign a document stating that they will not allow independent observers to make observations at the polling station.”

“Independent election observer Mehmet Öztürk was prevented from making observations at ballot box No. 2195 in the province of Malatya in Abdulgaffar Neighborhood Gazi High School.”

“The police prevented observation at Ballot box No. 1104 in the Van Mehmet Akif İnan Primary School.” “In Şanlıurfa, Village of Dikme, an observer from the Human Rights Association was attacked at the ballot box where he was carrying out observations.”

“At the Yeşil Urfa School an observer was assaulted by the ballot box committee members at the ballot boxes 2034 and 2025 and forced out of the school.”

Scope of Monitoring

Out of all polling stations covering 1703 ballot boxes, 65 were observed to have campaigning materials and 48 had ongoing campaign activities. In addition to campaign activities for political parties or candidates, in schools concentrated in Mersin, there were unsigned brochures campaigning against the Democratic People’s Party.

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<tr>
<th>PROVINCE</th>
<th>Ballot boxes where voting was observed</th>
<th>Ballot boxes where counting was observed</th>
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<tr>
<td>ŞANLIURFA</td>
<td>83</td>
<td>19</td>
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<tr>
<td>VAN</td>
<td>261</td>
<td>72</td>
</tr>
<tr>
<td>TOPLAM</td>
<td>1,703</td>
<td>309</td>
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</table>
There were reports of oppressive environments in 74 ballot boxes. Provinces where oppression was observed the most were İzmir (21), Van (14) and Mersin (9). The reason for an oppressive environment was reported as excessive police presence in 42 ballot boxes, general tension at 21 ballot boxes, and political party advocates in 7 ballot boxes.

<table>
<thead>
<tr>
<th>CAMPAIGN ACTIVITIES</th>
<th>CAMPAIGN</th>
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</thead>
<tbody>
<tr>
<td>EVET</td>
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<td>HAYIR</td>
<td>1,595</td>
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<td>TOPLAM</td>
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<td>KAYIP</td>
<td>43</td>
</tr>
<tr>
<td>TOPLAM</td>
<td>1,703</td>
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</table>

With respect to access to ballot boxes, a striking result from the observer forms was that 1,202 ballot boxes (88.9%) were not accessible by elevators.

Despite announcements by the authorities prior to every election that measures will be taken for accessibility for the elderly and disabled\(^\text{32}\) the picture on election day is quite different. On the election of June 7\(^\text{th}\), our observers have witnessed many incidents concerning disabled and elderly voters. Examples of witness testimonies:

"Durmuşalı Yılmaz, who was registered at ballot box No. 3025 at the Vehbi Dai Primary School in the Gaziantep District of Şahinbey together with his son, cast his vote at his ballot box. He then showed the ballot box officer a disability report for his son stating that he was 97% disabled and bed-ridden and that he could not bring his son to the polling station. He asked the ballot box officer to give him a document stating that his son could not cast his vote. However, the ballot box officer said that they could not issue such a document.

The Vehbi Dai Primary School is not accessible by the disabled and elderly. The entrance to the building has very steep stairs."

"At the Gazi Middle School in İzmir, Alsancak Kültür Neighborhood, Emine Çetinada has had a protocol prepared attesting to the fact that her father, who is in a wheelchair was carried with the chair to the ballot box above the ground floor."

“İzmir; Sadullah Kemal was unable to cast a vote at the Erol Gazi Middle School ballot box No. 1270 because there were no ramps, elevators etc. at the school.”

Again in İzmir, Salim Türk, who could not cast his vote because he could not access his ballot box, applied to AMER and requested legal assistance. The legal process concerning S. Türk is ongoing.

**Ballot Box Committee Gender Distribution**

One of the questions asked on the standard observation form was the gender of the ballot box committee chairperson. Answers were given to this question in 1582 forms. In 1229 ballot boxes, the chairperson was a man whereas in 353 ballot boxes, they were women. Although there’s a very high number of observers who did not answer the question on the form regarding the gender distribution of the ballot box committee members, it is understood from the answers given that there was one woman member in most ballot boxes.

**The Presence of Unauthorized Persons**

The presence of unauthorized people were observed in 134 ballot boxes. The reports mostly state that the security forces were present (military, police).

Witness testimonies of observers;

“The security forces were present for a long time at the ballot box 2001 in the Malatya Abdulgaffar Neighborhood Gazi High School.”

“The police waited at the ballot box for a long time and was asked to step outside as a result of the reactions of the voters.”
Explaining the Voting Process to Voters

In 31.1% of the ballot boxes where voting was observed, the chairperson did not give voters information about the voting process. This situation shows the importance of voter education by the SBE.

Secrecy of Votes

There were 39 reported violations of secrecy. The secrecy of votes is violated when voters cast their vote in the open, when ballot box committee members enter the polling booth with the voter for various reasons as well as at the time of creating the ballot boxes.

Some observer testimonies; “some married women entered the polling booth to cast their vote with their husbands; also some cast their vote with the curtain open. It was too crowded; everyone living in the nursing home was registered in the same ballot box. There was a long queue and confusion. There are complaints that people are being influenced. The political party observers tried to cast a vote in place of the elderly; The chairperson of the ballot box committee was opening the curtain and interfering. A voter was photographed by his friend when casting his vote.”

The polling booth had white see-through curtains and you could see inside. The ballot box committee member or the political party observer was entering the polling booth with the voters. It was observed that women were admitted into the room in groups of 9 or 10 people and asked to cast their vote.”
In all observations we have done since 2011, it has been observed that voters do not cast a vote in ballot boxes where there are few voters registered. The only exception to this is when the ballot box committee members do not consist of voters in that specific ballot box.

As can be understood from the above table, voters do not cast their vote if they are registered in a ballot box with few voters. In addition, in ballot boxes where there are one or two voters, the counting will reveal which party the voter voted for. This situation is a violation of the principle of secrecy of votes by the SBE right at the beginning when the ballot boxes are being created.

<table>
<thead>
<tr>
<th>PROVINCE</th>
<th>DISTRICT</th>
<th>BALLOT BOX NO.</th>
<th>Number of voters who cast a vote</th>
<th>Number of voters who cast a vote</th>
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<td>BİNGÖL</td>
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</table>

• This table was created by scanning 174,240 ballot box results published on the SBE web site under the title Ballot Box-based Election Results.
Those accompanying disabled voters when casting votes

At 252 ballot boxes, it was observed that ballot box committee members entered the polling booth together with disabled voters. It is unlawful for ballot box committee members to enter the booth with voters and it is also unlawful for the same person to assist more than one voter.

Some testimonies; “At the Mersin Abdullah Günaydin Primary School, the ballot box committee chairperson is not allowing disabled persons to cast their vote with the people accompanying them. At ballot boxes No. 1001 and 1232, the ballot box committee chairperson is entering the polling booths. A blind voter was prevented from entering the booth with a person of their own choice; he could only cast his vote with the intervention of the chairperson.”

Voters Discriminated Against When Casting Their Vote

The fact that polling stations are not accessible by the disabled and elderly voters, and the situation created by the election materials not being prepared in a manner suitable for non-Turkish speakers amounts to discrimination. At 375 ballot boxes where observations were made, discrimination was witnessed against disabled voters and non-Turkish speakers. In addition discrimination based on gender identity (1), ethnicity (1) and age was also observed.
Vote Counting Process Monitoring

Unauthorized Persons in the Counting Area

Observers have reported that there were unauthorized people present in the counting area at 26 ballot boxes and that all were security staff.

* 23 Observers have not answered this question.
Transparency of the Counting Process

In the counting observation form, there were questions regarding whether observers were prevented from observing the counting process. The answers show that the law was violated in a small number of places. Van is the province where counting observations were prevented to the largest extent (7).

Observer testimonies: “At ballot boxes No. 1016 and 1003, when the counting took place, the officials blocked the doors to the classrooms with chairs during the counting and did not allow citizens to observe the counting process.

Procedural Errors in Counting

At 22 of the ballot boxes observed, procedural errors were made by officials.

* This question was not answered by 23 observers.
Hanging up a Copy of the Protocol

There were 24 observers who reported that the tallies were not hung up on the doors of the classrooms to be examined by voters.

According to the forms sent in by independent observers, in a total of ten provinces (Adana, Diyarbakır, Edirne, Hatay, Mersin, İstanbul, Manisa, Muğla, Şanlıurfa, Van) there were ballot boxes where tallies were not hung up after counting. In Edirne, where counting was observed, in three out of seven ballot boxes (57.1%), the tallies were not hung up.

* Bu soruya 68 gözlemci yanıt vermemiştir.
Our Findings

Findings About Voter Registries:

- The address-based voter registry system prevents the exercise of the right to vote for the homeless, women in shelter homes, seasonal agricultural, construction and tourism workers and those who are left homeless due to urban transformation;

- After the voter registries are finalized, persons who have to change address due to mandatory reasons have no opportunity to cast a vote at their new address;

- A large majority of the neighborhood headmen buildings where the voter registries are hung up are not accessible to the disabled and the elderly who have problems walking;

- The methods used to announce the voter registries prevent illiterate and blind voters from checking them. This includes the method of hanging up the voter registries in print and access via the web site. The web site of the SBE is not accessible to the blind;

- Procedures related to registration in and appeals against the voter registries as well as the methods used to announce them, assume that all voters are literate and have knowledge of Turkish;

- The process of being erased from the voter registries does not require notifications to be made to the relevant voter. This results in voters being erased from the voter registry due to mistakes;

Findings about voter training:

- The printed material for voter training is not suitable for those who are illiterate, do not speak Turkish and for the blind;

- The audio-visual material produced for voter training is not suitable for visually impaired and hearing impaired voters or for those voters do not speak Turkish;

Findings about the materials used in the election process:

- The voter certificates are not suitable for blind voters or for voters who are illiterate;

- The voter certificates are not sent to the addresses of all voters;

- The sign posts used in polling stations are not suitable for the blind and for those voters who are illiterate;

- The ballots make it impossible for blind and illiterate voters to cast their votes independently;

- The design of the ballots create inequality between political parties and independent candidates;

- The design of the ballots put illiterate voters at a disadvantage if they wish to vote for an independent candidate;

- The sign posts placed in the polling booths are not suitable for illiterate and blind voters;

Findings about ballot box committees:

- Disadvantaged voter groups are not represented when ballot box committee members are chosen.
• With respect to the selection of the ballot box committee chairman, the criteria in Law No. 298 are not objective;

• The current political party observer system gives an advantage to large political parties;

• There are voters who are chosen as a ballot box committee member or political party observer outside their will;

• In an effort to assist elderly, disabled and illiterate voters, ballot box committee chairmen and members have entered the polling booths in violation of Law No. 298 on the Basic Provisions of Elections and Voter Registries as well as the Circular of the SBE.
Recommendations

- In order to ensure fair representation and enable a pluralistic political life and parliament, Article 33 of Law No. 2839 should be amended to abolish the 10% electoral threshold;

- Article 76 of the Constitution should be amended to lower the age to be elected from 25 to 18;

- Necessary legal regulations should be adopted to open the decisions of the SBE for judicial review;

- Article 7 of Law No. 298 on the Basic Provisions of Elections and Voter Registries should be amended to allow convicted prisoners to vote;

- Provisions should be adopted under Article 33 of Law No. 298 on the Basic Provisions of Elections and Voter Registries, to allow for the homeless, those living in women shelters, nursing homes and homes for persons with disabilities to be included in the voter registry;

- Citizens whose names have been deleted from the voter registries or those who have been newly registered should be officially notified;

- Voter registries should be reorganized to include the ages and disability information of citizens. The polling stations should then be assigned based on this information;

- Mentally disabled individuals should be given the right to vote regardless of whether they have been appointed a guardian;

- Article 52 of Law No. 298 on the Basic Provisions of Elections and Voter Registries should be amended to eliminate those provisions creating inequality between political parties and independent candidates in terms of the propaganda periods each are allowed to have;

- Article 26 of Law No. 2839 on The Parliamentary Elections, which includes provisions on the form of ballots, should be amended to ensure equality between political parties and independent candidates;

- The article in Law No. 2839 on The Parliamentary Elections, which sets forth the conditions of state aid to political parties for electioneering purposes, should be amended to allow all political parties to benefit from state aid depending on the share of votes they have received;

- Voter education should be carried out in all languages spoken in Turkey. The opinions of NGOs who work with disadvantaged voter groups should be collected when preparing the relevant materials;

- Due to their role in the Overseas Voting Process, the Ministry of Foreign Affairs should also be appointed an independent Minister in addition to the other three ministries by making an amendment in Article 114 of the Constitution;

- Legal arrangements should be made to allow voters living abroad to be able to use their right to be elected;

- Ballot boxes should be set up in all countries for overseas voters and in a greater number of centres.

- Ballot boxes where only a few voters are registered and where their votes can be associated with them, should be joined with the nearest ballot boxes;

- Factors that prevent disadvantaged groups from voting and being elected should be eliminated; policies and laws should be devised to encourage the right to vote and be elected;

- In legal regulations regarding freedom of expression and association, arrangements should be made to allow for the effective exercise of the right to vote and be elected;
• Legal arrangements should be made to allow for seasonal workers (agriculture, construction, tourism etc.) to cast their votes in the provinces where they are working;
• Mobile ballot box committees should be set up for voters who cannot leave their homes;
• Legal arrangements should be made to allow for alternative voting methods such as voting by letters etc.
• The media and political parties should not use denigrating, humiliating and discriminatory expressions and this should be guaranteed by law;
• After each election, the SBE should carry out an analysis on voters who did not cast their vote and share the results with the public;
• All stages of the election process should be open to independent observation;
• Independent candidates should be allowed to use a symbol or photograph on the ballots;
• Independent candidates should also be allocated votes from the votes collected from overseas ballot boxes;
• The Law on Political Parties should be rewritten to allow for anyone who wishes to take part in politics and with an understanding to ensure internal democracy in political parties and to enable transparency in political parties.
MEMBERS OF INDEPENDENT ELECTION OBSERVATION PLATFORM

1. ADANA KADIN DANIŞMA MERKEZİ VE ŞİĞİNMMA EVİ DERNEĞİ - ADANA
2. AKDENİZ’E GÖÇ EDENLER BİLİM-KÜLTÜR SOSYAL YARDıMLAŞMA VE DAYANıŞMA DERNEĞİ - MERSİN
3. BUCA ENGELLİLER DERNEĞİ - İZMİR
4. ÇİĞLİ EVKA 2 KADIN KÜLTÜR EVİ DERNEĞİ (ÇEKEV) - İZMİR
5. EDİRNE DERNEKLER FEDERASYONU
6. EDİRNE ENGELLI GÖNÜLLÜLERİ DERNEĞİ
7. EDİRNE KADIN MECLİSİ DANıŞMA DERNEĞİ
8. EDİRNE KENT KONSEYİ KADIN MECLİSİ
9. EDİRNE TARIH TURİZM KÜLTÜR DERNEĞİ
10. EMEK SENSİN EV EKSENİ ÇALIŞAN KADINLAR DERNEĞİ
11. ENGELLI HAKLARI ENGELSİZ YAŞAM DERNEĞİ
12. ENGELLI KADIN DERNEĞİ
13. EŞİT HAKLAR İÇİN DERNEĞİ (KOORDINATÖR STÖ)
14. GENÇ ENGELLİLER SPOR KULÜBÜ - ADANA
15. GÖÇ EDENLER SOSYAL YARDıMLAŞMA VE KÜLTÜR DERNEĞİ (GÖÇ-DER) İSTANBUL
16. GÖÇ SORUNLARINI BİLİMSEL ARAŞTıRMAYA VE KÜLTÜR DERNEĞİ (VAN GÖÇ-DER) VAN
17. İNSAN HAKLARI DERNEĞİ (İHD) GENEL MERKEZİ
18. İNSAN HAKLARI DERNEĞİ (İHD) MERSİN ŞUBE
19. İNSAN HAKLARI DERNEĞİ (İHD) İZMİR ŞUBESİ
20. İNSAN HAKLARI DERNEĞİ (İHD) MALATYA ŞUBESİ
21. İNSAN HAKLARI DERNEĞİ (İHD) URFA ŞUBESİ
22. İNSAN HAKLARI DERNEĞİ (İHD) VAN ŞUBESİ
23. İNSAN HAKLARI DERNEĞİ (İHD) ADANA ŞUBESİ
24. İNSAN HAKLARI DERNEĞİ (İHD) ADIYAMAN ŞUBESİ
25. İNSAN HAKLARI DERNEĞİ (İHD) DIYARBAKIR ŞUBESİ
26. İNSAN HAKLARI DERNEĞİ (İHD) HATAY ŞUBESİ
27. İNSAN HAKLARI DERNEĞİ (İHD) TRABZON ŞUBESİ
28. KADIN ADAYLARI DESTEKLEME VE EĞİTME DERNEĞİ (KA-DER) ADANA ŞUBESİ
29. KADIN ADAYLARI DESTEKLEME VE EĞİTME DERNEĞİ (KA-DER) ANKARA ŞUBESİ
30. KADIN ERKEK BİRLİKTE SOSYAL EŞİTLİK DERNEĞİ
31. KARADENİZ KADIN DAYANıŞMA DERNEĞİ
32. MERSİN ORTOPEDİK ENGELLİLER DERNEĞİ
33. ÖZÜRLÜLER VAKFI
34. ROMAN ENGELLİLER DERNEĞİ EDİRNE
35. TÜRKİYE SPİNA BFİDA DERNEĞİ MANİSA TEMSLİCİLİĞİ
36. TÜRK KADINLAR BİRLİĞİ ADANA ŞUBESİ
37. TÜRK KADINLAR BİRLİĞİ SEYHAN ŞUBESİ
38. TÜRKİYE SAKATLAR DERNEĞİ MERSİN ŞUBESİ