

SGI Sustainable
Governance
Indicators

2014 Turkey Report

Cemal Karakas, Omar Genckaya, Subidey Togan,
Roy Karadag (Coordinator)



Executive Summary

During the review period, the 2011 parliamentary elections in Turkey were conducted in a free and fair manner. The government however did not decrease the 10% electoral threshold (despite official announcements), the highest barrier for parliamentary elections in Europe.

There was also progress toward increased transparency in political financing. The law on presidential elections (adopted in January 2012) introduced rules on transparency. The 2011 amendment to the Law on the Constitutional Court reinforced the body's auditing capacity with regard to party financing. The two major parties in parliament, the Justice and Development Party (AKP) and the Republican People's Party (CHP), published records of their finances and publically declared their income and expenditures.

While (foreign) media ownership and therefore pluralistic opinions were expanded during the period, media independence from the influence of the executive branch worsened. Journalists critical of the government were excluded from the 2012 AKP party congress. In addition, the increasing tendency to jail journalists and other media employees – sometimes alleged to be supporters of the clandestine “Ergenekon” network – on the basis of Article 301 of Turkey's criminal code (which makes insulting Turkishness or the Turkish nation a crime) was essentially encouraging media self-censorship.

The state showed improvements in respecting civil rights and political liberties, and the process of obtaining official information for citizens was eased. A fourth judicial reform package, among other issues, helped remove limitations on cases involving torture being conducted only by the police or public servants. Evidence acquired through illegal means now will not be allowed in trials. The reform package, however, fell short on issues of freedom of thought and expression. In addition, the government adopted laws dealing with the protection of the family and the prevention of violence against women, as well as established a national human rights body. While the civil rights of women and the disabled and also the cultural rights of the country's Kurdish minority were in general strengthened, no substantial progress was made concerning the minority rights of Alevis and Christians.

Despite the global financial crisis, Turkey was able to create, through cost-intensive “employment packages,” about 711,000 new jobs in 2012. The unemployment rate fell to 9.2% compared with 9.8% in 2011. In addition, the government increased financial contributions to research and development, education and training, social policy and health care, and in doing so, may achieve some progress in these areas. Furthermore, the government made progress on issues of internal security and the environment. These measures, however, challenged state budget discipline and overall fiscal sustainability.

The government was more successful in realizing its policy goals than in 2011, for example through the weakening of the political influence of veto players, such as the military and the judiciary. Yet intra-ministerial coordination over cabinet proposals needs to be improved and the quantity of regulatory impact assessments (RIA) increased. The government helped to foster the principle of self-governance at the local level, and established the office of the ombudsman. The ombuds office examines lawsuits and administrative appeals with respect to the rule of law and to human rights, and ensures that the public administration is accountable. While having no rights to conduct inquiries on its own, the fact that the office was even created is a sign of major progress for civil rights and public accountability.

During the period, the Turkish government pursued a proactive foreign policy stance, to promote peace and stability and access (new) markets. Because of regional political developments, specifically the events of the Arab Spring, Ankara was only to some extent successful in achieving its security and foreign trade goals. Finally, the government followed a low-intensity approach in combating global social inequalities, promoting essentially a supervisory role in issues of international finance or with relation to the extension of global environmental protections.

Key Challenges

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

The government should however strengthen the people's sovereignty at the expense of state sovereignty, or the tradition of the Kemalist state. Initially the government has been able to some extent break the monopoly of 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. Along these lines, the government should further extend minority rights for Kurds, Alevis and Christians to increase their visibility and identification within the state and further encourage intra-societal peace. The government should therefore enhance the powers of local and regional governments as well as introduce mechanisms of democratic participation. Additionally, the 10% electoral threshold should be reduced to increase smaller parties' as well as individual voices' participation in national decision-making. At the same time, the incumbent Justice and Development Party (AKP) should take domestic and international concerns of the Islamization of the Turkish state and society more seriously. In doing so, it could contribute to the inclusion of politicized societal groups. The ongoing authoritarian stance of Prime Minister Recep Tayyip Erdogan against media critical of his regime is a concern, as public protests in Istanbul's Gezi Park during the review period demonstrated. International stakeholders, such as the European Union or 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 policies. Although popular, such policies weaken Turkey's international competitiveness. The resumption of budget discipline and anti-inflation policy, and also of a sustainable and just tax system, should therefore 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.

Turkey's gradual demographic changes pose a problem that is as of the review period increasing in intensity. While a young and well-educated population with enormous potential is a boon, 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 neighboring Arab revolts that could tarnish the country's image in the Middle East. To extend its influence on a global level, the Turkish government should not only improve its relations with African or Asian states, but also should broaden its efforts to eventually join the European Union. Turkey's international influence and credibility would increase if the government would become more involved and active in initiating or implementing international regulations.

Policy Performance

I. Economic Policies

Economy

Economic Policy
Score: 5

After rising 9.2% in 2010 and 8.8% in 2011, Turkish GDP rose just 2.2% in 2012 to \$786.3 billion. The slowdown was due partly to the ongoing global financial crisis and partly to the desire of Turkish policymakers to slow the economy with the goal of trimming growing current account deficits. The current account deficit had increased from \$45.5 billion in 2010 to an unsustainable level of \$75.1 billion in 2011, of reaching 9.7% of GDP. With the 2012 slowdown, the current account deficit fell to \$47.7 billion, or 6.1% of GDP. The composition of the current account deficit has changed over time, with the share of net foreign direct investment as a part of total capital inflows falling from 45% in 2007 to 20% in 2012.

The net international investment position (NIIP), defined as the value of total external assets minus the value of total external liabilities, of Turkey at the end of 2012 fell to -3.9 billion, which indicates that net foreign debt totaled \$413.9 billion; thus the net foreign debt-to-GDP ratio was 52.1%. Since the change in a country's NIIP over time is determined by its current account balance and capital gains on its international investment position, it should be noted that if Turkey's current account deficit-to-GDP ratio were to remain at 6% and GDP were to increase at an annual 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, such as 2% of GDP over time.

Since one the main determinants of the current account deficit-to-GDP ratio is the real exchange rate, and since the real exchange rate has appreciated considerably over the period, sustainability of the country's current account deficit requires that the real exchange rate be depreciated over time.

On the positive side, Turkey's banking sector during the period was solid and in general, fiscal performance was satisfactory. GDP per capita has almost tripled in less than a decade and now exceeds \$10,000, and poverty levels have decreased from 28.1% in 2003 to 18.1% in 2009. While inflation measured by the consumer price index fell from 8.6% in 2010 to 6.5% in 2011 yet rose again to 8.9% in 2012, the hourly labor cost index increased by 9% in 2010 and 2011, and by 10.5% in 2012. According to the latest figures at the time of writing, the hourly labor cost index increased by 13.7% on a year-to-year basis during the first quarter of 2013.

Concerning legislative changes that affect Turkey's competitiveness, the law on state aid and subsidies that was adopted in October 2010 establishes the State Aid Monitoring and Supervisory Council along with a State Aid General Directorate to ensure the effective application and enforcement of state aid rules, as set by the 1995 EU-Turkey Customs Union. Unfortunately as there is still no legislation to implement these monitoring bodies, the law is at the time of writing ineffective; draft regulations are to go into effect in 2013. A new commercial code, consistent with EU laws and passed in July 2012, is expected to come into force in 2013. In June 2012 the government adopted a new and generous system to encourage business investment.

During the review period, the government in 2011 adopted an Industrial Strategy and Action Plan (2011 – 2014) and in August 2012, the Coordination Council for Improvement of the Investment Environment (YOIKK) released its action plan for 2012 to 2013. Parliament passed a new electricity market law (Law 6446) in March 2013.

There was no progress in reducing the monopolistic position of BOTAS, a state-owned crude oil and natural gas pipeline company, to strengthen the private sector. While the liberalization of the telecommunications market and the network industries is ongoing, the government is planning the gradual liberalization of the postal service and the establishment of a related independent regulatory authority.

Labor Markets

Labor Market Policy
Score: 6

Turkey's population mid-2011 was 74.7 million and in 2012 rose to 75.6 million people; the working age population (those 15 years old and older) totaled 53.6 million in 2011 and 54.7 million in 2012. The labor force participation rate rose from 49.9% in 2011 to 50% in 2012. But according to

the latest statistics at the time of writing, as of February 2013 the labor force participation rate fell to 49.6%. Analysis of the labor force participation rate by gender reveals that women in the workforce rose from 27.6% in 2010, to 28.8% in 2011 and to 29.5% in 2012. Yet the female participation rate in Turkey is still much lower than in the European Union. Total employment figures, which totaled 24.1 million people in 2011, increased by 711,000 to 24.8 million people in 2012.

While employment during the same period increased in the industrial and services sector by 47,000 and 710,000 positions respectively, employment in the agricultural sector fell by 46,000. Simultaneously, as the number of unemployed decreased from 2.6 million in 2011 to 2.5 million in 2012, the overall unemployment rate fell from 9.8% in 2011 to 9.2% in 2012, while the unemployment rate in the non-agricultural sector fell from 12.4% in 2011 to 11.5% in 2012. In line with improvements in the labor market, informal employment decreased by 1.1 percentage point, dropping to 42.1% in 2011. According to the State Planning Organization (2012), the main factors behind this are an economic recovery in the post-crisis period, the government's employment packages and employment measures enacted through Law 6111 of February 2011.

The main challenge facing the government in the medium term is to create more jobs and more quality jobs for Turkey's young and growing population, since many young people (from 15 to 24 years old) and many women are neither working nor attending school. The youth employment rate is 31.1%. The government faces the challenge of reducing informal jobs (or jobs without social security benefits) from its present employment levels of 42%.

Legislation over health and safety at work made some progress during the review period. In June 2012, parliament approved work health and safety legislation to align Turkish laws with the EU Framework Directive. In addition, in April 2012 parliament adopted a new law on civil service trade unions, which now allows collective bargaining; yet the law still falls short of the requirements set out by the International Labor Organization and the European Union. The government also adopted a new action plan to fight the growth of the informal economy for 2011 to 2013.

While unemployment insurance benefits were introduced in 2006, because of bureaucratic issues the number of beneficiaries is still low. According to Law 5763, all unemployed persons registered with Turkish Employment Agency (ISKUR) have access to general advice, job placement services, vocational

training and temporary community employment programs. What's more, during the period the number of working disabled increased.

The government plans to encourage the creation of jobs that offer flexible hours or work structures, and seeks to better connect these jobs to the social security net through a number of efforts. The government will pass regulations as part of the labor law to encourage telecommuting, job-sharing and flexible working hours; will establish a Severance Payment Fund to help preserve and protect workers' rights and ensure the competitiveness of enterprises; will increase resources allocated to ISKUR for labor market programs and improve the facilities and staff of ISKUR provincial directorates to ensure programs are implemented efficiently and quality is improved.

Citation:

State Planning Organization (2012) "Pre-Accession Economic Program 2013-2015", Ankara

State Planning Organization (2012) "2013 Annual Program", Ankara

Taxes

Tax Policy
Score: 4

Total government revenue totaled 25.5% of GDP in 2010, fell to 25.3% in 2011, but increased to 26.2% in 2012. In 2010, 84.1% of government revenue was derived from taxes. This share increased to 86.7% in 2011, and fell to 85.5% in 2012. As a result, tax revenue totaled 21.5% of GDP in 2010, 21.9% in 2011, and 22.4% in 2012.

The taxation system, with direct and indirect taxes, can be divided into three categories: income taxes, such as individual income tax and corporate income tax; taxes on expenditures, such as value added tax (VAT) or banking and insurance transaction tax or stamp tax; and special consumption taxes (luxury products, tobacco products, alcoholic beverages, petroleum products and so on). In 2013, individual tax rates varied from 15% to 35%. The standard corporate tax rate is 20%, while the capital gains tax for a corporation is usually added to the corporation's regular income.

Turkey's taxation system in practice does not take into consideration horizontal or vertical equity. The ratio of direct taxes to the national income in Turkey was about 19% in 2012, well below the OECD average of 34%. The ratio rises to 26% if other fees and charges are calculated.

Turkey's tax system is biased toward indirect taxes. In 2010, 69.4% of total tax revenues were derived from indirect taxes such as the special consumption tax

(SCT), the value added tax (VAT) and a communications tax. This share fell in 2011 to 68.7% and further in 2012 to 67.9%.

The government during the review period addressed tax issues through a number of strategies. Work on a new income tax law at the time of writing is on-going; from the draft law, the government plans to expand the tax base by increasing the number of officially registered taxpayers. Along with reducing exemptions, the new law is aimed at creating a simpler and more comprehensible tax system, through simplifying rules and reducing bureaucratic burdens. In October 2011, new government regulations outlined the operational structure of a Tax Inspectors Board, while the Ministry of Finance merged several tax auditing functions to ensure uniformity and reliability in tax audit planning and practices.

Budgets

Budgetary Policy
Score: 9

Total government expenditures in 2010 totaled 26.8% of GDP then fell in 2011 to 24.2% of GDP, rising in 2012 to 25.1%. Interest payments on public debt fell in 2010 from 4.4% of GDP to in 2011 3.3% of GDP, rising in 2012 to 3.4%. During the period, there were no major changes in the composition of government expenditure, such as current transfers and personnel costs. While current transfers decreased in 2010 from 9.3% of GDP to in 2011 8.5% of GDP and then in 2012 increased to 9% of GDP, personnel costs decreased in 2010 from 5.7% of GDP to in 2011 5.6% of GDP and then in 2012 increased to 6%.

As of the end of 2010, gross public debt totaled 39.9% of GDP. After falling in 2011 to 39.3%, the gross debt-to-GDP ratio increased in 2012 to 42.8%. The net public debt-to-GDP ratio decreased in 2010 from 28.9% to 22.3% in 2011 and further to 17% in 2012. The government has been financing budget deficits by borrowing at 8.5% in 2010, 8.7% in 2011 and 8.8% in 2012. Noting that the inflation rate measured by the CPI index totaled 8.6% in 2010, 6.5% in 2011 and 8.9% in 2012, the real interest rate was -0.1% in 2010, 2.2% in 2011 and -0.1% in 2012. In sum, Turkey's fiscal policy has been sustainable, as underlined by the State Planning Organization (2012).

Citation:

State Planning Organization (2012) 'Pre-Accession Economic Program 2013-2015', Ankara.

Research and Innovation

R&I Policy
Score: 4

The government continued to strengthen the country's research and innovation capacity during the review period. The Scientific and Technological Research Council of Turkey (TÜBİTAK) was previously affiliated to the Ministry of Science, Industry and Technology, and is now to facilitate communications between science and industry. In 2011 and 2012, the government provided €153 million for private and industrial research and development (R&D) projects. In 2011, Turkey's expenditure on R&D increased by 20.4% compared to 2010 levels, reaching TRY 11.1 billion, according to the Turkish Statistical Institute (TurkStat). R&D spending in relation to GDP increased in 2011 to 0.86% (2010: 0.84%), far from the goal of 2%.

The government has supported the establishment of Technology Development Zones (TDZ) (Law 5746), which aim to bring industry and research institutions together to develop new products and production methods. As of November 2012, 47 zones were founded; some 2,114 companies from the biotechnology, automotive, medical technology and informatics industries were participating, with some 17,828 employees. At the time of writing, the number of approved, zone-related national patents was 322. In general however Turkey's global innovation capacity is weak. The European Patent Office (EPO) has granted only 95 (2011) and 134 (2012) patents from Turkey.

Citation:

Ministry for EU Affairs (2013) "2012 Progress Report prepared by Turkey", Ankara.

Global Financial System

Stabilizing Global
Financial Markets
Score: 7

The global financial crisis, which led to Turkey's membership in the G-20, provided the country an opportunity to actively participate in the process of shaping the new rules and institutions of the post-crisis global economy. In recent years the Turkish government has made several proposals to reform and strengthen the international financial architecture, in particular in the framework of G-20 meetings.

In 2008, the government recommended that the G-20 countries adopt a mechanism similar to that introduced by Turkey's central bank to react appropriately to the global financial crisis. At that time, the central bank advocated the adoption of a system that allowed Turkish banks to lend foreign currency to other Turkish banks in need, instead of releasing it into foreign

exchange markets. This step was intended to decrease the markets' foreign exchange deficit. Furthermore, reform of the Bretton Woods institutions, in particular of the International Monetary Fund, has been a top priority for Turkey.

In this context, Turkey has been interested in quota reform and in the doubling of IMF's total quota to increase the institution's capacity. In 2012, the government advocated in the G-20 platform a reform of the scope and the powers of rating agencies. Furthermore, the government criticized the proposal for a financial transaction tax, arguing that rather than the indebted eurozone would benefit from the new tax instead of helping developing countries. In addition, Turkey supported the idea of deepening and formalizing cooperation between the G-20 and other international organizations, such as the United Nations and the World Trade Organization.

Citation:

Simsek offers Turkey's CB as model to G-20 to stave off crisis, Today's Zaman, 6.4.2009.

Abdullah Bozkurt: Turkey's position at the G-20 (2), Sunday's Zaman, 2.1.2012.

II. Social Policies

Education

Education Policy
Score: 4

Despite improvements during the review period, Turkey's education system still does not meet international quality standards and does not offer equal access to schooling opportunities. The proportion of GDP allocated to the education budget increased from 2.25% in 2001 to 3.56% in 2011. While resources have been increased, just how efficiently those resources are used and how much education policy helps foster social cohesion remain questionable. Key challenges are low enrollment rates, regional disparities regarding access to education, poor or insufficient infrastructure, outdated and in some parts politically contested curricula and the need for improvement in teachers' skills.

In April 2012, compulsory education was extended from 8 to 12 years (starting as of the academic year 2012 – 2013) and a new approach for schooling (four years of primary school plus four years of secondary school, then four years of high school) was introduced. The amended Education Law (Law 6287) allows

families the flexibility to choose among different types of schooling, such as general and vocational schools as well as religious imam-hatip schools) as a secondary school.

An increase in national spending on education has positively influenced enrollment rates in schools and in higher education. The ratio of university graduates aged 15 or older increased from 9.2% in 2010 to 10.8% in 2011. Furthermore, government efforts helped reduce the percentage of illiterate people aged 15 or older from 7% in 2010 to 5.7% in 2011.

Six new universities were established in 2012, raising the total number of universities in Turkey to 168. Turkey is actively participating in European Union educational programs (Lifetime Learning, Youth in Action and Culture). In April 2013, parliament passed a law to establish five more universities in Turkey.

While Turkey works to implement the Bologna Process recommendations, significant differences remain in terms of the quantity and quality of teaching staff and also in the quality and quantity of educational infrastructure. Turkey must work to establish a national qualifications framework that is based on the European Qualifications Framework.

Citation:

European Commission: Turkey - 2012 Progress Report, SWD(2012) 336, Brussels 10.10.2012.

Ministry for EU Affairs (2013) '2012 Progress Report prepared by Turkey', Ankara.

World Bank (2013) 'World Bank Group - Turkey Partnership: Country Program Snapshot', Washington D.C.: World Bank.

Social Inclusion

Social Inclusion
Policy
Score: 5

According to the World Bank, the country's Gini coefficient measuring income inequality fell from 0.43 in 2006 to 0.40 in 2010. Income distribution however in Turkey is still among the OECD's most unequal. During the review period, the government took steps to ensure a more equal income distribution, enabling the poor to benefit more from the emerging economy. The proportion of the population living below the poverty line fell from 28.1% in 2003 to 18.1% in 2009, and is expected to have fallen further for 2012, based on the recovery of the labor market after the crisis and a slight increase in GDP per capita. Poverty in Turkey exists particularly among the less educated, workers in the informal market, unpaid family workers or among the rural population. Educational background especially is a key variable that is associated with poverty levels.

The Ministry of Family and Social Policies during the period worked to strengthen social inclusion. Plans included home-based care services for the disabled and the elderly, and an action plan for the inclusion of the Roma minority (such as issues of housing, education and employment); yet a policy framework for poverty alleviation was missing. The ministry is working on a social housing project to meet the housing requirements of the poor, in cooperation with the General Directorate of Social Assistance and the Housing Development Administration (TOKI). Some 12,000 houses have been constructed.

In general, the social security system has reported increasing deficits due to increased health expenditures. To tackle pension system deficits, the government must tackle the growth of informal labor and salary under-declaration.

Health

Health Policy
Score: 6

Health care has improved in terms of quality, inclusiveness and cost efficiency, and the sector has grown nearly fourfold over the last decade. From 2003 to 2011, the number of intensive-care beds increased to 20,977 from 2,214, and the number of full-time beds increased to 38,272 from 6,839. The government financed the construction of 544 hospitals and medical buildings and 1,467 first-step health facilities. Between May 2011 and May 2012, the percentage of the population covered by the social security system rose from 84% to 86%. The mandatory General Health Insurance System, in force as of January 2012, extends health coverage to the whole population, while contributions paid by the individual or by the state are based on a means test. In this context, the number of people who pay for medicine or health care themselves decreased to 11.1% (2011) from 32.1% (2003).

Health care overall has improved in coverage area and in quality. Health services are now free of charge; the scope of the vaccination program was broadened; the scope of newborn screening and support programs were extended; “community-based” mental health service was initiated; and cancer screening centers offering free services were established in many cities.

The Medium-Term Plan (2013 – 2015) designates health as a priority area for public expenditures. Total health expenditure as a share of GDP has been increasing steadily since 2003, reaching an estimated 6.5% in 2010. According to the World Health Organization (WHO), Turkey maintained 167 active

physicians per 100,000 people in 2012. This is an increase compared to 143 physicians per 100,000 people in 2008, but is still considerably below the level of other OECD member countries. In this context, in February 2012 the government removed legal obstacles to hiring foreign doctors and nurses in private health institutions.

Citation:

Ministry of Development: Turkey's Sustainable Development Report: Claiming the Future, June 2012, Ankara.

Ministry for EU Affairs (2013) "2012 Progress Report prepared by Turkey", Ankara.

World Bank (2013) "World Bank Group - Turkey Partnership: Country Program Snapshot", Washington D.D.: The World Bank.

Families

Family Policy
Score: 4

In Turkey in 2012 some 7.31 million women were employed. While the labor force participation rate for women amounted to 29.5% in 2012, the female employment rate during the same year was 26.3% and the female unemployment rate 10.8%. Women's participation in the labor market remains low and also far below the EU average.

In February 2012, the Ministry of Family and Social Policies and the Ministry of Science, Industry and Technology signed a "Cooperation Protocol on Developing Entrepreneurship Activities toward Women, Disabled Persons, Relatives of Martyrs and Veterans and Increasing Women Employment" to explore strategies to support female entrepreneurship and aims at better promoting child care. Law 657 on civil servants and Law 4857 on labor were revised with the goal of increasing the numbers of women in the workforce through strategies to help balance work and family life. The discrepancies between standards for female workers and civil servants (such as over the duration of paid maternity leave) were removed. The strengthening of the legal framework with regard to more flexible jobs (such as on-call positions or telecommuting) was achieved with the amendments of Articles 3 and 14 of Law 4857. In addition, the government and industry leaders agreed to increase the number of child care centers in organized industrial zones to better support working mothers. During the period the government also initiated a plan called the "Operation on Promoting Women's Employment" (2011 – 2013). The Turkish Employment Agency (ISKUR) is to provide services especially at the local level, to help women become more employable, help them find more jobs and higher quality jobs, and in general help to remove obstacles to their participation in the workforce.

Pensions

Pension Policy
Score: 5

The social security and general health insurance law, passed in 2006 and effective 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 reform's overarching goals of poverty prevention, intergenerational equity and fiscal sustainability were only partially met. According to the World Bank (2013), the reforms did improve pension coverage and should provide savings, yet the reforms were insufficient to ensure a pension system balance over the long run. Turkey's spending on pensions (7% of GDP) is still low compared to other OECD countries. More than half of pension spending is financed through budget transfers. The main reasons for this are the high system dependency ratio and generous eligibility rules, such as early retirement and low minimum years of service. As of 2013, the government again enacted pension reforms to address some of these issues. Reforms included the introduction of government-matching contributions and of transfers from defined benefit plans to defined contribution plans. As part of this transfer plan, employees will be able to claim a tax deduction of up to 15% on pension contributions. The reform was aimed at widening system coverage and making the system more progressive, and could be an important step in strengthening private savings and making pensions far more attractive.

However, these adjustments are to be phased in over a long period of time, at a rate that may be too slow to counter the effects of a maturing population. As a result, pension system deficits are expected to remain around 3% of GDP until the middle of the century.

Citation:

World Bank (2013) "World Bank Group - Turkey Partnership - Country Program Snapshot, Washington D.C.: World Bank.

Turkey: Regulating the pension system, Today's Zaman, 11.11.2012.

Integration

Integration Policy
Score: 4

Despite growing levels of labor migration and settlement from the Caucasus region, the Balkans, the Middle East and countries of the European Union, Turkey does not consider itself to be an immigration country and therefore lacks an official integration policy.

To some extent, however, the 2008-initiated Social Support Program (SODES) covers aspects of social integration. SODES was originally founded in nine cities in 2008 and was extended to 30 cities by 2012. From 2008 to 2011, 4,200 projects were enacted to encourage social inclusion through local-level projects in culture, art and sports.

The fate of the Roma is a key subject in the debate over social integration in Turkey. Roma have still poor access to regular employment and are still subject to prejudice and discrimination (with regards to housing, health care and government identity cards). The government during the period continued efforts to improve the situation for the Roma population. In December 2009, the government for the first time organized a workshop with the goal of finding solutions for Roma problems. During the review period, a Public-NGO Dialogue Group for Roma was founded. In general, to better integrate Roma into Turkish society, the government should extend state-founded social inclusion activities and work to increase the employability of Roma.

Citation:

European Commission: Turkey - 2012 Progress Report, SWD(2012) 336, Brussels 10.10.2012.

Ministry for EU Affairs: 2012 Progress Report prepared by Turkey, Ankara.

Safe Living

Safe Living
Conditions
Score: 6

Despite being classified as a safe country by the Control Risks Group, Turkey during the period experienced a series of terrorist attacks, mainly perpetrated by left-wing extremist groups and the Kurdistan Workers' Party (PKK). In 2012 in terror-related attacks some 31 police officers, 132 military personnel, and 16 village guards were killed.

Aside from external or interstate security threats, the National Police Department, when comparing figures from 2010 to 2006, registered a significant decline in Turkey's crime rate. Mugging cases fell by 37%,

homicides by 39%, manslaughter or bodily harm caused by celebratory gunfire by 43%, workplace theft by 26%, burglary by 0.7%, pick pocketing by 5% and bribery by 8%. According to a National Police Department report, the rise in the education level of the police, the extension of information services and the installation of Mobile Electronic Systems Integration (MOBESE) cameras in major cities played a key role in the decline of crime cases.

The government's efforts in cooperating with international police to help combat human trafficking and fight organized crime were however lacking.

Citation:

Turkey sees record drop in crime rate, police report shows, Today's Zaman, 3.5.2011.

Global Inequalities

Global Social Policy
Score: 5

During the period, through development assistance Turkey worked to advanced social inclusion and development beyond its borders as per the State Planning Organization (2010). The government expanded its annual Official Development Assistance (ODA) disbursements, from \$602 million in 2007 to \$1.27 billion in 2011, according to the OECD. The Turkish International Cooperation and Development Agency (TIKA) earmarked its ODA funds especially for "Basic Social Services" and "Education."

As a founding member of the World Trade Organization (WTO), Turkey supports free trade and, as a developing country, works to further the concept of "free and fair trade." Turkey has supported G-20 efforts to successfully and comprehensively conclude the Doha Development Round. Turkey also supports the constructive efforts taken by G-20 leaders to keep markets open and liberalize trade and investment as a means toward global economic progress.

Turkey's efforts however in promoting fair trade are less liberal when it comes to protecting particular interests. The government has expanded trade relations with some of the world's least developed countries and has partly supported their interests at the G-20 or within the WTO. Yet Turkey itself is accused of having raised protectionist trade barriers to protect its domestic producers. For example, Turkey according to the WTO has been accused by India of raising safeguard measures on imports of cotton yarn (Dispute DS428).

Citation:

State Planning Organization (2010) "Millennium Development Goals Report - Turkey 2010", Ankara.

OECD: Query Wizard for International Development Statistics (QWIDS), <http://stats.oecd.org/qwids/> (accessed 12.05.2013).

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. Even though considerable progress has been made toward emissions controls, the use of renewable energy and promulgation of energy efficiency, improvements in waste management and the expansion of water and waste water services, the 2012 Environmental Performance Index (EPI) still ranks Turkey as 109th out of 132 countries. The country's dynamic economic growth together with unplanned urbanization and a high birth rate threatens its environmental sustainability.

Turkey has ratified the Kyoto Protocol and the 2009 Stockholm Convention on Persistent Organic Pollutants. In addition, the government adopted a number of environmental plans, including: the Wastewater Treatment Action Plan (2008 – 2012) to build wastewater treatment facilities; the National Rural Development Strategy and Rural Development Plan (2010 – 2013) to improve the working and living conditions of rural people; the Energy Efficiency Strategy Document (2012 – 2023) to strengthen energy supplies and reduce dependency on energy imports; the National Climate Change Strategy (2010 – 2020) to foster sustainable domestic development policies; and the National Climate Change Action Plan (NCCAP, 2011 – 2023) to limit greenhouse gases.

The government extended the country's biodiversity nature protection areas, with the rate of protected areas rising to 5.05% (as of 2008) compared to 3.02% in 1992. Forestation plans continued apace, with total forestland increasing from 20.7 million hectares in 1997 to 21.6 million hectares as of 2011. Turkey reduced its greenhouse gas emissions about 20% from 1990 to 2007, while during the same period GDP increased 171%. Additionally the government, under the Drinking Water and Sewer Infrastructure Program (SUKAP), increased the percentage of the municipal population that accesses and benefits from a centralized water supply from 88% in 1994 to 99% in 2010.

While the number of plans focused on environmental issues is heartening, Turkey's government still falls short in their implementation. The NCCAP for example provides for major reductions in emissions, but no overall domestic targets have yet been adopted. Turkey also does not yet have a greenhouse gas reduction target for 2020. The government has also not yet set criteria for bilateral talks regarding the Environmental Impact Assessment (EIA) Directive. Construction plans for nuclear power plants (especially in areas prone to earthquakes) remain a contentious political and public issue. The government during the period was not able to carry out a strategic environmental assessment or an environmental impact assessment of regional hydropower plants.

Citation:

Environmental Performance Index (EPI): Country Profile - Turkey, <http://epi.yale.edu/dataexplorer/countryprofiles?iso=TUR> (accessed 12.05.2013).

Ministry of Development: Turkey's Sustainable Development Report: Claiming the Future, June 2012, Ankara.

Commission of European Communities (2012) "Turkey - 2012 Progress Report", SWD(2012) 336 Final, Brussels

European Commission: Turkey - 2012 Progress Report, SWD(2012) 336, Brussels 10.10.2012.

Global Environmental Protection

Global
Environmental
Policy
Score: 5

Turkey, as a member of the OECD, the G-20 and EU accession candidate, holds as a goal to work toward sustainable development targets, a main concern of bilateral and multilateral cooperation. Yet the government, understandably, insists that it is treated equally (in terms of its participation in new international environment regulations and concerning the opt-outs of several countries) to remain internationally competitive. While Turkey has still not fulfilled the requirements of the EU Waste Framework Directive, it can be considered a pioneer and an inspiration for other countries with regard to Climate Investment Funds (CIF). Turkey is the first country to use CIF, which includes the Clean Technology Fund (CTF) and the Strategic Climate Fund (SCF). Under the supervision of the World Bank, CIF were designed for developing countries to combat climate change.

Citation:

Ministry of Development (2012) "Turkey's Sustainable Development Report: Claiming the Future", Ankara.

Quality of Democracy

Electoral Processes

Candidacy
Procedures
Score: 7

Although the 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 cover the groundwork for fair and orderly elections and prevent discrimination against any political party or candidate. Yet 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 the party candidates (Law 2820 on political parties, Article 37). The age of candidacy for the election of deputies was dropped to 25 as part of the 2011 constitutional referendum.

The nationwide 10% electoral threshold for parliamentary elections (Law 2839 on deputies' elections, Article 33) is a major obstacle for all small political parties. However, in 2008, the European Court of Human Rights (ECHR) found the 10% electoral threshold excessive, but not in violation of ECHR Protocol 1 Article 3. As of January 2013, there are 72 registered political parties, while only one-fifth of those registered have participated in parliamentary elections. During the last two parliamentary elections, the number of political parties that secured more than 5% of valid votes decreased from seven (in 2002) to five (in 2007) and then to four (in 2011), including independents. An independent candidate who secures a majority of votes in his/her electoral district can be elected without regard to the nationwide threshold. In the most recent parliamentary elections during the review period, 35 independent candidates were elected to parliament, and 29 of them later joined the pro-Kurdish party. Independent candidates for deputy elections submit a petition together with a fee, equal to the amount of the monthly gross salary of the highest-ranked civil servant (about €3,400 as of the exchange rate of 2011) which 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. Independent candidates for local elections, including local councils and mayoral elections, follow the same procedures; the date of elections however is set by the Supreme Board of Elections (Law 2972 on local

administration elections, Article 13). Nomination fees in this instance are automatically directly registered as revenue by the Treasury.

Political parties also require a nomination fee, which ranges from €250 to €1,500. In municipal council elections, the D'Hondt system is utilized (political parties and independent candidates whose votes are lower than one-tenth of valid votes in that electoral district are excluded) and in mayoral elections, a simple plurality system is used.

The major political issue is the anti-democratic bent of party Law, which leads to the domination of party executive committees. Strong party discipline is another variable to be considered in Turkish politics, which can be attributed to the quasi-authoritarian posture of party leaders.

Citation:

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

<http://www.ysk.gov.tr/ysk/docs/2011MilletvekiliSecimi/turkiye/milletvekilisayisi.pdf>

Media Access
Score: 5

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, negative or biased political messages (“advertising”) of anti-government or anti-opposition media are widespread, especially during the campaign period and between elections. The government party uses the state-run broadcaster Turkish Radio and Television (TRT) which has unlimited broadcast rights. In addition, the distribution of free broadcast time during political campaigns is unequal, in favor of the government and main opposition parties (amended Article 52, Law 298 of 26 April 1961), overstepping constitutional limits on fundamental rights and freedoms. The government is given 30 minutes of broadcast time each month on TRT to promote government activities in compliance with broadcast rules, without the right of reply and without carrying any political objective; private channels may also broadcast such programs when they choose.

Yet the structure of media ownership, cartelization and the media’s business relations with the state in various sectors violates the restrictions of Law 3984,

Article 29; the unfair distribution of airtime is also a major issue considering the goal of securing free media access for all candidates and parties. Although hundreds of local radio and TV stations broadcast illegally without a license, they do provide an alternative means of political communication. A recent bidding over frequency licenses was annulled by the First Administrative Court on the basis of unfair competition.

Citation:

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

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

<http://www.haber7.com/gundem/haber/1029436-frekans-ihalesi-yargidan-d-ondur>

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 (for example, in Germany) due to security reasons.

Despite the recent renewal of the national electoral registry based on an address registration system, there are still disputes over double registration or no registration, or even the false registration of non-Turkish citizens. Turkey experiences huge internal migration, and is a transit country for asylum seekers. 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, and hence the new system was introduced to eliminate such mistakes. The census directory is also opened during 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 almost 10 million voters higher than in the previous contest. Since the total

population of Turkey increased only by 3 million during the period, the gap of 7 million has not easily been explained.

The 2011 parliamentary election report by the Organization for Economic Cooperation and Development (OECD) urges that consideration be given to extending the period of public scrutiny of voter lists, and to bringing the deadline for changes to voter lists closer to Election Day.

Parliamentary and local elections are conducted by election boards under the supervision of the Supreme Election Board. Investigations over irregularities, complaints and objections concerning elections and the verification of election returns are done by the local election boards, with the Supreme Election Board as a final check (constitution, Article 79 of 1982). A court case following local elections in 2009 was opened by the state prosecutor following allegations of stolen votes and election fraud committed by the chairman of the local election board in Beylikduzu (a suburb of Istanbul) where the opposition party's candidate lost.

Citation:

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

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 candidates running for election.

Additionally, there is no specific recording obligation for 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 1982 constitution, Article 74 of Law 2820 stipulates that political party finances shall be audited by the Constitutional Court, to verify whether property acquisitions made by political parties as well as revenue and expenditures are in compliance with the Law. Financial auditing decisions by the Constitutional Court are published in the Official Gazette (Article 153, 1982 constitution).

The 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 it is necessary that the party accounts must be audited by certified experts. Law 2820 includes several criminal, administrative and civil sanctions that are to be imposed on political parties, party officials, party candidates or other persons (such as political party donors).

Still, election laws do not provide for any sanctions in the area of political financing or election campaign funding. According to the court reports, there have been several criminal issues investigated, mostly due to undue process in party accounts, yet there have been few issues (focusing on the major parties) that address criminal sanctions with regard to party financing.

The state provides annual cash aid to political parties that receive at least 7% of valid votes in the most recent general elections (additional Article 1, Law 2820), which makes up for almost 90% of a political party's official income.

Ceilings for donations to political parties by private individuals are revaluated each year (currently at a ceiling of €13,000), yet donations are not properly recorded. More importantly, cash and in kind contributions or expenditures for parties and candidates during elections are not recorded, and constitute the major source of "soft money." Revenue collected and expenditures incurred individually by elected representatives and candidates of political parties for political activities linked to their party, including electoral campaigning, are not included in party accounts. At the time of writing, only the Justice and Development Party (AKP) publishes its accounts online. Party accounts published in the Official Gazette provide general figures and potential infringements only, and not a detailed or comprehensive list of revenue and expenditures.

During the period, there has been some progress toward better transparency of political financing. The law on presidential elections, adopted in January 2012, introduced rules on transparency. The 2011 amendment to the law on the Constitutional Court reinforced the court's auditing capacity with regard to party financing. However, due to remaining legal loopholes, the auditing of political parties remains unsatisfactory, and no legal framework for auditing election campaigns or the financing of individual candidates exists. In addition, there has been no progress in limiting the immunity of parliamentary members and public officials in corruption-related cases.

Republic of Turkey Early Parliamentary Elections, 12 June 2011.

OSCE/ODIHR Election Assessment Mission Report, <http://www.osce.org/odihr/84588>.

G RECO, 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).

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 constitution, which came into force in 1982. Paragraph 3 of Article 175 of the constitution reads that, if the parliament adopts a draft law 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 possible decision-making on a popular level. 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:

Bahadır Sahin, Politik kültürün İstanbul kent konseylerinin verimliliği üzerindeki etkisi, *International Journal of Human Sciences*, V. 9, N. 2, 2012.

Özhan Çetinkaya and Rükan Kutlu Korlu, Yerel Demokrasinin Sağlanmasında Katılımcılık Süreci ve Kent Konseylerinin Rolü, *Maliye Dergisi*, Temmuz-Aralık 2012.

Access to Information

Media Freedom
Score: 3

According to the 2013 World Press Freedom Index, although Turkey has a varied and lively media market, the country ranks 154 on the index, falling six places from the previous year. An unprecedented expansion of range of reasons for journalists' arrests, a massive campaign of phone taps and the contempt shown for source confidentiality have helped to reintroduce a climate of intimidation in the media. According to the Committee to Protect Journalists (CPJ), 232 journalists were imprisoned in Turkey in 2012. The increasing tendency to jail those working in media – on grounds of alleged involvement in the clandestine and illegal “Ergenekon” network or over violations of Article 301 of the Turkish criminal code – has undermined media independence and has encouraged self-censorship.

The 2012 Freedom House Report considers Turkey “partially free” with regard to the status of the country's press and underlines that the constitutional guarantees of freedom of the press and freedom of expression are only partially upheld in practice, and are generally undermined by provisions in the penal code and a strict antiterrorism Law. Turkish Law does not meet press freedom standards as laid out in the European Convention on Human Rights.

One substantive problem involves the economic interests of media company owners. Although Article 29 of Law 3984 restricts media owners' shareholder rights, owners are often involved in other business sectors. The high concentration of media owners in industrial conglomerates with interests that go beyond press freedoms, not to mention the existence of tight relationships between government and industrial conglomerates, further undermines media independence and press freedoms. Media outlets and journalists critical of the government were excluded from the 2012 Justice and Development Party (AKP) congress.

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

Media Pluralism
Score: 5

The intervention of the Savings Deposit Insurance Fund (SDIF) has changed the ownership of media companies. As a result, groups previously uninvolved in media activities have stepped into the sector, a move which has facilitated oligopolistic structures. An increasing concentration in media ownership – most notably the Dogan Media Group, Calik Holding, Cukurova Holding,

Dogus Grubu, Ciner Grubu and Ihlas Holding – can be observed in recent years. The holding companies have conflicting economic interests, as they are shareholders in different business sectors, such as health care, education, construction or telecommunications. This enormous concentration of media outlets as part of industrial conglomerates with varied economic interests is countering media pluralism and helps to maintain an environment of self-censorship in Turkish media.

In March 2011, the ownership structure of 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 relaxing of certain restrictions, international companies still cannot be major stakeholders in domestic media companies.

Citation:

Asli Tunc, Media Ownership in Turkey, Istanbul Bilgi University, November 2011.

Ayşen Akkor Gül, Monopolization of Media Ownership as a Challenge to the Turkish Television Broadcasting System and the European Union, Ankara Avrupa Çalışmaları Dergisi, V. 10, N. 2, 2011.

European Commission, Turkey 2012 Progress Report, http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/tr_rapp_ort_2012_en.pdf

Access to
Government
Information
Score: 7

According to Law 4982, citizens, noncitizens and foreign corporations have the right of access to 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 request for information, which can be made in person or electronically. Between 2009 and 2011, the number of applications for information based on Law 4982 has increased about 40%. According to the 2011 annual report on access to information, a total of 1,423,636 applications were received by public institutions, including the presidency, ministries and municipalities. Of these, 1,244,995 (or 87.5%) resulted in the requested information being provided, and 87,500 (or 6%) were rejected on various grounds. Appeals can be made to a board of review. The board deals with issues of national security and state interests. As with other administrative decisions, appeals can subsequently be made to the administrative court.

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.

Citation:

Bilgi Edinme Degerlendirme Kurulu (BEDK), Genel Raporlar - Istatistikler, 2011 Yili Genel Degerlendirme <http://www.bedk.gov.tr/genel-raporlar.aspx> (accessed May 5, 2013).

Civil Rights and Political Liberties

Civil Rights

Score: 3

While Article 10 of the constitution guarantees equality before the law and Article 12 concedes a citizen's fundamental rights and freedoms, concerns over shortcomings in judicial proceedings remain, such as limited access of the defense to prosecution files, lengthy pre-trial detentions and excessively long and catch-all indictments. In April 2013, parliament adopted a fourth judicial reform package. It removes for example limitations on cases involving torture being conducted by police or public servants. Some detainees were recently released. Moreover, there has been a reduction in torture and ill-treatment of individuals in detention. However, the rights of the defense, lengthy pre-trial detention and excessively long and catch-all indictments continue to be concerns, which have led to enhanced public scrutiny of the legitimacy of trials, including high-profile trials over alleged activities of the clandestine "Ergenekon" group, the alleged secularist military coup dubbed "Operation Sledgehammer" and alleged membership in the Group of Communities in Kurdistan (KCK). The Kurdish issue still remains an important challenge, in particular. In 2012, more than 2,800 individuals were arrested on charges of allegedly supporting (Kurdish) terrorism.

Judicial trials should be finalized within an appropriate timeframe. Evidence acquired through illegal means is now not allowed to be used in trials.

Although Article 17 of the constitution concedes the personal inviolability, material and spiritual entity of an individual, there are still allegations of the excessive use of force on individuals. In this context, the government has pursued efforts to combat torture and ill-treatment by law enforcement officials.

The number of new applications from Turkish citizens to the European Court of Human Rights rose for the sixth consecutive year. In September 2012, 16,641 applications were pending; most concern the right to a fair trial, the protection of property rights and freedom of expression.

Citation:

European Commission, Turkey - 2012 Progress Report, SWD(2012) 336, Brussels 10.10.2012.

Political Liberties
Score: 5

There has been limited progress during the review period to better securing fundamental rights. Although several legal measures have been formulated, repeated violations of the freedoms of expression, assembly and association occur. Equally, there has been limited progress with regard to better securing rights over freedoms of thought, conscience and religion. The law dealing with the protection of family and the prevention of violence against women can be considered one improvement in terms of discrimination issues. Collective action by trade unions, however, still faces many restrictions. Children, the disabled and the elderly still need more support in terms of preventive and rehabilitative care. The ongoing Turkish-Kurdish peace process is a positive and promising step toward the protection of political rights.

While the fourth judicial reform package has allowed the government to introduce an alternative form of public service for conscientious objectors, the package fell short in terms of addressing freedoms of thought and expression. As a result, the ban on certain websites (such as those seen as insulting state founder Atatürk or Islam) and general Internet censorship (such as pornographic websites) continues. In one particular case, pianist Fazil Say was accused of having allegedly insulted Muslim values and received a ten-month suspended jail sentence in April 2013; this verdict was criticized both domestically and abroad.

Administrative restrictions on the freedom of assembly still persist. Strict requirements for demonstrations still exist for specific events, such as on May Day or the Kurdish Newroz festivities in southeast Anatolia.

Allegations of excessive use of force in places of detention or overcrowded prisons remain a problem. In addition, the quantity and quality of juvenile prisons is insufficient.

During the review period, the government adopted several important Laws concerning the protection of families, the prevention of violence against women, the creation of an ombudsman office and a national human rights institution.

Citation:

European Commission, Turkey 2012 Progress Report, http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/tr_report_2012_en.pdf.

US State Department, Turkey 2012 Human Rights Report, <http://www.state.gov/documents/organization/204558.pdf>.

Non-discrimination
Score: 4

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. While the Turkish state promotes one main faith (Sunni Islam), there is no religious education in public schools for Alevis, which constitute the second largest religious community in Turkey. In this context, the 2007 judgment of the European Court for Human Rights on religious culture and ethics classes (Case of 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. Investigations against the Group of Communities in Kurdistan (KCK) continued during the review period, and some 10,000 individuals were arrested as of the beginning of 2013. Despite the recent memorandum of understanding between the government and Abdullah Öcalan, the former leader of the Kurdistan Workers' Party (PKK), these detentions undermine efforts in finding a political solution to the Kurdish issue.

In March 2012, parliament adopted a law on the protection of family and prevention of violence against women, which aims to protect married women and those in relationships outside marriage from violence. The Ministry for Family and Social Policies adopted a national action plan to combat violence against women (2012 – 2015).

Lesbian, gay, bisexual and transgender (LGBT) individuals still suffer discrimination (for example in access to jobs and housing) and there have been reports of ill-treatment, cases of sexual assault as well as shortcomings in the prosecution of crimes against LGBT individuals in 2011 and 2012. Specific anti-discrimination legislation that deals especially with sexual orientation is still lacking.

In July 2011, a directorate general for services for disabled people and the elderly was established under the Ministry of Family and Social Policies. Disabled persons still experience difficulties getting jobs, an education or receiving adequate health care as well as other social and public services.

Turkey still has not established a national monitoring mechanism to implement the U.N. Convention on the Rights of Disabled Persons.

Citation:

European Commission, Turkey - 2012 Progress Report, SWD(2012) 336, Brussels 10.10.2012.

Rule of Law

Legal Certainty
Score: 5

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, some 16,879 applications from Turkey were pending before the European Court for Human Rights as of 31 December 2012. 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. During ongoing trials concerning clandestine “Ergenekon” group and the alleged secular-military coup called “Operation Sledgehammer,” more than 600 individuals – among them army officers and journalists critical of the government – were accused of allegedly attempting to remove or prevent the functioning of the government by force. In this context, the incumbent government is suspected to have exercised its influence on the judiciary to eliminate its political opponents.

Furthermore, the basic law on public administration, which failed to be enacted in 2004, aims at ensuring predictability and certainty in government. Law 5018 over public financial management and control also includes issues of legality, transparency and predictability. However, these concepts, as well as legal tools such as the formation of strategic plans, a performance budget and regulatory impact assessments, are not effectively incorporated in the government process. The government issued new guidelines to decrease bureaucracy and simplify procedures in 2012. And although the government introduced several anti-corruption policies during the period, unfair and partial treatment by the bureaucracy still exists. Some procedures and regulations such as an omnibus bill, additional provisions and provisional articles and so on can be considered legal obstacles against predictability.

Citation:

Serdar Yılmaz and Ayşe Güner, Local Government Discretion and Accountability in Turkey, *Public Administration and Development*, V. 33, N. 2, 2013.

Selda Çağlar, Hukuk Devletinin Hukuki Belirli İlkesi Üzerinden Değerlendirilmesi, *Vedat Kitapçılık*, 2013.

Judicial Review

Score: 5

Article 125 of the constitution states that all decisions and actions of the government administration are subject to judicial review. However, acts of the president and the decisions of the Supreme Military Council are excluded from judicial review. The institution of the president is considered to be the Kemalist “conscience” of the Republic (Article 104, paragraph 1 of the constitution). The main responsibilities and powers of the president are centralistic and aim to protect the supremacy of Kemalism (the founding ideology of the modern state of Turkey) in all aspects, for example in education. Some presidential acts, such as the appointment of university rectors or members of the Supreme Council for Higher Education, are part of the education administration.

Although judicial reform was one of the major objectives of the government during the review period, the independence of the judiciary, as well as professionalism, organization and fair trials, are considered to be basic judicial issues. The organization and working conditions of the Supreme Council of Judges and Prosecutors need to be revised.

The decisions of the Supreme Military Council are administrative in nature and affect the individual rights of military personnel. According to Article 159 of the constitution, decisions by the Supreme Council of Judges and Public Prosecutors are not subject to judicial review. Parliamentary resolutions, such as declarations of martial law or war, or the decision to send Turkish troops to a foreign country, are not subject to judicial review. Finally, under Article 148 of the constitution, the Constitutional Court cannot review ordinances to amend laws that are passed during a period of martial law or during a state of emergency.

The Supreme Council of Judges and Prosecutors’ procedure for electing members to the Court of Cassation and the Council of State is in need of reform. While the ex officio membership of the undersecretary in Justice Ministry should be ended, the justice minister could still continue to sit as president of the Supreme Council, provided that his influence was reduced to the exercise of representative functions.

According to Article 2 of Law 2461, the justice minister and the ministry’s undersecretary are members of the Supreme Council of Judges and Public

Prosecutors; this involvement of the executive in judiciary matters undermines the separation of powers.

All Supreme Council decisions which potentially interfere with the independence, the impartiality or the individual rights of judges or public prosecutors should be subject to judicial review.

Civilian oversight during the review period was still lacking in investigations of human rights abuses or of acts by the Gendarmerie. Furthermore, legal provisions that deal with the composition and powers of the Supreme Military Council need reforming, to ensure appropriate civilian control. The debate over reforms of the military's internal service law is at the time of writing still ongoing.

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.

Corruption
Prevention
Score: 5

During the period, the government made progress on anti-corruption policy, for example in the financing of political parties. In January 2012, a law dealing with transparency in election financing for presidential candidates was adopted. However, there are still legal loopholes related to the financing of politics. There still is no legal framework for the auditing of election campaigns of individual candidates. The review and controls over asset declarations made by politicians and public officials remains weak. Little to no progress has been made in limiting the immunity of politicians and public officials with regard to corruption-related cases.

The implementation of a national anti-corruption strategy however is still delayed. A third judicial reform package includes recommendations from the Group of States against Corruption (GRECO), with deal with, among other issues, a redefinition of the scope of bribery. Since the end of 2011, the new Public Oversight, Accounting and Auditing Standards authority was established to set codes of conduct and auditing standards. The body approves and monitors statutory auditors and audit firms.

According to Transparency International's Corruption Perception Index, Turkey has made progress in tackling corruption; however, local corruption remains a systemic problem. While municipalities that are controlled by opposition parties are under the surveillance of law enforcement authorities and government inspectors, the municipalities that are controlled by the government party are too a source of corruption.

A recent amendment to the law on audit courts limits the scope of auditing measures over state expenditures. Safeguards over public procurement have deteriorated as the passing of several amendments to the original law have allowed municipalities to operate in a less than transparent fashion. There are no codes of conduct to guide members of the legislature or judiciary in their actions; and conflict of interest is perceived as the convergence of interests (of provider and receiver) among public officials.

Citation:

U4 Expert Answer, Overview of corruption and anti-corruption in Turkey, 17 January 2012 Number: 313, <http://www.u4.no/publications/overview-of-corruption-and-anti-corruption-in-turkey/>.

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/GrecoEvaluation3\(2009\)5_Turkey_Two_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEvaluation3(2009)5_Turkey_Two_EN.pdf).

Ö.F. Gençkaya, Conflict of Interest in Turkish Public Administration, Ethics for the Prevention of Corruption in Turkey Academic Research Report, V. I, Ankara: Fersa, 2009.

Governance

I. Executive Capacity

Strategic Capacity

Strategic Planning
Score: 5

According to Article 166 of the Turkish constitution, the state is responsible for the planning of the country's economic, social and cultural development. Organizing these responsibilities effectively is an important goal. The under-secretariat of the State Planning Organization, founded in 1960, was upgraded in June 2011 to the Ministry of Development as part of Decree Law 641. Prior to the upgrade, the State Planning Organization was the major consulting body to the Prime Minister's Office, dealing with issues of sectoral planning and development. The ministry now advises the government over economic, social and cultural development policies with an eye to balanced and sustainable development.

The Department of Strategy Development (created by Act 5018, and succeeding in 2006 the Board of Searching, Planning and Coordinating), also associated with the Prime Minister's Office, helps formulate medium- and long-term strategy and policies, define guidelines for relevant studies and issues related to strategy implementation, monitor the implementation of legislation and coordinate subsequent activities.

All public institutions, including municipalities and special provincial administrations (Laws 5216, 5302 and 5393) but excluding regulatory and supervisory bodies, must prepare strategic plans according to Law 5018 (2003) on Public Financial Management and Control and the By-law on Principles and Procedures for Strategic Planning in Public Administrations (2006).

The basic objective of strategic planning is to establish an institutional connection between plans, programs and budgets. In this respect, performance programs and activity reports are complementary. All ministerial bodies have

also designated a separate department for developing strategy and coordination activities.

However, strategic management in Turkish public administration faces several challenges, according to the Working Group Report on Strategic Management in the Public Sector (2013). Strategic planning is often reduced to just budgetary concerns and neglects administrative aspects. Strategic plans, performance programs, budgets and activity reports are prepared in ignorance of each other. The Court of Audit cannot fulfill its functions and pursue performance audits. There is no relationship between superior political documents and lower policy materials, including municipalities. There are also no cumulative statistics on the frequency of meetings between strategic planning staff and government heads; yet in general these meetings are held once in a year, especially during budget negotiations.

Citation:

T.C. Kalkınma Bakanlığı, Kamuda Stratejik Yönetim Çalışma Grubu Raporu, Onuncu Kalkınma Planı (2014-2018), 2013. http://www.sp.gov.tr/upload/xSpKutu phane/files/iyomu+Kamuda_Stratejik_Yonetim_Calisma_Grubu_Raporu.pdf

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 (for example, during the constitutional reform process, several professional associations, trade unions and NGOs submitted papers to the Government Office and to parliament) or to help with surveys or reports on individual issues, but it is unclear how far such contributions have an impact on government decision-making. In the framework of its foreign policy doctrine (“Strategic Depth”), the Ministry of Foreign Affairs has consulted or appointed scholars who share similar viewpoints with the incumbent government party.

There is also a trend in the executive branch that many government positions are filled by civil servants with an academic degree. In addition, pro-government think tanks and organizations, including the Abant Platform, the Foundation for Research on Policy, Economy and Society, SETA, the Institute for Strategic Thought and SEDA, provide regular reports for the government. In recent years the number of public opinion survey companies (Pollmark, GENAR, Metropoll) has grown, and the government does consider their publications when forming policy.

Interministerial Coordination

GO Expertise
Score: 5

The Prime Minister's Office 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.

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 that all public institutions, entities and corporations in which more than 50% of assets are publically held – excluding municipalities and special provincial administrations – must get permission from the Prime Minister's Office before selling, renting, transferring, allocating and bartering any real estate holdings.

The hidden budget is allocated by the approval of the prime minister and the finance minister, with its amount increased to \$385 million in 2012.

Citation:

Circular, 2012/15, 16 Haziran 2012, <http://www.resmigazete.gov.tr/eskil er/2012/06/20120616-6.htm>

Line Ministries Score: 9

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.

Cabinet Committees Score: 6

The Prime Minister's Office (PMO) established in November 2004 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.

Citation:

Ömer Öz, Regulatory Oversight Bodies in Turkey. Better Regulation Group, The Prime Minister's Office of Turkey, 31 May 2011.
<http://www.hazine.gov.tr/default.aspx?nsw=ZpCrg0/W8ucJJWnpypCj+w==H 7deC+LxBI8=&nm=1006>

Ministerial Bureaucracy Score: 7

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.

Turkey has pursued reforms to better coordinate public administration and government legislation. 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. Since the creation of more ministries and agencies, the fragmentation of responsibilities increasingly complicates ministerial coordination, for example in budgeting and medium-term economic policymaking. The oversight bodies under the Prime Minister's Office should therefore not only be responsible for coordination and scrutiny of legal drafts but also should monitor legislation implementation.

Citation:

European Commission, Turkey - 2012 Progress Report, SWD(2012) 336, Brussels 10.10.2012.

ÖmerÖz, Regulatory Oversight Bodies in Turkey. Better Regulation Group, The Prime Minister's Office of Turkey, 31 May 2011.

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.

Evidence-based Instruments

RIA Application
Score: 4

Since 2007, the completion of a regulatory impact assessment (RIA) is 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). The Prime Minister's Office on 3 April 2007 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 a RIA prior to the adoption of certain key legislation, 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 general 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 - 2012 Progress Report, SWD(2012) 336, Brussels 10.10.2012.

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

Quality of RIA
Process
Score: 3

During the period, developing a process for 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 the 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, but the process is still in its early stages of development. In 2013, the government prepared an RIA for the EU-funded project, “Protection and Control of Integrated Pollution in Turkey.” However, this was a unique situation and the study itself a pilot project, and as such does not provide a standard for other public institutions.

Citation:

European Commission, Turkey - 2012 Progress Report, SWD(2012) 336, Brussels 10.10.2012.

EKÖK “Entegre KirlilikÖnleme 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

The government during the review period developed several legal and institutional initiatives to provide a social dialog platform with stakeholders on issues such as Kurdish and Alevi rights, and did consult societal actors on several occasions.

In spring 2013, the government founded the Wise Men Commission, tasked with furthering the historic peace process between Turkey and the Kurdistan Workers' Party (PKK). The commission is comprised of 63 individuals from politics, civil society, media, arts and trade unions. The government also invited several human rights organizations and social activists as well as lawyers and so on to send comments and amendments on the draft constitution as part of the ongoing constitutional reform process.

In 2012, the Ministry of the Interior's association department spearheaded a project entitled, "Civil Society Organizations: Public Administration Dialogue." Yet the government remains wary of trade unions and social organizations that are not obviously pro-government.

Also, the capacities of civil society organizations to effectively change or curb government behavior amid highly sensitive social issues are limited – such as with urban restructuring in Istanbul or dam projects in the southeast, in which social and environmental issues to date have not been taken into consideration. As a result, societal consultation has been ineffective.

Policy Communication

Coherent
Communication
Score: 7

The spokesman for the Council of Ministers issues public declarations on behalf of the council. A spokesman's office was also established for the prime minister, which further complicated the coordination of the goal of a government that speaks with "one voice." Yet still some important ministers often make contradictory public statements in private to other members of the government. What's more, concerning issues of foreign and security policy and regional development, members of the government continually make contradictory declarations in public. Usually, however, the unquestioned

authority and leadership of the prime minister by and large ensures that the government speaks with one voice, despite public differences in opinion.

Implementation

Government
Efficiency
Score: 8

After having overcome the influence of relevant veto players (primarily the Turkish Armed Forces and the Constitutional Court), the governing Justice and Development Party (AKP) has solidified its position and is well-placed to enact its policy objectives. AKP government goals include: economic welfare (extending foreign trade relations, increasing foreign direct investments); social inclusion (reforming the social insurance system, legalizing currently illegal housing in the suburbs); intra-societal peace and stability (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 conflict mediator). EU accession also officially remains an important goal.

The AKP won parliamentary elections in 2011 for the third time in a row with an absolute majority (49.8%). Due to the party's legislative dominance as well as the election of Abdullah Gül as president in August 2007 (the president approves legislation adopted in parliament), the incumbent government was able to achieve most of its policy objectives.

However, the government's performance is mixed at best on foreign and security policy, on education policy and on unemployment and social housing issues, despite alleged success stories from TOKI, the Housing Development Agency of Turkey.

Citation:

Erdal Tanas Karagöl, Ak Parti Dönemi Türkiye Ekonomisi, Seta, 2013.

http://file.setav.org/Files/Pdf/20130304144535_ak_parti_donemi_turkiye_ekonomisi_web.pdf

Ministerial
Compliance
Score: 9

Ministerial compliance is directly dependent upon the type of government in office, either a single-party or a coalition government. A 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 for even those ministers who are professionals in their respective fields to come to the forefront. The charisma of the incumbent 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 Justice and Development Party (AKP) government has made it even more difficult for ministers to

Monitoring
Ministries
Score: 7

follow their own agendas. A number of key ministries during the review period were under the leadership of ministers with substantial professional expertise, but lacked almost any support from the party apparatus, leaving them completely at the mercy of the prime minister. However, that kind of policymaking has a duplicitous character as it is the strong, quasi-authoritarian leadership of the prime minister rather than other “incentives” which ensure that ministers implement the prime minister’s program.

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.

Monitoring
Agencies,
Bureaucracies
Score: 7

Based on Article 126 of the constitution, Turkey is divided into provinces, to which power is devolved 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). However, independent administrative authorities such as the Telecommunications Authority and Energy Market Regulatory Authority are not monitored regularly.

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), and ensures that an administration in question cooperates with public auditing bodies as well as makes 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.

Citation:

Z. Aslan, Administrative Tutelage in Turkish Law, *İdare Hukuku ve İlimleri Dergisi*, V. 13 (1), 2000.

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, in the capital Ankara. Many municipalities do not have the sufficient financial resources to finance basic administrative duties, issues for which they are by law responsible; 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 2013 fiscal year, the government allocated TRY 578 million to a village infrastructure project (KÖYDES), TRY 526 million to the Drinking Water and Sewer Infrastructure Program (SUKAP) and TRY 210 million to the Social Support Program (SODES).

The incumbent government, with reference to municipal governments that are controlled by opposition parties, 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 takes into consideration the number of inhabitants compared with development indices. However, the new model has not eased the difficult financial situation of Turkey's municipalities, which are seriously indebted to central government institutions. During the first quarter of 2013, 44 municipalities and affiliated corporations held some TRY 14.5 million in loans, half of which remain outstanding.

Citation:

AK Party Group Meeting January 15-2013: <http://www.akparti.org.tr/english/haber/37077/ak-party-group-meeting-j-anuary-15-2013>.

2013 Yılı Merkezî İdare Bütçesi, Resmi Gazete, 31 Aralık 2013.

Türkiye'nin en borçlu belediyeleri! 10 Mayıs 2013, <http://ekonomi.haber7.com/gundem-ve-riler/haber/1024735-turkiyenin-en-borclu-belediyeleri>.

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.

In this sense, the municipality law grants local governments only a very limited sphere of responsibility, and what's more, places them under the jurisdiction of provincial governors. In the past, the Constitutional Court has often annulled local government decisions (e.g., the use of Kurdish as a teaching language in schools) by arguing that such a provision threatened the societal and territorial integrity of the Turkish state. This mindset dominates the relationship between central and local governments.

In the review period, however, there have been some substantial changes concerning the alignment process with the European charter of local self-government. Regarding metropolitan municipalities, with Law 6360 on the Establishment of 13 Metropolitan Municipalities in 13 Provinces and 26 Districts and Amending Certain Laws and Decree Laws (published in the Official Gazette on 6 December 2012), the boundaries of metropolitan municipalities were revised with the goal of making the provision of public services more effective and productive. The law has been criticized, despite its "official" goal to strengthen democracy at the local level. First, the legal status of provincial administrations, villages and municipalities cannot just be changed by a special law; such changes require a constitutional amendment. Second, the law essentially violates the principle of self-government. And finally, it is questionable whether the effective delivery of social services does indeed strengthen local democracy.

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 the United Nations Development Program (UNDP) support to the further implementation of local administration reform in Turkey project (LAR Phase 2) has been completed, Turkey aims to fulfill some requirements according to the European Local Self-Government Charter. In this context, city municipalities are working to establish Departments tasked with Monitoring, Investment and Coordination individually, according to Law 6360. The main

duties of these departments are: to efficiently provide, monitor and coordinate investments and services of public institutions and organizations; to provide and coordinate central administration investments in the provinces; to guide and inspect provincial public institutions and organizations. Still, the major issues in standardizing local public services are essentially financial, technical and personnel-driven. Turkey remains within the OECD the country with the largest regional disparities.

However, harmonizing standards by changing the legal status of local administration as attempted by Law 6360 will not be enough to realize uniform standards unless financial resources are made available to provide for a higher quality of public service. One way to accomplish this could be the setup of regional development agencies, the goal of which would be to address and lessen Turkey's deep regional socioeconomic inequalities. Given that these agencies are spread across Turkey, they may even deepen regional disparities.

Adaptability

Domestic
Adaptability
Score: 6

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, modeling it on similar criteria found in other EU member states.

Turkey is a signatory of several international conventions, which include binding provisions, and the Turkish government has attempted to comply with these international responsibilities. Yet the government falls 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.

International
Coordination
Score: 6

In recent years, the Turkish government has stepped up its collaboration efforts with international actors, mainly the European Commission, the Council of Europe, the OECD and the World Bank; it has pursued further administrative reforms such as the Framework Law on Public Administration, the Law on Civil Servants or the Laws on Associations and Foundations; and has taken the initiative in extending such reforms to other countries.

Turkey has also enhanced its efforts in developing regional ties, focused initially on economic and security cooperation with neighboring countries (such as with Iraq and Syria, prior to the outbreak of civil war).

In the field of foreign and security policy, Turkey during the review period continued its participation in peacekeeping missions in Afghanistan and Kosovo. Furthermore, in the context of its new foreign policy doctrine, the government has tried to mediate in the Middle East conflict, in Lebanon, in the Balkans and in Iran over its nuclear program. As part of the ongoing civil war in Syria, as of May 2013 Turkey has hosted and assisted more than 325,000 Syrian refugees in state-run camps.

As member of the G-20, Turkish politicians participate in World Economic Forum meetings and other regional and international organization confabs to exchange opinions and initiate collaborative efforts worldwide. Turkey is also one of the co-sponsors of the U.N.-affiliated initiative, “Alliance of Civilizations.”

Organizational Reform

Self-monitoring
Score: 6

The President’s Office uses the State Supervisory Council to monitor the activity of state institutions. The Prime Minister’s Office uses the High Supervisory Council of State and its inspectors to perform similar functions. Interministerial committees also may review institutional arrangements. In preparing development or strategic plans, sectoral subcommittees prepare reports on the effectiveness and efficiency of governing bodies. The Directorate General of Legislation Development and Publication and the Directorate General of Laws and Decrees scrutinize by-laws prepared by ministries and public agencies and examine the congruity with the constitution of draft bills, decrees, statutes, regulations and resolutions from the Council of Ministers, as well as review development plans and programs, laws, general law principles and the government program.

All ministries have an establishment law, which includes the ministry's scope, function and organization. The major aspects of public administration reform are strategic approach to management, consistent performance analysis and activity reports; as these elements have been employed in the public sector, monitoring is improving. The Prime Minister's Office also requires regular monitoring reports from public institutions, but these are not made publicly available. Both national and international organizations, such as the United Nations Development Project, the European Union and the Council of Europe, provide in a limited sense a blueprint for institutional performance, but observations may provide a needs analysis and reason to pursue institutional reforms.

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. The basic objective is to establish an institutional connection between plans, programs and budgets. All ministerial bodies also 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.

The government has improved its strategic capacity at the expense of the political powers of the military and the judiciary. The reforms of the National Security Council, the Constitutional Court and the Supreme Council of Judges and Prosecutors have in essence increased the executive powers of the government.

An ongoing debate is the potential introduction of a presidential government (as in France) through a constitutional revision, a move favored by the prime minister during the review period. Critics however fear that the executive branch and the strategic capacity of the government would be strengthened at the expense of the legislature.

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 shares government success stories; but in general, the government is not held accountable when its policies fail. 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; which has not, until recently manifest 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, people don't believe that the media is 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. For example, the last nationwide referendum to amend the constitution in September 2010 demonstrated that many voters didn't know what exactly the referendum was about; thus significant improvements are needed with regard to the public information policy of the Turkish government and parliament.

Poor communication undermines public trust in government as well as the effective implementation of government policies. E-government might provide one solution; in April 2012, the government adopted several regulations to provide basic public services and to inform citizens about new policy initiatives online.

Citation:

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

Meseleyi Kamuoyuna İy Anlatamadık, 2.6.2013, http://www.ulusalstrateji.com/haber/gundem/meseleyi_kamuoyuna_iyi_anlatamadik_1261.aspx

Parliamentary
Resources
Score: 6

Legislative Actors' Resources

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 headed by the secretary general and 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 Turkish parliament has improved both human resource services and technical infrastructure as to better support the work of its members of parliament. According to a 2010 World Bank report, the major deficiency of parliamentary work is the ability of budget office experts to collect, evaluate and provide a technical summary of relevant materials in a timely fashion; this was explained partially by a lack of standardization in financial documents (specifically in statistics), and partially by a lack of expert capacity. The parliamentary research unit as well cannot meet demands for information. In short, monitoring the government's activities is dependent on an individual parliamentary member's ability to reach the needed resources quickly.

Citation:

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: 7

According to Article 98 of the constitution, the Grand National Assembly of Turkey exercises its supervisory power over the government through asking questions, conducting inquiries, sponsoring general debates, offering motions of censure or starting parliamentary investigations. A question is a request for information which is addressed to the prime minister or ministers, and is to be answered verbally or in writing on behalf of the Council of Ministers. In that sense, according to Article 41 of the parliamentary rules of procedure, parliamentary committees or commissions may ask the ministries to provide any information relevant to their sphere of duty. 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.

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. Moreover, all parliamentarians and members of the Council of Ministers can attend and participate in committee meetings but have no right to submit a motion of amendment or to vote on the subject matter. If relevant, 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. Nevertheless, parliamentary committees are not able to summon ministers for hearings, but the responsible minister may voluntarily decide to participate in a meeting. Normally, the committees are briefed by high-ranking ministerial bureaucrats.

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 events in Tunceli (Dersim) in 1937 – 1938, and the Uludere deaths in December 2011.

Task Area
Congruence
Score: 7

There are 17 standing committees in the Grand National Assembly of Turkey, which are generally established in parallel with structure of the ministries. Except for committees established by special laws, the jurisdiction of each committee is not expressly defined by the rules of procedure. Committees do not however independently monitor ministry activity; they do examine draft bills. During discussions, committees may also supervise the ministry activity indirectly.

Audit Office
Score: 4

According to Article 160 of the constitution, the Court of Accounts is charged on behalf of parliament 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 Cabinet of Ministers however appoints court rapporteurs and prosecutors. In the review period, several pieces of legislation relating to the revised law on the Court of Accounts (Law 6085, 19 December 2010) were adopted and strengthened external audits in general. The parliament thus needs to ensure adequate follow-up of audit reports from the Court of Accounts. However, the July 2012 amendments to Article 35 of the Court of Accounts law curtails the powers of the Court, since it limits the auditors' scope in overseeing the financial activities of state institutions. While the Constitutional Court did reverse the amendments, arguing that the amendments had made activities less transparent, the dispute at the time of writing is still ongoing.

Ombuds Office
Score: 4

A law establishing a Turkish ombudsman was adopted in June 2012, and in December 2012, parliament swore in Mehmet Nihat Ömeroglu as head of the office. The ombudsman reviews lawsuits and administrative appeals (with respect to the rule of law and human rights) and ensures that public administration is held accountable. The mandate of the office, however, does not cover administrative actions of military personnel. The law says that the ombudsman is accountable to parliament; yet it does not have the right to conduct inquiries on its own initiative.

The Parliamentary Petition Committee reviews citizens' petitions and refers them to the relevant authority, if applicable. Moreover, the Human Rights Investigation Commission has the authority to receive, investigate and review complaints on issues of human rights. The Commission on Equal Opportunities for Women and Men is entitled to review complaints about violations of gender equality.

Media

Media Reporting
Score: 4

Since Turkish media (TV channels, newspapers and so on) is often split into “proponents” and “opponents” of the government, it is difficult for citizens to find objective or substantive in-depth information on government policies and government decision-making. In the past, media companies that took a critical stance in coverage were directly or indirectly threatened by the government, for example through tax investigations or through public appeals not to buy newspapers or watch the TV station of the media outlet in question. Thus few newspapers, radio or TV stations offer an in-depth analysis of government policies or their effects. Information which may be of interest to a viewing public often comes from alternative, “marginal” or foreign TV stations, satellite or cable. During the Gezi Park protests in 2013, for example, some public stations as well as pro-government stations broadcast a show on penguins instead of protest coverage.

Major mass media companies either offer entertainment programs or focus constantly on certain political debates as routine, with the participation of the same public opinion “leaders” or “intellectuals.” These programs however do not provide any details about government policies. State-run TRT, which was already pro-government, has stopped broadcasting parliamentary debates.

Parties and Interest Associations

Intra-party
Democracy
Score: 2

Commonly used indicators for intra-party democracy include a party leader’s power and control, the party nomination process, policy preferences, membership recruitment and membership rights.

According to a published academic study on major political parties in Turkey, the Political Parties Law (Siyasi Partiler Kanunu, SPK) does not encourage more intra-party democracy in such issues as the election of delegates, the determination of member of parliament (MP) candidates or election of chairmen. Also, the political party by-laws of the major parties do not provide any incentives to pursue intra-party democracy. Even though the Justice and Development Party (AKP), the Republican People’s Party (CHP) and the Peace and Democracy Party (BDP) do not discriminate along the lines of ethnicity or religious orientation for membership, contestation within the parties is limited, at best. Dissenting voices are not able to find an institutional path to encourage debate, competition usually revolves around the ability of party members to

create local power centers through which they compete for the attention and goodwill of the party leader.

Citation:

Mehmet Akinici /ÖzgürÖnder / Bile Kagan Sakaci: Is Intra-Party Democracy possible in Turkey? An Analysis of Political Parties Act and Party By-Law, European Scientific Journal, Vol. 9, No.11, April 2013.
Pelin Ayan, Authoritarian Party Structures and Democratic Political Setting in Turkey, Palgrave Macmillan, 2011.

Association
Competence
(Business)
Score: 7

The landscape of associations in Turkey is underdeveloped. The most influential associations in Turkey are employers' associations, trade unions and some business associations. The pro-Western, Istanbul-centric Turkish Industrialists' and Entrepreneurs' Association (TÜSİAD) and the Anatolian-centric, religiously conservative Independent Industrialists' and Entrepreneurs' Association (MÜSİAD) both support 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, as well as support reforms of the Turkish ethnic-nationalist concept of citizenship. These groups often issue reports, proposals or positions on certain issues such as education, health case, security or constitutional reform. The direct impact of such proposals and amendments on legislation is unknown, but the government regularly says that it takes such reports under consideration. Both associations have established a common dialogue and cooperation platform. When it comes to social and labor rights, both organizations present a more skeptical front, but they do not oppose unionism as such. While these associations have represented the secular-religious divide in Turkish society since the 1990s, TUSKON, a group close to both the governing party and the network of Fethullah Gülen, has become more prominent in promoting Muslim business interests.

Among labor unions, the ideological split between secularist unions such as the Confederation of Public Workers' Unions (KESK) and the Confederation of Revolutionary Trade Unions of Turkey (DİSK) and the more Islamic conservative Confederation of Turkish Real Trade Unions (Hak-İş) tends to prevent common case or action. Turkish unions tend to concentrate on symbolic struggles instead of social and economic policies that hold the potential for direct benefit for their members. In this context, in January 2012 the Confederation of Public Servants' Trade Unions (Memur-Sen) has launched a campaign and a petition to lift a ban on wearing headscarves in government offices.

Association
Competence
(Others)
Score: 5

Despite the increase of non-economic interest groups, they have little influence over government policy, despite their ability to communicate with the government through various channels. 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. Several civil society initiatives have been established toward the further democratization of Turkey. However, these initiatives seem to be sourced from advocacy groups, and need to be reviewed for their long-term vision and competence. Examples of activities in the review period concern proposals from environmental pressure groups on sustainable and renewable energy that challenge nuclear power plant projects and urban development plans.

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Contact:

Bertelsmann Stiftung
Carl-Bertelsmann-Straße 256
33311 Gütersloh

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

Najim Azahaf
najim.azahaf@bertelsmann-stiftung.de