

SGI Sustainable
Governance
Indicators

2015 Turkey Report

Ömer Genckaya, Subidey Togan, Ludwig Schulz,
Roy Karadag (Coordinator)



Executive Summary

Turkey's politics polarized since the Gezi protests in 2013. Allegations of massive corruption on the part of members of the Justice and Development Party (AKP) government, which were published in December 2013, were presented by the government as a coup attempt by a clandestine network of investigators, policemen, prosecutors, judges, politicians and journalists. This further increased the political crisis and undermined Turkish citizens' trust not only in government and politics, but also among each other. Instead of working on transparent investigations and clarifications of the facts, thus regaining lost credibility and accountability, the government once again decided on repressive practices: open threats to the alleged opponents, bans on social media and internet restrictions. A "media pool" of uncritical government support was formed and the major media outlets were pacified by means of financial threats, self-censorship or increased job insecurity. Moreover, the government hinted to "foreign powers" which aim to harm Turkey and passed hasty "legal reforms" presented as democratic means to clear state authorities from the so-called parallel structure. On the one hand, the initiated judicial reforms provided a fair retrial opportunity for convicts of the controversial "Ergenekon" and "Sledgehammer" cases as well as for pre-detained Kurdish activists and journalists. On the other hand, it decreased the credibility and independence of the Supreme Council of Judges and Public Prosecutors and of the judiciary as a whole. Since the political opposition does not or cannot effectively fulfill its constitutional role of controlling and competing with the governing AKP, the Constitutional Court has become the only counterbalance.

Though during the review period the number of civil society organizations increased, their influence in decision-making processes is still limited. The massive polarization of the pro- and anti-government camps extends to other spheres of economic and social life. Nevertheless, a majority of the Turkish electorate expressed its overall confidence in the AKP during the 2014 elections and with the transition of power within the executive. Former AKP leader and Prime Minister Recep Tayyip Erdoğan became the first directly elected president of the Turkish Republic, while former Minister of Foreign Affairs Ahmet Davutoğlu took over the prime ministry and party leadership, and prepares the government and the party for the coming 2015 general elections.

Turkey conducted local administration and presidential elections in 2014. Fairness, the use of state resources by the incumbent party and campaign finance transparency were major campaign issues. Recommendations on political funding by the Group of States against Corruption (GRECO) were not fully implemented. The use of languages other than Turkish, however, was permitted in these elections. In addition, the government made advances on the Kurdish matter, introducing several civic reforms and setting up a “Wise Men” committee to foster societal dialogue on the issue. Even so, power calculations and electoral pressures on the ruling party, as well as unwillingness and opposition from some Kurdish groups, and turbulent regional developments continue to challenge uniform progress. Concerning other minorities, and despite several improvements in terms of addressing discrimination, Alevis and Roma people still lack access to sufficient public services. Moreover, anti-Semitism in Turkish politics and society is widespread. Gender issues are being addressed, but so far the authorities have failed to reduce violence against women and to improve the gender gap in terms of educational attainment and economic participation.

In 2013, GDP stood at \$820 billion. The 2012 and 2013 GDP year-on-year growth rate of 4% increased slightly in the first quarter of 2014, but then declined to 2.1% in the second quarter. In total, the Turkish economy is expected to grow less than 4% in 2014, putting the government’s mid- and long-term economic goals under pressure. As of July 2014, the unemployment rate stood at 9.8%, whereas inflation reached 9.16%. The banking sector proved resilient against the effects of the global financial crisis thanks to robust capital buffers and a healthy loan portfolio. Likewise, Turkey’s fiscal performance was quite satisfactory. Looking ahead, it seems that Turkey must settle for a period of modest growth as higher global interest rates constrict external financing and lower economic momentum in Europe. This, combined with growing geopolitical tensions, will cause a fall in demand for Turkey’s exports.

The government announced an ambitious economic program for various sectors for the period from 2015 onward, in line with the 2023 Vision. The capacity of the administration, however, still needs to be improved both in terms of the quantity and quality of human resources as well as with regard to work ethic. Sustainability in fields such as environmental protection, energy, urbanization and progress toward a high-tech, science-based society is not sufficiently assured. Promisingly, during the review period the government increased financial contributions to research and development, education and training, social policy and health care, and in doing so, has achieved some progress in these areas.

Internationally, Turkey was affected by the continuing war in Syria and Iraq, especially with regard to the huge refugee inflow, the appearance of the “Islamic State” terrorist organization and its repercussions on the Kurdish matter. The Financial Action Task Force (FATF) removed Turkey from its gray list on financing terror. With no visible resolution to the country’s disputes with Cyprus, Turkey’s membership negotiations with the EU did not progress. Finally, Turkey took over the G-20 presidency for 2015 with an ambitious global agenda.

Key Challenges

Turkey’s main problems are political and societal. Political stability versus political competition and participation, freedom of religion versus freedom from religion, majority-minority cleavages versus an integrated state and society – each issue presents a trade-off with its own political, social and international repercussions.

Nevertheless, the government should strengthen the people’s sovereignty at the expense of the tradition of the Kemalist state. Initially, the government was able to break the monopoly held by Kemalist state elites (the military and the judiciary) over state resources and policies. While some progress has been made in reforming institutions, shortcomings in civil rights still persist. The government should further expand minority rights for Kurds, Alevis and Christians to increase their visibility and identification within the state and further encourage intra-societal peace, if not outright foster a pluralist, integrated society. The government should therefore enhance the powers of local and regional authorities as well as introduce mechanisms of democratic participation and subsidiarity. Additionally, the 10% electoral threshold should be reduced to increase smaller parties’ participation in national decision-making. At the same time, the incumbent Justice and Development Party (AKP) should take more seriously domestic and international concerns of increasing authoritarianism of the Turkish state and of growing exclusivist conservatism at the expense of pluralism and liberalism within society. It should contribute to the peaceful inclusion of all societal groups. The ongoing authoritarian stance of the AKP government and President Recep Tayyip Erdoğan against groups and media critical of the regime is not only a concern for foreign observers, but even more domestically, as continuing mass protests against the government and its policies have demonstrated since the Gezi protests. Generally, a more inclusive, reconciliatory rhetoric and better communication of the intentions behind policy initiatives are urgently needed.

International stakeholders, such as the EU and the Council of Europe, should thus exercise their influence on the Turkish government.

Despite the global financial crisis, Turkey's economic performance has been above average. To sustain this positive development in the mid- and long-term, the government should refrain from short-term deficit spending. Although popular, such policies weaken Turkey's international competitiveness. The resumption of budget discipline and anti-inflation policies, as well as also a sustainable and just tax system, should be priorities. Turkey's high trade deficit also remains a substantial structural problem which needs to be addressed to minimize the economy's dependency on short-term capital flows.

During the review period, Turkey's gradual demographic changes increasingly posed a problem. While a young and well-educated population is a boon and offers enormous potential, financial and social provisions for the elderly need to be addressed. In this context, the government should continue pension system reforms to avoid issues of social exclusion and poverty. Furthermore, the country's record in environmental issues, public health care, education and technological innovation is poor when compared to other OECD countries. Since these are key elements to address in rapidly growing populations and economies, the government should increase expenditures in these fields.

While Turkey has become a major emerging economic power and a key regional player, it now faces the repercussions of the internal conflicts in neighboring and regional Arab countries. Particularly with regard to the conflicts in Syria and Iraq, Turkey plays an important and crucial role, not only in humanitarian terms, but also as a stabilizing force. In order to regain lost credibility and influence, Turkey should use all diplomatic means to reestablish peace and security in the region, in close dialogue with reliable actors in the region and with its Western partners. Turkey's international influence and credibility would further increase if the government became more involved and active in initiating and implementing international agreements, especially those of the OSCE, the Council of Europe and the EU. An active continuation of reform processes in line with the *acquis communautaire* and in close cooperation with the European Commission is obligatory for Turkey's EU accession ambitions.

Policy Performance

I. Economic Policies

Economy

Economic
Policy
Score: 5

Over the past decade, Turkey has experienced important gains in income and living standards. Recently, it has also improved its competitiveness. The country is relatively well positioned in global competitiveness rankings, ranking 46th in the World Economic Forum's 2014 – 2015 Global Competitiveness Index, and improving its position in the World Bank's Doing Business ranking from 71st in 2013 to 69th in 2014. The contributions of the 1995 EU-Turkey customs union, the EU accession process, and the global economic boom through 2008 have played a considerable role in these achievements,

After rising 8.8% in 2011 and 2.1% in 2012, Turkey's GDP rose 4% in 2013 to \$820 billion. The country's slowdown since 2012 has been partly due to the ongoing global financial crisis, and partly to Turkish policymakers' desire to slow the economy in order to bring current account deficits under control. Moreover, regional Turkish export markets such as Syria and Iraq, which had boomed in the past, were themselves suffering from setbacks due to political instability and war.

On the inflation front, the consumer price index increased from 6.5% in 2011 to 8.9% in 2012, but decreased again to 7.5% in 2013. As of June 2014, the annual inflation rate had increased to 9.16%. Thus, headline inflation rate remains well above the Central Bank target of 5%. On the other hand, the hourly-labor-cost index increased by 9% in 2011, by 10.5% in 2012, and 12.7% in 2013. According the most recent figures as of the time of writing, the hourly-labor-cost index increased by 12% on a year-over-year basis during the first quarter of 2014. The banking sector has proved resilient in the face of global financial crisis thanks to robust capital buffers and a healthy loan portfolio. The government's overall fiscal performance was satisfactory.

Turkey's most significant problems are related to external imbalances. The current-

account deficit declined from \$75.1 billion in 2011 (9.7% of GDP) to \$48.5 billion in 2012 (6.2% of GDP). In 2013, the current-account deficit amounted to \$65.1 billion, or 7.9% of GDP. While the annualized current-account deficit at the end of the first quarter of 2014 amounted to \$60.2 billion, the annualized deficit declined to \$40.5 billion at the end of that year's second quarter. However, this amount is still considerable. Financing composition has changed over time, with net foreign direct investment constituting 18.4% of the current-account deficit in 2011, and 18.9% in 2012. This share fell to 15.1% in 2013.

Turkey's net international-investment position (NIIP), defined as the value of total external assets owned by Turkish residents in the rest of the world minus the value of total external liabilities of Turkish residents to the rest of the world, decreased from -4.3 billion at the end of 2011 to -2.4 billion in 2012; this rose to -3.7 billion at the end of 2013, but had again declined to -8.2 billion by the end of July 2014. The country's net foreign debt at the end of July 2014 thus amounted to \$438.2 billion. Considering the July 2014 figures for net foreign debt and the IMF's estimate of GDP for 2014, the net-foreign-debt-to-GDP ratio for 2014 would be 53.9%. Note that the change in a country's NIIP over time is determined largely by its current-account balance as a share of GDP. Thus, if Turkey's current-account-deficit-to-GDP ratio were to remain at 6%, and real GDP were to increase at its historical average annual growth rate of 5%, then the country's net-foreign-debt-to-GDP ratio would increase over the long term to 126%, which is unsustainable. Turkey must therefore reduce its current-account deficit to sustainable levels. Since one of the main determinants of the current-account-deficit-to-GDP ratio is the real exchange rate, achieving sustainability with regard to the country's current-account deficit will require that the real exchange rate be depreciated over time.

The law on state aid and subsidies adopted in October 2010 remained unimplemented as of the time of writing. An omnibus law postponed the entry into force of legislation implementing the State Aid Law until the end of 2014. As of the time of writing, the State Aid Authority had not yet formally established a comprehensive inventory of state-aid measures. Nor had it adopted an action plan for aligning all state-aid schemes with the EU acquis, including the incentives package passed in 2012. On the other hand, a new Electricity Market Law was enacted in March 2013 with the aim of introducing more competition into the market and improving alignment with the EU Electricity Directive. Following the law's enactment, an estimated 85% of the market has been opened to competition, with the aim of achieving 100% by 2015. The transfer of distribution assets to private companies was completed, but progress in the privatization of electricity-generating assets remains rather limited. Separately, amendments to public-procurement legislation have brought the country further out of line with the EU acquis. The February 2014 omnibus law made the previously optional domestic price advantage of up to 15% compulsory for "medium and high-technology

industrial products.” The amendment also introduced an offset option in public tenders and exempted acquisitions involving offsets from the Public Procurement Law, thereby contradicting the EU acquis.

Citation:

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Labor Markets

Labor Market
Policy
Score: 6

Turkey’s population and work force are growing significantly. From 2011 to 2013, the country’s population increased by an estimated 2 million, to approximately 76.7 million people. Likewise, the working-age population (those 15 years old and older) grew from 54 million in 2011 to 56 million in 2013, while the labor-force participation rate rose from 47.4% in 2011 to 48.3% in 2013, and again to 51.3% in July 2014. A total of 23.3 million people were officially registered as employed in 2011, rising to 24.6 million in 2013 and 26.4 million people in July 2014.

Employment figures in various sectors indicate the dynamism of Turkey’s economy and labor market as compared with past periods. Employment figures in the industrial and services sectors increased by a respective 61,000 and 721,000 individuals during the 2011 – 2012 period, and by a further 198,000 and 564,000 employees in 2012 – 2013. Agricultural employment fell by 111,000 in 2011 – 2012, and by a further 97,000 in 2012 – 2013.

The official number of unemployed increased from 2.2 million in 2012 to 2.4 million in 2013, and further to 2.9 billion by July 2014. The increase in unemployment shows that the number of new entrants to the labor force outnumbered the number of jobs created, reflecting demographic factors as well as the slowdown of the Turkish economy. The overall unemployment rate increased from 8.4% in 2012 to 9% in 2013. By July 2014, the unemployment rate stood at 9.8%. Unemployment rose in the non-agricultural sectors from 10.3% in 2012 to 10.9% in 2013, but had decreased to 9.8% by July 2014%. In line with improvements in the labor market, informal employment had decreased to 36.4% by July 2014 (from 43.6% in 2011).

A major challenge facing the government in the medium term is to create more and better jobs for Turkey’s young and growing population, since many young people (from 15 to 24 years old) are neither working nor attending school. While the labor-

force participation rate for young people was 44.1% in July 2014, the overall unemployment rate of young people stood at 18.2%.

Another major medium-term challenge for Turkey is to boost women's labor-force participation rate. Despite notable job-creation successes in recent years, almost half of Turkey's working-age population fails to enter the labor market, mostly due to women's low participation rates. This rate rose for women from 25.9% in 2012 to 30.8% in 2014; however, Turkey is ranked 125th out of 142 countries in the Global Gender Gap Report 2014 in terms of economic participation and opportunity.

In 2013, the official number of salary/wage earners in Turkey was 17.2 million. However, 2.5 million people were considered to be illegal, unregistered workers. Approximately 5 million employees earned the minimum wage. Adjusted to market conditions twice a year, this minimum was increased in 2014 by 5.3% to TRY 891 per month for a single worker without children. In a comparison with EU countries, Turkey ranges in the middle of the pack with regard to minimum-wage levels.

Turkey has ratified International Labor Organization (ILO) Convention No. 187 on the Promotional Framework for Occupational Safety and Health. In addition, Turkey has adopted all implementing regulations relating to its new framework law on health and safety at work, but the law is not yet fully applicable. After a number of fatal accidents in 2014 at construction sites and mine plants, including a fire and collapse at the Soma mine in May 2014 that resulted in 301 dead workers, the government pushed to ratify ILO conventions No. 167 (Safety and Health in Construction) and No. 176 (Safety and Health in Mines). Moreover, it issued an omnibus bill in September 2014 along with action programs aimed at regulating contracting and improving working and safety conditions. However, corruption at the local level, a lack of inspections, and subcontracting to cheap providers are considered the main factors hindering Turkey's efforts in this field.

Citation:

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Taxes

Tax Policy
Score: 5

Government revenue increased from 36.4% of GDP in 2011 to 37.8% of GDP in 2012, and further to 39.7% of GDP in 2013. In 2011, 55.1% of government revenue was derived from taxes. This share decreased to 53.3% in 2012, and increased to 53.9% in 2013. As a result, tax revenue totaled 20.1% of GDP in 2011, 20.2% in 2012, and 21.4% in 2013.

The taxation system can be divided into three categories: direct taxes such as the individual-income tax and corporate-income tax; indirect taxes such as the value-added tax (VAT), the banking and insurance-transaction tax, the special consumption tax, and the telecommunications tax; and other government revenues drawn from factor incomes, social funds and privatization revenues. In 2014, individual-income tax rates varied from 15% to 35%. The standard corporate tax rate is 20%, while capital gains are usually treated as regular income, and taxed accordingly.

Biased toward indirect taxes, Turkey's taxation system does not take into consideration horizontal or vertical equity. This gives the government more flexibility to react to changes in Turkey's highly dynamic and volatile economy, but at the same time decreases fiscal stability and political credibility, particularly concerning the special consumption tax. In 2011, 67.3% of total tax revenues were derived from indirect taxes. This share fell in 2012 to 66.6%, and increased to 69% in 2013.

In May 2014, a World Bank report emphasized the need for fiscal reforms in Turkey in order to balance economic growth, employment and social security, and increasing fiscal debts. It advised the government to diversify its main revenue resources, broaden its tax base; collect taxes efficiently; prioritize efficient, sustainable public investments; increase private investment; increase the national savings rate; and lower labor and consumption tax rates, while increasing the capital tax rates. The government appears open to these suggestions, and as of the time of writing, the income-tax law was being revised in parliament.

The Revenue Administration continues to promote voluntary compliance by simplifying procedures, improving enforcement and improving taxpayer services.

Citation:

World Bank, 'Turkey in Transition: Time for a Fiscal Policy Pivot?', Turkey Public Finance Review, Report No. 85104-TR (May 20, 2014)

Budgets

Budgetary
Policy
Score: 9

Total government expenditures as a share of GDP increased from 36.8% of GDP in 2011 to 38.9% in 2012, and 40.8% in 2013. Interest payments on public debt amounted to 3.4% of GDP in 2011, 3.5% in 2012, and 3.4% in 2013. During the period under review, there were some changes in the composition of government expenditure, such as the share of current expenditures, investment expenditures and transfer expenditures in GDP. Current expenditures increased from 16.6% of GDP in 2011 to 17.5% in 2012, and further to 18.2% of GDP in 2013. Public-investment expenditures increased from 3.3% of GDP in 2011 to 3.5% in 2012, and to 4% in 2013. Current transfers increased from 16.8% of GDP in 2011 to 17.9% in 2012, and again to 18.6% in 2013.

As of the end of 2011, gross public debt totaled 42.1% of GDP. After falling in 2012 to 39.7%, the gross-debt-to-GDP ratio increased in 2013 to 39.8%. On the other hand, the net-public-debt-to-GDP ratio decreased from 22.3% in 2011 to 17% in 2012, and further to 12.6% in 2013. In sum, Turkey's fiscal policy has been sustainable.

Citation:

Ministry of Development (2014) 'Pre-Accession Economic Program 2014-2016', Ankara.

Research and Innovation

R&I Policy
Score: 5

The government continued to strengthen the country's research and innovation capacity during the review period. The Scientific and Technological Research Council of Turkey (TUBITAK) is the leading agency for management, funding and conduct of research in Turkey.

According to the Turkish Statistical Institute, the government's provision for R&D increased from \$2.5 billion in 2012 to \$3.1 billion in 2013. Total R&D spending by the public and private sectors as a fraction of GDP in 2012 was 0.92%. Commercial enterprises account for the largest share of R&D expenditures, at 45.5%. While universities accounted for 43.9% of spending on R&D, public institutions' share was 11.3%. In terms of financial contributions to R&D projects, commercial enterprises have the largest share with 46.8%, followed by public institutions with 28.2%, universities with 21.1%, and foreign sources 0.6% of R&D. In terms of full-time employment, 105,122 people worked in the R&D sector in 2012, an increase of 13.3% compared with the previous year. 49.7% of R&D personnel were

employed by commercial enterprises, while 38.8% worked at universities, and public institutions employed 11.5% of R&D personnel.

In 2013, Turkey adopted the Tenth Development Plan, covering the period 2014-18, aiming to improve science, technology and innovation, as one of the building blocks for innovative production and steady growth. In Turkey, the Supreme Council for Science and Technology (SCST) is the highest ranking science and technology policymaking body in Turkey. In the last two annual SCST Meetings in June 2013 and 2014, an emphasis was placed on intensifying R&D efforts in the energy, health and biotechnology sectors.

A new law requires incubation centers and technology-transfer offices to be established in technoparks, and these centers and offices have become eligible to benefit from the incentives provided to the technoparks.

Citation:

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Global Financial System

Stabilizing
Global
Financial
Markets
Score: 7

Turkey actively contributes to the work of G-20. On 1 December 2015, Turkey assumed the G-20 presidency. The government's priorities include ensuring global economic and financial stability, reforming the global economic system by reflecting the increasing weight of emerging economies; and addressing problems related to trade, logistics, SMEs, employment, security, climate change and migration. Apart from many meetings on the ministerial level throughout the year, Turkey plans to hold the G-20 leaders' summit in Antalya on 15 – 16 November 2015.

Citation:

Çanakçı, İ. (2013) 'G-20 & Turkey's Presidency in 2015', power point presentation prepared for the conference on 'Turkey in the Troika of G-20, Preparing to Assume the Chair in 2015', Center for Eurasian Studies, Ankara (November 14, 2013)

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II. Social Policies

Education

Education
Policy
Score: 5

In 2012, compulsory education in Turkey was extended from eight to 12 years, starting from the 2012 – 2013 academic year. A new approach to schooling consisting of eight years of primary school and four years of secondary school was introduced. A child can now expect to receive 14 years of overall schooling including pre-school.

Over the years Turkey has made significant progress in increasing access to schools. In the 2012 – 2013 school year, it achieved almost universal primary-school enrollment, with 99% enrollment in the first four years and 93% in the second four years. Secondary-school enrollment was 70% during the same year. The gender-based enrollment gap has nearly disappeared for primary education, and has narrowed significantly for secondary education. However, Turkey is ranked 103rd out of 136 countries in terms of educational attainment in the Gender Gap 2013 Report. Pre-primary-education participation rates among three- to five-year-olds are increasing rapidly, as are higher-education enrollment rates, but both remain well below the OECD average.

Regarding the quality of education, the Program for International Student Assessment (PISA) scores Turkey's performance still relatively low. Although Turkey's scores have improved significantly over time, and inequality in student performance has declined, the performance of Turkey's average 15-year-old in reading, mathematics, and science is 46 points behind the OECD average. Furthermore, Turkey has a higher-than-average proportion of underperforming students, and academic achievement is particularly low among disadvantaged students from low socioeconomic backgrounds. In addition, around 22% of Turkish 15-year-olds do not read well enough to be able to analyze and understand what they read.

As the government seeks to improve the quality of education, education spending has become the largest item in the national budget. Expenditure in this area now accounts for nearly a quarter of tax revenues. The proportion of GDP allocated to education from the government budget has increased significantly, from 2.5% in 2000 to 4.2% during 2011. With these resources, Turkey has hired new teachers (35,000 in 2014 alone) and increased the use of education technologies.

National examinations select and place students within secondary and tertiary

institutions. Parents, particularly those who are educated and have relatively high incomes, often seek tutoring services to prepare their children for the national examinations, thus improving their chances of entering top schools and universities. However, Turkey adopted legislation to close private preparatory schools for university entrance exams by 1 September 2015 – a step that was widely seen as related to internal quarrels in the government’s camp.

The government is seeking to align its tertiary-education standards with those in the EU. Currently, Turkey has 176 universities, but significant quality differences persist. There is no independent and fully functional quality-assurance and accreditation agency. Participation in the Youth in Action program has continued to grow. In May 2014, Turkey became a full participant in the Erasmus+ program. In May 2014, the Higher Education Council (YÖK), Turkey’s supreme decision-making body for universities and higher education, published a road map for enhancing higher-education system quality. Despite announcements on the issue, the government has thus far refrained from strengthening universities’ autonomy.

Citation:

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Social Inclusion

Social Inclusion
Policy
Score: 5

Despite an improved Gini coefficient – falling from 42.2 in 2003 to 40.0 in 2013 – income distribution in Turkey continues to be among the OECD’s most unequal.

The proportion of the population living below the poverty line fell from 44% in 2002 to 22% in 2011, on the basis of the purchasing-power-corrected \$5-per-day poverty line. Poverty in Turkey is particularly prevalent among the less educated, workers in the informal market, unpaid family workers, among the rural population and among elderly people. According to the Ministry of Development, a total of

16.3% of the Turkish population lived below the poverty line in 2012. A family of four earning less than TRY 4,515 a month can be considered as living under the poverty line in Turkey. Among people in this category, only 3.2% residing in the western Black Sea region, 3.6% in western Anatolia and 6% in southeastern Anatolia were able to eat meat, chicken or fish on a regular basis. The poverty ratio for elderly people in 2012 was 18.7%, with elderly men slightly below (17.7%) and elderly women slightly above (19.4%) that average.

The government has developed an integrated social-assistance system geared toward helping welfare recipients get out of poverty. Social-assistance spending has increased rapidly in recent years, amounting to 1.43% of GDP in 2012. But there is still room to increase the generosity of benefits, as only about 20% of beneficiary household consumption is covered by social-assistance transfers. In 2011, responsibility for all central-government social-assistance benefits was combined under the new Ministry of Family and Social Policies. This ministry has worked to strengthen social inclusion. The government has been implementing an Integrated Social Assistance Information System, using a single proxy means test to target benefits more effectively. Links between the social assistance system and active labor-market policies implemented by ISKUR are being strengthened.

Citation:
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Health

Health Policy
 Score: 6

The 2003 Health Transformation Program has produced significant improvements in Turkey's health care system in terms of access, insurance coverage, and services. As a result, the health status of Turkey's population has improved significantly. Recently, new legislation was introduced restructuring the Ministry of Health and its subordinate units, while enhancing its role in health-system policy development, planning, monitoring and evaluation. A new Public Health Institution has been established to support the work of the Ministry of Health in the area of preventive health care services.

Turkey has increased access to and utilization of health services by expanding health-insurance coverage. The targeted Green Card Program for the poor and its integration into the social-security system in 2012 increased coverage considerably. The introduction of family-physician practices helped increase coverage further. By

2014, Turkey had achieved near-universal health-insurance coverage, increasing financial security and improving equity in access to health care nationwide. Health services are now free of charge; the scope of the vaccination program has been broadened; the scope of newborn screening and support programs have been extended; community-based mental-health services have been created; and cancer-screening centers offering free services have been established in many cities.

In 2012, total health spending accounted for 5.4% of GDP, increasing from 4.9% in 2000. In 2012, 76.8% of this spending was funded by public sources, as compared to a 62.9% public share in 2000. According to the OECD the supply of health workers has increased considerably over the last decade. The number of doctors per capita has risen considerably since 2000, from 1.3 doctors per 1,000 people in 2000 to 1.7 in 2012; similarly, the number of nurses has increased from 1 nurse per 1,000 people in 2000 to 1.8 nurses in 2012. In 2000, there were two hospital beds per 1,000 people, a figure that had risen to 2.7 beds per 1,000 in 2012. As a result of these achievements, life expectancy at birth has increased from an average of 71.1 years in 2000 to 74.6 in 2012 (72 years for men, 77.2 years for women).

Citation:

Ministry of Development (2013) '2014 Annual Program', Ankara

World Bank (2014) 'World Bank Group - Turkey Partnership: Country Program Snapshot', Washington D.C.

World Health Organization (2013) 'Country Cooperation Strategy at a Glance: Turkey', Geneva.

Families

Family Policy
Score: 4

In July 2014, about 7.8 million women were employed in Turkey. While the labor-force-participation rate for women amounted to 30.8% in 2014, the employment rate for women during the same year was 27.2%, and the unemployment rate 12%. Women's rate of participation in the labor market thus remains low, far below the EU average.

Among women in the labor force, 35.7% are employed in agriculture, 15% in industry and 49.3% in services. About 50.5% of working women are not registered with any social security institution. In this respect, there are both sectoral and regional disparities. Paid maternity leave is about 16 weeks, although in 2013 the government indicated plans to increase this to 24 weeks, as well as to allow women with at least three children to receive full payment for working half a day.

Several national and local-level initiatives in recent years have ostensibly been aimed at helping women become more employable, helping them find more and higher-quality jobs, and in general helping to remove obstacles to their participation in the workforce. However, there have been many shortcomings in the

implementation and proper monitoring of these policies.

In general, the government's conservative stance on women and family affairs (e.g., concerning the number of children or women's roles) has provoked ongoing public debate on gender equality in the labor market and public life more generally.

Citation:

European Commission, Turkey Progress Report, October 2014, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf (accessed 5 November 2014)

Ministry for EU Affairs (2013) 2013 Progress Report prepared by Turkey, Ankara.

Heinrich Böll Foundation and Oxfam International, The G20 and Gender Equality, July 2014, <https://www.oxfam.org.au/wp-content/uploads/2014/07/bp183-g20-gender-equality-employment-social-protection-140714-enaus.pdf> (accessed 5 November 2014)

Pensions

Pension Policy
Score: 5

Turkey's social security and general health insurance law, passed in 2006 and implemented in October 2008, radically reformed the country's previous pension and health system. The reforms put an end to the unequal, corporatist character and fragmented structure of the previous system and made the Social Security Institution responsible for managing provisions. With the new changes, the state began to contribute to the system, in addition to employers and employees. The new law specifically set out to cover all social groups, including individuals not formally employed, and guarantees equal access to health care. In addition, those under 18 years of age are covered by health insurance without having to pay premiums. The 2008 reform adjusted pension rules by gradually increasing the retirement age and contribution period, and reducing the accrual rate.

The 2008 social-security reform improved the coverage provided by public pensions, and is expected to yield significant savings, but these are insufficient to ensure pension-system balance over the long term. The World Bank notes that pension spending in Turkey, at around 7% of GDP, is still modest in comparison to high-income OECD countries. This reflects the relatively young population, and the fact that due to the system's high dependency ratio and generous eligibility rules (including early retirement and low minimum years of service), more than half the country's pension spending is financed through budget transfers. The 2008 reform adjusted pension parameters, gradually increasing the retirement age and contribution period, and reducing the accrual rate. But these adjustments will be phased in over a period of several decades, too slowly to counter the effects of expanded coverage and a maturing population. For this reason, pension-system deficits are expected to remain around 3% of GDP until the middle of the century. In 2013, new pension reforms sought to address some of these issues. Reforms included the introduction of government-matching contributions and a shift from

defined-benefit plans to defined-contribution plans.

Under the new pension law, which came into force on 1 January 2013, the government matches 25% of individual contributions up to a gross monthly salary of around EUR 410. Participants will gain access to government contributions through a gradual vesting system – 15% after the first three years, 35% after six years, 60% after 10 years and 100% at retirement at the age of 56. The reform was aimed at widening system coverage and making the system more progressive, and could be an important step in making pensions far more attractive.

Citation:

Turkish Statistical Institute, 'Elderly Statistics, 2013', 19 March 2014, <http://www.turkstat.gov.tr/PreHaberBultenleri.do?id=16057> (accessed 6 December 2014)

World Bank (2014) "World Bank Group - Turkey Partnership - Country Program Snapshot, Washington D.C.

Integration

Integration
Policy
Score: 4

Turkey's new Law on Foreigners and International Protection took effect in April 2014. On the same date, the General Directorate for Migration Management officially took on responsibility for implementing the law with a view to bringing Turkey in line with EU and international standards. By doing so, the Readmission Agreement between Turkey and the EU, signed in December 2013, finally entered into force on 1 October 2014.

Turkey is increasingly becoming a country of destination for regular migration. At the same time, it also remains a notable transit and destination country for irregular migration. In addition to the more than 1.7 million refugees from Syria and Iraq in the country by November 2014, Turkey hosts asylum-seekers and refugees, including children, from other countries. Although Turkish authorities have been praised by international organizations and observers for the professional assistance provided to refugees, and even for starting a process of local integration (e.g., by issuing work permits), there has been no substantial change in the broader official or public discourse regarding immigration, migrants or refugees could be stated. In 2013, 22,597 irregular migrants were returned to their country of origin.

The treatment accorded to the Roma community remains a key subject in Turkey's integration debates. Roma still have poor access to regular employment and are subject to prejudice and discrimination. School drop-out, absentee and child-labor rates remain high among Roma children. Poor housing conditions, urban-transformation-related relocation problems, and difficulties in accessing health and social-security services persist. A national Roma integration strategy is being prepared.

Citation:

European Commission, Turkey Progress Report, October 2014, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf (accessed 5 November 2014)

European Bank, Transition Report 2013, November 2013, <http://www.ebrd.com/downloads/research/transition/tr13.pdf> (accessed 5 November 2014)

Hakan Polattan, Development of Minority Rights in Turkey, 2013, http://essay.utwente.nl/63556/1/Bachelor_thesis_final_version.pdf (accessed 5 November 2014)

Dilek Kurban, Report On Measures To Combat Discrimination Directives 2000/43/Ec And 2000/78/Ec Country Report 2013, <http://www.non-discrimination.net/countries/turkey> (accessed 5 November 2014)

Safe Living

Safe Living
Conditions
Score: 6

In Turkey, 5.0% of people report having been victims of assault over the previous 12 months, more than the OECD average of 3.9%. In surveys, 62% of people say they feel safe walking alone at night, lower than the OECD average of 69%.

The General Directorate of Security was allocated an annual budget of €6.44 billion in 2013. Performance analyses conducted that year found the performance of the Turkish National Police (TNP) to be successful in many fields. The TNP collaborates extensively with domestic partners as well as international organizations such as INTERPOL, EUROPOL, SECI, AGIT, BM, CEPOL, and FRONTEX. Further, the TNP has introduced e-government infrastructure in many divisions, and initiated several projects intended to bring operations into harmony with the EU *acquis communautaire*. For instance, a community-policing approach was first introduced to Turkey during the implementation of an EU project designed to strengthen the TNP's accountability, effectiveness and efficiency.

In May 2014, Turkey ratified the Council of Europe (CoE) Convention on Cybercrime, which it signed in 2010. This was slated to take force on 1 January 2015. Further, in August 2014, the government submitted the CoE Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, signed in 1981, to parliament for ratification. At the time of writing, the government was preparing a bill concerning the protection of personal data, and a separate bill for the establishment of an Anti-Discrimination and Equality Board.

Amendments adopted in September 2014 to the legislation regulating the use of the Internet – presented as necessary for “national security and protection of public order” – have raised concerns regarding the introduction of excessive restrictions on the freedom of expression. Moreover, after the illegal, pro-Kurdish protests in Turkey's southeastern provinces in early October 2014, which resulted in the deaths of at least 19 people and the injury or detention of hundreds more, the Turkish government sought to pass a comprehensive new domestic-security law enabling it to handle massive acts of violence more quickly and effectively. These reform plans also raised domestic and international concerns about potential civil-rights curtailments.

Citation:

Mehmet Karlı, İç güvenlik paketi ve otoriterleşme, 24 October 2014, Al Jazeera Türk, <http://www.aljazeera.com.tr/gorus/ic-guvenlik-paketi-ve-otoriterlesme> (accessed 5 November 2014)

OECD Better Life Index 2014, <http://www.oecdbetterlifeindex.org/>, (accessed 5 November 2014)

T.C. İçişleri Bakanlığı Emniyet Genel Müdürlüğü 2013 Mali Yılı Faaliyet Raporu, http://www.egm.gov.tr/SiteAssets/Sayfalar/StratejiGelistirmeFaaliyetleri/EGM_2013_Yili_FAALIYET_RAPORU.pdf (accessed 5 November 2014)

'Turkey gears up for ratification of key treaty on protection of personal data' (Hürriyet Daily News, 4 August 2014)

Global Inequalities

Global Social
Policy
Score: 6

During the period under review, Turkey used development assistance to advance social inclusion and development beyond its borders. The government expanded its annual official development assistance (ODA) disbursements from \$602 million in 2007 to \$1.27 billion in 2011, and to \$1.6 billion in 2013. The humanitarian assistance given by Turkey corresponds to 0.21% of its gross national income (GNI). With this amount Turkey, has become the fourth-largest government donor of humanitarian assistance in the world as a share of GNI. A large proportion of Turkey's humanitarian assistance since 2012 has gone to the surrounding region, especially due to the escalating Syrian war. Aid to Syrian refugees, provided by the Turkish Cooperation and Coordination Agency (TIKA) and the Disaster and Emergency Management Presidency (AFAD), amounted TRY 2.3 billion in 2013.

During its G-20 presidency in 2015, Turkey plans to assist the United Nations in developing the post-2015 Millennium goals agenda, push for integrating low-income countries into the world economy, support food security and agricultural productivity, and monitor implementation of the G-20 Energy Efficiency Action Plan.

Citation:

Hürriyet Daily News (2014) 'Turkey ranks 3rd most generous donor country', 4 October 2014.

'Turkish G20 Presidency Priorities for 2015', 1 December 2014, <https://g20.org.tr/wp-content/uploads/2014/12/2015-TURKEY-G-20-PRESIDENCY-FINAL.pdf> (accessed 7 December 2014)

III. Environmental Policies

Environment

Environmental
Policy
Score: 4

Sustainable development policies began to be important in Turkey as part of the EU accession process, inspiring steps toward environmental policy and legislation. In

recent years, considerable progress has been made toward emissions controls, use of renewable energy and promulgation of energy efficiency, improvements in waste management and the expansion of water, and waste water services. In the 2014 Environmental Performance Index, Turkey was ranked 66th out of 178 countries. In the 2014 Climate Change Performance Index, Turkey was described as showing “very poor performance,” and was ranked 54th out of 61 countries, climbing three positions compared to the previous year. Turkey’s greenhouse-gas emissions rose by 5.1% in the 2010 – 2011 period, and by 3.7% in 2011 – 2012. Whether the slowdown in this rate of growth is due to past legal and structural reforms and/or technical improvements is a matter of growing debate.

Progress has also been achieved regarding air quality and industrial pollution control, though full implementation of legislation will require time and significant funding. The European Commission confirms that enforcement of new legislation has remained rather weak. Achieving full alignment with the EU *acquis* with regard to environmental policy will be quite challenging for Turkey. Large investments will be required to achieve EU environmental-quality standards in a wide range of areas, including water and air quality; integrated pollution prevention and control; management of municipal and hazardous waste and chemical products; biotechnology; radiation protection; and nature conservation. Improving compliance, while maintaining cost competitiveness, will be a key challenge for Turkey in the years ahead.

Although awareness on ecology and climate change has been rising in Turkey in recent years, even within inner-government circles, obstacles remain significant. Ecological problems are mainly perceived as potential risks to the country’s economic development, and as challenges which can be handled technologically and from above. A prominent example of this pattern has been the government’s plan for a massive increase in the number of dams and hydroelectric plants despite the associated disruption of ecological and social balances, instead of supporting renewable-energy and energy-efficiency projects with a smaller impact on nature.

Citation:

European Commission, Turkey Progress Report, October 2014, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf (accessed 5 November 2014)

Ministry for EU Affairs (2013) 2013 Progress Report prepared by Turkey, Ankara.

World Bank (2014) World Bank Group - Turkey Partnership: Country Program Snapshot, Washington D.C.: The World Bank (April).

Yale Center for Environmental Law & Policy and Center for International Earth Science Information Network (Columbia University) in collaboration with World Economic Forum, Geneva, Switzerland 2014 Environmental Performance Index, http://epi.yale.edu/files/2014_epi_report.pdf (accessed 5 November 2014)

Germanwatch and Climate Action Network, The Climate Change Performance Index Results 2014, <https://germanwatch.org/en/download/8599.pdf> (accessed 5 December 2014)

Wellmann, Zehra (2014) Turkey and climate change: An evolving issue in a developing country or no change for climate change?, ClimaSec Working Paper 6, Tübingen.

Global Environmental Protection

Global
Environmental
Policy
Score: 5

As a member of the OECD and the G-20, and as an EU accession candidate, Turkey has set sustainable-development targets. These are also a main concern of bilateral and multilateral cooperation. Turkey's Climate Change Action Plan 2011-2023 stresses its adherence to international commitments, standards and measures, and foresees increasing cooperation with international actors, especially in the fields of combating climate change and improving energy efficiency, along with an active role in international activities more generally. In 2012, Turkey hosted a joint project with the United Nations Development Program (UNDP) on protected marine areas. In this area, Turkey has made remarkable achievements with regard to fulfilling its commitments to protect the health, wealth and sustainability of marine ecosystems, as well as the biodiversity, goods and services they provide. The government plans to include the topic of climate change on its G-20 presidency agenda.

Citation:

Algedik, Önder (2014), Climate Negotiations Without Turkey? Turkish Policy Quarterly, vol. 13, no. 2, pp.129-137.

Republic of Turkey, Climate Change Action Plan 2011-2023, http://www.csb.gov.tr/db/iklim/eduardosya/IDEP_ENG.pdf (accessed 5 November 2014)

'Turkish G20 Presidency Priorities for 2015', 1 December 2014, <https://g20.org.tr/wp-content/uploads/2014/12/2015-TURKEY-G-20-PRESIDENCY-FINAL.pdf> (accessed 7 December 2014)

Quality of Democracy

Electoral Processes

Candidacy
Procedures
Score: 7

The Turkish Constitution, Law 298 on the basic principles of elections and the electoral registry, Law 2839 on deputies' elections, and Law 2972 on local administration elections lay the groundwork for fair and orderly elections and prevent discrimination against any political party or candidate. However, the candidate-nomination process is rather centralized, antidemocratic and exclusionary, due to the relative freedom given to each political party's central executive committee in determining party candidates (Law 2820 on political parties, Article 37). A slight weakening of the political parties' centralized-leadership concept was passed by the parliament in 2014, when it permitted co-leadership structures.

Law No. 6271 on presidential elections, adopted by the parliament in January 2012, regulates the nomination process (Article 7). A presidential candidate needs a written nomination made by at least 20 deputies. Political parties with a joint total of more than 10% of the valid votes in the latest parliamentary elections may nominate a joint candidate. Although Law No. 6271 requires public officials contesting presidential elections to resign before being nominated, the Supreme Board of Election decided that "the incumbent prime minister does not need to resign to run in the 2014 presidential election." The board made a similar decision in the run-up to the 2014 local elections, stating that "ministers who currently hold an office in the Council of Ministers need not resign to run in the elections."

The nationwide 10% electoral threshold for parliamentary elections (Law 2839 on deputies' elections, Article 33) is a major obstacle for all small political parties. In 2008, the European Court of Human Rights (ECtHR) found the 10% electoral threshold to be excessive, but not in violation of the European Convention on Human Rights' (ECHR) Protocol 1 Article 3. As of January 2013, there were 72 registered political parties, although only one-fifth of those registered have participated in parliamentary elections. During the last two parliamentary elections, the number of political parties securing more than 5% of the valid votes decreased from seven (in 2002) to five (in 2007) and then to four (in 2011). An independent candidate who secures a majority of

votes in his or her electoral district can be elected without regard to the nationwide threshold. In the 2011 parliamentary elections, 35 independent candidates were elected to parliament, 29 of which later joined the pro-Kurdish party.

Another issue concerning the fairness of campaigning and elections relates to permitted languages and nomination regulations. A bill permitting political parties and candidates to use any language or dialect in all forms of campaigning, including written material, was passed by the parliament in April 2014. Nomination regulations, vary by level. Presidential candidates are not asked to pay a nomination fee, whereas political parties require payment of a fee ranging from €250 to €1,500 for parliamentary elections. Most political parties do not ask for a nomination fee from disabled candidates. Independent candidates face greater obstacles, as they must submit a nomination petition along with a fee of about €3,240 (as of the exchange rate of November 2014). This fee is consigned to the revenue department of the provincial election board where the candidate is standing for election (Law 2839, Article 21). If an independent candidate fails to be elected, this fee is registered as revenue by the Treasury.

In April 2014, parliament agreed that political parties receiving more than 3% of the total number of valid votes cast in a general election will receive treasury funds, thus making small parties more competitive in campaigning.

Citation:

Ömer Faruk Gençkaya, *Cumhurbaşkanı Seçim Kampanyasının Finansmanı* (2014): Adiliet, Şeffaflık ve Hesap Verebilirlik (Campaign Finance of Presidential Election: Fairness, Transparency and Accountability), Democracy Barometer Analysis Report 1, Istanbul,

<http://platform24.org/Content/Uploads/Editor/Demokrasi%20Barometresi%20Analiz%20Raporu%201.pdf> (accessed 17 December 2014)

Supreme Board of Election, Decision 3237, 12 July 2014,

<http://www.ysk.gov.tr/ysk/content/conn/YSKUCM/path/Contribution%20Folders/Kararlar/2014-3237.pdf> (accessed 5 November 2014)

Supreme Board of Election, Decision 543, 12 November 2013,

<http://www.ysk.gov.tr/ysk/docs/Kararlar/2013Pdf/2013-543.pdf> (accessed 5 November 2014)

Pelin Ayan (2011), *Authoritarian Party Structures and Democratic Political Setting in Turkey*, Palgrave Macmillan.

Media Access
Score: 4

According to Law 3984 on the establishment of radio and television enterprises and broadcasts (20 April 1994; paragraph N, Article 4), “equality of opportunity shall be established among political parties and democratic groups; broadcasts shall not be biased or partial; broadcasts shall not violate the principles of election bans which are determined at election times.”

Although the mainstream media companies basically provide equal opportunity and access to airtime for major political parties in parliamentary and local elections, TRT, the public Turkish broadcaster, has given the lion's share of campaign-coverage airtime to the governing Justice and Development Party (AK). Indeed, over a 12-day period, TRT allocated 13 hours of campaign coverage to the ruling AK Party and a total of only 95 minutes to the remaining opposition parties. In other words, the coverage has violated regulations as well as direct oversight-body orders prohibiting one-sided and partial coverage of election campaigns.

The presidential campaign reflected a bias in favor of then-Prime Minister Erdoğan, with major television stations providing extensive coverage of his campaign and only limited coverage of other contestants. The imbalance in media coverage was compounded by the preponderance of paid political advertising supporting Erdoğan, and by the lack of a clear definition underlying broadcasters' impartiality requirement.

In general, the existing structure of media ownership, the degree of cartelization and the media's business relations with the state violates the provisions of Law 3984, Article 29. Hundreds of smaller local radio and TV stations broadcast illegally, without a license, but these do provide an alternative means of political communication. A recent auction for frequency licenses was annulled by the First Administrative Court on the basis of unfair competition.

Citation:

Holli Semetko (2010), Election Campaigns, Partisan Balance, and the News Media, in P. Norris (ed.), *Public Sentinel: News Media and Governance Reform*, The World Bank Institute.

Ömer Faruk Gençkaya (2014), *Cumhurbaşkanı Seçim Kampanyasının Finansmanı: Adiliyet, Şeffaflık ve Hesap Verebilirlik* (Campaign Finance of Presidential Election: Fairness, Transparency and Accountability), Democracy Barometer Analysis Report 1, Istanbul,

<http://platform24.org/Content/Uploads/Editor/Demokrasi%20Barometresi%20Analiz%20Raporu%201.pdf> (accessed 17 December 2014)

OSCE (2014) 'Presidential candidates in Turkey able to campaign freely, but playing field not level, say international observers', 11 August 2014, <http://www.osce.org/odihr/elections/turkey/122539>

OSCE/ODIHR (2011), Republic of Turkey Early Parliamentary Elections, OSCE/ODIHR Election Assessment Mission Report, 12 June 2011, <http://www.osce.org/odihr/84588>.

OSCE/ODIHR (2014), Republic of Turkey Presidential Election 10 August 2014 OSCE/ODIHR Needs Assessment Mission Report, 7-9 May 2014,

<http://www.osce.org/odihr/elections/turkey/119439?download=true>

Voting and
Registrations
Rights
Score: 8

All Turkish nationals over the age of 18 can exercise the right to vote (Constitution, Article 67). The Supreme Election Board is the sole authority in the administration of Turkish elections (Law 298, Article 10). The General Directorate of the Electoral Registry, a part of the Supreme Election Board,

prepares, maintains and renews the nationwide electoral registry.

Armed services privates and corporals in active duty, military school students and convicts in prison cannot vote. The Supreme Election Board determines measures to be taken to ensure the safety of vote counting, when detainees in penal institutions or prisons vote.

In 2008, a law to facilitate voting for Turkish citizens who are not living or present in Turkey during elections was adopted (Law 5749). However, the government cancelled voting outside Turkey during the 2011 parliamentary elections, citing security concerns. Due to a complicated registration system and the limited number of polling stations in overseas locations, only 17% of Turkish citizens living abroad voted during the 2014 presidential elections. As a result, the authorities have said they would review and change these procedures for the 2015 general elections.

Despite the recent renewal of the national electoral registry based on an address registration system, there are still disputes over double registration, no registration or even the false registration of non-Turkish citizens. Turkey experiences huge internal migration. Voter lists are posted before elections, and citizens can then correct mistakes or deal with issues of non-registration. However, most citizens do not check the posted voter lists; hence, the new system was introduced to eliminate such mistakes. The census directory is also opened on election day to reissue lost or incorrect identification cards. Voters are not eligible to have their names included on voter lists if they have not received a personal identity number, which serves as a safeguard against possible multiple voter registrations. In addition to registration problems, the total number of voters in recent elections was higher than in previous ballots by almost 10 million voters. Since the total population of Turkey increased by only 3 million during the period, the gap of 7 million has not easily been explained. A recent analysis found an unacceptable volume of additions and deletions to the electoral registry between 2007 and 2014; it is highly likely that these changes could have affected the electoral results.

The Organization for Security and Cooperation in Europe's (OSCE) Office for Democratic Institutions and Human Rights ODIHR report on the 2014 presidential election raised questions about the accuracy of the voter lists, the lack of information on voter registration procedures, and particularly the security of the ballot-transfer and counting process.

Parliamentary and local elections are conducted by election boards under the supervision of the Supreme Election Board. Investigations of irregularities, complaints and objections concerning elections and the verification of election

returns are performed by the local election boards, with the Supreme Election Board as a final check (Constitution, Article 79 of 1982). In the aftermath of the 2014 local elections, several reports on irregularities during the voting and/or counting period led to investigations by local election boards. Ultimately, results were cancelled in two provinces, five districts and two towns, with a new ballot held at a later date. In sum, following the 2014 local elections, the Supreme Election Board accepted six out of 131 appeals from the ruling AK Party, five out of 87 from the main opposition CHP, five out of 50 from the opposition MHP, and one out of 10 from the Felicity Party.

Citation:

OSCE/ODIHR (2011) Republic of Turkey Early Parliamentary Elections. OSCE/ODIHR Election Assessment Mission Report, 12 June 2011, <http://www.osce.org/odihr/84588>. (accessed 5 November 2014)

OSCE/ODIHR (2014) Republic of Turkey Presidential Election 10 August 2014. OSCE/ODIHR Needs Assessment Mission Report, 7-9 May 2014,

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'Election board YSK announces final results of elections', Daily Sabah, 6 May 2014 (accessed 17 December 2014)

Party Financing
Score: 4

Article 60 of Law 2820 requires political-party organs at every level to keep a membership register, a decision book, a register for incoming and outgoing documents, an income and expenditure book and an inventory list. According to Article 73 of Law 2820, final accounts of political parties, including party headquarters and affiliated sub-provinces must be prepared to explain the previous year's revenues and expenditures. Turkish legislation however does not contain any provision concerning the financing of electoral campaigns or of independent election candidates. Presidential candidates' campaign finances are regulated by Law No. 6271; these candidates can legally accept contributions and other aid only from natural persons having Turkish nationality. However, the Supreme Board of Elections has allowed the political parties to organize campaign activities and advertisements for their supported candidates in a way unregulated by law. Thus, the state aid provided to the political parties can be used indirectly for presidential-campaign activities.

There is no legal ceiling for campaign expenditures. Law No. 2820 (Article 66) enables organizations such as unions or public professional organizations to contribute to political parties. The finances of candidates in local and parliamentary elections is not regulated by law. There is no specific reporting obligation for campaign contributors, apart from a general requirement, based on the Tax Procedure Code, for individuals to declare expenses (which could

include political contributions) to the tax authorities. Pursuant to Article 69 of the Constitution, Article 74 of Law 2820 stipulates that political-party finances are to be audited by the Constitutional Court, to verify whether the parties' property acquisitions, revenues and expenditures are in compliance with the law. Auditing decisions by the Constitutional Court are published in the Official Gazette (Constitution, Article 153). The results of the court's audits of presidential candidates' campaigns must be announced within a month of the audit's completion. However, the law does not specify where the audit result shall be announced.

The Constitutional Court's experts examine the accuracy of information contained in a party's final accounts and the legality of recorded revenues and expenditures on the basis of information at hand and documents provided. Before the court's examination, party accounts must be audited by certified experts. Law 2820 includes several criminal, administrative and civil sanctions that can be imposed on political parties, party officials, party candidates or other persons (such as political-party donors).

However, election laws do not provide for any sanctions specifically in the area of political financing or election-campaign funding. According to the court's reports, several criminal issues have been investigated, mostly related to improper processes in party accounts, leaving issues of party finances untouched.

In a recent amendment to the campaign law, the minimum threshold qualifying a party for annual state aid was reduced from 7% to 3% of valid votes in the most recent general elections (Article 1, Law 2820). State aid accounts for about 85% to 90% of the major political parties' official income.

Ceilings for donations to political parties by private individuals are revaluated each year (at the time of writing, this was approximately €1,430). However, donations are not properly recorded. More importantly, cash and in-kind contributions or expenditures made in support of parties and candidates during elections are not recorded. These constitute the most significant source of "soft money." Revenue collected and expenditures incurred by individual elected representatives or candidates in the course of party-political activities, including electoral campaigning, are not included in party accounts. At the time of writing, only the AKP publishes its accounts online. Party accounts published in the Official Gazette provide only general figures and potential infringements.

Although some progress has been made in recent years, persistent legal loopholes render the auditing of political parties' accounts unsatisfactory. No

legal framework for auditing election campaigns or individual candidates' finances at the local or parliamentary level exists.

Citation:

GRECO, Third Evaluation Round Evaluation Report on Turkey on Transparency of Party Funding (Theme II),

[http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEva13\(2009\)5_Turkey_Two_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEva13(2009)5_Turkey_Two_EN.pdf).
Ömer Faruk Gençkaya, Cumhurbaşkanı Seçim Kampanyasının Finansmanı (2014): Adiliyet, Şeffaflık ve Hesap Verebilirlik (Campaign Finance of Presidential Election: Fairness, Transparency and Accountability), Democracy Barometer Analysis Report 1, Istanbul,

<http://platform24.org/Content/Uploads/Editor/Demokrasi%20Barometresi%20Analiz%20Raporu%201.pdf> (accessed 17 December 2014)

OSCE/ODIHR (2011) Republic of Turkey Early Parliamentary Elections, 12 June 2011. OSCE/ODIHR Election Assessment Mission Report, <http://www.osce.org/odihr/84588>.

OSCE/ODIHR, Republic of Turkey Presidential Election 10 August 2014 OSCE/ODIHR Needs Assessment Mission Report, 7-9 May 2014, <http://www.osce.org/odihr/elections/turkey/119439?download=true>

Popular Decision-
Making
Score: 2

According to Article 67 of the constitution, all citizens over 18 years old shall have the right to take part in referendums. Referendums are held in accordance with the principles of free, equal, secret and direct universal suffrage, with the public counting of votes. In recent years, referendums were held in the context of amending the 1982 constitution. Paragraph 3 of Article 175 of the constitution reads that, if the parliament adopts a draft constitutional amendment referred by the president by a two-thirds majority, the president may submit the law to a referendum. Laws related to constitutional amendments which are the subject of a referendum require the approval of more than half of valid votes cast.

If a law on the amendment to the constitution is adopted by a three-fifths majority or less than a two-thirds majority of the total number of members of the Grand National Assembly and is not sent back by the president to the Assembly for reconsideration, it is then published in the Official Gazette and submitted to a referendum.

A law on a constitutional amendment adopted by a two-thirds majority of the Assembly directly or upon the return of the law by the president or its articles deemed necessary may be submitted to a referendum by the president.

In local politics, too, there are provisions that make decision-making on a popular level possible. Within the scope of Law 5593 on municipalities (Article 76), city councils act as a decentralization device to implement policies for the benefit of the public. Yet these units are not effective, as they depend upon the goodwill of the local mayor, and some councils have yet to be established and exist on paper, only.

Citation:

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Access to Information

Media Freedom
Score: 3

Although Turkey has a varied and lively media market, the freedoms of press and opinion are under increasing stress as a result of intensifying oversight and repression by state authorities. Moreover, relationships between some private media and the government put journalists' work and independence under additional pressure.

The constitutional guarantees of freedom of the press and expression are only partially upheld in practice, and are generally undermined by provisions in the penal code and the strict Anti-Terror Law (TMK). Government officials usually refer to these laws when explaining the high number of writers and journalists being detained or on trial, stressing that these individuals had violated the law. However, in many respects, the penal code and the TMK fail to meet press-freedom standards as laid out in the European Convention on Human Rights. In addition, despite 2012 and 2014 judicial reforms ostensibly aimed at addressing concerns regarding the TMK, existing laws still can be broadly interpreted and applied against journalists and activists.

Most concerning for many observers has been the unprecedented expansion in the range of reasons given for journalists' arrests, the massive phone-tapping campaign and the contempt shown for source confidentiality. The factors in sum have helped to reintroduce a climate of intimidation in the media. According to the Committee to Protect Journalists (CPJ), the number of journalists behind bars had declined to 40 as of December 2013, down from the 61 reporters in detention in October 2012. At the end of 2013, PEN International reported 54 writers and journalists in prison, with more than 70 others on trial. In July 2014, freedom-of-expression monitors reported that 23 journalists were still in jail following a series of releases due to changes in pre-trial detention regulations. However, as the trials had not ended as of the time of writing, and fresh cases continue to be opened, little change is to be expected for 2015.

One substantive problem involves the economic interests of media owners. Although Article 29 of Law 3984 restricts media owners' shareholder rights, owners who have stakes in other business sectors have been seen to influence coverage to favor their outside business interests. The significant share of media owners from industrial conglomerates with interests that go beyond freedom of press and opinion – in addition to the tight relationships between the government and some of these industrial conglomerates – further undermines media independence and increases self-censorship and job insecurity among journalists. In December 2013, for example, a series of conversations between the owners of major construction firms seeking contracts to build Istanbul's multibillion-dollar third airport were leaked. These conversations showed that the firm owners had been directed by a government minister to contribute hundreds of millions of dollars to a "pool" to buy one of the country's largest and most important media companies, Sabah-ATV. The businessmen would then be expected to provide positive coverage of the government. This has popularized the expression "havuz medyası" in Turkish – literally "the pool media" – to describe corporate owners whose media properties are in service of the government.

Additionally, the government appoints the general director of Turkish Radio and Television, the country's public broadcaster (Law 2954 on radio and television). In doing so, the government essentially exercises tutelage over the public-media administration.

The European Commission's Progress Report 2014 stresses that attempts to ban social media, later overturned by the Constitutional Court, and pressures on the media that have led to widespread self-censorship, reflect a restrictive approach to freedom of expression. Media legislation and its enforcement need to be brought in line with European standards, the report notes. The government's extensive bans on YouTube and Twitter use raised serious concerns, even if later annulled by the Constitutional Court. Intimidating statements by politicians and lawsuits launched against journalists critical of the government, combined with the media sector's ownership structure, have led to widespread self-censorship by media owners and journalists, and in some cases journalists have simply been fired. Reports have indicated that the Radio and TV Supreme Council's (RTÜK) has put pressure on pro-opposition media, particularly after December 2013. The RTÜK's political composition raises concerns regarding its independence.

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(accessed 5 November 2014)

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Nurettin Demir, *Kalemi Kırılan Gazeteciler*, İstanbul: Cumhuriyet Kitap, 2014.

Media Pluralism
Score: 4

Groups previously uninvolved in media activities have stepped into the sector, a move which has facilitated the development of oligopolistic structures. Indeed, an increasing concentration in media ownership – most notably regarding the activities of the Doğan Media Group, Calık Holding, Cukurova Holding, Doğuş Grubu, Ciner Grubu and İhlaş Holding – can be observed in recent years. The holding companies have conflicting economic interests, as they are shareholders in a variety of business sectors such as health care, education, construction and telecommunications. In March 2011, regulations governing the allowed ownership structures for radio and television companies was revised. Law 6112 increased the maximum limit on foreign investment in media companies from 25% to 50%, on the condition that the same foreign investor cannot invest in more than two enterprises. Despite this relaxation of of certain restrictions, international companies still cannot be majority stakeholders in domestic media companies.

Since late 2013, the “havuz medyası” – literally “the pool media” – has been created through the government’s exertion of direct leverage over media owners composed mainly of the big construction companies. This process has been accompanied by increasing pressure on the media and journalists critical of the government party’s practices, resulting in self-censorship and dismissals. A special note in this respect should be made regarding media outlets such as Zaman (a newspaper) and Samanyolu (a TV station), which are allegedly linked with the network of U.S.-based preacher Fethullah Gülen. These have been the focus of repression and investigation by state and government-affiliated institutions and agencies in the wake of internal political quarrels within the conservative camp.

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Access to
Government
Information
Score: 7

According to Law 4982, citizens, noncitizens and foreign corporations have the right to access government information. However many public records are not included within the scope of the law, as exceptions for state secrets, intelligence information, individual privacy and communication privacy exist.

Almost all public offices have a section that deals with requests for information, which can be made in person or electronically.

Between 2009 and 2011, the number of applications for information based on Law 4982 increased by about 40%. The rate of increase in the actual number of applications for information was 46% in 2012 and 33% in 2013. A total of 93% of application received positive responses, 4% received partially positive and partially negative responses, and only 3% were rejected.

Several regulations were adopted in April 2012 concerning a push for administrative simplification, to provide basic public services online (e-government). The law governing the creation of an ombudsman office was adopted in June 2012 and took effect in 2013.

The Board of Review of the Access to Information reviews administrative decisions rendered under Articles 16 and 17 of the information-access law, and makes decisions regarding institutions' implementation of the associated right. As with other administrative decisions, appeals can subsequently be made to the administrative court.

Citation:

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Civil Rights and Political Liberties

Civil Rights
Score: 3

While Article 10 of the constitution guarantees equality before the law, and Article 12 enshrines fundamental rights and freedoms, concerns over shortcomings in judicial proceedings remain, including limited access by defense attorneys to prosecution files, lengthy pre-trial detentions, and excessively long and catch-all indictments. This relates especially to numerous cases involving Kurdish activists, journalists, union members, students, military officers, and policy and security personal being tried for alleged violations of the Anti-Terror Law. Many such cases are considered by domestic and foreign observers to be partly or even fully politically motivated.

In 2014, the parliament passed a bill requiring that investigation, detention and

custody decisions be based on “concrete evidence,” and reducing the maximum period of pre-trial detention from 10 to five years. Of course, this is still far beyond EU standards. Although Article 17 of the constitution grants individual personal inviolability, there are still allegations of the excessive use of force on individuals. This remains a problem in places of detention and overcrowded prisons. The government has sought to crack down on torture and ill-treatment of individuals in detention by law-enforcement officials, in part through a 2013 judicial-reform package. Some detainees were released after the passage of this measure.

Individual were granted the right to apply to the Constitutional Court through constitutional amendments in 2010. Such applications have been accepted by the court since September 2012. Article 148 of the constitution states that anyone who believes his or her human or citizens’ rights, as set forth in the European Convention on Human Rights (ECHR), have been infringed by a public authority has a right to apply to the Constitutional Court after exhausting other administrative and judicial remedies. Constitutional Court applications cost approximately €90. Individual applications must be filed within 30 days after the notification of the final proceeding that exhausts other legal remedies. In the first quarter of 2014, a total of 4,471 applications were submitted and 2,457 judgments rendered.

After the individual application right to the Constitutional Court was granted in 2012, the number of new applications from Turkish citizens to the European Court of Human Rights (ECtHR) for ECHR violations dropped from 18,000 to 11,000 in 2013, according to the Ministry of Justice. More than 10,400 applications were pending before the European court as of July 2014. With an Action Plan on Prevention of ECHR Violations issued on 1 March 2014, the government aims to further improve the situation as well as Turkey’s ECtHR statistics.

Citation:

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Political Liberties
Score: 4

Whereas the freedoms of thought, conscience and religion are generally respected, official violations of the freedoms of expression and assembly occur, particularly in cases of criticism of the ruling government and its policies. Although bans on social media imposed by the government in early 2014 were subsequently lifted by the Constitutional Court, September 2014 legal provisions limiting the free use of the Internet, presented as necessary for “national security and protection of the public order,” have raised additional concerns. Moreover, a comprehensive security-reform process, as yet ongoing as of the time of writing, would allow preemptive bans on any potentially violent assembly, would allow the legal use of violence as a countermeasure by security forces, and would expand the investigatory competences of the national intelligence services and security forces, thus curtailing personal and civil rights. A parliamentary Security and Intelligence Commission, formed in November 2014 with the task of monitoring intelligence activities and financial crimes, is intended to ensure the legitimacy of decisions and actions in this area.

Civil-society organizations have reported restrictions regarding their freedom of assembly, with fines sometimes imposed. Concepts such as “general morality,” “Turkish family structure,” “national security,” and “public order” were widely used, and allowed too large a margin of discretion to authorities, hindering the practical respect accorded freedom of association. LGBTI associations were asked to close on grounds of “general morality.” Court cases regarding the closure of five associations dealing with human rights, and Kurdish issues in particular, are pending. Moreover, legislative and bureaucratic obstacles have hindered civil-society organizations’ financial sustainability. There have been complaints of discrimination against associations applying for public-benefit status and for permission to raise funds.

The ongoing Turkish-Kurdish “solution process” – which was pushed forward in June 2014 when the Turkish parliament adopted a law to “bring a stronger legal foundation to the settlement process” – is a positive and promising step toward the concession and protection of political rights. Political campaigning in languages other than Turkish by political parties and candidates during local and parliamentary elections was legalized in 2013 and implemented in the March 2014 local elections. Although languages other than Turkish – notably, Kurdish and its dialects – were not yet legalized for public services, there were positive developments regarding the use of mother tongues and a steady and welcome normalization of the use of Kurdish in public. Using non-Turkish letters, such as the X, Q and W used in Kurdish, was permitted.

Citation:
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Non-
discrimination
Score: 5

While Article 10 of the constitution guarantees equality before the law, irrespective of language, race, sex, political opinion or religion, the political reality in Turkey differs significantly from constitutional claims.

Religious communities from non-Sunni Muslim backgrounds have reported discrimination in the practicing of their faith. Problems stem mainly from a lack of legal guidance and personnel to address issues of discrimination, whether when dealing with property rights or fundraising, to the training of clergy or access to residence permits for foreign clergy. The Council of Europe's 2010 Venice Commission recommendations have yet to be implemented, and legal regulations concerning the administration of minority foundations and their properties were still being drafted as of the time of writing. Physical attacks on non-Muslim residents were reported during the period under review, and anti-Semitism in physical or oral form is increasingly expressed in public. According to the Anti-Defamation League's 2014 Global Anti-Semitism Index, 69% of Turkey's adult population is estimated to harbor anti-Semitic attitudes – a slightly lower figure than the 74% for the MENA region overall.

While the Turkish state promotes one Sunni Islam, there is no religious education in public schools for Alevis, who constitute Turkey's second-largest religious community. In this context, the European Court for Human Rights' 2007 judgment on religious culture and ethics classes (*Hasan and Eylem Zengin v. Turkey*, Application 1448/04) has yet to be implemented. Alevi students who do not attend compulsory Sunni religious courses are often subject to discrimination. The Alevi community's request for the acceptance of Cem houses as places of worship has not officially been recognized. However, the public atmosphere concerning the Alevi issue may have changed, not least due to high-ranking executive officials' efforts to reach out to the community in recent years. Some accommodation has been evident between the government and Abdullah Öcalan, the former leader of the Kurdistan Workers' Party (PKK). This has helped promote effective peace talks and led to the introduction of legislation improving the lot of the Kurdish population. However, investigations and detentions of Kurdish activists have undermined efforts to find a proper solution to the Kurdish issue.

In March 2012, the parliament adopted a law on the protection of families and the prevention of violence against women, aiming to protect married women and those in relationships outside marriage from violence. The Ministry for Family and Social Policies also adopted a national action plan to combat violence against women (2012 – 2015). Both measures can be considered a general improvement in terms of discrimination issues, but have not been effective. Even though a large number of cases go unreported, women-rights groups reported that 229 women had been killed in 2013, almost twice the number in 2011. By July 2014, 123 murders had already been reported. A 2014 Penal Code amendment, expanding penalties for violence against women, was considered unsatisfactory by women's rights associations.

A “democracy package” adopted by the parliament in March 2014 included measures ostensibly securing the freedoms of thought, conscience and religion. Hate speech and discriminatory acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion or sectarian differences can under the new legislation be punished by up to three years in prison. However, ethnic origin, sexual orientation and gender identity are not included in the list of values to be protected by the law. The most disadvantaged groups thus remain women, children, Roma and LGTB individuals. Official registration of Roma as citizens has been adopted. The establishment of an inclusive Anti-Discrimination and Equality Board is still pending.

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Rule of Law

Legal Certainty
Score: 4

Several articles in the Turkish constitution ensure that the government and administration act in accordance with legal provisions, and that citizens are protected from the despotism of the state. Article 36 guarantees citizens the freedom to claim rights, and Article 37 concedes the guarantee of lawful judgment. According to Article 125, administrative procedures and actions are subject to administrative review. Despite the existence of legal protections,

more than 10,400 applications from Turkey were pending before the European Court for Human Rights as of July 2014. As of the first quarter of 2014, the Constitutional Court had received 4,447 individual applications. At the same date, the Council of State, the highest administrative court, had received more than 350,000 files, and had completed review of less than half of this number.

The main factors affecting legal certainty in the administration are a lack of regulation, the misinterpretation of regulations by administrative authorities (mainly on political grounds), and unconstitutional regulations that are adopted by parliament or issued by the executive. Two major peculiar political and juridical developments during the period under review are worth noting. First, a number of legal actions since 2008 have targeted the clandestine “Ergenekon” group and alleged members of the so-called Operation Sledgehammer. More than 600 individuals – among them military officers and journalists critical of the government – have been accused in this process of attempting to remove or prevent the functioning of the government by force. With judgments finally rendered and sentences handed out in 2013, the incumbent government has been accused by critics of having exercised influence over the judiciary to eliminate political opponents. Secondly, following corruption allegations made against high-ranking members of the Council of Ministers on 17 and 25 December 2013, the government directed public attention to another clandestine group it called a “parallel state,” or a “parallel structure” within the state. A series of legal and administrative operations have since that time been conducted against hundreds of law-enforcement officers allegedly linked to the Gülen network.

Although judicial reform was one of the major objectives of the government during the review period, the independence of the judiciary as well as its professionalism, organization and ability to provide fair trials are all considered concerns. Following the December 2013 corruption allegations, a new judicial package was adopted by the parliament in February 2014. The Constitutional Court partially annulled this in April 2014. Subsequently, the government introduced another judicial package that limited the independence and impartiality of the judiciary; this was adopted by the parliament in June 2014. This legislation brought back into force legal provisions introduced in 2010, restoring the role of the Supreme Council of Justices and Prosecutors (HSYK) plenary with “more democratic” means. It further aimed to eliminate the influence of the “parallel structure” on the state by dismissing or replacing its personal from posts and offices in the judiciary, the security apparatus and other state institutions, and by imposing penalties or otherwise discriminating against persons, institutions and organizations allegedly linked to the Gülen network. Further, the “democratization package” adopted in February 2014 included an abolition of the Specially Authorized Courts (ÖYM) that tried the

Ergenekon, Operation Sledgehammer and other cases, a move that cleared the way for hundreds of military officers, journalists and other detainees to be retried by regular criminal courts. Subsequently, Constitutional Court rulings highlighted the mishandling of the investigations and subsequent trials in the Ergenekon and Sledgehammer cases.

Citation:

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The new Supreme Council of Judges and Prosecutors, Hürriyet Daily News, 17 October 2014, <http://www.hurriyetdailynews.com/the-new-supreme-council-of-judges-and-prosecutors.aspx?PageID=238&NID=73078&NewsCatID=458> (accessed 5 November 2014).

Judicial Review
Score: 5

Article 125 of the constitution states that all government administrative decisions and actions are subject to judicial review. Developments during the review period have shown that the Constitutional Court plays a vital and important role for safeguarding juridical review in Turkey.

However, acts by the president and other important institutions are generally excluded from judicial review. With Recep Tayyip Erdoğan now serving as the first directly elected president of the Turkish Republic, it is uncertain how much longer Kemalist principles, especially concerning Turkey's republicanism and laicism, will continue to guide political decisions.

Other institutions or decisions excluded from juridical review include the Supreme Military Council, whose decisions affect the individual rights of military personnel and are administrative in nature; parliamentary resolutions such as declarations of martial law or war, or the decision to send Turkish troops to a foreign country; and the Supreme Council of Judges and Public Prosecutors (HSYK), whose organization and working conditions are still in need of internal reform (as are the Court of Cassation and the Council of State), especially with regard to safeguarding the political independence of its members and bodies.

In addition, civilian oversight during the review period was weak with regard to investigations of human-rights abuses or acts by the gendarmerie. Under Article 148 of the constitution, the Constitutional Court cannot review legal amendments passed during a period of martial law or state of emergency. A Human Rights Compensation Commission has been established within the Ministry of Justice, and has demonstrated some positive results. As of August 2014, the commission had decided on 4,710 applications out of 5,925 claims. In total 1,180 decisions (about 25%) were appealed by the original applicant. The average time taken to complete examination of a case was 165 days.

Citation:

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Appointment of
Justices
Score: 4

The Constitutional Court is made up of 17 members, as outlined by Article 146 of the 2010 constitutional referendum. Parliament elects two members by secret vote from three candidates nominated by a plenary of the Court of Accounts, and one member from three candidates nominated by the chairmen of Turkey's bar associations. In these elections, a two-thirds parliamentary majority for the first round, and an absolute majority for the second round, is necessary to secure a seat on the court. In a third round, a simple majority is sufficient.

Turkey's president appoints to the court three regular members from the High Court of Appeals, 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. Three candidates are nominated for each vacancy by a plenary of each court. The president also appoints one member from a list of three candidates nominated by the Higher Education 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.

To be appointed to the Constitutional Court, candidates must either be members of the teaching staff of institutions of higher education, senior administrative officers or Lawyers, be over the age of 45, completed higher education and have worked for at least 20 years. Constitutional Court members serve for 12-year terms and cannot be re-elected. The appointment of Constitutional Court judges does not match general liberal-democratic requirements, such as cooperative appointment and special majority regulations. In addition, the armed forces still carry some influence in civilian jurisdiction, as two military judges are members of the Constitutional Court.

However, recruitment patterns in the past have highlighted the unimpeded politicization of the judiciary. In 2014, the regular elections for Supreme Council of Judges and Prosecutors (HSYK) members were indicative of this problem, occurring as they did in the wake of the corruption proceedings against the government and the allegations of infiltration by the Fethullah Gülen network, and the government's subsequent hasty legislative changes. Four new members of the HSYK were not elected but appointed by President Recep Tayyip Erdoğan, thus challenging the principles of independence and impartiality. In support of the procedure, a newly elected member of the Supreme Council stated that "it is essential and correct that the administrative councils, such as the HSYK, operate in harmony with other public institutions, the legislative and executive powers." In sum, the amendments to the HSYK law and the subsequent dismissal of staff and numerous reassignments of judges and prosecutors raised serious concerns regarding both the independence and impartiality of the judiciary and the separation of powers.

Another new bill introduced in parliament in October 2014 would let Court of Cassation (Yargıtay) investigatory judges be elected solely by the HSYK, bypassing the Supreme Court Presidency Council.

Citation:

Bülent Serim, "İşte Anayasa Mahkemesinin Yeni Üyelerinin Bilinmeyenleri" , 17 October 2010, <http://www.odatv.com/n.php?n=iste-anayasa-mahkemesinin-yeni-uyelerinin-bilinmeyenleri-1710101200> (accessed 5 November 2014).

European Commission, Turkey Progress Report, October 2014,

http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf (accessed 5 November 2014)

Onur Ant and Selcan Hacaoglu, Erdoğan Seeks to Exert Control Over Turkey Judges Amid Probe (2), 8 January 2014, Bloomberg News, <http://www.businessweek.com/news/2014-01-08/Erdoğan-party-seeks-to-cut-authority-of-turkish-judges-board>, (accessed 5 November 2014).

Corruption
Prevention
Score: 3

Law 5018 regarding public financial management and oversight also touches on issues of legality, transparency and predictability. However, these concepts, as well as instruments such as the formation of strategic plans, performance budgets and regulatory impact assessments, are not effectively incorporated into government process. An amendment to the law on audit courts has limits

the degree to which state expenditures can be audited. Public-procurement safeguards have deteriorated with legislation allowing municipalities to operate in a less than transparent fashion. There are no codes of conduct guiding members of the legislature or judiciary in their actions. Conflicts of interest are not broadly deemed a concern.

In this environment, corruption remains widespread, and unfair and partial treatment by the bureaucracy is common. Especially at the local level, corruption remains a systemic problem. While municipalities controlled by opposition parties are closely watched by law-enforcement authorities and government inspectors, municipalities controlled by the AKP are shielded from proper investigations.

In Transparency International's 2014 Corruption Perceptions Index, Turkey ranks 64th out of 175 countries, dropping 11 places relative to 2013. A primary reason for Turkey's decline was certainly the corruption investigations launched in December 2013 against four ministers, their relatives, one district mayor and various other public officials and businessmen. Several suspects were charged with bribery, tender-rigging, export fraud or misuse of state-owned land in real-estate deals and various other charges. However, Ekrem Aydiner, an Istanbul prosecutor specializing in organized crime, dropped proceedings against 53 suspects in a case that had targeted the inner circle of Recep Tayyip Erdoğan.

These latter corruption allegations were regarded by the government as a coup against itself by the Gülen network's "parallel structure." Results of a parliamentary commission's continuing investigations into these allegations will be of crucial importance. In general, no progress has been made in limiting the immunity of politicians and public officials with regard to corruption-related cases, and major concerns persist regarding transparency and accountability in funding for political parties and election campaigns. Under the government's 2010 – 2014 National Anti-Corruption Strategy, numerous working groups reported to an interministerial committee overseeing implementation. Turkey is no longer subject to FATF's monitoring process under its ongoing global AML/CFT compliance process. However, as of the time of writing, the outcome of the 2010 – 2014 National Anti-Corruption Strategy and Action Plan remained uncertain, and it was unclear whether authorities would reinstate the campaign. Turkey has not responded fully to GRECO's Third Round recommendations. The country will shortly be subject to assessments made under the U.N. Convention against Corruption (UNCAC).

Recent reports by the Audit Court were not addressed by parliament.

However, the reports were published in the media and online, thus exposing a number of irregularities including hidden budget expenditures, housing procurements and tax compromises to the public.

In February 2014, an omnibus law amended various aspects of Turkish public-procurement legislation, introducing restrictive measures that make the previously optional domestic price advantage of up to 15% compulsory for “medium and high-technology industrial products.” The law authorizes the Ministry of Science, Industry and Technology to determine the list of items for which a domestic price advantage will be compulsory; this gives considerable discretion to the administration.

The Council of Ethics for Public Officials lacks the power to enforce its decisions through disciplinary measures. Codes of ethics do not exist for military personnel or academics. Legal loopholes (regarding disclosure of gifts, financial interests and shares, foreign travel paid for by outside sources, etc.) in the code of ethics for parliamentarians remain in place.

Citation:

European Commission, Turkey Progress Report, October 2014,

http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf
(accessed 5 November 2014)

Mustafa Akyol, Was Turkey’s corruption probe a ‘coup attempt’? Al Monitor, 14 July 2014, <http://www.al-monitor.com/pulse/originals/2014/07/akyol-turkey-corruption-17-december-akp-coup-attempt-gulen.html#>
(accessed 5 November 2014)

Daniel Dombay, Turkish prosecutor drops high-level corruption probe, Financial Times, 18 October 2014, <http://www.ft.com/cms/s/0/63cf5042-56cb-11e4-a0b2-00144feab7de.html#axzz3ITISPXG1> (accessed 5 November 2014)

İşte duman eden Sayıştay raporları, Taraf daily newspaper, 10 March 2014, <http://www.taraf.com.tr/haber-iste-duman-eden-sayistay-raporlari-150242/> (accessed 5 November 2014).

Transparency International (2014) ‘Corruption Perception Index 2014’, Berlin.

Conteh and Ahmed Shafiqul Huque (eds.), *Public sector reforms in developing countries*, Abington, Oxon: Routledge, 2014.

Scholarly
Advice
Score: 6

The participation of non-governmental organizations (NGOs) and experts in political decision-making has increased in recent years. In line with EU standards, the government in 2002 issued an emergency action plan, underlining that all regulatory reforms would be initiated in close consultation with NGOs. The government occasionally asks outside experts to prepare opinions or to help with surveys or reports on individual issues.

In 2013, a major step was the establishment of a so-called Wise Men Group of intellectuals, writers, academics and celebrities in favor of the government's reconciliatory approach. This group was tasked to start a dialogue with all segments of society on questions and worries related to Kurdish issue. The group reported the results of the dialogue to the government, and was reactivated in 2014 following the presidential elections.

In addition to working with pro-government think tanks, the government consults with pro-government academic experts even in the context of projects sponsored by the United Nations, the Council of Europe and the European Union. In other words, the spectrum of communication with outside experts is narrowing, as the government has begun to exclude "impartial" experts from the pool. As Turkish politics has become increasingly polarized, the government and the AKP have seemed to shut themselves off from broader societal influences, basing decision-making increasingly on information provided by loyal personal or clientelist networks. In many state and private universities, the number of pro-government faculty has increased through new hires or transfers from other institutions.

Citation:
Gazi'de 'ikna odalari' kuruldu akademisyenler tehdit ediliyor, 5 September 2014, <http://www.birgun.net/news/view/gazide-ikna-odalari-kuruldu-akademisyenler-tehdit-ediliyor/4959>
Akademisyenlerden Tanrıverdi'nin Projelerine Tam Not, Akhisar Haber, 27 March 2014, <http://www.akhisarhaber.com/akademisyenlerden-tanriverdinin-projelerine-tam-not-19020h.htm>

Interministerial Coordination

GO Expertise
Score: 5

The Prime Minister's Office (PMO) established the General Directorate of Laws and Decrees and the General Directorate of Legislation Development and Publication to scrutinize bylaws prepared by ministries and public agencies and to examine the congruity with the constitution of draft bills, decrees, statutes, regulations and Council of Ministers' resolutions; the directorates also review laws, general principles of law, development plans and programs as well as the government's program. This unit is the primary government office entity in terms of drafting and coordinating new regulations. However, not all draft bills are the product of expert

advice. Recently the number of adjustments to draft bills during the parliamentary approval process showed that standards were only partially upheld.

The PMO has a total of 2,214 employees, a quarter of whom are experts or advisors, or able to provide similar services. A Sectoral Monitoring and Assessment Unit was established in 2011. However, this function did not initially have sufficient staff members to exercise its function. In June 2014, 400 employees were allocated to this unit to provide consultation to the PMO.

Citation:

TC Başbakanlık Kanunlar ve Kararlar Genel Müdürlüğü Performans Raporu 2014, http://www.basbakanlik.gov.tr/Forms/_Article/PerfRapor2014.pdf (accessed 5 November 2014)
Başbakanlığa 402 kadro ihdası tartışma çıkardı, 27 Haziran 2014, <http://www.memurlar.net/haber/474352/> (accessed 5 November 2014)

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 ministers and with supervising the implementation of government general policy. Council of Ministers members are jointly responsible for the implementation of 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 law, and can take corrective measures. Considering the provision of Article 109, under which the prime minister appoints ministers, his/her oversight power over ministerial proposals is clear. However, ministries have been able to exercise greater influence during periods of coalition government. To prevent this, a special coordinating body composed of ministers from coalition parties sets the agenda for cabinet meetings.

An example of the exceptional power of the Prime Minister's Office in terms of policymaking is the fact that all public institutions, entities and corporations in which more than 50% of assets are publicly held – excluding municipalities and special provincial administrations – must get permission from this office before selling, renting, transferring, allocating and bartering any real-estate holdings.

The hidden budget is allocated through the approval of the prime minister and the finance minister. It was increased to a volume of €324 million in the January – July 2014 period.

Citation:

Circular, 2012/15, 16 Haziran 2012, <http://www.resmigazete.gov.tr/eskil er/2012/06/20120616-6.htm>
Çiğdem Toker, Örtülü Ödenek Gelişmeleri, Cumhuriyet daily newspaper, 17 September 2014, http://www.cumhuriyet.com.tr/koseyazisi/120213/Ortulu_Odenek_Gelismeleri.html (accessed 5 November 2014)

Line Ministries
Score: 8

The Prime Minister's Office (PMO) has a twofold role in the preparation of draft

bills. It checks the congruity of laws from a legal point of view, and collects ministries' legal and political opinions along with opinions from civil society, interest and pressure groups, expert groups and institutions. Thus, the PMO is always directly involved in the preparation of policy proposals at a relatively early stage.

However, line ministries do not always provide all the information necessary for draft bills, which may cast their ministry in a bad light. From time to time, policymaking is tarnished by issues of bureaucratic competition, including among politicians. The PMO's inability to foster interministerial cooperation has represented a significant deficit. A recent reorganization of the PMO and line ministries led to some performance declines. Conflicting announcements regarding policy proposals made by the PMO and line ministries have been a sign of weak coordination.

Citation:

TC Başbakanlık Kanunlar ve Kararlar Genel Müdürlüğü Performans Raporu 2014, http://www.basbakanlik.gov.tr/Forms/_Article/PerfRapor2014.pdf (accessed 5 November 2014)

Cabinet
Committees
Score: 6

In November 2004, the Prime Minister's Office (PMO) established the Better Regulation Group to ensure coordination among the related agencies and institutions and improve the process of creating regulations. In addition, the government has created committees – such as the anti-terror commission under the Ministry of Internal Affairs, with the participation of officials from ministries of foreign affairs, justice and other security departments – composed of ministers, experts, bureaucrats and also some sub-groups (such as those on legislation techniques, legislation stock management and administrative simplification, and regulatory impact analysis) when important or common issues were under consideration.

The Economy Coordination Board, headed by the deputy prime minister and composed of the finance minister and state ministers covering economic affairs and development, custom affairs, labor and social security, and science, technology and industry, was especially established to evaluate economic and financial matters and develop policy proposals.

An interministerial committee tasked with finding solutions to the Kurdish issue was recently established.

The new government formed under Prime Minister Ahmet Davutoğlu created a Reform Action Group. This replaced a Reform Monitoring Group, consisting of the same ministers (economy, justice and European Union affairs), but extending its predecessor's tasks and mission. The new body is tasked with monitoring political reforms, preparing draft reform bills, and playing an active role in securing parliamentary passage and the implementation process.

Citation:

Ömer Öz, Regulatory Oversight Bodies in Turkey. Better Regulation Group, The Prime Minister's Office of Turkey, 31 May 2011, <http://www.oecd.org/mena/governance/48710734.pdf> (accessed 5 November 2014).

Çözüm Süreci Kurulu Resmi Gazete'de, 1 October 2014, <http://www.bianet.org/bianet/siyaset/158881-cozum-sureci-kurulu-resmi-gazete-de> (accessed 5 November 2014).

'Reform Monitoring Group for EU reforms replayed with Action Group', Hürriyet Daily News (7 November 2014)

Ministerial
Bureaucracy
Score: 6

The ministerial undersecretary, under the authority of a minister and his/her aide, executes services on behalf of a minister and is a political position that is achieved through merit and a successful political career. There are also deputy undersecretaries in the ministries who may help in conducting ministerial affairs.

In addition to the implementation of the Department of Strategy Development, Turkey has introduced an e-government project and pursued improvements in electronic communications and information technology, while further efforts are needed to bring communications legislation in line with European standards (e.g., regarding market access and interconnection). Nevertheless, during the review period there was an increasing tendency to draft and adopt legislation without appropriate consultation. The creation of new ministries and agencies and the resulting fragmentation of responsibilities has increasingly complicated ministerial coordination, for example in budgeting and medium-term economic policymaking. The oversight bodies under the Prime Minister's Office are therefore not only responsible for coordination and scrutiny of legal drafts, but are also tasked with monitoring legislation implementation. Accordingly, inefficiencies of coordination due to institutional ambiguity and conflicts is a serious problem.

Citation:

Ömer Öz, Regulatory Oversight Bodies in Turkey. Better Regulation Group, The Prime Minister's Office of Turkey, 31 May 2011, <http://www.oecd.org/mena/governance/48710734.pdf> (accessed 5 November 2014).

Informal
Coordination
Score: 8

The government has always held informal meetings on various topics (such as on the issue of Kurdish rights or EU accession plans) with other politicians, senior officials and consultants. However, these informal bodies, which are usually made up of senior party people and their personal networks, basically sketch the framework of an issue in consultation with experts, while civil servants develop proposals and finally the upper administrative echelons finalize policy. The higher levels of the ruling party in particular, in cooperation with ministers who have considerable experience in their fields, form a tight communication network and contribute significantly to policy preparation.

However, the recent allegations of a "parallel structure" within existing state structures placed significant strain on these informal mechanisms. As a consequence, a new generation of cabinet and administrative staffers with high loyalty and commitment to the party-state system is being groomed.

Citation:

Bülent Duru/İlhan Uzgel, AKP Kitabı-Bir Dönüşümün Bilançosu, İstanbul: Phoenix Yayınevi, 2013.

Evidence-based Instruments

RIA
Application
Score: 4

Since 2007, completion of a regulatory impact assessment (RIA) has been required for all legislation (laws, decrees and other regulatory procedures), excluding issues relating to national security, the draft budget or final accounts (under Article 24 of Regulation 4821 on the Procedure and Principles of Preparing Legislation, 12 December 2005). On 3 April 2007, the Prime Minister's Office issued a circular that provided a guide on how to prepare assessments. Yet the RIA process is followed only rarely in Turkey.

Despite regulations adopted to encourage administrative simplification in April 2012, the introduction of RIAs has not improved the quality of government legislation.

The government has not, for example, conducted RIAs prior to the adoption of certain key legislative items, such as education reform. A regulatory impact assessment of the EU-Turkey Civil Society Dialogue was performed, however, in an attempt to draw an estimate for future assistance. In 2012, an RIA was filed over European law Seveso II, dealing with industrial-pollution control and risk management. In 2013, another draft RIA was prepared for the Integrated Pollution Prevention and Control program. In general, however, the RIA process in Turkey has suffered due to insufficient awareness of the benefits of the process, underdeveloped administrative capacities and the decreasing importance of harmonization with EU norms.

Citation:

European Commission, Turkey Progress Report, October 2014

http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf (accessed 5 November 2014)

Dr. Sibel Güven, Türkiye'de Düzenleyici Etki Analizi (DEA) Uygulamaları Nedenİstenen Düzeyde Değil? TEPAV, Ankara, Ocak 2011.

Technical Assistance Service for IPPC – Integrated Pollution Prevention and Control in Turkey, Draft Regulatory Impact Assessment, June 2013, <http://www.csb.gov.tr/db/ippceng/webmenu/webmenu9986.pdf> (accessed 5 November 2014).

Quality of RIA
Process
Score: 3

During the period under review, the requirement to perform regulatory impact assessments (RIAs) did not help improve the quality of proposed government legislation. Instead, the government more often than not drafted and adopted legislation without appropriate consultation of NGOs or other stakeholders.

As part of the RIA conducted in 2012 for Seveso, industry participation was made

possible through an Internet-based system. However, this process is still in the early stages of development. In 2013, the government prepared an RIA for the EU-funded Protection and Control of Integrated Pollution in Turkey project. However, this was a unique situation and the study is itself a pilot project, and as such does not represent a standard that other public institutions must follow.

Citation:

European Commission, Turkey Progress Report, October 2014,

http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf (accessed 5 November 2014)

Dr. Sibel Güven, Türkiye’de Düzenleyici Etki Analizi (DEA) Uygulamaları Neden İstenen Düzeyde Değil? TEPAV,

Ankara, Ocak 2011.

Technical Assistance Service for IPPC – Integrated Pollution Prevention and Control in Turkey, Draft Regulatory Impact Assessment, June 2013, <http://www.csb.gov.tr/db/ippceng/webmenu/webmenu9986.pdf> (accessed 5 November 2014).

EKÖK “Entegre Kirlilik Önleme ve Kontrol” Teknik Yardım Hizmeti, Haziran 2013.

http://www.csb.gov.tr/db/ipp_c/icerikbelge/icerikbelge1631.pdf

Sustainability
Check
Score: 3

The government has conducted several sustainability checks in the framework of regulatory impact assessments (RIA), such as on the Waste Electrical and Electronic Equipment (WEEE) Directive, the Habitat Directive or the Discharge Directive.

Still, the examples refer to internationally sponsored projects and do not point to a general administrative practice. Politicians and experts widely use the term “sustainability” as a policy slogan, but there is no formally adopted sustainability strategy in Turkey.

Citation:

Başbakanlık, Bürokrasinin Azaltılması ve Kamu Hizmet Sunum Esaslarının Geliştirilmesi, DÜZENLEYİCİ ETKİ ANALİZİ RAPORU, Temmuz 2009, www.riaturkey.org/doc/Burokrasinin_azaltilmasi.doc (accessed July 26, 2010)

Societal Consultation

Negotiating
Public Support
Score: 5

Government- and parliament-society relations are not based on a systematic, ongoing and structured consultation mechanism. The country’s civil society is deepening, but the legal, financial and administrative conditions for the promotion of independent groups needs to be improved. However, the EU-Turkey Civil Society Dialogue programs continue to contribute to civil-society development and a greater recognition of civil-society organizations at the local level.

Associational life has been passing through a transformation in recent years. The government has promoted the existence of pro-government organizations, and has sought to consult more closely with them. Additionally, as the number of public-opinion survey companies has grown in recent years (Pollmark, GENAR,

Metropoll), the government has generally sought to take their results and publications into account when forming policy. On the other hand, civil-society organizations have limited capacity to change or curb government behavior on highly sensitive social issues. This powerlessness has been evident on issues such as urban restructuring in Istanbul or the creation of new power plants in Central and Southeastern Anatolia, for which social and environmental issues have not to date been taken into consideration. As a result, societal consultation has been ineffective.

Citation:

European Commission, Turkey Progress Report, October 2014,

http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf (accessed 5 November 2014)

Policy Communication

Coherent
Communication
n
Score: 6

In spite of its centralized and hierarchical structure, Turkey's executive is far from being monolithic and or able to speak with a single voice. For example, a spokesman for the Council of Ministers issues public declarations on behalf of the council, while a separate spokesman's office represents the prime minister. Following former Prime Minister Recep Tayyip Erdoğan's election to the presidency, and the fall 2014 accession of new Prime Minister (former Minister of Foreign Affairs) Ahmet Davutoğlu's government, three different major sources of public communications were evident – president, prime minister and the ministers' council. This has increased the need for a coordinated communications policy.

Citation:

Utku Çakırözer, AKP'den İki Farklı Ses, Cumhuriyet dailynewspaper, 7 November 2013, http://www.cumhuriyet.com.tr/koseyazisi/6855/AKP_den_iki_Farkli_Ses.html (accessed 5 November 2014).

Burcu Yiğiter (2014), What will be the European Union's Next Move toward Presumed Polarization and Intolerance in Turkish Society?, Istanbul: Istanbul Bilgi University, http://eu.bilgi.edu.tr/media/uploads/2014/07/25/burcu%20yigiter_.pdf (accessed 15 December 2014).

Implementation

Government
Efficiency
Score: 7

Having overcome the influence of relevant veto players (primarily the Turkish Armed Forces and the Constitutional Court), the governing AKP has solidified its dominant position in Turkish politics and is well-placed to enact its policy objectives.

The AKP government's ongoing goals include improving the country's economic welfare (extending foreign-trade relations, increasing foreign direct investment); strengthening social inclusion (reforming the social-insurance system, legalizing

currently illegal housing in the suburbs); establishing intra-societal peace and stability (social and cultural inclusion, strengthening the Sunni Islam identity, solving the Kurdish issue); limiting the political powers of the military and the judiciary; and implementing foreign-policy goals (establishing Turkey as a key diplomatic player and conflict mediator). Officially, EU accession also remains an important goal.

In each of these fields, however, the government's performance has been mixed at best. The country's economy has weakened compared with the boom years, while its once proactive and strategic foreign and security policies have become more confused, particularly toward the conflicts in its regional neighborhood. The AKP's credibility was itself undermined after the government's suppression of the Gezi protests in the summer of 2013, among other triggers. Moreover, the contradictions between the goals of political liberalization and the government's conservative-religious ambitions have become ever more visible to the public.

Citation:

Ministry of Development, 2015-2017 Medium Term Program in Macro-economic and Fiscal Targets, 8 October 2014.

Büyümede hedef şaştı, Milliyet daily newspaper, 11 September 2014, <http://www.milliyet.com.tr/buyumede-hedef-sasti/ekonomi/detay/1938470/default.htm> (accessed 5 November 2014)

Şehriban Kıraç, AKP'nin planı iflas etti, Cumhuriyet daily newspaper, 10 October 2014, http://www.cumhuriyet.com.tr/haber/ekonomi/128791/AKP_nin_plani_iflas_etti.html (accessed 5 November 2014)

Ministerial
Compliance
Score: 9

The entrenched single-party government, with strong party leadership and high demand for ministerial positions among party members, provides strong incentives for the promotion of the government program. Therefore, it is difficult even for those ministers who are professionals in their fields to come independently to the forefront. The charisma of the former prime minister and the tendency of political parties to leave personnel decisions to the party leader 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 agendas. A number of key ministries during the review period were under the leadership of ministers with substantial professional expertise, but these figures had little support from the party apparatus, leaving them dependent on the prime minister. This ensures that the strong leadership of the prime minister and party leader, rather than other incentives, drives ministers to implement the governmental program. After Erdoğan was elected to the presidency, additional loyalist ministers were appointed to the cabinet. Erdoğan rejected claims that the new prime minister would merely do his bidding; however, he continues to maintain his grip on the government, stressing his intention to be an active president, and interfering in virtually every policy field and ministerial portfolio.

Citation:

Erdoğan says new PM will not be puppet, Al Jazeera, 27 August 2014, <http://www.aljazeera.com/news/europe/2014/08/Erdoğan-says-new-pm-will-not-be-puppet->

2014827133851415267.html (accessed 5 November 2014)

Güngör Uras, 'Bir şey' değişmeyecek ama çok şey değişecek, Milliyet daily newspaper, 11 August 2014, <http://www.milliyet.com.tr/-bir-sey-degismeyecek-ama-cok-ekonomi/ydetay/1923887/default.htm> (accessed 5 November 2014)

Monitoring
Ministries
Score: 7

The Prime Minister's Office has, among other things, established the General Directorate of Laws and Decrees and the General Directorate of Legislation Development and Publication to examine the congruity with the constitution of draft bills, decrees, regulations and resolutions of the Council of Ministers, as well as to review in general laws, plans and the government's program. These bodies are the primary government centers for the drafting and coordinating of regulations. However, there is no systematic monitoring of the activities of line ministries. In some cases, the ministerial bureaucracy resists policy handed down by the government without serious consequences, particularly in issues of democratization. In general, however, ministries work in cooperation with the prime minister's office because the single-party government has staffed leading ministerial posts with bureaucrats who operate in sync with the ruling party's ideology.

The PMO has a total of 2,214 employees, a quarter of whom are experts or advisors, or able to provide similar services. A Sectoral Monitoring and Assessment Unit was established in 2011. However, this function did not initially have sufficient staff members to exercise its function. In June 2014, 400 employees were allocated to this unit to provide consultation to the PMO. The PMO's inability to ensure efficient interministerial cooperation represents a major deficiency.

Citation:

TC Başbakanlık Kanunlar ve Kararlar Genel Müdürlüğü Performans Raporu 2014, http://www.basbakanlik.gov.tr/Forms/_Article/PerfRapor2014.pdf (accessed 5 November 2014)

Başbakanlığa 402 kadro ihdası tartışma çıkardı, 27 Haziran 2014, <http://www.memurlar.net/haber/474352/> (accessed 5 November 2014)

Monitoring
Agencies,
Bureaucracies
Score: 7

Turkey is a unitary state divided into 81 provinces (Article 126 of the constitution). Power is devolved in such a way as to ensure the efficiency and coordination of public services from the center. Ministerial agencies are monitored regularly. The central administration by law holds the power to guide the activities of local administration, to ensure that local services are delivered in conformance with the guidelines set down by the central government, as well as ensuring services are uniform, meeting local needs and in the interest of the local population (Article 127). The central government has provincial organizations that differ in size and capacity and are regularly scrutinized by the central government. Independent administrative authorities such as the Telecommunications Authority and Energy Market Regulatory Authority are not monitored, but are subject to judicial review.

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 5018). It ensures that administrative bodies cooperate with public auditing

bodies, and makes its own proposals to eliminate fraud or irregularities.

All public agencies maintain an internal audit body; however, such bodies do not function effectively or operate to their fullest capacity.

Law No. 5018, adopted in 2004, introduced a strategic-management approach under which all public agencies must prepare a strategic plan, annual program and activity reports. The subunits' performance is assessed on the basis of these documents. However, neither strategic management principles nor internal oversight mechanisms have been effectively implemented by the administration.

Citation:

Tamer Çetin and Fuat Oğus (eds.), *The Political Economy of Regulation in Turkey*, New York, Springer, 2011.

N.Z. Gürkan, *Kamu mali yönetiminde iç denetim uygulaması ve iç denetim algısı*, MA Thesis, 2010. <http://eprints.sdu.edu.tr/id/eprint/690>

Task Funding
Score: 6

Municipal governments depend on financial contributions from the central government. Many municipalities do not have the sufficient resources to finance basic duties. Thus, many have declared bankruptcy. Municipal borrowing constitutes a large share of Turkey's total medium- and long-term debt. Financial decentralization and reform of local administration have been major issues during the review period. The central administration (mainly through the Bank of Provinces) is still the major funding source for local governments. During the 2014 fiscal year, the government allocated TRY 346 million to a village infrastructure project (KÖYDES), TRY 557 million to the Drinking Water and Sewer Infrastructure Program (SUKAP), TRY 220 million to the Social Support Program (SODES), TRY 499 million to development agencies, and about TRY 400 million to municipalities for sewage treatment and offsets of other expenses.

The incumbent government has been accused of taking a partisan approach toward the distribution of funds. Since 2009, transfers from the central government to municipalities via the Bank of Provinces have taken into consideration the number of inhabitants and the locality's relative position on 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. As of February 2014, municipalities owed a collective total of TRY 131 million to the Treasury.

The recent change in regulations governing metropolitan municipalities was designed to generate funds for them. However, this shift will in turn cause smaller administrative units to be fiscally and administratively dependent on the metropolitan municipalities. In other words, the authority held by subunits such as villages and small towns will be undermined in the long run.

Citation:

2014 Yılı Merkezi İdare Bütçesi, <http://www.bumko.gov.tr/TR,4570/2014.html>, (accessed 5 November 2014)

En borçlu başkan Karaosmanoğlu, Zaman daily newspaper, 26 March 2014, http://www.zaman.com.tr/ekonomi_en-borclu-baskan-karaosmanoglu_2207240.html, (accessed 5 November 2014)

TC Maliye Bakanlığı 2014 Yılı Bütçe Sunuş Konuşması, (TBMM Plan ve Bütçe Komisyonu), 22 October 2013, <http://pbk.tbmm.gov.tr/dokumanlar/2014-butce-sunum.pdf>, (accessed 5 November 2014)

Constitutional
Discretion
Score: 5

According to Article 127, Paragraph 1 of the constitution, local administrative bodies are public entities established to meet the common needs of the local inhabitants of provinces, municipal districts and villages, whose decision-making bodies are determined by the electorate as described in law, and whose structure is also determined by law. However, according to Article 127, Paragraph 5 of the constitution, the central administration has the power of administrative trusteeship over 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 services, to safeguard the public interest and to meet local needs in an appropriate manner.

Past reforms driven by the process of alignment with the European charter of local self-government have changed Turkey's administrative structure and the relationship between the center and subnational bodies. A December 2012 law revised the boundaries of metropolitan municipalities with the goal of making the provision of public services more effective and productive. The law has been criticized, as it appears to set aside the principle of subsidiarity despite its "official" goal of strengthening democracy at the local level. First, the legal status of provincial administrations, villages and municipalities cannot be changed through a special law without consultation or referendum; such changes require a constitutional amendment. Second, the 2012 law essentially violates the principle of self-government. And finally, it is questionable whether the effective delivery of social services is indeed relevant to strengthening local democracy.

Citation:

Uğur Ömürgönülşen and Uğur Sadioğlu (eds.) 2014. Workshop on Local Governance and Democracy in Europe and Turkey. Hacettepe University, Ankara: TBB Publication.

National
Standards
Score: 5

The Ministry of Interior Affairs closely monitors the structure and quality of services provided by municipal governments, through its own local agencies and administrative trusteeship (through internal and external audits, and audits by civil service inspectors). The Union of Municipalities of Turkey also offers nationally or EU-funded training and technical support for municipalities in this respect.

While United Nations Development Program (UNDP) support for the implementation of local-administration reform in Turkey (LAR Phase 2) has been concluded, Turkey still aims to fulfill some requirements of the European Local Self-Government Charter. In this context, municipalities are working to establish

departments tasked with monitoring, investment and coordination. The main duties of these departments are to provide, monitor and coordinate public institutions and organizations' investments and services; to provide and coordinate central-administration investments in the provinces; and to guide and inspect provincial public institutions and organizations. However, the most significant outstanding issues with regard to standardizing local public services are essentially financial, technical and personnel-driven. Within the OECD, Turkey remains the country with the largest regional disparities.

Citation:

Musa Meşe, Belediye Şirketleri Üzerine Bir Değerlendirme, Sayder, April-June 2011, <http://www.sayder.org.tr/dergi-belediye-sirketleri-uzerine-bir-degerlendirme-12-23.pdf>

Nihat Işık and Filiz Demir, Kamu Harcamalarında Etkinlik ve Verimlilik: Karaman Belediyesi Hizmetleri Üzerine Bir Uygulama, Maliye Dergisi, 163, July-December 2012, http://dergiler.sgb.gov.tr/calismalar/maliye_dergisi/yayinlar/md/163/163-09.pdf

Adaptability

Domestic
Adaptability
Score: 5

The EU accession process is the main driving force behind changes or adaptations in Turkey's domestic government structures. Almost all public entities maintain a unit for EU affairs; strategic-planning units can be found in all ministries. The European Union and Turkey have developed several projects aimed at harmonizing legislation with the body of EU law and increasing Turkey's human resources capacity. Particularly, the EU Instrument for Pre-Accession Assistance (IPA) and EU twinning programs are major mechanisms aimed at adapting central and local governmental structures to supranational developments, addressing issues of primary and secondary legislation, public administrative reform, education, justice and home affairs, health care, the environment, public works and so on. In the context of EU accession, the government was able to reform the National Security Council and limit the political role of the military. With respect to judicial reforms, the government created the Higher Council of Judges and Prosecutors (HSYK), modeling it on similar criteria found in other EU member states.

Turkey is a signatory of several international conventions that include binding provisions, and the Turkish government has attempted to comply with these international responsibilities. However, the government has fallen short on many requirements, either legally or institutionally. On issues of child labor, general working conditions and environmental standards, Turkey still falls below international standards.

Following the reorganization of ministerial structures in June 2011, some ministries attempted to reorganize their provincial units as well. With an eye to improving efficiency and effectiveness, some former employees were replaced by new staffers with high qualifications. These reforms were supported by training programs and

other capacity-development tools. However, nepotism and partisanship still prevent full realization of the objectives of effectiveness and efficiency.

Citation:

Bakanlar Kurulu yeniden yapılandırılıyor, *Hürriyet*, 8 June 2011, <http://www.hurriyet.com.tr/gundem/17982957.asp> (accessed 5 November 2014)

Seriye Sezen, *International versus Domestic Explanations of Administrative Reforms*, Andrew Massey (eds.) *Public Sector Reform*, Vol. II, Sage Publications, 2013.

International
Coordination
Score: 6

During the period under review, Turkey continued its participation in peacekeeping missions in Afghanistan, Kosovo and Lebanon. In November 2014, the Turkish parliament adopted a motion to support the EU mission to Central Africa and Mali. The government has continued its efforts to mediate in the Balkans, the Middle East and the Black Sea/ Caucasus region. The government's doctrine of "humanitarian diplomacy" has been widely acknowledged, and the global activities of its main actors in this field – the Turkish Red Crescent (Kızılay), the Turkish Cooperation and Development Agency (TİKA) and the Disaster and Emergency Management Presidency (AFAD) – have received widespread praise.

However, the current crises in Ukraine and Turkey's Arab neighborhood have put Turkish diplomacy and security policy under stress. As a result of the ongoing civil war in Syria, Turkey had hosted and assisted more than 1.7 million Syrian refugees as of November 2014, with only a limited share of this group living in state-run refugee camps. The emergence of the Islamic State (IS) terrorist group has represented a new threat to Turkey as well as others. It challenges established state frontiers, increases sectarianism and refugee pressures, and claims ideological hegemony with its fundamentalist interpretation of Islam. Moreover, IS's sudden advance in the Kurdish regions in Syria and Iraq has imposed new challenges for the Kurds in the region and to the Turkish government's "solution process." The government's alleged involvement in supporting radical Islamist groups and militias in Syria, an issue widely debated in domestic and international media during the review period, as well as the administration's lack of any convincing clarification of the facts, resulted in a massive decline in international prestige and credibility for the government's ambitious foreign policy, if not for Turkey as a whole.

Turkish politicians participate in World Economic Forum meetings and other regional and international organizations, initiating collaborative efforts worldwide. The country is also one of the initiators and co-sponsors of the U.N.-affiliated Alliance of Civilizations initiative.

Seriye Sezen (2012), *International versus Domestic Explanations of Administrative Reforms*, Andrew Massey (eds.) *Public Sector Reform*, Vol. II, Sage Publications.

Mesut Çevikalp (2012), *Active depth: Diplomacy in the field and the new Turkish diplomat*, in: *Turkish Review*, vol. 2, no. 3, pp. 46-53.

Organizational Reform

Self-monitoring
Score: 6

Several units in the hierarchic Turkish administration contribute to the monitoring process directly or indirectly. These include the State Supervisory Council, the Prime Ministry Inspection Board, the Directorate General of Legislation Development and Publication, the Directorate General of Laws and Decrees, and the Council of State. The Prime Minister's Office and individual ministries also occasionally communicate with the parliament's general secretariat and other institutions and organizations with the aim of reforming existing legislation.

All ministries regularly assess current legislation and draft amendments. The Prime Minister's Office also requires public institutions to produce regular monitoring reports, but these are not made publicly available. In a limited sense, national and international organizations such as the United Nations Development Project, the European Union and the Council of Europe provide a blueprint for institutional performance, as observations may produce a needs analysis and outline reasons to pursue institutional reforms. Public participation in this process is limited, however.

Citation:

A. Şeref Gözübüyük and Turgut Tan, *İdare Hukuku I Genel Esaslar*, Ankara, Seçkin Yayınevi, 2014.

Institutional
Reform
Score: 6

According to Law 5018 on Public Financial Management and Control, all public institutions, including municipalities and special provincial administrations, must prepare strategic plans. All public bodies have designated a separate department for developing strategy and coordination efforts; however, these departments are not yet completely functional. Maximizing strategic capacity requires resources, expert knowledge, an adequate budget and a participatory approach. 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 established.

A two-year project seeking to improve strategic management capacity was introduced by the Ministry of Development in 2013. This aims to ensure efficient strategic-planning capacity within key central public organizations, including the General Directorate for Local Authorities, the General Directorate of Budget and Fiscal Control, the Council of Higher Education, and the Court of Accounts.

Following Erdoğan's assumption of the presidency in 2014, a debate on the shift toward a semi-presidential system is ongoing. Critics of the AKP fear that the executive branch and the strategic capacity of the government will be unnecessarily strengthened at the expense of the legislature.

Citation:

Ministry of Development, Improved Strategic Management Capacity Project, <http://stratejikyonetisim.org/en/about-us/about-project/>

II. Executive Accountability

Citizens' Participatory Competence

Policy
Knowledge
Score: 5

The government generally does not adequately inform citizens about the content and development of government policy. In his monthly TV appearance, the prime minister only shares government success stories. Government officials highlight policies as a promising objective, but do not offer follow-up details. While there are no surveys that review how citizens get information over government policy, it is evident that policymaking in Turkey is not transparent or participatory.

Citizens often learn of policies only after their implementation process has begun. The public's level of knowledge about government affairs is low, as is the public's level of satisfaction with the government; however, this has not until recently manifested itself in public unrest. According to a 2011 survey, the media is the public's first source of information, including information on government policies; however, many people also believe the media is not entirely reliable. Even the participatory mechanisms set up to assist government policymaking do not work effectively. Civil-society organizations are not able to inform their members or society at large about ongoing developments. Policy plans are mainly kept secret or are subject to last-minute changes, and the parliament's tendency to pass important measures as a part of omnibus legislative packages has been subject to increasing criticism, because it confuses the public.

Citation:

'HES'leri yeterince anlatamadık', 9.11. 2011, <http://www.sabah.com.tr/Ekonomi/2011/11/09/hesleri-yeterince-anlatamadik>.

Meseleyi Kamuoyuna İyice Anlatamadık, 2.6.2013,

http://www.ulusalstrateji.com/haber/gundem/meseleyi_kamuoyuna_iyice_anlatamadik_126

Naim Karakaya, Hande Özhabeş (2013) 'Judicial Reform Packages: Evaluating Their Effect on Rights and Freedoms', TESEV Democratization Program Policy Report No. 5, Istanbul: TESEV.1.aspx

Legislative Actors' Resources

Parliamentary
Resources
Score: 6

The administrative organization of the Grand National Assembly of Turkey consists of departments that support the Speaker's Office. The conditions of appointment of the administrators and officers are regulated by law (Law 6253, 1 December 2011). The administrative organization (including the research services department and the

library and archives services department) is responsible for providing information as well as bureaucratic and technical support to the plenary, the bureau, committees, party groups and deputies; informing committees about bills and other legislative documents and assisting in the preparation of committee reports; preparing draft bills in accordance with deputy requests; providing information and documents to committees and deputies; coordinating relations and legislative information between the Assembly and the general secretary of the president, the Prime Minister's Office and other public institutions; organizing relations with the media and public; and providing documentation, archive, and publishing services (Article 3, Law 6253). Although the budget of the Assembly is part of the annual state budget, it is debated and voted on as a separate spending unit. The Assembly prepares its own budget without negotiation or consultation with the government; yet, it does follow the guidelines of the Ministry of Finance.

The 550 deputies are provided with 505 primary and 456 secondary advisors and 509 clerks. A total of 32 experts and 66 clerks are assigned to the various party groups. The Turkish parliament has improved both its human-resources services and technical infrastructure, thus providing greater support for members' work. However, capacity development remains a major problem. The parliamentary library and research unit cannot effectively meet demands for information.

Citation:

TBMM İdari Teşkilatı 2013 Faaliyet Raporu,

http://www.tbmm.gov.tr/docs/TBMM_baskanligi_idari_teskilati_2013_faaliyet_raporu.pdf (accessed 5 November 2014)

Nakamura, Robert, and Omer Genckaya. 2010. "Assessment for the Turkish Grand National Assembly in Support of the Implementation of the Public Financial Management Act." Report to the World Bank.

Turkish Parliament: Grand National Assembly of Turkey, Research Center, Ankara, 2012.

Obtaining
Documents
Score: 6

According to Article 98 of the constitution, the Grand National Assembly of Turkey exercises its supervisory power over the government by posing written and oral questions, conducting inquiries, sponsoring general debates, offering motions of censure or starting parliamentary investigations (Articles 96-113 of the Rules of Procedure). Parliamentary committees or commissions may ask the ministries to provide any information relevant to their sphere of duty (Article 41 of the Rules of Procedure). However, in practice some parliamentary inquiry committees that deal with security or military issues have not been able to collect information from security forces. Some invited public officials, mainly military officers, have not attended parliamentary inquiry committee meetings.

The allegations of corruption made against former ministers of the 61st government offer a more recent and quite typical example of how parliamentary-inquiry committees malfunction. A parliamentary commission was created to probe the allegations in December 2013. The formation of the commission took longer than expected due to the government party's delaying tactics before the presidential

elections. A total of 62 files ostensibly detailing corruption were sent to parliament and then returned to the prosecutor's office, after which only 32 files were resubmitted to the parliament. Recently, the prosecutor assigned to the matter dropped the case, asserting a lack of evidence.

Citation:

Rules of Procedure of the Grand National Assembly of Turkey, http://global.tbmm.gov.tr/docs/rules_of_procedure_en.pdf (accessed 5 November 2014)

Ruling party eventually nominates deputies for corruption commission, *Hürriyet Daily News*, 26 June 2014, <http://www.hurriyetdailynews.com/ruling-party-eventually-nominates-deputies-for-corruption-commission.aspx?pageID=449&nID=68329&NewsCatID=338> (accessed 5 November 2014)

Merve Tahiroğlu, Turkey's Inquiry into Corruption Charges Will Change Little, 12 May 2014, <http://www.defenddemocracy.org/media-hit/turkeys-inquiry-into-corruption-charges-will-change-little/#sthash.IY3PjmJL.dpuf> (accessed 5 November 2014)

Summoning
Ministers
Score: 7

According to Article 30 of the parliamentary rules of procedure, the prime minister or ministers can attend committee meetings as a representative of the government without invitation, and may talk on the subject matter at hand. However, the prime minister or ministers may also delegate a senior civil servant to be his or her representative at a committee meeting. If relevant, 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. While parliamentary committees are not able to summon ministers for hearings, the responsible minister may voluntarily decide to participate in a meeting. Normally, the committees are briefed by high-ranking ministerial bureaucrats.

Citation:

Rules of Procedure of the Grand National Assembly of Turkey, http://global.tbmm.gov.tr/docs/rules_of_procedure_en.pdf (accessed 5 November 2014)

Summoning
Experts
Score: 10

According to Article 30 of the parliamentary rules of procedure, committees are legally able to summon experts from non-governmental organizations, universities or the bureaucracy to provide testimony without limitation. During the review period, parliament made de facto use of this right, for example in committees to investigate past military coups, the mass killings in Tunceli (Dersim) in 1937 and 1938, and the Uludere incident of December 2011.

Citation:

Rules of Procedure of the Grand National Assembly of Turkey, http://global.tbmm.gov.tr/docs/rules_of_procedure_en.pdf (accessed 5 November 2014)

Task Area
Congruence
Score: 7

There are 18 standing committees in the Grand National Assembly of Turkey, which are generally established in parallel with structure of the ministries. The most recent such committee, the Security and Intelligence Commission, was established in spring 2014. Except for committees established by special laws, the jurisdiction of each committee is not expressly defined by the rules of procedure. Committees do not independently monitor ministry activity, but do examine draft bills. During

discussions, committees may also supervise the ministry activity indirectly. The Plan and Budget Commission is the most overloaded group, as every bill possesses some financial aspect. The degree of professionalization on the part of committee members is not high.

Citation:

Rules of Procedure of the Grand National Assembly of Turkey,

http://global.tbmm.gov.tr/docs/rules_of_procedure_en.pdf (accessed 5 November 2014)

Nakamura, Robert, and Omer Genckaya. 2010. "Assessment for the Turkish Grand National Assembly in Support of the Implementation of the Public Financial Management Act." Report to the World Bank.

Turkish Parliament: Grand National Assembly of Turkey, Research Center, Ankara, 2012.

Audit Office
Score: 4

According to Article 160 of the constitution, the Court of Accounts is charged on behalf of the Grand National Assembly with auditing all accounts related to revenues, expenditures and properties of government departments that are financed by the general or subsidiary budgets.

The parliamentary Final Accounts Committee reviews its own accounts annually. The Court of Accounts reports to parliament but is not accountable to it. The parliament, from a list compiled by its Plan and Budget Commission, elects the Court's president and members. The Council of Ministers, however, appoints court rapporteurs and prosecutors. During the review period, the parliament amended Law No. 6085, weakening the court's external-audit function.

Citation:

Fikret Bila, Sayıştay'ı daha etkisiz kılacak teklif, Milliyet daily newspaper, 21 April 2013, <http://www.milliyet.com.tr/sayistay-i-daha-etkisiz-kilacak>

teklif/siyaset/siyasetyazardetay/21.04.2013/1696253/default.htm, (accessed 5 November 2014)

Nebi Yılmaz, Sayıştayın Raporlama Görevi ve Sayıştay Raporları, Sayder, January-March 2011, <http://www.sayder.org.tr/e-dergi-sayistayin-raporlama-gorevi-ve-sayistay-raporlari-11-10.pdf>, (accessed 5 November 2014)

Ombuds Office
Score: 5

A law establishing a Turkish ombudsman office, called the Public Monitoring Institution (KDK), was adopted in June 2012 and went into force in December 2012. The office is located within the Parliamentary Speaker's Office, and is accountable to parliament. The ombudsman reviews lawsuits and administrative appeals (from the perspective of human rights and the rule of law) and ensures that the public administration is held accountable. In 2013, a total of 7,638 petitions arrived at the Ombudsman; by September 2014 it had addressed 2,170 out of that year's 3,502 received complaints. According to the KDK itself, several main obstacles hamper the efficacy of its work. First, the degree of compliance with its decisions has been low, with only 20% of its released decisions having been obeyed by public administrative bodies. Second, under the current law, the KDK cannot conduct inquiries on its own initiative. Moreover, the mandate of the office does not cover administrative actions performed by military personnel.

The Parliamentary Petition Committee reviews citizens' petitions (a total of 4,568 in 2013) and refers them to the relevant authority, when appropriate. The Human Rights Investigation Commission has the authority to receive, investigate and review complaints on human-rights issues. The Commission on Equal Opportunities for Women and Men is entitled to review complaints regarding violations of gender equality.

Citation:

The Ombudsman Institution (2014) 'The Chief Ombudsman Annual Press Conference', http://www.ombudsman.gov.tr/en/content_detail-322-779-the-chief-ombudsman-annual-press-conference.html (accessed 10 December 2014)

T.C. Kamu Denetçiliği Kurumu 2013 Yılı Faaliyet Raporu,

http://www.ombudsman.gov.tr/contents/files/pdf/faaliyet_rap.pdf

TBMM Dilekçe Komisyonu 2013 Faaliyet Raporu,

http://www.tbmm.gov.tr/komisyon/dilekce/docs/faaliyet_raporlari/faaliyet_raporu_2013.pdf

Media

Media
Reporting
Score: 4

Despite the pluralistic media scene in Turkey, the Turkish media (TV channels, newspapers, etc.) seems increasingly split between proponents and opponents of the AKP government. In consequence, it is difficult for citizens to find objective or substantive in-depth information on government policies and government decision-making. The dominant media-ownership structure, the government's clear-cut differentiation between pro- and anti-government media, and the increasingly polarized public discourse make it difficult for journalists to provide substantial information to the public. This is true even of the main news agencies, such as Anadolu, ANKA, Doğan and Cihan. Superficial reporting and self-censorship are widespread within the major media outlets. Thus, few newspapers, radio or TV stations offer in-depth analysis of government policies or their effects concerning human rights, the Kurdish issues, economic conditions and so on. Social media has recently become a major means of communication, but is limited in its reach to urban, primarily young segments of society. Moreover, it is restricted by the government.

Citation:

Derya Sazak, Batsın Böyle Gazetecilik (İmralı Zabıtları / Gezi / 17 Aralık), İstanbul: Boyut Yayın Grubu, 2014.

Open Society Foundation, Digital Journalism: Making News, Breaking News, July 2014, <http://www.opensocietyfoundations.org/sites/default/files/mapping-digital-media-overviews-20140828.pdf> (accessed 5 November 2014)

Parties and Interest Associations

Intra-party

The Political Parties Law (Law No. 2820) does not encourage intra-party

Democracy
Score: 2

democracy. Nor do the bylaws of the major parties provide any incentive to pursue intra-party democracy. Although the Justice and Development Party (AKP), the Republican People's Party (CHP) and the Peace and Democracy Party (BDP) do not discriminate on the basis of ethnicity or religious orientation with regard to membership, contestation within the parties is limited, at best. Dissenting voices are generally unable to find an institutional path by which to engage in effective debate. Competition usually revolves around party members' ability to create local power centers through which they compete for the attention and goodwill of the party leader. Within the AKP, the confrontation between the party leadership and deputies close to the preacher Fethullah Gülen led to the resignation of nine deputies. In the CHP, Emine Ülker Tarhan, who was very critical of the party leadership, had to resign along with other members following the CHP's defeat in the presidential elections.

In 2014, the ruling AK Party retained its internal regulations – unique in comparison to other parties – limiting deputies and office holders to three terms. This means around 70 AKP deputies, including ministers and founding members of the party, will not be allowed to run for parliament in the 2015 general elections.

AK Partili İlhan İşbilen istifa etti, Hürriyet, 7 February 2014,

<http://www.hurriyet.com.tr/gundem/25757574.asp>

Mehmet Akinici /Özgür Önder / Bile Kagan Sakaci (2013): Is Intra-Party Democracy possible in Turkey? An Analysis of Political Parties Act and Party By-Law, European Scientific Journal, Vol. 9, No.11.

Pelin Ayan (2011), Authoritarian Party Structures and Democratic Political Setting in Turkey, Palgrave Macmillan.

Association
Competence
(Business)
Score: 7

The Union of Chambers and Commodity Exchanges (TOBB) is the most influential association in Turkey, representing more than 1.2 million enterprises and members of various industry and business chambers. Along with the pro-Western, Istanbul-centric Turkish Industrialists' and Entrepreneurs' Association (TÜSİAD) and the conservative, Anatolian-centric Independent Industrialists' and Entrepreneurs' Association (MÜSİAD), it supports privatization, the development of the market economy and the integration of Turkey into the global economy. Beyond that, these groups advocate political reforms to strengthen human rights and the rule of law, and support reforms of the Turkish ethnic-nationalist concept of citizenship. During the review period, they regularly published recommendations aimed at reducing the growing polarization in politics and society. Furthermore, these groups often issue reports, proposals or positions on issues such as education, health care, security and constitutional reform. The degree of direct impact of such proposals and amendments on legislation is unknown, but the government regularly claims to take such reports under consideration.

When it comes to social and labor rights, the three organizations favor employers' interests, but do not oppose unionism as such. While these associations have represented the secular side of Turkish society since the 1990s, TUSKON, a group close to both the governing party and the Fethullah Gülen network, has become

more prominent in promoting Muslim business interests. With the government's allegations against the Gülen network, institutions such as AsyaBank and companies related to the network have come under scrutiny.

Among labor unions, the ideological split between secular unions such as the Confederation of Public Workers' Unions (KESK) and the Confederation of Revolutionary Trade Unions of Turkey (DİSK) and the more conservative-Islamic Confederation of Turkish Real Trade Unions (Hak-İş) tends to prevent common action. Moreover, it has become increasingly obvious over the last decade that religiosity has become a strategic resource in creating solidarity among union members, and in bolstering loyalty to the government.

Citation:

Ayşe Bugra and Osman Savaskan, *New Capitalism In Turkey The Relationship between Politics, Religion and Business*, Edward Elgar, 2014.

Association
Competence
(Others)
Score: 5

The number of non-economic civil-society organizations has increased in the last decade, indicating a growing degree of public engagement within many segments of Turkish society. There are several initiatives to promote the capacity of civil society in Turkey, yet due to financial and human resources issues, only a few leading, semi-professional associations are able to work and provide alternative proposals for social issues based on scholarly research. In general, interest groups have limited influence over government policy, despite their ability to communicate with the government through various channels. Moreover, the government has excluded opponents from participation in decision-making process, creating instead its own loyal civil-society groups such as TÜRGEV, a foundation led by President Erdoğan's son that has gained political influence. Religious orders and communities have extended their networks under the different names of solidarity associations.

Few of these groups, platforms or associations undertake advocacy locally or nationally by producing reports and organizing meetings. There is no legal mechanism to regulate relations between the public sector and civil society in the policymaking process. Environmental pressure groups have increasingly demonstrated against dam and hydroelectric-energy projects throughout Turkey, but their protests are regularly suppressed by the security forces.

TÜSEV, *Kültür Politikaları Ekseninde Kamu-STK İlişkileri 2013*

http://www.tusev.org.tr/usrfiles/images/Sivil_Toplum_Izleme_Raporu_2013__Kultur_Politikaları_Ekseninde_Kamu-STK_Iliskileri_Vaka_Analizi.pdf

TÜSEV, 2012-2013 Döneminde Gönüllülük Alanında Yaşanan Gelişmeler, <http://www.tusev.org.tr/usrfiles/images/GonullulukVakaAnalizi.23.07.14.pdf>

Police use rubber bullets against activists occupying Istanbul grove over tent row, 7 November 2014,

Charity NGO counting Turkish PM's son as board member received \$99,999,990 in donations: Deputy PM, 10 April 2014, <http://www.hurriyetdailynews.com/charity-ngo-counting-pms-son-as-board-member-received-99999990-in-donations-deputy-pm.aspx?pageID=238&nID=64844&NewsCatID=338>

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Contact:

Bertelsmann Stiftung
Carl-Bertelsmann-Straße 256
33311 Gütersloh

Dr. Daniel Schraad-Tischler
daniel.schraad-tischler@bertelsmann-stiftung.de

Dr. Christian Kroll
christian.kroll@bertelsmann-stiftung.de