



## POLICY PAPER #1 LOWER THE ELECTORAL THRESHOLD

Transparency International Turkey invites the new Turkish government as well as other political parties in the parliament to lower the national electoral threshold to 5 per cent.

Turkey's uniquely high 10 per cent national electoral threshold stands as one of the greatest challenges to democratisation and fair representation in Turkish politics. This electoral threshold is the highest among the OSCE Participating States and Council of Europe Member States. The threshold has been subject to criticism from various international institutions such as the European Commission and the European Court of Human Rights (ECtHR). Indeed, in advanced democracies with similar electoral systems such as Germany and Denmark national threshold is 5 per cent and 2 per cent respectively.<sup>1</sup> As far as some of the EU Candidate States are concerned, national threshold in Montenegro, Serbia and Albania is 3 per cent, 5 per cent, and 3 per cent respectively.

In its report on the June 2015 parliamentary elections, OSCE underlined that the threshold should be lowered in order to ensure pluralism in the parliament. Although the election resulted in 95 per cent of the votes being represented in the Grand National Assembly of Turkey (GNAT), it should be emphasised that there is a tendency among the electorate to vote for parties which are more likely to pass the threshold. Thus the high threshold creates an incentive for citizens to vote for a few big parties thereby leaving very limited space for a genuinely pluralist party politics.

Because individuals are less willing to donate to smaller political parties, the high electoral threshold also makes it very difficult for parties outside the parliament to receive donation and recruit members.<sup>1</sup> This further dilutes the strength of small parties thereby providing the bigger parties with a clear advantage.

In its final ruling in the *Yumak and Sadak vs. Turkey* case, the European Court of Human Rights noted that the 10 per cent electoral threshold is not a violation of human rights, while recommending the Turkish government to re-examine the level of threshold.

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Furthermore, the decision stated that “requiring parties to win at least 10% of the votes cast nationally before they can be represented in Parliament is excessive”. Likewise, Turkish Constitutional Court ruled in January 2015 that it was not competent to order a change in the electoral threshold.<sup>1</sup>

As explained in the Legislature section of the National Integrity System Report, the high electoral threshold also enables the dominance of one political party in GNAT. This, in turn, undermines parliamentary oversight of government as one of the main duties of GNAT.

Dominance of one party in the parliament caused by the threshold is a key undemocratic feature of Turkish party politics.

The election of the GNAT speaker as well as the ombudsman is considered unfair, given the disproportionate majority of the party in power. Likewise, the composition of the High (Supreme) Court and The Radio and Television Supreme Council (RTÜK) is also affected by this, since the party in power is able to assert its influence on the selection process of the judges.

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In the course of the last decade, there have been several proposals to lower the threshold both from the government and the opposition, but the big parties did not make effort to reach a consensus on the issue, primarily because they have been the main beneficiaries of the current electoral system.

Officials from the Justice and Development Party (AK Party), which has been in power since 2002, repeatedly argued that the high threshold was necessary to maintain political stability.

However, since the 10 per cent threshold was introduced in the 1980s, the elections produced fairly unstable government number of times especially during the 1990s. Therefore, it does not seem to be plausible to keep this extremely high electoral threshold for the sole aim of providing stability in political administration.

Transparency International Turkey invites the new Turkish government as well as other political parties in the parliament to take the necessary steps in light of the recommendations previously made by the organisations such as Council of Europe Parliamentary Assembly, Freedom House and ECtHR. As noted in the Turkey National Integrity System Assessment report, the electoral threshold should be lowered to the EU average, namely 5 per cent. This would constitute a major step towards a pluralist democracy.