



Human Rights Association (HRA)
Grand National Assembly General Elections Observation Report
June 12, 2011
(Short Form Report)

18.06.2011

I. INTRODUCTION

The Human Rights Association is a civilian volunteer human rights organization that is not affiliated with the state, the government or the political parties. Since its establishment in 1986, the Human Rights Association has provided its observations on the results of local government elections and the referendum, published reports, and exchanged views with the Department for Democratic Institutions and Human Rights and the OSCE Parliamentary Assembly of the Council of Europe on these issues.

Our objective for monitoring and observing the elections is to oversee and notify the public whether the elections transpired in terms of the right to make politics and participate in the elections, whether the participation of the disadvantaged groups in the elections was ensured, whether the elections took place in a fair atmosphere, or whether the ballot box's security was materialized.

This short-form report lists the observations of the June 12, 2011 elections. The HRA's report covering the three month period between March 14 and June 12 will be prepared and published later. In that report the HRA will evaluate the issues and violations which occurred during the course of the campaign, such as violations of the fundamental human rights including "right to liberty and security," "freedom of assembly and association," "freedom of expression," "right to life", "Right to Physical Integrity" and observations on topics such as the violations of the "right to vote and to stand as a candidate at elections" as described in the Constitution and the laws, the endowing of the elections, election campaigning and the orientation of the media, "equality of men and women" and "violations due to the administration of the elections and the attitude of the Supreme Election Council (SEC)"

This report is an overview; the reports of the branch offices will be separately prepared, annexed to the report, and published.

II. FORMATION OF HRA OBSERVATION COMMITTEES

On June 12, 2011, the HRA applied to the SEC in order to monitor the general assembly elections as an independent nongovernmental organization in an observer position. The SEC rejected our application with a letter dated June 12, 2011 and numbered 827 stating that there are no provisions in the Law No. 298 on The Fundamental Provisions of the Elections and Electoral Rolls permitting the nongovernmental organizations to be observers.

Nonetheless, the HRA wrote to the Provincial Election Committees (PECs) in thirty provinces (Adana, Adiyaman, Ankara, Aydın, Balıkesir, Batman, Bitlis, Bursa, Bingöl, Çanakkale, Diyarbakır, Elazığ, Gaziantep, Hatay, Hakkari, İstanbul, İzmir, Malatya, Mersin, Muğla, Mardin, Muş, Sakarya, Siirt, Şanlıurfa, Van, Erzurum, Kocaeli, Tunceli (Dersim), and Manisa), declaring that the HRA would independently observe the elections in these provinces. The HRA notified the PECs the names and phone numbers of the members' and administrators' who would be observing the elections. In Iğdır and Şırnak, the HRA observed the elections via the administrators of the agencies in these cities without any notifications. The total number of the members and administrators of the election observers is 537.

The HRA monitored the elections along with 54 nongovernmental organizations, primarily the Equal Rights Association in Adana, Adiyaman, Diyarbakır, Şanlıurfa, Mersin, Hatay, Trabzon, Van, İzmir, and İstanbul.

III. THE ORIENTATION OF THE ELECTION ADMINISTRATION TOWARDS THE ELECTION OBSERVATION COMMITTEES ON THE DAY OF ELECTIONS

Mesut Tufan and İsmail Gerçek, the board members of the HRA's İzmir branch, who wanted to make observations in İzmir's Torbalı district, were taken into custody by the police; their identifications were controlled and later released, resulting in preventing them from observing the elections. In some polling districts of Siirt, Batman, Van, and Bingöl, the police attempted to avert the HRA's observers. Apart from these provinces, there were no serious obstacles in the way of overcoming the work of the HRA's Election Observation Committees.

In Bingöl's Karlıova district, our branch chief Nihat Aksoy and our members Cigerhun İnce and Mustafa Taşkın from the HRA Bingöl election committee were verbally attacked by supporters of the Justice and Development Party (AKP) while Nihat Aksoy was additionally physically abused. These events took place in the "11 Mart" Primary School.

In Batman, the HRA election observation committee faced difficulties. However, it was observed that the Malaysian election observation committee monitoring the ballot boxes with the AKP committee was not hindered with at all.

IV. THE EVALUATIONS OF ELECTION OBSERVATION COMMITTEES

Our election observation committees observed the elections under eleven categories, (noted below), and according to the categories noted in monitoring forms for the voting and counting process.

1- The evaluation of whether the seasonal, rural, construction, or tourism workers in the election areas have voter registration and whether they vote from where they are located at the time.

A) REGARDING THE SEASONAL RURAL WORKERS

İZMİR- In the Menemen district's town, Uludere, it was noted that fifty seasonal rural workers from Gaziantep could not vote because of their electoral roll being registered in Antep.

ADİYAMAN- The seasonal workers could not vote from where they were located at the time of the elections. In order to vote, some of the workers went to the provinces where they were registered.

ADANA- It was noted that in the Karataş district's town, Tuzla, around Çavuşlu Village, the seasonal rural workers who were living tents could not vote from where they were located during the time of the elections.

BURSA- It was noted that the seasonal rural workers did not have electoral roll where they were located.

ANKARA- It was noted that, in the Polatlı district, about 1,200 seasonal rural workers could not vote from where they were located at the time of the elections.

B) REGARDING THE CONSTRUCTION WORKERS

İZMİR- In the Karşıyaka district, 300 construction workers working in the "Soyak" building complex in the "Evka 2" Residential District could not vote from where they were located during the time of the elections. In addition, in order to vote, about thirty construction workers who were working in the Menemen district's town, Ulukent, went to Diyarbakır.

ANKARA- It was observed during an investigation at a construction company that 47 construction workers working for the company could not vote as their electoral rolls were not registered in Ankara.

C) REGARDING THE TOURISM WORKERS

MUĞLA- As a result of an observation about tourism facilities in the Marmaris district, it was concluded that between 3,000 and 5,000 tourism workers could not vote as their electoral rolls were not registered in Muğla.

It was observed that the seasonal rural, construction, and tourism workers noted in this category could not vote as they did not have their electoral rolls registered to where they were working during the time of the elections. As the electoral rolls are formed according to the registration system based on the address in order to ensure that workers who leave their permanent residence for a certain period of time, the SEC must take the necessary measures. The findings in our observation report are examples. These examples pertain only to a small area of Turkey. When we apply these examples to the whole country, the fact that hundreds of thousands of workers cannot vote will surface. In the system for forming electoral rolls, changes should be made with the situation in mind.

2- Are people living in nursing homes voting? Were there ballot boxes placed in nursing homes? How are senior citizens living in nursing homes voting? Can they vote with their free will?

According to the notes of the election observation committees, apart from the Ankara Keçiören and İzmir Gürçeşme Nursing Homes, there were no ballot boxes in nursing homes in any provinces.

Generally, the senior citizens living in nursing homes were taken to ballot boxes by their helpers or their relatives. A large number of senior citizens stated that they could not go out to vote because of their health issues.

3- Are there ballot boxes in hospitals for the use of the patients? Can these patients vote?

According to the observations of the majority of our election observation committees, there were no ballot boxes in hospitals. The patients were capable of leaving the hospital went to vote after receiving permission from their hospital's staff. However, most of the patients did not go out to vote. For instance, in the Gaziantep province, 515 patients who were being treated in medical school hospitals did not go out to vote. Out of 400 patients who were being treated in Lawyer Cengiz Gökçek's public hospital only 20 patients went out to vote. Out of 126 patients who were being treated in the "25 Aralık" Public Hospital only about 30 patients went out to vote. Out of 500 patients being treated at other public and private hospitals only 200 went out to vote. These examples are from the Gaziantep province. If it is considered out of more than 100,000 patients being treated in public and private hospitals all over Turkey only between ten and twenty percent of these patients went out to vote, the necessary measures to enable these patients to vote in their hospitals must be taken.

4- Are there ballot boxes in student dorms for the use of the students? Can these students vote?

As stated by our election observation committees, there were no ballot boxes in student dorms. For instance, according to the observations made in the Gaziantep province's students dorms, 320 students did not vote. In the Çanakkale province, between fifty and sixty students staying in the state-owned Dormitory Institution's dorms did not vote.

According to the Dormitory Institution's data, about 800,000 students are staying in public and private student dorms. As there were no ballot boxes in student dorms, (universities are still open on the day of elections) most of these students were deprived of their right to vote since the majority of these students were registered in the electoral roll where they were raised, not where they were located at the time of the elections. Students who had their electoral roll registered to where their dorms were located did not go out to vote for various reasons. In order to enable a populated group consisting of young voters, ballot boxes must be put in student dorms. The responsibility for solving this problem is the SEC's.

5- Are there ballot boxes in women shelter homes for the use of these women? Can these women vote in a secure environment without revealing their location?

According to the election observation committees, there were no ballot boxes in women shelter homes all over Turkey. Due to the secrecy and privacy of the location of these shelter homes, we are not revealing where we made our observations. It was also observed that some women left these shelters to go out to vote, putting their safety at risk.

The SEC has to ensure that ballot boxes are put in women shelter homes without revealing their locations.

6- Did persons with disabilities vote? Were the election locations accessible for them? Were these persons with disabilities registered in the electoral roll?

It was observed that the ramps enabling persons with physical disabilities to enter polling stations were not constructed (most of the polling stations in Turkey are located in schools). As the persons with disabilities are not properly registered giving information about their status, the majority of these people had to vote in higher levels of the polling stations instead of on the ground floor. As there were no elevators in the polling stations, these people were not able to go upstairs to vote, resulting in their not voting. For instance, in primary schools and high schools Ahmet Akıncı, Gazi, and Yeşiltepe located in the Başharık neighborhood of the Malatya province, it was observed that, as there were no ramps, persons with disabilities had to be carried into the polling stations in order to vote. In ballot box number 1469, F.T., a person with disabilities fell down while voting, resulting in injury. The lack of ramps enabling persons with disabilities to enter schools is a total carelessness in our opinion. The Ministry of Education must make necessary observations and construct the ramps during the summer in order to enable the accessibility for persons with disabilities.

In order to enable the visually impaired to vote by themselves, the registration of these people has to be made while the ballot papers should also be available in Braille. In the current system, the visually impaired are voting with the help of the Chairpersons of the Ballot Board or their relatives. This inconvenience must be fixed as soon as possible.

The data of the SEC reveals that 67,000 intellectually delayed individuals are registered voters. This ominous situation should be fixed and the registration of these people should be devoid.

The word "disabilities" is very narrowly defined in Turkey. However, people with chronicle diseases should fall into the disabled category and the electoral rolls should be renewed accordingly.

7- Do illiterate people vote? If they do, how do they vote? Are they being correctly guided?

The colored printing of the emblems of political parties on the ballot papers provided ease for illiterate electorates. However, the lack of emblems and logos for the independent candidates is an important deficiency which should be fixed for future elections. According to the observations of the election observation committees, these people voted with the help of the Chairpersons of the Ballot Boards or their relatives. In some polling stations, it was observed that these people could not get help. For instance, in ballot box number 1271 in the primary school Abudurahman Gazi located in the Palandöken district of Erzurum, an illiterate electorate could not get help. He/she was told to vote by him/herself.

8- How do people who do not speak Turkish vote? Do administrators help? Is there a situation that could affect their votes?

People who do not speak Turkish generally voted with the help of their immediate family. For instance, observations have been made in the Hatay province. However, in some circumstances, voters were helped by the Chairpersons of the Ballot Boards.

9- Do nomadic citizens and Romans have the opportunity to vote from where they are located during the time of the elections?

According to the observations made by the election observation committees, the majority of all the nomadic groups do not have electoral rolls or were registered in the address-based population registration system where they were located in the time of registry. Therefore, they could not vote from where they were located during the time of the elections. For instance, in the Gaziantep province, it was observed that only four people out of eighty from a nomadic group could vote. Ballot boxes should be placed where these nomadic groups' housings are located in order for them to vote.

10- Were extreme security measures taken in polling stations and the vicinity of the schools?

In neighborhoods mostly populated by Kurdish people in Mersin's Tarsus district, Adana, Aydın, and Manisa, extreme security measures were taken in polling stations (schools). The schools were literally surrounded by the police. Apart from these cities, in the center of Siirt, Diyarbakır, Adıyaman, Bingöl, Van, Batman, Hakkari, and Iğdır, it was observed that the electorate voted under very strong police supervision. In these regions, the police often violated the rule ordering to stay fifteen meters away from the ballot boxes. For instance, in Hakkari, the soldiers acted according to the SEC's decisions in villages while the police did not act accordingly in the city and district centers. In the schools of the Diyarbakır province, each classroom had a police officer standing in front of the door. Therefore, the electorate voted only a few meters away from the officers. This was especially a discriminative implementation towards Kurdish people. It was observed that the Ministry of Internal Affairs tried to pose a negative effect in the regions where people could vote for the independent candidates supported by the Labor, Democracy and Freedom Block. As a result, we negatively view the electoral administration. The extremely forceful interference with the people who were celebrating the election results in Şırnak and Siirt caused heavy violations of human rights.

There were interferences with the celebrations after the election results were shared. In Barbaros and the Şahin neighborhoods of the Tarsus district, the supporters of Ertuğrul Kürkçü who were celebrating were bared arms at. Mehmet Altın, born in 1997, was shot in his left leg.

The electorates who wanted to learn the voting results and be with the candidate, İbrahim Binici, they were supporting were exposed to extreme interference by the police when they wanted to go in front of the Şanlıurfa courthouse. A large number of electorates were injured and taken into custody.

In Hakkari, it was observed that the electorates' convoy of celebration was stoned by the police.

In Siirt, the electorates who wanted to celebrate the results in front of the provincial building of the BDP (Peace and Democracy Party) were attacked by the police. In this attack, eleven people were injured and taken to the hospital. A large number of people who were afraid of being taken into custody were not able to go to the hospital. A gas bomb was set off in the BDP's provincial building.

The political power does not have the patience for the celebrations of the independent candidates' electoral victories in the regions mostly populated by Kurdish people. The attacks made by the political power using the police present an oppressive and discriminatory implementation. The fact that there were police attacks in Hakkari, Siirt, and Şanlıurfa while the crowds celebrating in front of the AKP and CHP (Republic and People Party) were helped in Ankara is a typical showing of the discriminatory oppression policy towards Kurdish people.

11- The observation on whether the people were persuaded by the security forces or other groups

The extreme security measures stated above were taken in order to create pressure on the electorate so that they would change their minds.

The fact that the electorates were permitted to enter the polling stations after having been searched and checked for identification is an electoral scandal. This fact is considered as pressure being put on electorates. In Mersin, the security forces gave a list of people who were being searched to the Chairpersons of the Ballot Boards and asked them to call the police if these people arrived there. This is considered as pressure being put on the Chairpersons and the violation of the right to vote of the citizens who came to the polling stations to vote. Furthermore, the fact that the police who should be under the command of the Chairpersons commanded the Chairpersons is another electoral scandal. The SEC and provincial electoral committees should educate the Chairpersons on the issue. In these elections, the Ministry of Internal Affairs could not conduct the electoral administration in an impartial way. For instance, in the Doğubeyazıt district of Ağrı, Lawyer Özal Türkmen was beaten and insulted by the special operation police force. In our opinion, the deployment of the special operation police force around the polling stations is a typical implementation for creating pressure on the electorate.

In the Tunceli province, our election observation committees have witnessed that the soldiers and their relatives pressured the electorate to make them vote for the CHP in some polling stations on the day of elections.

12- Regarding Gender Equality

In the provinces where we made observations, it was seen that most of the Chairpersons of the Ballot Boards were men except for a few women.

It was observed that in some regions, women voted with and because of their husbands. The Chairpersons of the Ballot Boards did not interfere with such situations which resulting in problems. Thus, the right for women to vote was violated.

13- Regarding the Ballot Paper

The names of independent candidates were printed in small fonts and no photos, emblems, or logos advertising the candidates were present. This situation was disadvantageous for the independent candidates who ran in the elections along with the political parties. Furthermore, there were no ballot papers printed in Braille for the visually impaired.

14- The Observation of the Elections by the Political Parties' and Independent Candidates' Observers

In the regions where extreme security measures were taken, it was observed that the observers of the independent candidates were obstructed by the police and were not permitted to enter the

polling stations. However, as a result of the complaints made to the Ballot Boards, such violations were often eradicated. The observers of the independent candidates, Ayhan Yener and Gaffar Bayram, who were on duty in the primary school Elmalı in Malatya's Beydağı town were taken into custody by the soldiers while the observers Kemal Eren and Ferhat Çankaya were physically abused. In the Tarsus district, the independent candidates' observers, supposed to be on duty in Çukurova, Fevzi Çakmak, and İstiklal primary schools, were not granted permission by the police to work. In the Tarsus district's Polatlı village's primary school, the independent candidates' observers were hindered by the gendarmerie. In Şanlıurfa's center, eight of the independent candidates' observers were taken into custody.

15- Campaigning Materials of the Parties

In the polling stations, the campaigning materials of the parties were not seen. However, in the streets of the cities, the materials were often detected.

16- Mass Vote Casting

Such incidents depleted in occurrence on 12 June elections. In some of the polling stations, the election observers noticed mass vote casting or people voting in the name of other electorates. Mass vote casting is an incident mostly seen in the villages of the village guards. For instance, in Siirt's Çöl village, there has been a fight because of the attempt of the chief village guard to cast mass votes. In Şanlıurfa's Viranşehir district's Sakalar village, there have been mass votes cast. In Şanlıurfa's Altunlu village, it was claimed that Faik Dağlı took the ballot box to his house in order to cast mass votes.

17- Detection of the Ballot Boxes' Locations, Change of the Ballot Boxes' Locations, or Moving of the Ballot Boxes

In the Malatya province, it was observed that there was a large number of ballot boxes in some schools, causing a hold up while in other schools there were no polling stations. In primary schools Abdulkadir Eriş and Özel İdare and Zübeyde Hanım Vocational High School, there was a large number of ballot boxes. In primary school Özel İdare, the ballot boxes numbered 1371 and 1377 were placed in the hallways of the school. On the contrary, in the primary school Kemal Özalper and Turgut Özal High School, there was a small number of ballot boxes. Apart from these, the ballot box numbered 1344 of Bingöl's Yelsen village was moved to the Dikmen village. In the Adaklı district, the ballot box numbered 1040 of the Kırkpınar village was moved to the Elmadüzü village, preventing women from casting their vote. Not only in these two villages, but also in tens of villages of Bingöl the ballot boxes were moved to other villages due to "security" reasons.

18- Formation of the Ballot Boards

It was observed that most of the ballot board members and the Chairperson of the Ballot Boards were men. In the Van province, an application lodged by "Eğitim-Sen's" Van branch to the Van Educational Directorship revealed that the Ballot Board's members were chosen among the members of the trade union "Eğitim-Bir-Sen", affiliated with the "Memur-Sen" confederation, which is basically conservative. In a similar way, it was observed that in Şanlıurfa, the Ballot Boards consisted mostly of teachers who were members of the same trade union "Eğitim-Bir-Sen".

III. CONCLUSION AND PROPOSALS

1- During these elections, excessive security measures were taken particularly in constituencies and polling districts with high Kurdish population thus pressure and fear were created on the electorate. Election administration, as such, has not acted equally and fairly in spite of which the electorate could reflect its will in the ballot box.

2- It should be legally guaranteed that elections are monitored by civil society organizations. The presence of the poll watchers of Human Rights Association at the polling districts has prevented

many violations. The deterrent role of the poll watchers of civil society organizations in the prevention of violations should not be forgotten.

3- Our election system and practices have a lot of defects.

a) The 10% threshold is an infringement of the principle of 'justice in representation' and therefore, should be removed.

b) Law no 298 on Basic Provisions of Elections and Law on the Election of Parliamentary Deputies are the outcome of a coup. They should be overhauled so as to mirror the will of electors in a free atmosphere and to guarantee the right to be elected.

c) In order for the disadvantaged groups to vote, voter registers should be re-organized and disadvantaged groups should be allowed to cast their votes wherever they are. If it is possible, in Turkey, to install ballot boxes in prisons, it should absolutely be the case for elderly care houses, hospitals, women shelters and student dormitories, and these segments should also be able to cast their votes. Furthermore, in order to ensure that seasonal workers in agriculture and tourism sectors as well as the workers at big construction sites can vote, these people should be registered as voters at those geographies and should be able to vote at the closest vicinity. Necessary measures should be taken to allow for nomad electorate to also exhaust their right to vote.

d) In order to ensure that disabled persons can also vote, procedures for "Electoral Registration for the Disabled" should be launched in view of preparing for the next elections. Physical inconveniences at schools that prevent access of the disabled should be eliminated.

e) Ballot papers should be determined in a fashion to ensure that they do not lead to any inequalities among political parties and independent candidates, independent candidates should also be allowed to use pictures, emblems or logos. Moreover embossed ballot papers should be used in order to allow for voting of visually disabled persons.

4. Equality of men and women should be ensured while devising ballot boards, teachers should not be discriminated on the basis of their unions.

5. Chairpersons of Ballot Boards should be informed that security forces around the polling stations can not be allowed without their consent.

6. Extraordinary security measures for any ethnic or faith group should not be taken; such discriminative practices should be eliminated.

7. Observer of political parties and independent candidates should be available in every polling region, thus external interventions such as collective voting, attitudes of husbands trying to oppress the will power of women, interventions of village guards and intervention of security forces can be prevented. Problems usually emerge in polling regions where no observers are available.

8. The locations of the polling stations should not change due to security and it should be ensured that everybody is able to cast votes at schools in their nearest neighbourhood.

9. Police and gendarmerie should by no means intervene in post-electoral celebrations.