

# SGI Sustainable Governance Indicators 2011

## Turkey report

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## Executive Summary

Despite the 10% electoral threshold for parliamentary representation, which was found not to violate the freedom of expression by the European Court of Human Rights, Turkey's 2007 parliamentary elections brought about a more pluralistic representation. However, issues remained. Campaign finance, which remains unregulated by law, is the major loophole. The banning of political parties is still a constitutional weapon threatening democratic political party life. In parallel to restructuring of media ownership in recent years, access to the media by various parties and politicians is limited. Media companies are divided into "proponents" and "opponents" of the incumbent government. Utilization of the right of access to information is not widespread, mainly due to citizens' lack of information, restrictions on the right itself, and ineffective appeal mechanisms. Several legal reforms have been introduced since 2007. However, human rights violations, with particular reference to freedom of expression for Kurdish groups, torture, privacy violations, domestic violence against women, and discrimination against groups including women, minority sexual orientations, non-Muslims, Roma and asylum seekers have not been effectively eliminated. The parliamentary Human Rights Investigation Committee and some human rights organizations monitor and investigate human rights violations.

Insufficient independence, impartiality, efficiency and personnel are all major issues hampering the functioning of the justice system. There are basically three factors leading to uncertainty in the administration: lack of regulation, a lack of due process, and the presence of unconstitutional regulations adopted by the parliament or issued by the executive authority. It is expected that the Law on Public Financial Management and Control may bring a more consistent administrative process. However, the Constitutional Court's record of decisions on the one hand, and exemptions of administrative actions such as Supreme Military Council decisions from judicial review on the other, seem to be major concerns. Meanwhile, the new package of constitutional amendments contains changes to the existing composition of the Constitutional Court and the Supreme Board of Judges and Prosecutors.

The global finance crisis did not affect the Turkish banking system. But the slowdown in Europe, Turkey's primary export destination, resulted in a downturn in Turkey's automotive and textile exports, the country's two leading export sectors. Compared with 2009, automotive sector exports dropped by 51% and textile industry exports by 33% .

There are no conflict-of-interest, code-of-conduct or campaign-financing

regulations for politicians. In lights of the recommendations by the Group of States against Corruption (GRECO), the OECD Bribery Convention and the recommendations of the Financial Action Task Force (FATF), new laws were passed focusing on the liability of legal persons, the prevention of money laundering, and foreign bribery. A national anti-corruption strategy was issued in January 2010.

The implementation of Law No. 5018 on Public Financial Management and Control requires the public administration to engage in strategic planning, performance programming and activity reporting, aimed at improving the efficiency and effectiveness of public services. However, the public administration lacks the habit of participatory decision-making. The European Union, the UNDP and the World Bank all are engaged in programs designed to develop civil service capacity and help civil society cope with the implementation of EU standards.

Recently, Turkey's diplomatic capacity was challenged by two new strategies: the stated goal of "zero problems with neighboring countries" and the establishment of closer diplomatic and economic relations with a large number of Muslim countries. In light of recent developments, Turkey is taking on a more prominent regional leadership role. Furthermore, the professionalization or modernization of the Turkish armed forces is another aspect of current discussions. Therefore, Turkey seems to be in a process of defining a clear defense policy, while seeking to eliminate all confusions domestically and internationally.

The Kurdish problem, responsible for 25 years of low-intensity warfare, remains unresolved. Due to the widespread opposition to Turkey's EU accession in older EU countries, and as a result of strong domestic resistance against further democratization in line with the demands of Brussels, Turkey's relations with the European Union have cooled.

## Strategic Outlook

Turkey wastes considerable resources insofar as it does not grant the necessary freedom to its people, and does not mobilize the huge potential of its young society. The state instead insists on exercising excessive control, smothering citizens' initiative on too many occasions. Those with short-term, one-dimensional perspectives often assume that central order and direct control are more effective than interplay and cooperation between the administration and economic and other civil society actors.

Reducing authoritarian tendencies, establishing transparency and accountability, and enhancing and more clearly defining the powers of local and regional governments would help remedy a variety of problems. Improving local government autonomy would not only ease

tensions in the primarily Kurdish regions, but would also strengthen their citizens' identification with the state.

Giving local authorities a stronger say in industrial and environmental planning, education, and social security would also trigger local dynamics in these fields, enabling solutions that are tailored to local conditions and could more effectively protect the environment. But Turkey still insists on governance directly from Ankara for all issues, which is not only ineffective but also produces strong resistance and indifference in various other regions.

According to Dani Rodrik of Harvard University, the "universal" principles of sound economic policy consist of allocative efficiency, macroeconomic and financial stability, and social inclusion. Allocative efficiency requires protection of property rights, contract enforcement, rule of law, market-based competition, appropriate incentives, liberalization of foreign trade, and liberalization of foreign direct investment. Macroeconomic and financial stability requires sound money, prudential supervision, fiscal sustainability, and current account sustainability. Finally, social inclusion requires social safety nets and targeted poverty reduction programs.

According to Rodrik, a well-functioning market economy is embedded in five sets of non-market institutions: institutions protecting property rights, regulatory institutions, institutions for macroeconomic stabilization, social-insurance institutions and conflict-management institutions. In a market economy, entrepreneurs need to have adequate control over the return to their assets, and private access to the returns to accumulation is an essential requirement for achieving allocative efficiency. Since markets fail when participants engage in fraudulent or anticompetitive behavior, every market economy needs to be overseen by regulatory institutions. Establishment of institutions able to ensure sound money, prudential supervision, fiscal sustainability and current account sustainability are requirements for achieving macroeconomic stabilization. On the other hand, social insurance is needed to make a market economy compatible with social stability and social cohesion. Finally, market economies need the rule of law, a high-quality judiciary and an effective police force as institutions of conflict management.

With the establishment of the Turkey-EU customs union on January 1, 2006, Turkey adopted the European Commission's (EC) competition law, established the Competition Authority, adopted the EC rules on protection of intellectual and industrial property rights, established a patent office, and started to harmonize technical legislation concerning industrial products, conformity assessments and internal market surveillance. The 2001 crisis led Turkey to pursue a course of sound money, prudential supervision and fiscal sustainability. These are

remarkable achievements. But as of 2010, more needs to be done to have a successful market-based economy, since Turkey faces problems securing the protection of property rights, contract enforcement, the rule of law, current account sustainability, labor market flexibility, social inclusion, the liberalization of services and network industries, and the elimination of technical barriers to trade.

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## Status Index

### I. Status of democracy

#### **Electoral process**

Candidacy  
procedures  
Score: 7

Political parties can be established by the submission of the required documents to the Ministry of Interior Affairs by at least 30 eligible Turkish citizens (according to the Political Parties Act (PPA), Article 8). However, the office of the chief public prosecutor may examine the constitutionality of the foundation and activities of a political party at any time after its establishment. The 1982 constitution (Article 68) states that “the statutes and programs, as well as the activities of political parties, shall not be in conflict with the independence of the state, its indivisible integrity with its territory and nation, human rights, the principles of equality and rule of law, sovereignty of the nation, the principles of the democratic and secular republic; they shall not aim to protect or establish class or group dictatorship or dictatorship of any kind, nor shall they incite citizens to crime.” According to Law No. 2820 on Political Parties (Articles 78, 81 and 82), parties cannot be founded on regional, racial, communitarian, religious or sectarian grounds. Since 1963, when the Constitutional Court started to supervise the activities of political parties, a total of 27 political parties have been shut down, mainly on the bases of separatist or non-secular activities. The constitution (Article 76) and the relevant laws contain certain conditions determining conditions that candidates for office must meet. Although the constitution, Law No. 298 on the Basic Principles of Elections and the Electoral Registry, Law No. 2839 on Deputy Elections, and Law No. 2972 on Local Administrations Elections contain provisions for fair and orderly elections and do not discriminate against any political party or candidate, the nomination process is rather centralized, antidemocratic and exclusionary due to the relative freedom given to the parties’ central executive committees in determining the candidates (Law No. 2820 on Political Parties, Article 37). The 10% electoral threshold that parties must meet in order to win parliamentary representation (Law No. 2839 on Deputy Elections, Article 33) is a major obstacle for all small political parties. However, in 2008, the European Court of Human Rights found the 10% threshold excessive but not a violation of Article 3 of Protocol No. 1 of the European Convention on Human Rights. An independent candidate who secures the majority of the votes in his or her electoral

district can be elected without regard to the nationwide threshold. Therefore, in the last parliamentary elections of 2007, pro-Kurdish candidates entered the elections as independents (independents received 5.3% of votes nationwide) in mostly Kurdish electoral districts, and were elected to parliament without any obstacle. However, three right-wing parties that received more than 2% and less than 6% of the vote did in fact fail to enter parliament due to the national threshold. In the last parliamentary elections, the candidates winning parliamentary seats represented about 88% of the valid votes actually cast, as compared to just 54% in 2002. In local municipality elections, a simple plurality system of vote-tallying is in effect.

On December 11, 2009, the Constitutional Court shut down a party due to “support of terrorism,” a criteria accepted for the outlawing of parties in the rulings of the European Court of Human Rights. This was the seventh party with roots in this particular strain of Kurdish politics to be banned since the early 1990s. Previous closures have been made on the grounds of “separatism.”

Media access  
Score: 5

According to Law No. 3984 on the establishment of radio and television enterprises and broadcasts, dated April 20, 1994 (Paragraph N, Article 4), “equality of opportunity shall be established with respect to political parties and democratic groups; broadcasts shall not be biased or partial; [and] broadcasts shall not violate the principles of the election bans which are determined at election times.” The mainstream media companies basically provide equal opportunity of access for major political parties in parliamentary and local elections. Negative or biased political propaganda or advertisements performed by anti-government or anti-opposition media companies are widespread, especially during campaign periods. Between elections, the government party uses the TRT, the state-run broadcast service, for its propaganda purposes free of charge. In addition, the distribution of free broadcast time during political campaigns is unequal, weighted in favor of the government and main opposition parties (amended Article 52, Law No. 298 of April 26, 1961), in violation of the constitutional provisions on fundamental rights and freedoms. Although hundreds of local radio and TV stations broadcast without having a legal frequency license, they may provide alternative means of political communication.

Voting and  
registrations rights  
Score: 9

All Turkish nationals who are 18 years old or more can exercise the right to vote (according to Article 67 of the constitution). The Supreme Election Board is the sole authority in the administration of the elections in Turkey (Article 10, Law No. 298). The general directorate of electoral registry is tasked with preparing, maintaining and renewing the electoral registry nationwide. Despite the recent revision of the electoral registry based on an address recording system, disputes over duplicate or missing registrations persist. Parliamentary and local elections are



conducted by election boards under the supervision of the Supreme Election Board. Investigations into irregularities, complaints and objections concerning the elections and verification of the election returns are performed by the election boards and by the Supreme Election Board as the final authority (Article 79 of the 1982 constitution). The quality of the electoral registry is poor in Turkey, due to vast rural outmigration and rapid ongoing urbanization. The ratio of rural to urban inhabitants has radically shifted in the last 75 years, from 24.2% to 75.8% in 1927, to 43.9% to 56.1% in 1980, and to 75.5% to 24.5% in 2009. Although electronic registration of the population started as early as 1979, there is still no reliable data regarding either the population as a whole or the electorate as a specific group.

After 50 years of Turkish labor migration to Europe, the parliament in 2008 adopted a bill (Law No. 5749, amending Law No. 298 on Basic Principles of Elections and Electoral Registry) that made absentee voting feasible for the first time. From that date onward, Turkish citizens living abroad have been able to cast their vote at voting stations in Turkish embassies and consulates. Due to residence abroad, the absentee vote is restricted to the vote for political parties, and does not allow votes for independent candidates who – so the reasoning goes – are always locally anchored. In the last elections, this restriction particularly affected voters of the pro-Kurdish Democratic Left Party (DSP), whose candidates – due to the 10% hurdle – ran on independent tickets. This law was partially annulled by the Constitutional Court. This is an issue not only for minor parties but also for big parties too. However, the absentee ballot system has been postponed for years simply because of election security reasons.

Party financing  
Score: 4

Article 60 of Law No. 2820 requires political party organs at every level to keep a membership register, a book of decisions, a register for incoming and outgoing documents, an income and expenditure book and an inventory list. According to Article 73 of Law No. 2820, the final accounts of political parties, including the party headquarters and affiliated provincial organizations must be prepared so as to illustrate the previous year's revenues and expenditures. Turkish legislation contains no provision concerning the financing of electoral campaigns run by political parties or independent candidates. Additionally, there is no specific record-keeping obligation for campaign contributors, apart from the general requirement – based on the Tax Procedure Code – that legal persons declare their expenses (including contributions to political parties) to the tax authorities. Pursuant to Article 69 of the 1982 constitution, Article 74 of Law No. 2820 stipulates that the finances of political parties shall be audited by the Constitutional Court, which verifies whether property acquisitions by political parties and their revenues and expenditures are in compliance with the law. Financial

audit decisions by the Constitutional Court are to be published in the Official Gazette (Article 153 of the 1982 constitution). The court's expert rapporteurs examine the accuracy of the information contained in the final accounts, and assess the legality of the recorded revenues and expenditures on the basis of the information provided. Before the court's examination, party accounts must be audited by certified experts. Law No. 2820 includes several criminal, administrative and civil sanctions that can be imposed on political parties, party officials or party candidates, or other persons (e.g., donors). However, election laws do not provide for any sanctions in the area of political financing or election campaign funding. The court has imposed several criminal judgments, largely on the major parties, in the area of party financing. The state provides annual financial support to political parties that received at least 7% of the valid votes in the last general elections (Additional Article 1 of Law No. 2820). On average, about 90% of party income comes from the state. Ceilings for donations to political parties by private and legal persons are revised each year (currently standing around €12,000), but donations are often not recorded properly. More importantly, cash and in-kind contributions/expenditures for parties and candidates during elections are not recorded, and constitute the major source of "soft money."

Citation:

Omer Faruk Genckaya, Public Funding of Political Parties: The Case of Turkey, [www.ifes.org/.../PublicFundingSolutionsforPoliticalPartiesinMuslim-MajoritySocieties.pdf](http://www.ifes.org/.../PublicFundingSolutionsforPoliticalPartiesinMuslim-MajoritySocieties.pdf) (access June 30, 2010). GRECO Third Evaluation Round Evaluation Report on Turkey on Transparency of party funding Turkey\_Two\_EN.pdf. (access June 30, 2010)

### **Access to information**

Media freedom  
Score: 6

According to Articles 28, 29 and 30 of the constitution, the media is free and independent. Freedom of the press can be restricted only by law. Although Article 29 of Law No. 3984 restricts media owners' shareholder rights, media owners in fact have substantial investments in other sectors, including energy. The presence of such economic and financial relations between the government and media owners through processes of privatization, public procurement, and the issuing of concessions, privileges and royalties undermines media independence. Members of the Supreme Board of Radio and Television are selected by the Grand National Assembly, rendering it difficult for the body to exercise the provisions of Law No. 3984 to secure "impartial" and "fair" broadcasts. Additionally, the government appoints the general director of the public broadcast institution, the Radio and Television Institution of Turkey (under Law No. 2954 on Radio and Television of Turkey).

Therefore, the government is able to exercise a relative tutelage over the administration of the public media. The pro-government tone of TRT, the public radio and television company, has recently intensified, especially with respect to news and idea-focused programming. However, it has also been differentiating the content of broadcast by providing a range of programs, including a separate channel for Kurdish language broadcasts.

Political pressures on the media and legal uncertainties affect the freedom of the press in practice. Media companies are split into “proponents” and “opponents” of the government. It is argued that the government has facilitated the establishment of “proponent” media organizations by providing easy credit, and also by indirectly threatening “opponent” media owners by opening tax-related procedures against them. The prime minister and senior political leaders have asked the public as a whole, the members of his party and governmental institutions not to buy, not to read the newspapers and not to watch the television channels owned by the strongest media group, the Doğan Media Holding.

As to other examples of political pressure or intervention, in the period under investigation the prime minister has exhorted media owners to interfere with editorial independence, to tell columnists how and what to write, and to take responsibility for the writings of their employees. The government and the ruling party have also retained the ambiguous clause 301 of the Turkish penal code, allowing court cases against critical intellectuals, journalists and academics to go on. The prime minister bluntly interfered in the transfer of ownership of a large-scale television channel (ATV) and an influential newspaper (Sabah), seeking to assure media support for his government.

Media in Turkey has experienced a rapid transformation since 1980s. Input costs, distribution and sale of print media countrywide, as well as the unfinished frequency distribution enabling electronic media broadcasts has led to recent cartelization and oligopolistic developments. The Savings Deposit Insurance Fund’s (SDIF) intervention has changed the ownership of various media companies during the last decade. As a result of this, groups previously unengaged in media activities have stepped into the sector. Additionally, shares of some leading Turkish media companies were sold to global media giants. As of February 2008, there were 24 business groups in the national print and broadcast media; two of these (Doğan and Çukurova) control a majority of the sector between them, and have investments in a range of sectors varying from energy to construction.

Despite the legal provisions (Law No. 3984 on Supreme Board of Radio and television (RTUK)) on promoting pluralism in media, the broadcast sector’s ownership structure leads to the dominance of certain ideas

Media pluralism  
Score: 5

and opinions. The Competition Authority and RTUK monitor media concentration, and the latter is responsible for the monitoring of media pluralism and diversity. However, it is hard to say that these institutions fulfill their functions effectively. The current media structure has nothing to do with the principles of the Council of Europe on promoting media pluralism, particularly with respect to the presence of an independent regulator or the elimination of cross-ownership. On the other hand, it is argued that the incumbent government facilitated the loan agreement from a state bank to Çalık Holding in purchasing a private print and broadcast media group (Sabah-ATV).

Access to govmt.  
information  
Score: 7

Law No. 4982 of October 9, 2003, on Access to Information came into effect on April 24, 2004. Under this law, citizens, legal persons, non-citizens and foreign corporations have a right of access to information. However, many public records are not included in the scope of this law, with exceptions for state secrets (confidential information), intelligence, items deemed in the national interest, the privacy of individual life and the privacy of communication. Almost all public offices have a unit to deal with information requests, which can be made in person or electronically. The number of applications made within the scope of Law No. 4982 has increased gradually, but stabilized during last three years. According to the Annual Report 2009 on Access to Information, a total of 1,091,589 applications were received by public institutions, including the presidency, ministries and municipalities. Of these, 947,637 resulted in the requested information being provided, and 84,723 were rejected on various grounds. Appeals can be made to a board of review that consists of nine senior public servants with some legal background. The board deals with national security and state economic interest issues. As with other administrative decisions, appeals can subsequently be made to the administrative court. Recently the 11th Administrative Court of Ankara annulled a decision of the board in favor of the applicant (the Chamber of Agricultural Engineers).

In short, despite the legal regulation, the use of the right of access to information is not widespread, due mainly to the citizens' lack of information on the subject, restrictions on the right itself, and ineffective appeal mechanisms.

Citation:

Freedom of Information Around the World 2006, A Global Survey of Access to Government Information Laws, [http://www.freedominfo.org/wp-content/uploads/documents/global\\_survey2\\_006.pdf](http://www.freedominfo.org/wp-content/uploads/documents/global_survey2_006.pdf) (accessed July 26, 2010).

## Civil rights

Civil rights  
Score: 4

The respect shown by government officials for fundamental rights and freedoms has increased throughout the EU-candidacy period. The judicial system has been strengthened by the adoption of structural reforms, and significant progress was made with the June 1, 2005 implementation of the new penal code, code of criminal procedure, the Law on Enforcement of Sentences and the Law on the Establishment of the Regional Courts of Appeal. However, independent organizations report continuing violations of rights, torture and ill-treatment at the hands of state officers. According to the 2009 Human Rights Report of the Human Rights Foundation of Turkey, especially after the passage of amendments to the Law on Police Duty and Responsibilities in 2007, human rights violations in all categories have increased, especially with respect to the right to life. Violations of the right of assembly, the freedom of expression, and the freedoms of the press and communication were also noted. The report states that the number of court cases and convictions related to “thought crimes” doubled in 2009. Although Article 301 of the Turkish penal code is no longer used systematically to restrict freedom of expression, the number of journalists, opinion leaders and politicians in custody and jail has increased. In addition, both the European Commission’s 2009 Progress Report and the Report of the Parliamentary Human Rights Investigation Committee concerned the fight against impunity for human rights violations. While investigations into an alleged criminal network that includes military personnel continue, the extended period of imprisonment without trial for those accused has been criticized. Allegations of illegal wiretapping and violations of privacy and confidentiality by means of the Internet and the printed media have increased in recent years.

Article 42 of the constitution still reads that only Turkish is to be taught as mother tongue to Turkish citizens. Kurdish, the first language of approximately 12% of the population, is not taught at school at all, and to teach Kurdish to children in private remains grounds for prosecution. Parents of the Alevi Muslim confession, despite a ruling in their favor by the European Court of Human Rights, still must petition the courts to have their children exempted from obligatory religious (Sunni Islam) instruction. Female students wearing the headscarf are not permitted to attend university education settings, graduates from government vocational Imam schools face discrimination in their access to universities, and Turkey’s small non-Muslim communities do not enjoy full property rights over community owned real estate.

Other historically entrenched infringements of civil rights continued to

exist as well. Some prisons are 100% overcrowded, and in so-called F-type-prisons, enforced solitude is still used as a method of torture. While the situation has improved somewhat, the violence exerted by police at demonstrations, during investigations and in custody is still out of proportion. A ban on thousands of Internet sites including "YouTube" angers Internet users, and threatens the freedom of expression and dissemination.

However, the political climate has changed for the better in all these areas during the period under investigation. For the first time, the government is permitting and even financing Kurdish language television, and Kurdish is now a research subject at some universities. The government has opened a dialogue with Alevi communities, and amended the constitution to change the headscarf regulation. This amendment was abolished by the Constitutional Court, however. Due to a change in legislation, non-Muslim communities, although only to a very limited extent, have successfully managed to claim community owned property expropriated earlier.

In addition to fundamental rights such as freedom of expression, freedom of association, and the right to hold meetings and demonstration marches, the 1982 constitution (Chapter Four) describes political rights, including the right to vote, to run for office, and to engage in political activity (Article 67); the right to participate in political parties (Articles 68-69); the right to enter public service (Articles 70-71); the constitution of the national (military) service (Article 72); the obligation to pay taxes (Article 73; and the right of petition (Article 74).

In practice, however, Turkey is said to be a graveyard of political parties. The Constitutional Court has banned 25 parties since it was established by the constitution of 1961. Almost all outlawed parties were accused of pursuing Kurdish nationalist or Islamist politics. However, the court did not close down only radical Kurdish or Islamist parties. The court accepted the assertion of the existence of a distinct Kurdish people as sufficient evidence for a ban, and in August 2008, it stopped just short of outlawing the Justice and Development Party (AKP) that had ruled Turkey singlehandedly since its landslide electoral success, winning reelection with 47% of the votes counted in the 2007 parliamentary elections. In December 2009, the court closed down the pro-Kurdish Democratic Society Party (DTP), thus putting an end to the sixth successive party associated with the pro-Kurdish political movement that had been linked in one way or another to the outlawed Kurdish Workers' Party (PKK). Leading members of outlawed parties face the danger of losing their right to join or carry out functions for political parties for the next five years. The national 10% electoral threshold for political parties, applied since the military coup of 1980, constitutes another instrument for the limitation of political liberties.

Political liberties  
Score: 4

Although the European Court of Human Rights has decided that the 10% threshold is not a violation of human rights, this represents the most significant legal obstacle to fair political representation. Although the Venice Commission of the Council of Europe published its opinion on the Turkish legislation governing the banning of political parties, both Article 69 of the constitution and the relevant articles of the Political Parties Act have not yet been amended. As a result, six years after the banning of the People's Democracy Party, its successor, the DTP, was banned by the Constitutional Court in 2009.

Despite the relative liberalization of associational life, associations have to notify authorities before receiving financial support from abroad, which imposes a bureaucratic burden. It is also claimed that members of local human rights groups have received death threats and sometimes face trial due to their connection with alleged terrorist organizations. Relatively marginal political groups like feminists, environmentalists, lesbians and gays, and vocational groups fighting for their particular interests tend to choose one or two venues for political demonstrations: Istiklal Street and Kadiköy Square in Istanbul, and Kızılay Square in Ankara. There are few demonstrations in other Turkish cities, although in the mainly Kurdish southeast, demonstrations often result in clashes with the police. Every political march carried out by opposition groups in Ankara and Istanbul is accompanied by at least as many police personnel as demonstrators.

During the last few years, the implementation of freedom of religion and worship for minority Muslim and non-Muslim communities has made smooth progress.

Non-discrimination  
Score: 3

Article 10 of the Turkish constitution states that "all individuals are equal without any discrimination before the law, irrespective of language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such considerations." However, no separate act exists combating all forms of discrimination. Turkey has not yet passed a special anti-discrimination law to protect ethnic and religious minorities, disabled persons, persons with non-mainstream sexual orientations, women or elderly people. Some provisions to tackle discrimination are included in a number of laws dealing with specific issues such as labor, disabled persons, or the penal code. However, there has been little progress in terms of improving the status of disadvantaged groups in Turkey, particularly with respect to women and children. Gender discrimination at the workplace is still a major issue. The problem of street children has been a special focus for the state ministry in charge of women and family. The situation of Alevis, Roma and some officially accepted religious minorities (Greek and Armenian Christians and Jews) have been repeatedly underlined by the EU progress reports. According to the EC's 2009 progress report, "the acquis concerning discrimination on

grounds of racial or ethnic origin, religion or belief, disability, age and sexual orientation has not yet been transposed.” There is still no equality body in Turkey, although a Parliamentary Commission on Equal Opportunities for Men and Women was established. Turkey adopted a national action plan for gender equality for 2008 – 2013.

Although the Court of Cassation ruled against the closure of the lesbian, gay, bisexual, transvestite and transgender (LGBT) Lambda Istanbul Solidarity Association in April 2009, the court’s decision included a statement that the association should not “encourage lesbian, gay, bisexual, transvestite and transsexual behavior with the aim of spreading such sexual orientations.” In this context, S.A. Kavaf, the (female) state minister in charge of women and family affairs, stated in March 2010 in an interview granted to Turkey’s second largest quality newspaper that, “I think homosexuality is a biological disease, an illness, something that has to be treated.” The statement aroused vociferous protests from gay and lesbian organizations in Turkey as well as the broader media, as attacks on homosexuals occur frequently in Turkey.

### **Rule of law**

Legal certainty  
Score: 5

According to the constitution (Article 123), the administration forms a whole with regard to its structure and functions, and is regulated by law. All administrative procedures and actions must comply with the constitution and legal principles, and are subject to administrative review (Article 125). However, the government has the power to exercise a considerable amount of discretion in the implementation process, through decrees that have the force of law (Article 87), circulars and statutes. Moreover, double standards in the implementation of laws persist. The lack of due process is sometimes neglected by higher authorities, and is not subject to legal investigation. Prosecutions of bureaucratic ill-treatment are rare. As of April 2010, there were 172,654 pending cases at the Council of State (a superior administrative court dealing with disputes between natural or legal persons and the state administration). The number of appeals to the European Court of Human Rights which have been decided against the Turkish state is another evidence of the lack of due process in the executive and/or judicial spheres. In 2009, the total number of cases at the European Court of Human Rights against Turkey reached 4,474, and the court ruled 341 times against Turkey.

As an example, even the constitution of 1982 contains serious contradictions and is far from contributing to legal certainty. Article 24, Clause 1 grants religious freedom and states that nobody shall be forced to reveal his or her religious confession. But Clause 2 of the



same article makes religious instruction obligatory. Exemption is granted only to pupils of the Christian and Jewish faiths, through a decree of the Education and Training Commission. Thus, pupils and their parents are forced to reveal their religion, and the constitutional right is qualified by an administrative judgment. This is only one of the striking cases illustrating the lack of legal certainty. The previously mentioned tax judgment (see Media Pluralism) against the politically influential Doğan Media Holding provides another telling example. According to the law, the fine was justified, but the strict tax laws of Turkey regularly go unapplied in such a strict manner to big holdings, which are thus supported indirectly by the government against their foreign competitors. The business group had expected a continuation of the established practice, but was confronted instead with strict application of the law.

There are basically three factors affecting uncertainty in the administration: lack of regulation (or failure of the legislature to regulate in a timely manner), flexible or restrictive interpretation of the regulations by the administrative authorities, mainly on political grounds (a lack of due process in the administration), and unconstitutional regulations adopted by the parliament or issued by the executive authority (which may subsequently result in annulment).

Judicial review  
Score: 5

Article 125 of the 1982 constitution states that all acts and actions of the administration are subject to judicial review. However, acts of the president of the republic and the decisions of the Supreme Military Council are excluded from judicial review. Some presidential actions clearly belong to the field of administration, such as the appointment of university rectors, or the chairperson and members of the Supreme Council for Higher Education. The absence of judicial review over these actions is controversial, and also seems inconsistent with the fundamental principle of parliamentarism. On the other hand, the acts of the Supreme Military Council are clearly administrative in nature and affect the individual rights of the military personnel concerned. According to Article 159 of the constitution, decisions by the Supreme Council of Judges and Public Prosecutors are not subject to judicial review. Parliamentary resolutions, including declarations of martial law or war, or decisions to send Turkish troops to foreign countries, or permitting the positioning of foreign troops on Turkish territory under Article 92 of the constitution, are not subject to judicial review. Finally, under Article 148 of the constitution, law-amending ordinances (decree-laws) passed during periods of martial law or during a state of emergency cannot be reviewed by the Constitutional Court. Since 2007, the total number of annual applications for annulment of laws has dropped from 115 to 94, yet the number of annulment decisions rose from 25 to 39 in 2009.

The composition of the Supreme Council of Judges and Prosecutors, of which the minister of justice and the ministry's undersecretary are members, stands as the major obstacle to the independence of the courts (Article 2 of Law No. 2461 on Supreme Council of Judges and Prosecutors). The question of the independence of courts has also recently been stated by the head of the Court of Cassation (the higher court of appeal). Therefore, the courts can not entirely ensure the conformity of executive actions with the law. It was observed that some prosecutors and judges were appointed by the Supreme Council to other court districts while they were prosecuting or reviewing important cases. The appointment procedure of higher court judges, including those of the Constitutional Court, has also been a matter of some dispute, as the president of the republic wields significant influence. In 2008, the Constitutional Court rescinded a constitutional amendment made by the parliament with the required majority and in line with the constitutional procedures. The amendment had opened the way for headscarf-wearing female students to attend universities; however, the court asserted that it violated the principle of secularism, thus venturing into consideration of content despite a competency limited to formal control in the area of constitutional reform. In a similar vein, the State Council annulled the abovementioned Higher Education Council regulation on university access exams based not on formal reasons, which its oversight power is theoretically restricted to, but on the basis of whether the principle of equality was followed or not. In this sense, it appropriated for itself the competences of the Constitutional Court. In April 2010, the chief prosecutor of Istanbul province interfered with the arrest and detainment of 25 high-ranking military officers, citing the effects of such detentions on Turkey's national security. Thus, juridical review in Turkey appears to be out of balance, a situation that results in periodical shock waves for the separation of powers.

Appointment of  
justices  
Score: 4

According to a recent constitutional amendment (Article 146), the Constitutional Court is composed of 17 members. The Grand National Assembly elects two members by secret vote from three candidates nominated for each vacant office by the plenary of the Audit Court from among its president and members, and one member from three candidates nominated by the chairmen of the bar associations. In these elections, a two-thirds majority for the first round, and an absolute majority for the second round is required for election. In the third round, a simple majority is sufficient to be seated.

The president of the republic appoints three regular members from the High Court of Appeals (Yargıtay), two regular members from the Council of State, and one member each from the Military High Court of Appeals and the High Military Administrative Court. For these posts, three candidates are nominated for each vacant office by the plenary of each

court from among their respective presidents and members. The president of the republic also appoints one member from a list of three candidates nominated by the Higher Education Council. Candidates must be scholars who are not already members of the Council. Four additional members are drawn from the ranks of senior administrative officers, lawyers, first-degree judges and prosecutors, or Constitutional Court rapporteurs who have served for at least five years.

In order to be appointed as a member of the Constitutional Court, candidates must be members of the teaching staff of institutions of higher education, senior administrative officers, or lawyers. To qualify, they must additionally be over the age of 45, have an associate or full professorship, have completed their higher education and worked for at least 20 years in the public service, or have practiced as a lawyer, judge or prosecutor for at least 20 years.

Constitutional Court members serve for 12 year terms, cannot be reelected and must retire upon reaching the age of 65 (Article 147).

Given the bodies from which the members of the Constitutional Court are recruited, and given the exclusive appointment rights held by the president of the republic, the Constitutional Court has mirrored the worldview, political positions and interests of the Kemalist Republican elite.

However, with the election of incumbent President of the Republic Abdullah Gül, this system was shaken, because Gül is regarded as representing forces of the political periphery. This is the reason why a recent government reform proposal aiming to increase the number of Constitutional Court members was seen as a threat by the old elite, disregarding the fact that the pivotal role of the president remains nearly unchanged. In Turkey, thus, the appointment of Constitutional Court judges does not match general democratic requirements such as cooperative appointment and special majority regulations. The extremely politically biased rulings of the Constitutional Court in recent years are the outcome of these appointment regulations. The recent constitutional amendment provided a partial solution for these issues.

Although Turkey's Corruption Perception Index (CPI) score has gradually improved (2009=4.4), the public believes that corruption is widespread in the bureaucracy and in politics. Activities incompatible with membership in the Grand National Assembly of Turkey (specified in Article 82 of the constitution, Law No. 3069, and Law No. 3628 on Asset Declaration and the Struggle Against Bribery and Corruption of April 19, 1990, based on Article 71 of the constitution) are the major preventive measures targeted at corruption in public service.

No conflict-of-interest, code-of-conduct or campaign-financing regulation for politicians exists. Sanctions for politicians are not effective due to the majority in the parliament and strong party discipline. As of March 2009,

there were 315 files associated with lifting members' parliamentary immunity due to corruption-related offences, involving a total of 112 deputies (62 of which were from the incumbent party). The current scope of parliamentary immunity provides a significant shield for corrupt politicians. However, an AKP deputy, Saban Disli, resigned from a top party post after being accused of receiving a million-dollar kickback from a land developer in late 2008. There were several allegations in 2009 focusing on the corruption of local politicians, including the mayors of Ankara and Adana. As mentioned earlier, in late 2008 the sale of the country's second-biggest media group, Sabah-ATV, to Calik Holding, a company employing the prime minister's son-in-law, was facilitated by a generous loan from a state-owned bank.

Conflict of interest was first defined by the Regulation on the Principles of Ethical Behavior of Public Officials and Application Procedures and Essentials, dated April 15, 2005. There is no separate code of conduct for public servants, but this regulation lists several guiding principles. However, academics, military personnel and the judiciary have no binding code of ethics. The Council of Ethics for Public Officials, which was established in 2004 and is tasked with reviewing the unethical behaviors of public servants, decided that four public servants, an elected mayor and managers of public enterprise, breached the ethics rules for public officials. In 2010, the Constitutional Court annulled the publication of this council's decisions in the Official Gazette.

There are also several general or special laws preventing unlawful gain through the abuse of office, with disciplinary mechanisms attached. In light of the GRECO recommendations, the OECD Bribery Convention and the recommendations of the Financial Action Task Force (FATF), Turkey's legal framework was reformed in such a way as to address the liability of legal persons, money-laundering and foreign bribery. Under the coordination of the Prime Minister's Inspection Board, a national anti-corruption strategy plan was issued in January 2010.

The most common form of corruption on the part of politicians occurs during the allotment of building land in development planning. When assets are graded as building, housing or even trading plots, their values skyrocket, since ongoing large-scale rural outmigration and urbanization has created a lively real estate market. Undue enrichment of local politicians through this mechanism is a daily practice in Turkey, and attracts attention only in cases of extraordinary gains and/or when open violence is used.

Citation:

Ö.F. Gençkaya, Conflict of Interest in Turkish Public Administration, Ethics for the Prevention of Corruption in Turkey Academic Research Report, V. I, Ankara: Fersa, 2009, 293-381. [http://www.coe.int/t/dghl/cooperati on/economiccrime/corruption/project s/TYEC/TYEC\\_en.asp](http://www.coe.int/t/dghl/cooperati on/economiccrime/corruption/project s/TYEC/TYEC_en.asp) (accessed July 26, 2010).

M. Acar And U. Emek, Preventing Corruption In Turkey: Issues, Instruments, and

Institutions, in T. Gong, S. K. Ma (eds) Preventing Corruption in Asia, Routledge, 2009.  
GRECO, Third Evaluation Round Evaluation Report on Turkey on Transparency of Party Funding, (accessed July 26, 2010).  
Commission Of The European Communities, Turkey 2009 Progress Report, (accessed, 26 July, 2010)

## II. Policy-specific performance

### A Economy

#### Economy

Economic policy  
Score: 5

The 2007 – 2008 financial crisis rippled across the world, and Turkey proved no exception. The crisis had four major effects on the Turkish economy. First, slowdowns in the economies of Turkey's export markets have meant sharp drops in Turkish exports. Second, developments in world capital markets have reduced capital inflows into Turkey, depriving the economy of its primary growth engine. Third, consumers and firms lost confidence in economic activity, and fears of recession triggered worries about the course of future events. Finally, the easing in oil prices has alleviated the pressure on the current account deficit.

While exports increased 33.7% year-over-year in the period between September 2007 and August 2008, exports decreased by 21.3% during the subsequent year-long period ending in August 2009. In the period between August 2007 and July 2008, \$55.6 billion in external capital flowed into Turkey, while a net \$2.3 billion in foreign capital flowed out of Turkey during the following 12 months ending in July 2009. On the other hand, the decrease in the price of oil alleviated the pressure on the current account. As a result of these developments, GDP declined substantially. While GDP had increased by 4.3% on a year-over-year (y-o-y) basis between the third quarter of 2007 and the second quarter of 2008, it declined by 6.5% y-o-y during the subsequent 12-month period ending in the second quarter of 2009. The decline in quarterly GDP on a y-o-y basis amounted to 14.5% during the first quarter of 2009. Thus, the global crisis resulted in a very deep recession in Turkey. On the other hand, the current account deficit, which between September 2007 and August 2008 had reached the unsustainable level of \$49 billion or 6.6% of 2008 GDP, declined to \$14 billion or 2.3% of GDP along with the decline in Turkish GDP.

In Turkey, the central bank decreased the benchmark interest rates considerably, and increased the reserve money. Since the money

multiplier was not affected by the crisis in Turkey, the money supply measured by M1, M2 and M3 increased considerably. Nevertheless, the effects of monetary policy remained negligible, as lower rates did not necessarily encourage Turkey's banks to lend, or firms and consumers to borrow. The credit supply started to grow only during the last quarter of 2009. As the effectiveness of monetary policy in increasing real GDP is questionable, the country tried to complement monetary policy measures with fiscal policy measures. The country increased public expenditures and reduced taxes. But here they faced another constraint. Policymakers realized that measures associated with increasing public consumption, public investment, transfer payments and reducing taxes have to take into consideration the constraints on fiscal sustainability. As a result, they refrained from increasing public expenditures and decreasing taxes to the extent required to mitigate the adverse effects of the global crisis. Instead they choose to benefit from the radical economic policy measures introduced by the rest of the world. And indeed, the introduction of massive and unorthodox monetary and fiscal policy measures elsewhere had their expected effects. By the fourth quarter of 2009 the world economy started to stabilize.

As the economic situation improved in the rest of the world, the Turkish economy started to recover during the last quarter of 2009. Exports started to increase and foreign capital started again to flow into the country. Capital outflow, which had amounted to \$6.4 billion during the last quarter of 2008 and \$3.4 billion during the first quarter of 2009, turned into capital inflow amounting to \$3.9 billion during the second quarter of 2009, \$2 billion during the third quarter of 2009, \$7 billion during the last quarter of 2009, and \$8.7 billion during the first quarter of 2010.

The growth rate for the last quarter of 2009 was 6% and the estimated growth rate for the first quarter of 2010 ranks between 10% and 12%. At the turn of the year, only China's economy was growing faster than that of Turkey.

### **Labor market**

While the mid-year population of Turkey was 71.1 million people in 2008 and 71.9 million people in 2009, the working-age population (15+) was 50.8 million and 51.7 million in these years. With the onset of the global financial crisis, households faced an actual reduction or the risk of a reduction in their family income. As a result, persons who were previously out of the labor force started seeking jobs, and the labor force participation rate thus increased from 46.9% in 2008 to 47.9% in 2009. Total employment, which amounted to 21.2 million people in

2008, increased by 83 thousand to 21.3 million people in 2009. While employment during the same period respectively increased in agriculture and services by 224,000 and 221,000 people, industrial employment fell by 362,000 people. Simultaneously, the number of unemployed increased from 2.6 million in 2008 to 3.5 million in 2009, the unemployment rate in the economy increased from 11% in 2008 to 14% in 2009, and the unemployment rate in the non-agricultural sector increased from 13.6% in 2008 to 17.4% in 2009.

Unemployment insurance was introduced in June 2006, but due to an array of bureaucratic conditions, the number of beneficiaries was just 314,000 in August 2009, despite the roughly 3.5 million individuals unemployed in that year.

Although more women have begun to look for jobs or to participate in the labor force recently, the female labor force participation rate is still much lower than that of men, both in rural and urban areas. Furthermore, a major characteristic of the Turkish labor market is the relatively high share of informal employment in the economy. According to the Household Labor Force Survey figures, the share of the informal sector in the economy increased from 41.3% in March 2009 to 42.1% in March 2010, while the corresponding shares in the agricultural sector were 84.5% and 85.1% respectively.

In response to the global crisis, the government introduced a new package of labor-related measures directed at companies, employees and retired people. Eligibility for “short-term employment compensation” implemented through the Unemployment Fund was extended from three to six months, and the total amount of the related compensation was increased by 50%. Furthermore, starting from April 2009, the government has been subsidizing additional employment by firms. For these workers, the employers’ contribution to minimum wages was covered by the government for a period of six months.

According to Law No. 5763, which became effective in 2008, all the unemployed registered with Turkish Employment Agency (İŞKUR) can benefit from advice, labor force adaptation measures, job placement services, vocational training and temporary community employment programs.

## **Enterprises**

Enterprise policy  
Score: 6

Legally and strategically, Turkey’s enterprise policy matches EU norms and is close to strategies applied in the European Union. In the period under investigation, Turkey enhanced its capabilities in terms of sectoral planning, but failed to publish the long awaited Industrial Strategy Document. The government continued its path of privatization and adopted regulations aimed at mitigating the social effects of

privatization. In 2008, detailed strategies for the steel, leather, textile and clothing sectors were published. Small and medium-sized enterprises (SMEs) were helped mainly through the provision of new information facilities, new tax payment procedures and the introduction of electronic customs procedures. Nevertheless, Turkey did little to better the situation of SMEs, which are considerably smaller and less well equipped in terms of technical and administrative know-how, experience and access to foreign markets than their counterparts in Europe.

However, significant progress has been recorded in recent years with respect to improving the business environment, and investment levels have risen. The Medium Term Strategic Targets was published in December 2008 by the Turkey Investment Support and Promotion Agency, taking into consideration the views and recommendations of the private sector. In July 2009, the Council of Ministers published a decree governing the establishment of development agencies. Plans have been made for the establishment of investment support offices, aiming to shorten and simplify the investment process by supporting investors during the permit and license procedures.

Although the investment climate in Turkey has improved considerably over the last seven years, the change has not yet been reflected in international competitiveness studies such as the World Bank's Doing Business 2010 report. In that study, Turkey was ranked 57th out of 178 countries. In general, from the point of investment through the stage of actually doing business, issues such as intensive bureaucracy, ambiguity and redundancy of permitting, approvals and licenses are ongoing problems, despite various regulations that have been introduced. According to the Doing Business 2010, Turkey ranks at 56th place in terms of starting a business, 121st place for closing a business, 145 place in terms of "employing workers," 57th place in terms of "protecting investors," and 27th place in "enforcing contracts."

## **Taxes**

Following the full implementation of Law No. 5018 on Public Financial Management and Control in 2006, the scope of the central government budget expanded considerably. As a result, the central government budget became the most important policy tool in Turkey.

Turkey's tax collecting system does not work well. Turkey collects only 25% of its income through taxes. Aside from Mexico, Turkey has the lowest ratio of tax collection-to-GDP in the OECD.

Turkey's tax collection system fails to meet considerations either of horizontal or vertical equity. Some 65% of tax revenue accrues from indirect taxes, and Turkey widely uses additional indirect taxes such as

Tax policy  
Score: 4



the “luxury consumption tax” and the “communication tax.” In Europe, as contrast, direct taxes account for roughly 65% of tax revenue. As a corollary, the poorest fifth of the society in Turkey carries a tax burden twice as high as the wealthiest fifth. In the period under investigation, the government tackled these deeply entrenched issues with an array of strategies.

With the start of the financial crisis, Turkey introduced several changes in tax policies. In November 2008 and March 2009, two tax amnesties were announced, granting penalty-free reporting of previously unreported income and assets, along with exceptionally low taxation rates. Bank remittance was made obligatory for the payment of real estate rents in order to ensure more comprehensive oversight, and a multilayered campaign was started to convince real estate owners to pay the rental tax. As a result of the new tax amnesty law, real and legal persons having funds and other valuable assets abroad as of October 1, 2008, were allowed to bring these assets and funds to Turkey by paying a 2% tax.

Additionally, the government has worked to amend the penal code to allow for the jailing of tax evaders and has intensified the education of tax officers. As a result, tax revenues proportionally increased in 2010 compared to 2009. However, no step has yet been taken to fight the structural distortion of the Turkish tax system mentioned above.

## **Budgets**

Budget policy  
Score: 8

When the global financial crisis intensified during the last quarter of 2008, Turkish policymakers thought its impacts on the Turkish economy would be fairly limited. Their optimism stemmed from a number of factors, including the country’s healthy banking sector, the prudent fiscal and monetary policies followed during the last few years, the floating exchange rate regime and strong levels of international reserves.

To strengthen the real economy, the government took many measures. But the measures introduced by the government were largely considered to be a meager policy response to the crisis. It seems that until the summer of 2009, the government was too optimistic. However, the sharp contraction in global economic activity, weak domestic demand conditions and the sudden cessation in external capital flows ultimately impacted the Turkish economy negatively, and the disinflation process accelerated in 2009. As a result, policymakers had to act. The dramatically negative performance of the Turkish economy in the first half of 2009 seems to have lessened the government’s optimism. Starting from early summer 2009, the government signaled that it was working on a comprehensive program, and would also introduce concrete measures to deal with the effects of the global crisis on the

economy. As a result of these efforts, it announced a medium-term program in September 2009 which covers the 2010 – 2012 period. The program outlines the country's fiscal targets for the next three years, proposes an exit strategy from the crisis and provides forecasts for major macroeconomic variables. The main purposes of the program are to establish a framework that will enable Turkey to achieve a sustainable growth rate in the aftermath of the crisis, and to raise society's welfare.

Regarding the budget composition, we note that Turkey has raised the share dedicated to social security spending, taking serious steps in the direction of more social equality as well as sustainability. The incumbent government, for the first time in the republic's history, raised health and education spending at the cost of military expenditure. Education spending, which was below defense expenditure in 2002, was raised to double the military's budget share. Health expenditures, which were one-third of military costs in 2002, today are only 10% lower than defense expenditures.

For 2007, the budget deficit represented just 1.6% of GDP. During 2008, the deficit/GDP ratio increased to 1.8% of GDP, rising during 2009 to 5.5% of GDP. As of the end of 2009, public debt amounted to 46.3% of GDP. All these indicators point to a worsening situation as compared to the pre-crisis period, but on the other hand, these indicators hint at a better absolute situation for Turkey than for Ireland, Italy or Greece. Turkey is in comparatively better shape than Portugal or Spain, and the country has managed the financial crisis without help from the IMF. However, data on unemployment indicate that as of March 2010, this rate stood at 13.7%. Thus, Turkey has not solved its internal balance problem, and further measures are necessary to achieve internal balance.

According to the State Planning Organization (2009), the stimulus package amounted to 0.8% of GDP during 2008, 2.1% of GDP during 2009, and 1.6% of GDP during 2010. Turkey realized that policies associated with increasing public consumption, public investment and transfer payments and reducing taxes have to take into consideration constraints on fiscal sustainability.

Citation:

State Planning Organization (2009) "Medium Term Economic Program (2010-2012)," September <http://www.dpt.gov.tr/DPT.portal>

Togan, S. (2010) *Managing the Crisis: Turkey Country Report*, Gütersloh: Bertelsmann Stiftung,

## B Social affairs

### Health care

Health policy  
Score: 5

According to Turkey's State Planning Organization, the basic objectives of Turkey's health policy, as implemented since 2004 through the Health Transformation Program, are to ensure that all citizens take part in economic and social life as healthy individuals and to assist them in raising their quality of life. In order to achieve this objective, Turkey aims to strengthen preventive health care services; make primary care services and the family medicine system more effective; meet demands for infrastructure and health personnel, while balancing their allocation to reduce disparities among regions and socioeconomic groups; and provide health care services on an egalitarian and just basis, in such a way as to be respectful of patient rights, accessible, high-quality and efficient.

In the context of the Health Transformation Program, the pilot implementation of the family medicine program initiated in 2005 had been extended to 40 provinces by October 2009. Turkey is aiming to disseminate the practice to the whole country by the end of the year 2010. Furthermore, in order to reduce consumption of tobacco products which are risk factors for chronic diseases, smoking has been forbidden in indoor areas since July 2009.

The country has a shortage of health personnel, with just 14.3 active physicians per 10,000 people, and 13 nurses per 10,000 people in 2008. In order to mitigate this shortage, the country increased the capacity of medical and nursing schools during the period 2007 – 2009. In addition, new faculties of medicine have been established. Furthermore, Turkey introduced a system of compulsory duty. As a result, the allocation of doctors and nurses between provinces has improved considerably. In addition, Turkey has started the Tele-Medicine Project, developed for the purpose of supporting hospitals with a lack of qualified health personnel. This has prevented unnecessary referrals and provided cost efficiency in health services.

Public hospitals still face a serious lack of both staff and equipment, however. Due to relatively low salaries, physicians and nurses tend to turn to private hospitals immediately after they have finished compulsory public service. To better the situation in public hospitals, the government passed a new law in January 2010 prohibiting hospital physicians from simultaneously running their own private practice.

## Social inclusion

Social inclusion  
policy  
Score: 4

Turkey's income distribution is among the OECD's most unequal. The country's Gini coefficient, an indicator of income inequality, diminished from 0.43 in 2006 to 0.41 in 2007. Thus, a more equal income distribution has enabled the poor to benefit more from the increase in general welfare. The proportion of the population below the poverty line has been estimated at 18%.

Poverty in Turkey is found particularly among the relatively less educated, informal workers, unpaid family workers, those who work in agriculture and in extended families. Educational background is a key variable associated with poverty. The poverty rate among illiterate individuals was 34.8% in 2007, as compared to 1% for individuals with tertiary degrees. The employed poor earn low wages owing to their low levels of education and the peculiarities of the agricultural sector they disproportionately work in, and the majority of them work temporarily and without social security. In 2007, poverty rates for unpaid family workers and informal workers were respectively 9 and 8.5 percentage points higher than the general poverty rates.

According to the findings of The Child Labor Research program, 5.9% of children in the 6-17 year age group are employed, with 68.5% of this group unable to continue their education and 40.9% working in agriculture. This highlights the importance of activities targeted at the elimination of child labor, whose worst forms include working in the street, or in heavy and dangerous, mobile and temporary agricultural jobs. There remains a need to reform the trial and rehabilitation systems for children caught in the justice system.

To make things worse, poverty in Turkey is often associated with ethnicity, with the most serious poverty found amongst the Kurds.

## Families

Family policy  
Score: 4

Traditional extended families and nuclear families are the two most common types of families in Turkey. The traditional extended family, in which married couples live together with other relatives, usually the parents or other relations of the husband, is becoming increasingly rare today. With industrialization and urbanization, the nuclear family, consisting of a husband, wife and unmarried children, is replacing traditional family groupings. A survey conducted by the Directorate General for Family and Social Research and the Turkish Statistical Institute during 2006 revealed that the average household size had decreased from 4.5 persons in 2000 to 4 persons in 2006. While the average value for urban regions is 3.7 persons, it is about 4 in rural

areas, and the average household size increases with the move from western Anatolia to eastern Anatolia.

Regarding the position of women in society, it can be said that unless the woman is living in a metropolitan city and financially independent, life will be bound by the customs of traditional family life. Society and the government seem to vacillate between strategies aimed at granting women particular protection in the working world and more straightforwardly fostering women's employment. In November 2008, the Constitutional Court ruled that women may quit their work in the year after their marriage and still receive the remuneration normally paid only in cases of dismissal. The ruling is beneficial to women, but at the same time bears the risk that women will be hired less often because their employment creates additional costs. A similar dilemma occurred in early 2010, when the government added the whole textile sector, which employs women in great number, into the category of dangerous and heavy labor, and granted women in the textile industry a five-day menstrual leave every month. On the other hand, to encourage the employment of women, the government removed the employers' duty to open day-care centers.

Some 30% of children in the 3 to 6-year-old age group attend preschool education, and in 30 of Turkey's 81 provinces, the preschool attendance reaches 40%. This represents a significant rise in preschool education rates in comparison with the last SGI report. For the 2010 – 2011 period, the government is even considering making preschool education obligatory in a number of pilot provinces. However, only two of the provinces with extraordinary high preschool education attendance (Tunceli and Kilis) are located in primarily Kurdish and Arabic provinces of the disadvantaged southeast.

The existing child care centers and nurseries are not adequate to demand. Private nursery schools are expensive and generally unaffordable for blue-collar workers and even for many white-collar workers.

## **Pensions**

Pension policy  
Score: 5

While the Social Security and General Health Insurance Law, which was passed in 2006 and went into force in October 2008, radically modified the previous pension and health system, the Social Security Institution Law transformed the institutional basis of social policy. These developments have had several positive aspects. First, as emphasized by Adar (2007), they put an end to the inegalitarian, corporatist character of the previous system with its highly fragmented structure, and made the Social Security Institution, under the auspices of the Ministry of Labor and Social Security, responsible for the management

of social security provision. Second, with the new changes, the state began to contribute to the social security system along with employers and employees. Third, the new Social Security and General Health Insurance Law embraces all social groups, including those not formally employed, and assures universal access to health services on equal terms. Finally, those under the age of 18 are covered by the health insurance scheme without having to pay premiums.

Although Turkey is a very young society, the population is aging. The number of persons receiving pension benefits is growing rapidly, rising from 4 million in 2001 to 7.25 million in 2010. The previous system, thus, was not sustainable.

At the beginning of 2010, almost 1 million persons aged 65 or more who did not have an entitlement to any pension security received a substitute pension payout from the government, amounting to less than TRY 100, or approximately €52. Farmers who have paid only the minimum premium level receive approximately €180, craftsmen who paid the minimum premiums receive €265 and wage-workers €340 per month. These payments are far from assuring a livelihood. A government-guaranteed private pension security system has also recently been introduced in Turkey.

The main drawback of the current social insurance programs, covering 80.2% of population in 2008, is that the revenues can not meet expenses, causing a financial gap in the system. The main reasons for this deficiency are the negative effects of the early retirement provisions implemented in the past, increases in health expenditures, and insufficiencies in the system's information technology infrastructure. To cover the financial gap, the central government has had to transfer a substantial amount of general budgetary funds, amounting to 3.92% of GDP in 2007 and 3.70% of GDP in 2008.

Citation:

Adar, S. (2007) Turkey: Reform of Social Security, *Journal of European Social Policy*, Vol. 17, pp. 167-8.

State Planning Organization (2010), "2010 Annual Programme," Ankara

## Integration

Despite growing levels of labor migration and settlement from the Caucasus region, the Balkans and even countries of the European Union, Turkey does not consider itself to be a destination country for migration and lacks an official integration policy. The Foreigners' Law, passed in 1950, thus governs the life of foreign-born residents in Turkey. Neither this law nor the Law regarding Work Permissions for Foreigners, passed in 2003, grants any legal entitlement regarding

Integration policy  
Score: 4

residence or access to the labor market. This also holds true for spouses of Turkish citizens. Residence permits do not exceed five years, and work permits are bound to the workplace and leave the foreigner without guaranteed residence status. Although the 2003 Work Permission Law shortened the previous list of some 80 professions that had been forbidden to foreigners, many professions remain inaccessible to foreigners due to the provisions of an array of other laws that have not been amended. Religious gatherings of foreigners still exist in a legal grey zone, and there is no educational policy toward migrant children.

Access to citizenship is easy in theory, but in practice almost impossible due to lengthy administrative procedures and the provisions of the Law of Settlement that foresees naturalization only for migrants of "Turkish culture." As of 2007, there were 98,064 foreigners living in Turkey (0.14% of the population) with official residence permits.

On the whole, the country's cultural, educational and social policies do not focus on integrating these people into society. Although foreign students' educational rights are regulated by law, asylum seekers and illegal migrants do not receive educational services. The Social Solidarity Fund's resources offer limited support for health services for migrants. However, it should be emphasized that compared to some EU countries, there is relatively little bias against foreigners living in Turkey. Foreigners living in Turkey do not have the right to vote or to run for office.

## C Security

### External security

External security  
policy  
Score: 7

As a bridge between Asia and Europe, with its straits connecting the Black Sea with the Mediterranean and a geopolitical location at a point where the Central Asian, Caucasian and Middle Eastern natural energy transport corridors intersect, Turkey draws the attention of the entire world. It is surrounded by Georgia, Armenia, Azerbaijan, Iran, Iraq, Syria, Greece and Bulgaria. Currently there is armed conflict in Iraq, and armed conflict with PKK guerillas in the southeastern part of Turkey. The region is a very difficult one, with a history of armed conflict that will likely persist for some time in the future. Although the costs of providing security have been substantial for Turkey, it should be emphasized that Turkish security forces have on the whole been able to protect citizens against security risks and safeguard the national interest. Turkey is a founding member of NATO and Turkish armed forces joined the peacekeeping operations in Bosnia, Somalia, have participated as a

part of the Afghanistan International Security Assistance Force (ISAF), and have taken on tasks under the Common Foreign and Security Policy (CFSP) and the European Security and Defense Policy (ESDP). As of 2008, 1.04 million people were on active military duty in Turkey. Despite these demanding conditions, the share of defense expenditures (through the Ministry of National Defense) in the general consolidated budget has gradually decreased since 2002, stabilizing below 2.5% of GDP (2008) until recently. Although Minister of Foreign Affairs A. Davutoğlu recently called for a strategy of “zero problems” with neighboring countries, Turkey’s traditional conflict with Greece, which is also a NATO member, has caused a perception of threat related to the disputed waters of the Aegean Sea. Moreover, Turkey’s role in the Middle East also requires a strong military capacity. The professionalization or modernization of the Turkish armed forces is another aspect of current discussions. Turkey seems to be in a process of defining a clear defense policy, while seeking to eliminate all confusions domestically and internationally.

Security is one of the areas where the clash between the elected government and the old republican elite, particularly the military, is most obvious. While Turkey’s membership in the NATO is not openly questioned from any side, there are strong undercurrents in the military that evidently favor a closer relationship with Russia, China and the Shanghai Five, while clearly opposing EU membership. The military pursues a clear-cut policy for Cyprus. It regards Turkish troops on Cyprus as a sine qua non for Turkey’s own security and strategic interests. The generals oppose any political concessions and demand that Turkey block the NATO membership of the Greek-dominated Republic of Cyprus, thus obstructing closer cooperation between NATO and the ESDP. In all these issues, the government is known to favor a more flexible policy.

Citation:

TESEV-DCAF (2006) Almanac Turkey 2005: Security Sector and Democratic Oversight, TESEV

SIPRI, Military expenditure of Turkey, Of The European Communities, Turkey 2009 Progress Report, (accessed, 26 July, 2010)

Günter Seufert: Geringer Wille zur Einigung auf Zypern, Stiftung Wissenschaft und Politik, Berlin 2010.



## Internal security

Internal security  
policy  
Score: 5

The primary responsibility for providing internal security is given to the Ministry of Internal Affairs. The General Directorate of Security, the Gendarmerie General Command, the Coast Guard Command and the General Directorate of Civil Defense are the basic functional units of internal security. For years the major problem concerning intelligence has been the fact that the Gendarmerie has its own intelligence unit in parallel to the National Intelligence Organization affiliated with the prime minister's office. The fields of duty for police and the gendarmerie are clearly defined, but coordination conflicts do occur. According to figures for 2009, total internal security expenditures amounted to TRY 14.2 billion (1% of the central administration budget). As expressed earlier, Turkey is a country in transition in terms of social and economic structures, and a transit country in terms of goods and human beings. The country's internal security regime is naturally affected by all these factors. It is hard to say that the current security regime is sufficient, but Turkey is considered to be a safe country by Intelligent Risk Systems and Control Risks Group. However, the rise of separatist terrorist acts in the countryside and an increasing number of security casualties has put pressure on the idea of low domestic security risk. Moreover, the total number of registered gun owners increased to 1 million in 2009. A parliamentary subcommission ended the ban on licensing guns to certain ex-convicts. Security authorities in Turkey have effectively engaged in international cooperation with outside organizations such as INTERPOL. However, judicial cooperation in criminal and civil matters is not satisfactory. In this respect, a reorganization of the security services is on the reform agenda.

Notwithstanding their military success against the Kurdish PKK, the Turkish armed forces have not managed to end the terrorist attacks of the Kurdish guerilla group. After 28 years of low-intensity warfare, with approximately 40,000 casualties, the Turkish army is for the first time in the republic's history being openly criticized. Its structure, concept of war and role in politics are all being questioned. Turkey appears to be the only Western country that fights guerillas with a conscript army.

## D Resources

### Environment

Environmental  
policy  
Score: 4

The 2010 Environmental Performance Index (EPI) ranks Turkey 77th of 163 countries. Industrialization and unplanned urbanization, combined with a high birth rate, has led to a number of environmental issues. Total public sector environmental expenditures increased from TRY 4 million to TRY 9 million, 47.5% of which represented investment costs. The country's greenhouse gas production increased from 170.1 million tons of CO<sub>2</sub> to 372.6 million tons. Emissions originate basically from the energy sector, with an increasing trend line. Due to climate change, a significant part of the country is threatened by drought and desertification. Consequently these lands are faced with a very severe danger of erosion. Water resources are rapidly decreasing and deteriorating. Each year, between 20,000 and 25,000 acres of forest are damaged due to fires and 1-2 a cres of forest are opened to farming. Although thermal power stations in Turkey are the third largest source of carbon emissions there, new thermal power stations are planned. The sustainability of water dams are questioned due to their negative socioeconomic and environmental impacts. The environmental impact of gold mining and health concerns about genetically modified seeds are other issues of public concern.

Turkey has ratified the Kyoto Protocol and the 2009 Stockholm Convention on Persistent Organic Pollutants. Environmental impact assessments have not yet been fully implemented. Transposition of the EU's strategic environmental assessment policies has not yet taken place. Municipalities in particular have invested highly in drinking water and domestic waste collection systems. However, air quality, water quality, industrial solid waste, medical waste management and the public's concerns with genetically modified organisms have received limited attention from the government.

Although Turkey signed the Kyoto Protocol in February 2009, it emerged only two months later that planning for 46 new thermal power stations was continuing. A number of the already existing 15 plants have a long history of environmental scandal, and court cases on the issue are pending, partially at the European Court of Human Rights. Turkey also favors hydroelectric power stations. However, at the time of writing, none of the three biggest current dam construction projects – the Yusufeli dam, the Konaktepe dam, and the Ilisu dam – had yet drafted their mandatory environmental impact reports. For other branches of renewable energy, particularly wind power and solar

energy, an amendment to the Renewable Energy Law expected to enhance government support was long ago announce, but appears to have been forgotten.

## Research and innovation

Research and  
innovation policy  
Score: 4

In the period under review here, the Turkish government spent only between 0.7% and 0.8% of GDP for research and development. As comparison, this share was 1.9% in the European Union, 2.7% in the United States and 3% in Japan. Multinational holdings and industry sectors in developed countries reserve between 2.5% and 5% of their turnover for R&D. Due to the high share of small and medium-sized enterprises (SMEs), Turkish industry is in this regard not in a position to compete.

The main objectives of science and technology policy are to increase the private sector's innovation capacity, to develop competency in science and technology, and to transform this competency into a social benefit. Turkey realizes that science, technology and innovation capacities are among of the most prominent factors of competitiveness. Raising productivity and innovation in Turkey's main economic sectors such as agriculture, textiles and clothing, machinery, steel, lumber, paper, and transport equipment will be crucial for maintaining competitiveness and attracting the foreign direct investment needed to continue the modernization process.

The National Science, Technology and Innovation Strategy has set two major targets for 2013: to increase research intensity to 2% and the number of full-time equivalent researchers to 150,000. As of 2008, the share of R&D expenditures in GDP is 0.73%, and the number of full-time equivalent researchers is 53,000.

Since the private sector plays an important role in making R&D activities productive and translating them into an aspect of national competitiveness, Turkey has sought to increase the share of total R&D activities performed by the private sector. As a result of these efforts, the business enterprise sector for the first time in 2008 outperformed the higher education sector in R&D, responsible for 44.2% of the country's total. Furthermore, the share of funding by the business enterprise sector reached 47.3% of total R&D expenditures in 2008, with self-funding by the business enterprise sector representing 38.8% of total R&D expenditures. In addition, the number of technology development zones (TDZ) and research centers has recently increased considerably. As of August 2009, 36 TDZ's had been established, and 20 are by now operational. In addition, Law No. 5746 on Supporting Research and Development Activities, aimed at regulating tax incentives provided for R&D, entered into effect in March 2008.

In 2007, the private sector employed 38.2% of the country's full-time equivalent R&D personnel. The country ranks 14th in the world in terms of its absolute number of well-trained engineers. The country has a young population interested in and open to technical developments. Although primary and secondary performance is below average, the country has a history of producing a small but high-quality population of science and engineering graduates and researchers, most of whom work in the higher education sector. Turkey's universities employ some 45% of the country's research personnel and carry out almost 50% of its research activities. Turkey notes that it has developed its research personnel in number as well as in skills.

Thus, R&D in Turkey is a mixed picture. This explains why Turkey ranks only 31st in a list of European countries when it comes to innovation, but nonetheless shows very fast progress. Thus, growth in innovation performance averaged 1.8% for the 33 European countries ranked in the European Innovation Scoreboard, while Turkey showed 5.5% growth in 2009. In this context, the strong suits of Turkey include human resources, particularly the training of scientists and engineers; the considerable growth in private sector R&D spending; a growth of 15% in the number of EU-registered patents; the continuing development of trademarks; and growth in high-tech employment.

Citation:

Euraxess Turkey "R&D Statistics in Turkey," available at <http://euraxess.tubitak.gov.tr/rd-statistics-in-turkey>

State Planning Organization (2009) "Pre-Accession Economic Programme 2009," Ankara

## Education

Education policy  
Score: 3

Turkey's educational system does not grant equitable access to education, nor does it provide enough well-trained skilled labor. Its contribution to social cohesion is highly questionable.

The primary problems of Turkey's school system are associated with access to and quality of education. The main challenges are enrollment rates, regional disparities regarding access, insufficient physical infrastructure, outdated curriculum, a need for improvement in teachers' skills, and the need to align high-quality education materials with curriculum.

In the 2008 – 2009 educational year, 129,400 potential pupils in the 6 to 13-year-old age cohort did not attend school. Approximately 100,000 of these children live in the poor regions of central and southeastern Anatolia. The ratio of boys to girls, who are sent to school almost equally in the first year, deteriorates markedly by the 5th grade. In

secondary education, the lack of access to social security benefits for parents runs parallel to a drop in girls' school attendance of some 50%. Although the enrollment rate for pre-primary education has risen from 24% to 33.9% in the last three years, it is still quite low. The main factors behind these low rates are late enrollments, dropouts and problems associated with rural areas, especially girls' access to education. Moreover, regional disparities in access to pre-primary education are evident. In addition, during the 2008 – 2009 academic year, three in five children who were in the primary education age group but out of the education system were girls.

Since pre-primary education helps reduce the inequalities caused by parents' socioeconomic backgrounds, and improves performance in later educational years, efforts are being made to extend an obligatory pre-primary education program that was initiated in 32 pilot provinces to all provinces in the forthcoming period.

The secondary education enrollment rate is 76.6%, with significant regional disparities. The share of vocational and technical education in total secondary education was only 40.8% during the 2008 – 2009 academic year. More than 45% of pupils at high schools known for excellent education, such as Anatolian High Schools and the High Schools for Sciences, have a well-educated and well-to-do family background, and the educational system is thus reinforcing social differences.

About 10% of the population is illiterate, and just 29% of the population between 25 and 64 years of age has received at least a secondary education. The 2006 Program for International Student Assessment (PISA), which studies the quality of education, revealed low achievement levels for half of the country's students in mathematics and one-third in reading skills. Hence, a significant portion of students' basic skills are not sufficient. In a comparative framework, we note that Turkey has the lowest PISA scores of any OECD country.

## Management Index

### I. Executive Capacity

#### A Steering capability

##### Strategic capacity

Strategic planning  
Score: 6

The Undersecretariat of State Planning Organization (formerly SPO) was established in 1960 as the major consulting body to the prime minister's office in issues of sectoral planning and development. Planning is a part of the constitutional policy framework (Article 41 Protection of the Family, Article 45 Protection of Agriculture, Animal Husbandry, and of Persons Engaged in These Activities, Article 56 Health Services and Conservation of the Environment and Article 166 on Planning). According to Law No. 5018 on Public Financial Management and Control of 2003 and Bylaw on Principles and Procedures for Strategic Planning in Public Administrations of 2006, all public institutions, including municipalities and special provincial administrations (Law Nos. 5216, 5302 and 5393), but excluding regulatory and supervisory bodies, must prepare strategic plans. The basic objective of strategic planning is to establish an institutional connection between plans, programs and budgets. In this respect, performance programs and activity reports are complimentary. Recently, all ministerial bodies also designated a separate department for developing strategy and coordination. However, these are not yet sufficiently functional. The General Directorate of Budget and Fiscal Control has prepared a guide for performance-based budgeting. The Department of Strategy Development, associated with the prime minister's office, is basically entitled to monitor the implementation of legislation and plans, define the issues related to implementation, define the guidelines for any relevant studies and coordinate the activities.

Since the first phase of strategic planning (2006 – 2010) was not supported by performance-based budgeting, and lacked activity reports prepared according to the legal requirements, no clear positive impact was evident. Even in crucial institutions, institutional capacity is not fully satisfactory for full-fledged strategic planning. No cumulative statistics about the frequency of meetings between strategic planning



cooperation among and between the ministries. The General Directorate of Laws and Resolutions of the Prime Ministry examines the congruity of draft bills, decrees, statutes, regulations and Council of Ministers resolutions with the constitution, as well as reviewing laws, general principles of law, development plans and programs, and the government program. This unit is the primary government entity in terms of drafting and coordinating new regulations. It is hard to say that all draft bills are the product of expert advice, however. During the period under review, numerous adjustments to draft bills during their approval by parliament showed that this standard was only partly met. Recently, the Economy Coordination Board, composed of the minister of finance and state ministers in charge of economic affairs, was established in order to evaluate economic and financial matters. Regarding the adequacy of draft bills and their correspondence with policy objectives, the government office is only rarely equipped to evaluate the content of line ministry proposals appropriately. However, due to the strong position of the bureaucracy in Turkey, conflicts are more likely to occur along the fault lines associated with the bureaucracy rather than between party politicians – thus, between an undersecretary and minister, rather than between ministries and the prime minister's office.

Citation:

Law No. 3056 on the Organization of the Prime Ministry, [http://www.todaie.gov.tr/KYP/3056\\_b tk.htm](http://www.todaie.gov.tr/KYP/3056_b tk.htm) and Law (accessed on July 26, 2010)

Economics Coordination Board Circular 2009/5, <http://rega.basbakanlik.gov.tr/eski> (accessed on July 26, 2010)

GO gatekeeping  
Score: 9

According to Article 112 of the constitution, the prime minister, as chairman of the Council of Ministers, is tasked with ensuring cooperation among the ministers, and with supervising the implementation of the government's general policy. The members of the Council of Ministers are jointly responsible for the implementation of this policy. Each minister is responsible to the prime minister and is responsible for the conduct of affairs under his or her jurisdiction and the acts and activities of his or her subordinates. The prime minister ensures that the ministers exercise their functions in accordance with the constitution and the laws, and can take corrective measures to this end. Considering the provision of Article 109, under which the prime minister appoints ministers, his/her oversight power over ministerial proposals is evident. However, ministries have been able to exercise greater influence during the periods of coalition government. In order to prevent this, a special coordinating body composed of the ministers from the coalition parties sets the agenda for the cabinet meetings.



## Line ministries

Score: 9

The prime minister's office (PMO) has a twofold role in the preparation of draft bills. On the one hand, as mentioned above, it has to check the congruity of the laws from a legal point of view. On the other, the PMO collects ministries' legal and political opinions along with opinions from civil society stakeholders, interest and lobby groups, expert groups and institutions. Thus, the PMO is always directly involved in the preparation of policy proposals at a relatively early stage.

## Cabinet committees

Score: 5

Cabinet committees have been utilized primarily by coalition governments, but even the single-party government of the Justice and Development Party has established some committees composed of ministers and experts or bureaucrats when an important and common issue is under consideration. A good example of this is the interministerial anti-terror commission, which convenes under the leadership of the minister of interior affairs, with the participation of senior officials from the ministries of Foreign Affairs and Justice, as well as other security departments. However, in the Turkish governmental system, such committees are in fact rare both in single-party and coalition governments.

## Senior ministry officials

Score: 9

Preparing cabinet meetings is the primary task of the senior bureaucrats, including the undersecretaries, deputy undersecretaries, general directors and so on. Undersecretaries are under the command of the relevant minister and his or her aide, and execute ministerial services on behalf of the minister and in accordance with his or her directives and orders. Although this is a political position, it tends to be assigned by merit and with an eye to careers. There are also deputy undersecretaries in the ministries who may help their superiors in conducting ministerial affairs.

## Citation:

Law No. 3046 on the Establishment and Duties of Ministries, [www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.5.3046](http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.5.3046) (accessed July 26, 2010).

## Line ministry civil servants

Score: 8

Coordination is achieved by ad hoc committees composed of civil servants from the various ministries. However, sometimes instead of cooperation or coordination, one ministry's proposal can be blocked or opposed by another ministry's staff. In such cases, political coordinating bodies or the cabinet itself deal directly with the issue, regardless of the type of government in power.

## Informal coordination procedures

Score: 8

There are always informal mechanisms in governments, whether single party or coalition. These core groups are composed of senior party people, classmates or peers. However, these bodies basically design the general framework of an issue in consultation with the experts, while civil servants develop proposals and finally the upper

administrative echelon finalizes the policy outcome.

The higher echelons of the ruling party in particular, in line with the relatively high number of younger ministers who have considerable experience in their fields, form a thick network of communication and debate, and contribute substantially to the preparation of policy.

## RIA

### RIA application

Score: 2

Since 2007, regulatory impact assessment (RIA) has been required for all legislation (laws, decrees and other regulatory procedures) having a financial impact of at least TRY 10 million, excluding issues relating to national security, the draft budget, or final accounts, (under Article 24 of Regulation No. 4821 on the Procedure and Principles of Preparing Legislation, dated December 12, 2005, followed by a resolution of the Council of Ministers published in the Official Gazette on February 17, 2006 (No. 26083)). The prime minister's office also issued a circular on practices of regulatory impact assessment on April 3, 2007, providing a guide on preparation of the assessments. However, it is hard to say that RIA is systematically applied in Turkey.

### Needs analysis

Score: 3

RIA has only recently been introduced to Turkish public administration. Due to the heavy cost in money and time of preparing RIAs, there are few examples available. Therefore, it is hard to say whether they are performed fully, partially or poorly. The cited work is prepared according to the requirements, but cannot be generalized. It seems that when RIA is applied in Turkey, it defines the purposes of and the need for regulation in a clear, concise and specific manner. The framework for RIA was hammered out in close consultation with the European Union, with a review of best practices in a large number of European countries carried out by the State Planning Organization.

### Alternative options

Score: 3

There are few examples of RIA being performed Turkey. Therefore, it is hard to say whether it is carried out fully, partially or poorly. In the past, feasibility reports have been prepared by experts for large-scale public administration projects, and some of these included alternative policy solutions in the form of cost-benefit analysis. It is expected that with the introduction of RIA, the Turkish public administration will help to develop an understanding of alternative policy options' pros and cons.

The official RIA template calls for the analysis of various options including "do nothing." However, the application of RIA is still in its infancy, and nothing can yet be said with respect to how comprehensively RIA will be applied in the near future.

### Societal consultation

Negotiating public support  
Score: 6

The incumbent government declared in its emergency action plan that it would regularly consult with civil society, but has largely failed to fulfill this promising objective. The Law on the Establishment, Principles and Methods of Work of the Economic and Social Council established a continuous and permanent consultative body, tasked with establishing a platform for dialogue, compromise and cooperation on economic and social issues. However, the council has rarely convened (on general matters, tax and social security bills) and has not played an effective role in the law-making process. In short, the government's consultation with non-governmental institutions is rare, insufficient and ineffective in the process of policy-making. On the other hand, the government generally has closer contact with conservative individual actors and social organizations such as MÜSİAD or HAK-İŞ. Instead of developing relations with existing organizations, it has created its own so-called civil society organizations.

A much-used and much-debated term during the period under investigation was "açılım," meaning "the opening." The word relates to a new government policy that accepts various societal groups that often had been more or less sidelined as stakeholders, legal interest groups, dialogue partners and thus equal citizens of the republic. Beginning in 2008, the government initiated a series of conferences with heterodox Muslim Alevi communities, the deputies of the pro-Kurdish Societal Democracy Party (DTP), and representatives of Roma communities.

Considering the "democratic opening" project, the government consulted with several other stakeholder groups in society. However, no concrete policy outcome has resulted from this process. It is argued that Kurdish broadcasts on public radio and TV stations and later on private channels, as well as the return of some Kurdish people from Iraq, had been planned earlier at the top level. Therefore, it was perceived that the government did not consult but rather sought legitimacy for already-defined policies.

### Policy communication

Coherent communication  
Score: 7

The unquestioned authority and leadership of the prime minister by and large ensures that the government speaks with one voice, despite the different or even opposing interests of one or another ministry on any particular occasion.

There is a spokesman for the Council of Ministers who makes public

declarations on behalf of the council. However, it has been evident that some important ministers make contradictory private statements to other members of the government. A spokesperson's office was also established for the prime minister, which caused further complications for the coordination of government communication.

## B Policy implementation

### Effective implementation

Government  
efficiency  
Score: 7

Neither the opposition parties nor public opinion represent the most serious constraints for the incumbent government in pursuing policy. The real obstacles to the implementation of government policy in Turkey are the so-called veto players, the military and the high judiciary. On April 27, 2007, the military released a memorandum warning the government that it would protect the secular nature of the state. At the end of March 2008, the chief prosecutor appealed to the Constitutional Court to close down the governing AKP party of Prime Minister Recep Tayyip Erdoğan, which had gained a very strong 47% of the vote in parliamentary elections eight months previously. On July 30, 2008, the Constitutional Court called the AKP a "focus of anti-secular activities." However, the court refrained from the immediate closure of the party, saying that for the time being, it posed only a limited danger. Thus, the AKP was clearly in a delicate position, particularly in the first half of the period under investigation. Not long earlier, in June 2008, the Constitutional Court had already seriously limited the right of the parliament to change the constitution.

The resistance of the military, the high judiciary and the support they have from opposition parties were responsible for the government's failure to make head scarves acceptable at universities, to put graduates of imam schools on an equal footing with graduates of other high schools, and its inability to take anything more than symbolic steps toward the solution of the Kurdish question. However, the government was by and large successful in pursuing its policy in the fields of economics, social security, taxes and foreign affairs.

Ministerial  
compliance  
Score: 9

Ministerial compliance is directly dependent upon the type of government, either single party or coalition. A single-party government with a strong party leadership and high demand for ministerial positions among members provides strong incentives for the promotion of the government program. In the case of coalition government, ministers primarily seek to promote their own future electoral success. With strong leadership keeping cabinet members subordinate, it is difficult for even those ministers who are

professionals in their field to come to the forefront.

The personal charisma of the incumbent prime minister and political parties' tendencies to leave personnel decisions to party leaders prevent ministers from pursuing their own interests during their time in office. The AKP government has made it even more difficult for ministers to follow their own individual agendas. A number of key ministries today are under the leadership of ministers that hold substantial professional expertise but lack almost any support from the party apparatus, leaving them completely at the mercy of the prime minister. Among these ministers at the time of writing were Foreign Minister Ahmet Davutoğlu, State Minister and EU chief negotiator Egemen Bağış, State Minister in Charge of Economy Ali Babacan, Finance Minister Mehmet Şimşek, State Minister Mehmet Aydın, Education Minister Nimet Çubukçu, Minister for Family and Youth Selma Aliye Kavaf, and Culture and Tourism Minister Ertuğrul Günay.

Monitoring line  
ministries  
Score: 7

The activities of line ministries are not monitored regularly or systematically. In some cases, the ministerial bureaucracy resists the policy of the government without serious consequences, particularly in issues of democratization. Cases of pure mismanagement seldom occur.

In general, however, ministries work in cooperation with the prime minister's office, both because a single-party government is in power, and because the ruling party has staffed the leading ministerial bureaucratic posts with political allies.

Monitoring agencies  
Score: 6

Although the ministry organizational structure provides a hierarchical monitoring mechanism, the effectiveness of these mechanisms depends heavily on the personal experience and attitudes of the individual agents. The Internal Audit Coordination Board, affiliated with the Ministry of Finance, was established under Article 66 of the Public Financial Management and Control Law (Law No. 5018), and is tasked with ensuring cooperation with the audit units of public administrative bodies, and with making proposals for eliminating fraud or irregularities. Strategic planning and activity reports, if implemented properly, shall provide further mechanisms for monitoring.

Task funding  
Score: 6

Local administrative bodies, mainly municipal governments, do not have sufficient financial resources to finance the tasks assigned to them by law. Many have declared bankruptcy, and their borrowing constitutes a large share of Turkey's total medium- and long-term debt. In short, the central administration (mainly through the Bank of Provinces) is still the major funding source for local governments. As of 2009, local administrations as a whole have TRY 39.5 billion in internal and TRY 5.8 billion in external debt. Support for the Infrastructure of Villages (KÖYDES) Project has been provided by the

incumbent government since 2005, with a total of TRY 5.7 billion allocated from the central administration budget for these activities. The incumbent government has been accused of taking partisan approach toward the distribution of such funds, with respect to municipal governments controlled by the opposition parties. Financial decentralization has been a major issue under discussion.

Until 2009, transfers from the central government to municipalities via the Bank of Provinces were calculated solely according to the municipalities' population. This system did not contribute to the leveling of the huge development differences in different regions of the country. Since then, a new model has been adopted that combines the number of inhabitants with development indices. However, the new model has not eased the difficult financial situation of Turkey's municipalities, which are seriously indebted to central government institutions such as the Finance Ministry, the Treasury, the Social Security Institution and the Bank of Provinces. Total municipality debt rose from TRY 30.7 billion in 2006 to TRY 44.3 billion in 2008, with no improvement evident in 2009.

The Municipality Law grants local governments only very limited competences, and places them additionally under the jurisdiction of provincial governors. An amendment authorizing local governments to open preschool education institutions in 2004 was annulled by the Constitutional Court the following year, with the court arguing that the provision threatened the unitary character of the Turkish state. This mindset controls the relationship between the central and local governments, which are accused – not always unjustifiably – of being centers of corruption and real-estate speculation.

According to Article 127 of the constitution, local administrative bodies are public corporate entities established to meet the common local needs of the inhabitants of provinces, municipal districts and villages, whose decision-making organs are determined by the electorate as described in law, and whose principles of structure are also determined by law. However, the central administration has the power of administrative trusteeship over the local governments, under a framework of legal principles and procedures designed to ensure the functioning of local services in conformity with the principle of administrative unity and integrity, to secure uniform public service, to safeguard the public interest and to meet local needs in an appropriate manner. Although the constitution says that municipalities are to be allocated financial resources in proportion to their functions, there is a perpetual lack of money. In addition, they need the approval of the central government for many issues.

A recent example in Istanbul illustrates the impact of the central government's involvement in local affairs. Although the Istanbul

Constitutional  
discretion  
Score: 4

Metropolitan Council passed an environmental plan in 2009 stating that there was no space for a third bridge on the Bosphorus, the central government, which is run by the same party, initiated the construction of a third Bosphorus bridge. Additionally, the relevant plans and projects are being conducted not by the municipal government but by the Ministry of Transportation.

National standards  
Score: 3

The central government, and specifically the Ministry of Interior Affairs, closely monitors the structure and quality of the services in municipal governments, through the action of its own local agencies and the power of administrative trusteeship (using as tools internal audits, external audits and audits by civil service inspectors). The Union of Municipalities of Turkey also offers training and technical support for the municipalities in this respect. There are also regional unions of municipalities which provide similar services to their members. Turkey is a signatory to the European Local Self-Government and Autonomy Charter, which obliges Turkey to fulfill some requirements. Additionally, the UNDP Support to Further Implementation of Local Administration Reform in Turkey project (LAR PHASE 2) is ongoing. It is hard to say that these standards are same everywhere, but they are improving gradually on an individual regional basis. Major issues in standardizing the public services at the local level are financial, technical and personnel-driven.

The huge disparities in the degree of development of the different regions were not addressed consistently in the period under investigation. Regarding physical infrastructure, to a significant degree outcome of the resources and performances of local governments, the ratio between the capital Ankara and the most underdeveloped region Muş in the Kurdish-dominated southeast of the country was 100 to 5.4. The weakest eight provinces are located in the mostly Kurdish (and Arabic) southeast, and the top 19 provinces are located in the northwest, including Ankara (and, as the only geographical exception, the tourist center Antalya).

## C Institutional learning

### Adaptability

Domestic  
adaptability  
Score: 7

Almost all public entities have a unit for EU affairs. As expressed earlier, strategic planning units are included in all ministries. Some pilot studies have been conducted in the public administration, including municipal governments, under the supervision of the Department of Strategic Planning of the State Planning Organization. Transparency and accountability are part of the administrative culture,

at least conceptually.

Several general and specific projects have been developed between Turkey and the European Union, aimed at increasing human resources capacity and harmonizing legislation with the *acquis*. The UNDP (LAR 2), the Instrument for Pre-Accession Assistance (IPA) and the Matra Pre-accession Projects Program, which address primary and secondary legislation, public administrative reform, education, justice and home affairs, health, environment, public works and more are major mechanisms aimed at adapting central and local governmental structures to supranational developments.

With respect to judicial reform, the government has created the new Higher Council of Judges and Prosecutors, modeling it on similar institutions in Italy, France, Spain, Poland, the Netherlands, Portugal and Sweden.

Due to the unresolved Cyprus problem, France's opposition to Turkey's full EU membership, and domestic resistance to reforms, Turkey's process toward EU membership slowed in the period under review. However, membership negotiations are continuing, allowing reforms to be grounded in the framework of the *acquis communautaire* of the European Union. The following chapters of negotiation have been opened: science and research, company law, copyright and related rights, environment, statistics, trans-European networks, enterprise and industry policy, consumer and health protection, financial control, information society and media, taxation and free movement of capital.

Since October 2008, Turkey has been one of the 10 nonpermanent members of the UN Security Council. Turkey started to solicit support for its election immediately after the election of the first AKP government in late 2002. In the period under review and the years prior to it, Turkey diplomatically reached out to hitherto neglected regions such as the Caribbean Community, the sub-Saharan states and Latin America. It thus established for the first time relations with the least developed countries and emerged as a donor within the frame of the United Nations.

Turkey continued its participation in peacekeeping missions in Afghanistan and Kosovo, and as of the time of writing was also engaged in Lebanon, contributing to infrastructure construction.

In addition, Turkey has enhanced its efforts to develop regional cooperation, applying an EU-style neighborhood policy focused initially on economic cooperation, which underlines cultural proximity and draws on the idea of a common identity.

In the process of EU candidacy, there has been some legislative progress with respect to public administration reform. A reform monitoring group convened in April 2010. The government has put



great effort into collaborating with international actors, mainly the EU Commission, the OECD and the World Bank, toward further administrative reforms such as the Framework Law on Public Administration, the Law on Civil Servants, the Laws on Associations and Foundations and so on, and has even taken initiative in extending reform to other countries.

### **Organizational reform capacity**

Self-monitoring  
Score: 6

In addition to formal and regular inspection of ministerial activities, the Office of the President of the Republic has a State Supervisory Council to monitor the practice of state institutions. The prime minister's office has also a High Supervisory Council of State and inspectors to fulfill such duties. Interministerial committees also may assess institutional arrangements. In preparing development plans or strategic plans, sectoral subcommittees prepare reports on the effectiveness and efficiency of governing. The Directorate General of Legislation Development and Publication and the Directorate General of Laws and Resolutions regularly deal with the harmonization and simplification of Turkish legislation.

In the period under review here, possibly for the first time, the monitoring activities of the State Supervisory Council were not triggered primarily by suspicions of irregularities, but were rather focused on the suitability and efficiency of the monitored institutions. The PMO's High Supervisory Council still acted generally upon suspicions or claims of irregularity.

Institutional reform  
Score: 6

Changing institutional arrangements may be an easy task in theory, but is hard to put into practice in the short term. Maximizing strategic capacity requires a full inventory of resources, expert knowledge, an adequate budget and a participatory approach. Taking a strategic approach can also seem time-consuming for countries like Turkey, in which needs are big and urgent and resources are limited. Under these circumstances, one cannot practice a strategic approach, but can respond only to urgent demand. However, there is good will and effort to develop strategic capacity in the public administration in the long run. It is expected that full implementation of Law No. 5018 on Public Financial Management and Control may provide a sufficient channel to promote strategic capacity in the public administration. As outlined above (see Strategic Capacity), the government lacks sufficient personnel to meet the requirements of strategic planning, performance-based programs and activity reports. In this respect, several training and internship programs have been put in place. However, in early 2010, the government majority in parliament passed a comprehensive constitutional amendment, focusing on reform of the

high judiciary whose rulings have hampered government policy implementation and seriously limited parliamentary action. At the core of the amendments are changes to the staffing of the Constitutional Court and the High Council of Judges and Prosecutors. The amendments were adopted with 330 votes out of the 550 members of the Grand National Assembly, and the whole package was approved with a 58% vote in a public referendum on September 12, 2010 .

## II. Executive accountability

### D Citizens

#### Knowledge of government policy

Policy knowledge  
Score: 5

In general, the government does not do a good job of informing citizens about the content and development of its policies. In his monthly TV appearance, the prime minister touches on government success stories, but is not accountable to the public in the matters where the government fails. Government officials always highlight policies as promising objectives, but do not provide follow-up announcements. There is no survey on how citizens gain their information on government policy, but it is evident that the policy-making process is not transparent, participatory or interactive. The public learns of many policies only after the implementation process has started. The level of public knowledge about government is low, as is the level of satisfaction, but people do not complain about this. This is a major deficiency of the policy-making process in Turkey and is the result of the non-participatory nature of the policy-making process. Surveys basically measure respondents' opinions on the government's policies for or against, but never attempt to test whether the people in fact have sufficient information as to the policy content. Recent polls on the referendum process discovered that many respondents did not know what a referendum was, or what was being voted on in the referendum. This can be explained in part by the indifference of the public. However, the government has considerable room to enhance participatory policy-making methods, at least at the level of need assessment and the public evaluation of alternative policies.

## E Legislature

### Legislative accountability

Obtaining documents  
Score: 7

According to Article 41 of the parliamentary rules of procedure, parliamentary committees or commissions may ask the ministries to provide any information relevant to their duty. However, one of the parliamentary inquiry committees on unsolved murders was recently unable to collect information from the security forces. Some invited public officials, mainly military officers, did not attend the special inquiry commission's meetings.

It is still impossible for lawmakers to obtain reliable information related to the so-called National Security Policy Document, also known as the "secret constitution" or Red Book, which is drafted in secret consultations between the government and the armed forces.

Summoning ministers  
Score: 7

According to Articles 30 of the parliamentary rules of procedure, the prime minister or ministers can attend committee meetings as the representative of the government without invitation, and may talk on the subject matter at hand. However, the prime minister or minister may also delegate a senior civil servant to be his or her representative at the committee meeting. Moreover, all parliamentarians and members of the Council of Ministers can attend and participate in committee meetings but have no right to submit a motion of amendment or to vote on the subject matter. If relevant, of course, the committee may ask a minister to explain a government position, but he or she is not required to comply with this invitation if there is no legal obligation.

In sum, parliamentary committees are not able to summon ministers for hearings, but the minister in charge of the competence area of a given committee may voluntarily decide to participate in a meeting. Normally, the committees are briefed by high-ranking ministerial bureaucrats. Committees rarely if ever invite ministers other than those dealing with their specific area of policy.

Summoning experts  
Score: 10

According to Article 30 of the parliamentary rules of procedure, committees are able to summon experts from NGOs, universities or the bureaucracy to provide testimony. There is no limitation to the exercise of this right. The committees have funds at their disposal to employ experts, but the status of these experts is not legally defined and there are no permanently employed experts.

Task area coincidence  
Score: 7

According to Article 20 of the parliamentary rules of procedure, 12 out of 19 standing parliamentary committees are designed in parallel to

the ministerial structures. However, they do not provide effective independent monitoring of the ministries. The primary function of the committees is to examine the draft bills. In the process of discussions, committees may also supervise the activities of the ministries indirectly.

Audit office  
Score: 4

The Court of Accounts reports to the parliament, but is not accountable to it. The parliament elects the court's president and members from a list of candidates compiled by the parliament's Plan and Budget Commission. However, the court rapporteurs and the prosecutors are appointed by the Cabinet of Ministers. After its competences were enhanced, the Court of Accounts reported serious inconsistencies in 2006 and 2007, but has no independent power to intervene. According to Paragraph 38 of the Law for the Court of Accounts, the court also oversees "military personnel, equipment and premises," but the means of this oversight is specified through an ordinance issued under the joint responsibility of the ministries of Defense and Finance. According to experts, even this limited oversight is often impossible, because the military does not grant access to the court's inspectors.

According to Article 160 of the constitution, the Court of Accounts is charged with auditing, on behalf of the Turkish Grand National Assembly, all accounts related to revenues, expenditures and properties of government departments financed by general and subsidiary budgets. There is a parliamentary Final Accounts Committee which reviews its own accounts annually.

Ombuds office  
Score: 2

There is no ombuds office in the parliament, but a parliamentary petition committee reviews citizens' petitions and refers them to the relevant authority, if applicable. Moreover, the Human Rights Investigation Commission has the capacity to receive, investigate and review complaints on issues of human rights. The Commission on Equal Opportunities for Women and Men is entitled to review complaints about the violation of gender equality, and refers them to the relevant authority if applicable.

In the period under review, the parliament's Petition Committee and the Human Rights Committee continued to accept citizen complaints. The Human Rights Commission in particular turned out to be very active in urging the administration to look for and enact remedies.

In 2006, the parliament passed a law to establish an ombudsman office. The law was returned to parliament by the president, who later applied to the Constitutional Court for its abolishment. In April 2009, the court declared the law to be unconstitutional because the new institution would not fit into the existing constitutionally protected administrative structure, and would violate the principle of separation of powers. Approximately four years after the law's initial passage, the

establishment of an ombudsman office was included in the package of amendments to the constitution. This amendment was subject both to a new review by the Constitutional Court and a referendum held in September 2010.

## F Intermediary organizations

### Media

Media reporting  
Score: 6

There are huge differences between the various private and state-run TV channels with respect to coverage of government policy and politics. Whereas infotainment clearly overshadows analytical reporting on most private channels with high audience ratings, the state-run TRT (Turkish Radio and Television) has developed a number of news formats, including political talk shows, foreign policy reporting, and political and historical documentaries, which collectively provide politically balanced and comprehensive information.

However, very few radio or TV broadcasts offer in-depth analysis of government policies and their effects. This is basically due to the government control of the state-run stations, and the ratings objectives of the private channels. Providing in-depth political analyses may result in a private media organization being included on the government's blacklist.

The third TRT channel broadcasts parliamentary debates live, and special programs regularly discuss the relationship of Turkey with the European Union as well as the reforms associated with Turkey's EU accession process. In the period under review, TRT also introduced a special Kurdish language channel. TRT has overcome its former constraints in terms of subjects and approaches, which had been imposed by state ideology. Public TV has started to provide more in-depth programs, which rely mainly on invited experts' comments. However, in some cases this may have the effect of providing disinformation. The state-run TRT broadcasting service does not provide a pluralism of opinions, and always takes a pro-government stance.

### Parties and interest associations

Party competence  
Score: 4

With respect to issues of the economy, education, reform of the state organization and administration, and sustainability of the social security system, the governing party's program and policies have been relatively coherent and – at least given the current environment – relatively successful. The government's weak performance in other

policy areas, particularly environmental protection and labor rights, is due to the low priority given to these issues.

A cartelization of the party system and centripetal attitudes among the public have encouraged catch-all tendencies among the political parties. Global trends have also led the mainstream political parties to adopt popular ideas such as privatization, minimal state, lifting of protectionist barriers, and other such concepts. Therefore political parties have developed similar economic, foreign policy and social policy proposals. People vote for leaders rather than programs.

For example, the economic programs of the two major opposition parties, the Republican People's Party (CHP) and the Nationalist Movement Party (MHP) do not go beyond repeating commonplaces, according to economists and entrepreneurs. Neither of the two parties offer a coherent vision of how to come to terms with the country's most serious problem, that of the Kurdish conflict that has left 40,000 people dead in the last 28 years. Neither the RPP nor the NMP grapples with the fact that Turks and Kurds for the first time in the history of the Turkish Republic are developing strong resentment against each other. Neither of the two major opposition parties offers a clear-cut concept for foreign or EU policy, or deals with the influence of the military and of militarism upon Turkey's political life.

The incumbent government differs positively from the main opposition parties, namely the Republican People's Party (CHP) and Nationalist Movement Party (MHP), in terms of the space provided for good governance and democracy and human rights during the last two elections.

Although they do not always argue for the same economic policies, both the Istanbul-centered Turkish Industrialists' and Entrepreneurs' Association (TÜSİAD) and the Anatolian-centered Independent Industrialists' and Entrepreneurs' Association (MÜSİAD) pursue reasonable policies. Both associations advocate not only for privatization, development of the market economy and the integration of Turkey into the world economy, but also for liberal reforms, human rights, democratization, reform of the Turkish ethnic-nationalist concept of citizenship, and the establishment of the rule of law. From time to time, these groups issue reports, proposals and positions on certain issues such as education, health, security and constitutional reform, but a few organizations are responsible for the majority of such opinions. It is also questionable to what extent the government considers these reports.

When it comes to social and labor rights, both organizations appear to be more skeptical, but they do not oppose unionism as such. It is of particular interest that TÜSİAD, which had always been close to the secularist state elite and the state ideology, today also takes the

Association  
competence  
(business)  
Score: 7

cultural rights of the more conservative majority of the population into account. It has managed, for the first time, to establish dialogue and cooperation with MÜSİAD, which is regarded as the mouthpiece of the more religiously conservative entrepreneurs of Anatolia.

Among the labor unions, the ideological split between secularist unions like KESK and DİSK and the more Muslim conservative Hak-İş still tends to prevent common action, leading to a waste of energy that might better be spent in advocacy of the social and economic rights of the working class. Additionally, Turkish unions tend to concentrate on symbolic struggles such as the fight for the right to demonstrate at a particular square in Istanbul on May 1, instead of for social and economic policies holding the potential for direct benefit to their members.

Interest associations may communicate with the government through various channels, but have little effect on the final outcome of governmental work. There are several initiatives aimed at enhancing the capacity of civil society in Turkey, yet due to financial and human resources constraints, only a few leading, semi-professional associations provide feasible policy proposals on social issues. Recently, several civil initiatives have been established with the aim of promoting further democratization. However, these seem to be primarily advocacy groups, and their long-term competence and consistency has yet to be demonstrated.

Environmentalist groups oppose large irrigation projects at the Black Sea coast, in the East Anatolian region of Tunceli and around the ancient town Hasankeyf in southeastern Anatolia. In the case of Hasankeyf, the resistance is motivated additionally by nationalist Kurdish attitudes, but by and large, environmentalist groups base their policy on sound data and propose reasonable alternatives.

Other issues questioned by environmentalists include nuclear power plant projects and urban development plans. In these cases too, environmentalist groups adopt comprehensive approaches.

Among religious interest groups, the Muslim Alevi minority appears to be the most outspoken opposition movement. The Alevi bring forward justified complaints, citing issues such as discrimination in the fields of religious education, clergy training and public funding. Policy proposals made by some of the most powerful Alevi groups, however, simply demand exceptional rules and privileges for their own community. These groups do not take into account the limitations that authoritarian secularism poses on the religious freedom of the Sunni Muslim majority, and thus do not really contribute to the establishment of liberal secularism.

Association  
competence  
(others)  
Score: 5

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