



Turkey Report

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Sustainable Governance
Indicators 2019

Executive Summary

The period under review was marked by ongoing deep political and social divisions in Turkey. The failed coup attempt of 15 July 2016 and the subsequent state of emergency (which lasted almost two years) enabled a major constitutional referendum, which led to the political system changing from a parliamentary to a presidential governance model. The government's politically charged allegations, judicial investigations and dismissal of thousands of civil servants, and the immense organizational capacity of the Gülenist movement in the public and private sector brought public trust to rock-bottom levels. Rising popular authoritarianism has undermined the rule of law, legal certainty and judicial independence, exacerbated widespread social discrimination, and reinforced the presidential model and exclusion of the legislature from government processes.

Following the June 2018 early parliamentary and presidential elections, the governmental system was changed to a presidential model and the Prime Minister's Office was abolished. The organization of the new presidential system was regulated by presidential decree in July 2018. Currently there are 16 line ministries and nine policy councils, which develop the government's long-term strategy and report on government progress. The Ministry of Development, which was the primary consultation body for preparing policies according to the government's program, was abolished. In addition, four offices were established: finance, investment, digital transformation and human resources.

The war in Syria has had a profound impact on Turkish politics and society. The government's extensive military counterinsurgency in predominantly Kurdish provinces in the southeast of Turkey and the military intervention in northern Syria have brought the peace process between the Turkish state and PKK to an end. The government appears to lack a clear strategy for ending the conflict in Turkey's southeast region. This not only hampers economic opportunities in the southeast, but will also undermine democratic governance in the years ahead. Moreover, throughout the review period, the government continued to repress dissent, for example, by openly threatening perceived opponents (e.g., activists, academics and journalists). Many journalists critical of the government now operate under financial threats, self-censorship and increased job insecurity.

The influence of civil society organizations in decision-making processes remains limited. The massive polarization between pro- and anti-government camps is present across all spheres of political, economic and social life. The negative effects of this divide were evident in the aftermath of the parliamentary elections in June 2015, which failed to deliver a coalition government in line with the constitution, and in the April 2017 referendum on the introduction of the presidential system of government. This inability and/or unwillingness to engage in a power-sharing agreement demonstrates a serious crisis of democracy in Turkey. In the run-up to the June 2018 general elections, the AKP, and AKP Chairman and President Erdoğan secured a parliamentary majority by forming an informal alliance with the Nationalist Movement Party (MHP), which broke up in the second half of 2018.

Over the last decade, Turkey has experienced important gains in income and living standards. Though economic competitiveness has decreased, recently. While economic growth returned after the 2016 economic slowdown, such positive signs are based on the availability of cheap and abundant credit, which increases demand (higher consumption and public expenditure) rather than efficiency. In late 2017 and for much of 2018, Turkey was shaken by a currency crisis in which the Turkish lira fell substantially against the U.S. dollar and the euro. Despite some effective counter-measures to rebalance the currency, the government refused to invite the International Monetary Fund to provide consultative support, and introduce substantial reforms to stabilize the monetary system and regain trust from international markets.

Finally, environmental sustainability, energy security, sustainable urban development and progress toward a high-tech, science-based society are not assured in Turkey. Increased government spending (e.g., on research and development, education and vocational training, social policy, and health care) during the review period marked a step forward, but so far fails to show sustainable results.

Key Challenges

Turkey's main problems are political and social. Political stability versus political competition and participation, freedom of religion versus freedom from religion, majority-minority cleavages versus an integrated state and society – each issue presents a trade-off with political, social and international repercussions. The polarization of society has been a key strategy used by the Justice and Development Party (AKP) to secure and hold on to power. Legal uncertainty, distrust in the judiciary, the deterioration of fundamental rights and freedoms, and inefficiency in governmental sectors have increased in the aftermath of the averted military coup of 15 July 2016. Suppression of opposition has intensified under the subsequent state of emergency, which lasted until July 2018. The parliament has not been willing to reduce the 10% electoral threshold. Moreover, gerrymandering, single-member district plurality and narrow electoral district boundaries have been used by the AKP to reinforce the party's parliamentary majority, which was secured in the June 2018 general elections through an alliance that President Erdoğan and the AKP agreed with the Nationalist Movement Party (MHP).

The new presidential system, introduced in the wake of the April 2017 referendum and the 2018 general elections, is an attempt to promote efficiency and coordination in governmental processes, especially in decision-making and implementation, through the use of government offices, councils and ministries. However, such centralization and unification of decision-making in the hands of the president raises doubts about the sustainability of interministerial coordination.

Civil rights shortcomings persist. The incumbent AKP government should expand minority rights for Kurds, Alevis, Christians and other minorities to increase the visibility of minority groups within society and foster minority groups' identification with the state. This would promote intra-societal peace and a pluralist, integrated society. The government should enhance the powers of local and regional authorities, and introduce stronger mechanisms for democratic participation and political subsidiarity. In addition, the 10% electoral threshold should be reduced to increase smaller parties' participation in national decision-making.

At the same time, the AKP should seriously consider domestic and international concerns about increasing authoritarianism and exclusivist conservatism, and declining pluralism and liberalism within society. The

government should contribute to the peaceful inclusion of all social groups, while continuing to tackle extremism and terrorism. The AKP's monopoly on government, and the authoritarian stance of President Recep Tayyip Erdoğan against groups and media critical of his government is a concern for foreign observers, but even more so for Turkish citizens.

During the review period, Turkey's gradual demographic shifts and the country's economic slowdown have increasingly posed a problem. While a young and well-educated population is a boon and offers enormous potential, financial and social provisions for the elderly need to be addressed. The government should continue reforming the pension system to tackle social exclusion and poverty. Furthermore, the country's record on environmental issues, education and innovation is poor when compared to other OECD countries. Since these areas are key to supporting Turkey's growing population and economy, the government should increase expenditure in these areas. Illegal immigration and the refugee situation are exacerbating social tensions and leading to widespread discrimination.

Turkey has become a major emerging economy and a key regional power. However, it increasingly struggles with the repercussions of internal conflicts in neighboring and regional countries, and the coup attempt of 15 July 2016. In order to regain credibility and influence, Turkey should use diplomatic means to re-establish trust, peace and security in the region, and pursue dialogue with reliable regional actors and Western partners. Turkey's international influence and credibility would further increase if the government became more involved in and implemented more international agreements, especially OSCE, Council of Europe and EU agreements.

Party Polarization

Polarization, fragmentation and instability have been chronic maladies of the Turkish party system, especially in the 1970s and 1990s. In 2002, the incumbent Justice and Development Party (AKP) won the general election and was able to rule the country as a one-party government for more than 15 years. Since 2007, the ruling AKP government has challenged the parliamentary party system. In a 2017 constitutional referendum, the AKP government was able to strengthen the role of the president of the republic. With the re-emergence of traditional cleavages (e.g., Kurdish vs Turkish, Alevis vs Sunnis and secular vs religious), the AKP has increasingly used polarizing rhetoric in

public discourse. In other words, the AKP has used a discourse of “us” (oppressed) and “them” (oppressor) to consolidate its support. The major reasons for the polarization of party politics have been the exclusion of opposing social, economic and political groups in terms of their identity and values. Other causes of polarization include the majoritarian governance model; lack of democracy and rule of law; permanent election space; and lack of transparency, meritocracy and accountability in the state system.

Elites in Turkey are so polarized that they are even unable to reach a consensus on whether there is polarization or not. Imposing the idea of elites vs the people has contributed to the development of a dualistic society. In Turkey’s majoritarian governance system, opposition is ignored not only by political discourse, but also by limiting the democratic space in which fundamental rights and freedoms can be exercised. Pro-government elites assert that the averted coup attempt of 2016 helped conquer polarization, while opponents of the government argue that it serves the further division of Turkish society.

Almost a decade ago, political polarization was seen as the major obstacle to Turkey’s transformation toward European standards. However, now it is the Turkish political system that is the major obstacle to economic reform. The majoritarian principle cannot be a solution. Instead, institutional reforms to strengthen the democratic system (e.g., lowering the 10% electoral threshold) need to be implemented.

The tendency to take sides in this deeply polarized climate is dangerous not only because it entails harsh political debates, but it also creates further division within society and threatens the existence of civil society. Increasing polarization in political and social life is one of the key factors hindering democratization. Under the successive AKP governments, trade union models based on political interests rather than social and trade union rights, and the governments’ economic policies have increased polarization and negatively affected the trade union movement in Turkey.

The “echo-chamber” phenomenon and the lack of impartial media outlets, which would serve as intermediaries between political tribes, will facilitate the rise of impermeable walls and amplify the polarizing rhetoric of politicians. Without having the possibility to understand the other views, voters will form their preferences through the lenses of their camps. As a result of this failure, discussions between different political constituencies will take the form of mutual declarations of moral superiorities and will not achieve consensus or compromise.

The consequences of such a polarized environment are problematic and far-reaching. Drafting a new constitution, which is based on consensus, has become impossible in this toxic environment of “polarization, erosion of a common and good reference and distrust.” This political setting provides a fertile environment for pragmatic politicians targeting quick victories in a permanent elections space. Political divides between camps may be exploited and enhanced by the polarizing rhetoric of politicians. This situation makes the rise of new political actors very difficult, since all poles of the cleavages are already occupied and voter transition between camps is difficult. Hence, the winners and the losers of these elections will be from the same pool of politicians. (Score: 3)

Citation:

- S. Aydın-Düzgüt and E. Balta, 15 Temmuz Darbe Girişimi Sonrası Türkiye: Elitler Kutuplaşma Hususunda Kutuplaşınca, İstanbul: İPM, 2017. <http://ipc.sabanciuniv.edu/wp-content/uploads/2017/04/15-Temmuz-Sonras%C4%B1-T%C3%BCrkiye-Elitler-Kutupla%C5%9Fma-%C3%9Czerinde-Kutupla%C5%9F%C4%B1nca1.pdf>
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- Ö. Zihnioğlu, “Polarization and Democratization in Turkey,” <http://www.reflectionsturkey.com/2012/04/polarization-and-democratization-in-turkey-2/>

Policy Performance

I. Economic Policies

Economy

Economic Policy
Score: 4

Turkey's most significant economic problems are related to external imbalances. While the current account deficit increased from \$33.1 billion (3.8% of GDP) in 2016 to \$47.4 billion (5.6% of GDP) in 2017, total external debt increased from \$440.3 billion (51.7% of GDP) at the end of second quarter of 2017 to \$457 billion (about 60% of GDP) at the end of second quarter of 2018. The plunge in the Turkish lira during August 2018, following economic sanctions imposed by the United States on Turkey due to severe bilateral political disputes, has increased pressure on Turkish corporations burdened with foreign currency debts and the banks that lent the corporations money.

The main factor causing the 2018 currency crisis has been foreign investors' increasing uncertainty regarding the sustainability of Turkey's external debt. Though external debt is said to be sustainable as long as the country does not need to default, renegotiate or restructure its external debt, or make implausibly large policy adjustments. As a result, foreign capital flows financing the liquidity requirements of the country have dried up. The U.S. administration's decision to inflict economic pain on Turkey has triggered the currency crisis, but it has not been a major factor causing the currency crisis.

On 20 September 2018, the government announced the "New Economic Program 2019 – 2021." Accordingly, the current account deficit in 2019 is expected to decline to \$36 billion (4.7% of GDP) in 2018 and to \$26 billion (2.7% of GDP) in 2019. Whether or not expectations will be met remains to be seen.

According to net international-investment position (NIIP) statistics published by the Central Bank of Turkey, Turkey's total gross external liabilities at the

end of the second quarter of 2018 amounted to \$633 billion, 76% of these liabilities were short term. On the other hand, according to external debt data published by the Ministry of the Treasury and Finance, Turkey's external debt at the end of the second quarter of 2018 amounted to \$457 billion and the share of short-term debt in total external debt amounted to 26.2%.

According to Reuters, Turkey has to make \$179 billion in external debt repayments over 12 months to July 2019, with most of this debt is owed by the private sector, especially banks. It has been emphasized that Turkey's financing needs are large and access to international markets has become problematic. Combining the expected current account deficit of about \$40 billion and the \$179 billion financing requirements totals approximately \$220 billion, which is very large for a country like Turkey. The above considerations reveal that Turkey has to make implausibly large policy adjustments and that prospects of an IMF bailout have increased considerably.

Turning to considerations of recent developments in the Turkish economy, Turkey's GDP expanded by 7.4% in 2017. According to the Turkish Ministry of Treasury and Finance, the GDP growth rate during 2018 will be 3.8%. GDP has declined from \$863.4 billion in 2016 to \$851 billion in 2017, and is expected to decline further to \$763 billion during 2019. In contrast, Turkey's inflation rate, based on the consumer price index (CPI), is expected to increase from 11.9% in 2017 to 20.8% in 2018. The country's annual inflation rate in September 2018 based on CPI was 24.5%. Thus, the headline inflation rate remains well above the central bank target of 5%. On the other hand, the producer price index has increased by 46.2% on a year-on-year basis in September 2018, indicating that the consumer price index will be increasing at more than 24.5% on a year-on-year basis over the next few months.

In the case of monetary policy, on 13 September 2018, the central bank announced that the bank funding provided through overnight lending will be provided via one-week repo auctions and that the policy rate has been increased from 17.75% to 24%. Thus, the central bank has returned to a conventional monetary policy approach.

Hazine ve Maliye Bakanlığı (2018) 'Yeni Ekonomi Programı: Dengelenme-Disiplin-Değişim 2019-2021', Ankara

International Monetary Fund (2018) 'Turkey 2018 Article IV Consultation-Press Release: Staff Report; and Statement by the Executive Director for Turkey', Washington D.C.: IMF (April)

Reuters (2018) 'Turkey faces \$179 billion External Debt Repayments until July 2019, JPMorgan says' (August 29, 2018)

World Bank (2018) 'Turkey Economic Monitor 2018' Washington D.C.: The World Bank (May).

Sazak, S. (2018) 'The US-Turkey Relationship is Worse Off Than You Think', Foreign Policy

Labor Markets

Labor Market
Policy
Score: 6

Turkey's population and work force are growing significantly. From 2015 to 2018, the country's population increased by an estimated 3.2 million to 81.9 million people in 2018. The working-age population (those 15 years old and older) grew from 57.8 million in June 2015 to 60.6 million people in June 2018, while the labor-force participation rate rose from 52.1% in June 2015 to 53.8% in June 2018. A total of 27.3 million people were officially registered as employed in June 2015, rising to 29.3 million in June 2018.

Employment figures in various sectors point to growing dynamism in the Turkish labor market. Recent employment figures for the industrial and service sectors indicate an increase of 356,000 jobs in industry and 2.1 million jobs in the service sectors between June 2015 and June 2018, and to a decrease in employment in industry by 83,000 people between June 2015 and June 2018. On the other hand, agricultural employment decreased by 374,000 people during the same period.

The official number of unemployed increased from 2.9 million in June 2015 to 3.3 million in June 2018. The increase in unemployment shows that the number of new entrants to the labor force outnumbered the number of jobs created, reflecting demographic factors as well as the slowdown of the Turkish economy. The overall unemployment rate increased slightly from 9.6% in June 2015 to 10.2% in June 2018. Strikingly, unemployment rose in the non-agricultural sectors from 11.7% in June 2015 to 12.1% in June 2018.

Between January 2018 and June 2018, an additional 1.3 million people were employed due to several governmental measures that were introduced. The reason for the increase was the desire to affect the distribution of votes in parliamentary snap elections, which were scheduled for 24 June 2018. On the other hand, the number of public employees between the last quarter of 2017 and the second quarter of 2018 increased by 528,000 to 4.1 million.

Informal employment increased 5.7% between June 2017 and June 2018, and was estimated to account for 34% of total employment in June 2018. Displacement of native workers by refugees (who work without job security and for lower wages) is one of the factors driving this development. On the other hand, Turkey adopted the International Labor Force Law in July 2016, which aims to attract high-skilled workers to protect and increase productivity. The requirement of a "professional competence certificate" is expected to increase the qualified domestic labor force and increase competition in the job market.

A major medium-term challenge facing the government is the need to create more and better paying jobs for Turkey's young and growing population, since many young people (15 to 24 years old) are not in employment, education or training. The unemployment rate of young people increased from 17.7% in June 2015 to 19.4% in June 2018. Another major medium-term challenge for Turkey involves boosting women's participation rate in the labor force. Despite notable job-creation successes in recent years, almost half of Turkey's working-age population fails to enter the labor market, a problem largely attributable to women's low participation rates.

The World Bank (2016) pointed to labor market rigidity and high labor costs as significant constraints on job creation in Turkey. Minimum wages are high and Turkey has a very generous severance payment system. The IMF (2018) maintains that the formal labor market could be made more flexible by reforming the severance pay system, which is overly burdensome for employers in the formal sector and discourages labor mobility due to non-transferable built-up rights. The government's recently approved National Employment Strategy includes measures to reform the severance payment scheme, unemployment benefits and temporary work contracts. On the other side, recent research indicates that firms participating in international markets through exports or multinationals are in general larger, more productive, more capital intensive, more skill intensive and pay higher wages than domestic firms within the same industry. Thus, by promoting exports through alternative means (e.g., real exchange rate devaluations), the country can create higher paying jobs in export sectors than domestically oriented firms, which will drive productivity increases in the economy.

International Monetary Fund (2018) 'Turkey 2018 Article IV Consultation-Press Release: Staff Report; and Statement by the Executive Director for Turkey', Washington D.C.: IMF (April)

World Bank (2016) World Bank Group – Turkey Partnership: Country Program Snapshot, Washington D.C.: The World Bank (April).

Taxes

Tax Policy
Score: 5

While taxes accounted for 52.6% of general government revenue in 2016, the share increased to 53.2% in 2017. The taxation system can be divided into three categories: direct taxes (e.g., the individual-income tax and corporate-income tax); indirect taxes (e.g., the value added tax (VAT), the banking and insurance-transaction tax, the special consumption tax, and the telecommunications tax); and other government revenues drawn from factor incomes, social funds and privatization revenues. In 2017, individual-income tax rates varied from 15% to 35%. The standard corporate tax rate was 20%, while capital gains were usually treated as regular income and taxed accordingly.

Biased toward indirect taxes, Turkey's taxation system does not take into consideration horizontal or vertical equity. This gives the government more flexibility to react to changes in Turkey's highly dynamic and volatile economy, but at the same time decreases fiscal stability and political credibility, particularly concerning the special consumption tax. While indirect taxes formed 67% of total tax revenue during 2016, the share declined to 66.4% in 2017.

Budgets

Budgetary Policy
Score: 7

General government revenue, according to the IMF (2018), decreased from 32.8% of GDP in 2016 to 31.2% in 2017, and is expected to decrease to 30.3% of GDP in 2018 and further to 29.9% during 2019. On the other hand, general government expenditures decreased from 35.1% in 2016 to 33.4% during 2017, and is expected to increase to 34.4% in 2018 and further to 35% in 2019. As a result, the fiscal deficit of the general government – after declining from 2.33% in 2016 to 2.27% of GDP in 2017 – is expected to increase to 4% of GDP in 2018 and further to 5.1% of GDP in 2019.

During the period 2012 – 2015, the government maintained fiscal discipline by keeping the general government deficit at 1.5% of GDP. But after the failed coup attempt of 15 July 2016, the government adopted an expansionary fiscal policy approach and government deficit as a percentage of GDP increased to 2.3%. Constitutional referendum was held on 16 April 2017 and general elections on 24 June 2018. To please voters during the parliamentary elections in particular, the government adopted an expansionary fiscal policy approach, increasing wages and social transfers, and purchases of goods and services. In addition, temporary tax reductions, continued minimum wage subsidies and an employment incentive scheme were provided. According to the IMF (2018), the fiscal impulse is estimated at close to 1% of GDP in 2017. Additional incentives were introduced during 2018. Furthermore, contingent liabilities arising from public-private partnership (PPP) projects are not included in the fiscal balances. As a result, the fiscal deficits reported above are underestimates. According to the IMF (2018), the investment size of PPP projects concentrated in the public transport, energy and health care sectors amount to \$61 billion, and 60% of these PPP projects are under construction. Contingent liabilities could arise from demand, exchange rate, investment guarantee and contract termination clauses mainly issued by Turkey's Ministry of Treasury and Finance.

As a result of the above developments, gross public debt totaled 28.3% of GDP in 2016, 28.3% of GDP in 2017, and the ratio is expected to increase to 32.3% in 2018 and 33.6 in 2019.

Citation:

International Monetary Fund (2018a) 'World Economic Outlook Database', Washington D.C.: IMF (October)

International Monetary Fund (2018b) 'Turkey 2018 Article IV Consultation-Press Release: Staff Report; and Statement by the Executive Director for Turkey', Washington D.C.: IMF (April)

Research, Innovation and Infrastructure

R&I Policy
Score: 4

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

According to the Turkish Statistical Institute, total R&D spending by the public and private sectors as a fraction of GDP in 2015 was 0.88% and in 2016 the share increased to 0.94%. During 2016, commercial enterprises accounted for the largest share of R&D expenditures, at 54.2%. While universities accounted for 36.3% of spending on R&D, public institutions' share was 9.5%. In terms of financial contributions to R&D projects, commercial enterprises have the largest share with 46.7%, followed by public institutions with 35.1%, universities with 14.4% and other sources 3.8% of R&D. In terms of full-time employment, 136,953 people worked in the R&D sector during 2016, an increase of 12% compared with the previous year. The private sector employed 53% of R&D personnel, while 38.4% worked at universities and public institutions employed 8.6% of R&D personnel.

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

Global Financial System

Stabilizing
Global Financial
System
Score: 6

After 2016, the government's overarching banking and finance goal has been to avoid a substantial economic slowdown. As a result, the government decided to relax prudential norms in the banking sector, reduce provisioning

requirements for restructured loans in the tourism and energy sectors, and lower regulatory risk weights on consumer loans and credit cards. Credit growth has been substantial and the annual credit growth rate was 23.5% in September 2017 and 28.1% in September 2018. These measures have been criticized by the IMF's latest Financial Sector Assessment Program (FSAP) report, which advised the Turkish government to strengthen banking sector supervision and governance, and enhance the regulatory framework for financial services. According to the "New Economic Program 2019 –2021" announced in September 2018, the banking sector will be considered sound if it achieves a capital adequacy ratio of 16.2% and non-performing loan ratio of 3%. But the program emphasized the need for a "health assessment" in the banking sector to identify the financial structure and asset quality.

The combination of trade deficits, renewed budgetary deficits, low interest rates and inflation pressures have exposed Turkey's currency, and made it extremely vulnerable to currency market turbulences. The very belated decision of the Turkish authorities to strengthen the Turkish lira by adopting a high-interest rate policy on 13 September 2018 underlines the ongoing unwillingness of President Erdoğan to truly accept central bank independence.

Citation:

G20 country report, Turkey 2017, http://www.bundesfinanzministerium.de/Content/DE/Downloads/G20-Dokumente/Hamburg_Wachstumsstrategien/TUR-Growth-Strategy.pdf?__blob=publicationFile&v=3

II. Social Policies

Education

Education Policy
Score: 3

In Turkey, children typically attend pre-primary education starting at age three, and the programs last between one and three years. Compulsory education begins at age five/six and ends at age 17. Turkey has made significant progress in increasing access to education. In the 2016 school year, although the pre-primary education enrolment rate was quite low at 30.3%, Turkey achieved almost universal primary-school enrollment. Secondary-school enrollment was 85.5% during the same year. The government is actively seeking to expand secondary-school enrollment to comply with the new "4+4+4" law on education. Vocational education and training (VET) programs are available to students who leave the education system after primary school. The standard length of VET programs is four years, with most of the four years spent in workplaces. Finally, the percentage of the population aged 25 – 34 with a tertiary level qualification was 30.5% in 2016.

The gender-based enrollment gap has nearly disappeared for primary education and has narrowed significantly for secondary education. The Gender Gap Report 2017 emphasized that 92.6% of women and 98.6% of men are literate, the enrollment rate in primary education is 93.7% for women and 94.6% for men, the enrollment rate in secondary education is 85.5% for women and 87.2% for men, and the enrollment rate in tertiary education is 88.3% for women and 101% for men. Furthermore, pre-primary education and higher education enrollment rates are increasing rapidly. However, Turkey ranked only 101 out of 144 countries for educational attainment.

Despite announcements on the issue, the government continued to refrain from strengthening universities' autonomy, which had deteriorated after the failed coup attempt of 15 July 2016. The aftermath of the failed coup attempt had a severe impact on academic freedoms. During this period, according to the Commissioner for Human Rights of the Council of Europe, a large number of academics were dismissed through appended lists in emergency decrees, without any due process or judicial remedy.

Citation:

Commissioner for Human Rights (2017) 'Human Rights in Turkey – The Urgent Need for a New Beginning', Council of Europe (March 10 2017).

Organization for Economic Co-operation and Development (2018) 'Turkey' in Education at a Glance 2018, OECD Indicators, OECD Publishing, Paris: OECD

Organization for Economic Co-operation and Development (2017) 'PISA 2015 Key Findings for Turkey,' Paris: OECD

World Economic Forum, Global Gender Gap Report 2017, Geneva.

Social Inclusion

Social Inclusion
Policy
Score: 5

Turkey's Gini coefficient increased from 38.6 in 2015 to 40 in 2017, indicating a greater inequality in income distribution. Income distribution in Turkey continues to be among the OECD's most unequal. According to the Turkish Statistical Institute, while the top 10% of earners received 31.4% of income, the bottom 10% of earners received 2.4% of total income; the highest income quintile accounted for 47.2% of income in 2017.

According to the World Bank (2018), Turkey has experienced a large reduction in poverty and substantial increase in shared prosperity. Between 2002 and 2014, the poverty rate fell from 44% to 18.5% and extreme poverty fell even more rapidly, from 13% to 3.1%. Both moderate and extreme poverty have decreased in rural as well as urban areas due to the economic growth

experienced over the period. Poverty is particularly prevalent among people with lower educational attainment, workers in the informal sector, unpaid family careers and homemakers, and the elderly. Poverty reduction has been driven by the availability of more and better-paid jobs, with social transfers playing a minor role.

The government has developed an integrated social-assistance system geared toward helping welfare recipients get out of poverty. Since 2011, responsibility for all central government social-assistance benefits has been combined under the new Ministry of Family and Social Policies. This ministry has worked to strengthen social inclusion. The government has been implementing an Integrated Social-Assistance Information System, using a single proxy means test to target benefits more effectively. Links between the social-assistance system and active labor market policies implemented by ISKUR are being strengthened.

From 2014 onward, the refugee crisis caused by the civil war in Syria has created an extra burden on the government's efforts to improve the quality of social inclusion.

Citation:

World Bank (2018) 'Country Partnership Framework for the Republic of Turkey for the Period FY 18-FY21', Report No. 11096-TR, Washington D.C.: The World Bank.

Health

Health Policy
Score: 7

The 2003 Health Transformation Program has produced significant improvements in Turkey's health care system in terms of access, insurance coverage and services. As a result, the health status of Turkey's population has improved considerably. In particular, Turkey has achieved the largest gains in life expectancy since 1970 among the OECD countries. While life expectancy among males was 70.5 in 2002, it has increased to 75.3 in 2016. Similarly, while life expectancy among females was 74.7 in 2002, it has increased to 80.7 in 2016. The maternal mortality rate fell from 28.5 deaths per 100,000 live births in 2005 to 14.7 deaths in 2016. There has also been a sharp decline in infant mortality from 20.3 deaths per 1,000 live births in 2005 to 9.7 in 2016. As a result, Turkey has met its Millennium Development Goal target on both counts.

New legislation was recently introduced, restructuring the Ministry of Health and its subordinate units, while enhancing its role in health care policy development, planning, monitoring and evaluation. A new public health institution has been established to support the work of the Ministry of Health in the area of preventive health care services.

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

The key challenge in health care is to keep costs under control as demand for health care increases, the population ages and new technologies are introduced. Total health expenditure as a share of GDP has amounted to 4.6% during 2016. In 2016, 78% of this spending was funded by public sources, as compared to a 62% public share in 2000.

Citation:

Ministry of Health (2017) 'Sağlık İstatistikleri Yıllığı 2016,' Ankara

Organization for Economic Co-operation and Development (2017) 'Health at a Glance 2017: OECD Indicators', OECD Publishing, Paris: OECD

World Health Organization (2018) 'Turkey: WHO Statistical Profile', Geneva.

Families

Family Policy
Score: 4

In 2017, there were 40.3 million women in Turkey, with 30.2 million women aged 15 and over. While the female labor force consisted of 10.2 million women, only 8.7 million of these women were employed and 1.4 million women were unemployed. In 2017, the female labor force participation rate was 33.6%, the female employment rate was 28.9% and the female unemployment rate was 14.1%. The labor force participation rate of women in Turkey remains low, far below the EU average.

In 2018, while the female labor force amounted to 10.6 million, 9.2 million were employed. Of this total, 28% were employed in the agricultural sector, 15% in industry and 57% were employed in the service sector. Of these working women, 43.4% were not registered with any social security institution.

According to the World Bank (2018), Turkey has one of the lowest female labor force participation rates among countries with similar income levels. Women are under-represented in entrepreneurship, and business ownership and management. Furthermore, the gap in financial inclusion between men and women remains comparatively large.

Several national and local-level initiatives in recent years have ostensibly been aimed at helping women become more employable, helping them find more and higher-quality jobs, and in general helping to remove obstacles to their participation in the workforce. However, there have been many shortcomings in the implementation and proper monitoring of these policies. In general, the government's conservative stance on women and family affairs (e.g., concerning the number of children, or women's roles) has provoked ongoing public debate on gender equality in the labor market and public life more generally

Citation:

World Bank (2018) 'Country Partnership Framework for the Republic of Turkey for the Period FY 18-FY21', Report No. 11096-TR, Washington D.C.: The World Bank.

Pensions

Pension Policy
Score: 5

In 2001, Turkey's pension system was reformed with the enactment of Law 4632, as emphasized by the European Commission (2017). The law allowed insurance companies to offer individual retirement plans. This transformed the single-component pension system into a two-component system, with one compulsory component and one optional component. While the compulsory component consisted of a pay-as-you-go statutory public pension scheme, the voluntary component consisted of a voluntary funded individual pension scheme. In June 2012, Law No. 6327 was enacted, stipulating that the state would match 25% of all annual contributions paid by individuals to funded pension schemes starting in January 2013. In August 2016, Law No. 6740 was enacted. Under the law, all publicly and privately employed wage and salary earners who are less than 45 years of age would be automatically assigned to an individual pension plan and start contributing at a minimum rate of 3% of their taxable earnings, unless they opt out within two months of their automatic enrolment in the plan. After the plan went into effect, 60% of 12 million workers included in the system opted out of the plan, urging the government to take further action. According to the "New Economic Program 2019 – 2021," announced in September 2018, employees will be obliged to stay in the individual pension plan for three years before being able to opt out. Thus, for three years the pension plan will be compulsory.

Pension spending in Turkey is modest, amounting to 8.1% of GDP. Due to the system's high dependency ratio and generous eligibility rules, more than half the country's pension spending is financed through budget transfers. A 2008 reform adjusted pension parameters. Currently the pension age is 60 years for men and 58 years for women, with at least 7,200 days of contributions. The pension age will gradually rise to 65 for men and to 65 for women, from 2036

to 2044. But these adjustments will be too slow to counter the effects of expanding coverage and an aging population. For this reason, pension-system deficits are expected to remain around 3% of GDP until the middle of the century.

Citation:

European Commission (2017) 'New Legislation in Turkey requiring Automatic Enrolment in the Voluntary Funded Individual Pension Scheme', ESPN Flash Report 2017/10.

Organization for Economic Co-operation and Development (2017) 'Pensions at a Glance 2017: Country Profiles - Turkey', Paris: OECD

Integration

Integration Policy
Score: 7

Turkey's new Law on Foreigners and International Protection took effect in April 2014. On the same date, the General Directorate for Migration Management officially took on responsibility for implementing the law with a view to bringing Turkey in line with European Union and international standards.

Turkey is increasingly becoming a country of destination for regular migration. At the same time, it also remains a notable transit and destination country for irregular migration. The civil war in Syria which started in 2011 is placing a heavy burden on the Turkish economy. It is estimated that about 3.5 million Syrian refugees, and 368,000 asylum seekers and refugees of other nationalities (e.g., Iraqi, Afghani and Somali) are in Turkey. Key development needs for the refugees relate to education, housing and employment. Turkey hosts 6% of Syrian refugees in refugee camps equipped with education, health care and social services, while a large number of refugees live in cities. The number of refugees in refugee camps is about 220,000. Since the beginning of the Syrian civil war, it is estimated that Turkey has spent over \$30 billion on health care, education, nutrition, social and other services for refugees.

Syrian refugees are resented among large segments of the Turkish public. Syrian refugees are viewed as a burden, and blamed for the deteriorating quality of public service provision, price increases and rising unemployment. Although the Turkish government has emphasized cultural and religious affinities with Syrian refugees, the public perceives a surprisingly large cultural and social distance. Furthermore, in spite of legislation adopted in 2016 to facilitate access to the labor market, only 20,000 work permits have been issued to date. An estimated 1.5 million Syrians are working informally in Turkey.

The U.N. refugee agency, UNHCR, coordinates the efforts of U.N. agencies and partners to support Turkey's refugee response, and avoid duplication and

gaps in international assistance. UNHCR programs in Turkey are implemented through various public and private partnerships – including support for public institutions at the national and local levels, and private service providers – to ensure a coordinated, holistic approach to meeting the needs of asylum-seekers and refugees.

In an effort to manage the influx of refugees into Europe, the European Union negotiated a deal with Turkey in November 2015. For the period 2016 – 2017, the European Union offered Turkey up to €3 billion in aid, and – in return for Turkey’s support in stemming the flow of refugees to Europe – the European Union offered Turkey the prospect of easier travel visas and renewed EU accession talks. As part of European Union’s financial assistance to Turkey under the “Facility for Refugees in Turkey,” €1.9 billion was contracted to various U.N. agencies and international organizations in partnership with Turkish civil society organizations to support education, health care, socioeconomic and municipal infrastructure projects. Between 2018 and 2019, the European Union offered another €3 billion in aid, with €450 million of this amount has been committed to date.

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EU Commission: Report from the Commission to the European Parliament, the European Council and the Council. Seventh Report on the Progress made in the implementation of the EU-Turkey Statement, COM(2017) 470 final, Brussels, 6.9.2017.

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Safe Living

Internal Security
Policy
Score: 4

In a 2017 OECD survey, 61% of Turkish respondents stated that they felt safe walking alone at night, slightly lower than the OECD average of 69%. Moreover, 74,4% of respondents to the TUIK 2017 Life Satisfaction Survey expressed satisfaction with Turkey’s security services. However, the World Justice Project Rule of Law Index 2017 ranked Turkey 101 out of 113 countries in terms of order and security as a factor of rule of law. The rule of law in Turkey has deteriorated in recent years due to the increasing threat of terrorism and extremism, the failed coup attempt and the government’s use of state of emergency powers until its end in June 2018. Crime is poorly controlled, and instances of terrorism and violence, including intimidation and muggings, are increasing.

Although Turkey’s homicide rate is 1.7, lower than the OECD average of 3.6 since the beginning of 2015, homicides – particularly murders of women

(honor crimes) – have increased. In 2017, 409 women were killed, 387 children were sexually abused and 332 women were subjected to sexual violence. The annual number of women who died from violence rose to 335 as of November 2018.

The General Directorate of Security was allocated €3.9 billion in 2017 of which 81% was spent on personnel. About 99% of budgetary allocation was spent on public order and security. There are approximately 331 police officers per 100,000 inhabitants. A total of 8,998 police officers were dismissed by a decree issued in July 2018 within the scope of FETO operations. The Turkish National Police (TNP) collaborates extensively with domestic partners and international organizations, such as INTERPOL, EUROPOL, SECI, AGIT, BM, CEPOL and FRONTEX. Moreover, the TNP has introduced an e-government infrastructure in many divisions and initiated several projects intended to bring operations into harmony with the EU *acquis communautaire*.

The failed coup attempt in July 2016 and the lack of sufficient personnel prevented several departments from achieving their performance goals and required a reorganization. Human trafficking and ongoing reorganization in the security sector need a holistic, integrated and well-coordinated policy strategy.

The Under-Secretariat of Public Order and Safety was established in 2010, but closed by Decree No. 703 in July 2018. The new Department of Internal Security Strategies was established by a presidential decree in September 2018.

The EU sponsored €5.4 million, 24-month Development of Civilian Oversight of Internal Security Sector project was launched in 2018.

Citation:

OECD Better Life Index Edition 2017, <http://www.oecdbetterlifeindex.org/countries/turkey/>, (accessed 27 October 2018)

Yaşam Memnuniyeti Araştırması, 2017, <http://www.tuik.gov.tr/PreHaberBultenleri.do?id=27590> (accessed 27 October 2018).

World Justice Project, Rule of Law Index 2017-2018, https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition_0.pdf (accessed 27 October 2018)

T.C. İçişleri Bakanlığı 2017 Faaliyet Raporu, <http://www.strateji.gov.tr/kurumlar/strateji.gov.tr/OYA/2017%20Y%C4%B1%C4%B1%20Faaliyet%20Raporu.pdf> (accessed 27 October 2018)

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Global Social
Policy
Score: 7

Global Inequalities

During the period under review, Turkey used development assistance to advance social inclusion and development beyond its borders. The government expanded its annual official development assistance (ODA) disbursements considerably from \$967 million in 2010 to \$8.1 billion in 2017. Turkey, thus, has become one of the leading countries in humanitarian assistance in the world.

Turkey's development cooperation is provided in line with the Statutory Decree on the Organization and Duties of the Turkish Cooperation and Coordination Agency (TIKA). Established in 1992, TIKA designs and coordinates Turkey's bilateral development cooperation activities and implements projects in collaboration with other ministries, NGOs and private-sector partners. Since its establishment, TIKA has implemented thousands of projects in more than 150 countries with 61 Program Coordination Offices in 59 countries.

Over the last decade, Turkey's humanitarian assistance efforts have gained a remarkable impetus and been expanded to many regions across the world. In response to the ongoing Syrian crisis, Turkey has pursued an open-door policy for Syrians fleeing from violence in their country. Turkey provides temporary protection to more than 250,000 Syrians without discrimination. In addition, Turkey has also provided humanitarian aid after earthquake and flood disasters, humanitarian crises, and conflicts across many parts of the world (e.g., to the Rohingya minority in Myanmar). However, religious and ethnic minorities living in bordering countries continue to suffer (partly occasionally, partly systematically) from discrimination and marginalization.

III. Environmental Policies

Environment

Environmental
Policy
Score: 3

Sustainable development policies gained in importance in Turkey as part of the EU accession process, which involved the country taking steps forward in environmental policy and legislation. The environmental chapter (Chapter 27)

of the EU acquis was opened in 2009. In terms of environmental impact assessments, Turkey is generally in line with EU environmental legislation. In recent years, considerable progress has been made toward establishing emissions controls, the use of renewable energies and promoting energy efficiency. In the 2018 Environmental Performance Index, Turkey was ranked 108 out of 180 countries. According to the 2018 Climate Change Performance Index (CCPI), Turkey ranked 47 out of 60 countries.

According to the European Commission (2018), Turkey has some level of preparation in relation to environment and climate change. But enforcement remains weak, especially on waste management and industrial pollution. Over the short run, Turkey should complete its alignment with the directives on water, waste management and industrial pollution, and ensure that the Environment Impact Assessment Directive is correctly implemented. In addition, Turkey should complete its alignment with the acquis on climate change. However, its claim to continue using coal for energy production, and to be ranked again in the group of emerging countries in order not to risk its economic needs and projections, undermines official commitments and renders the country's efforts ineffective and unsustainable.

Citation:

European Commission (2018) 'Turkey 2018 Report', SWD(2018) 153 final, Brussel

German Watch (2018) 'Climate Change Performance Index: Results 2018,' Bonn.

Yale Center for Environmental Law & Policy and Center for International Earth Science Information Network (Columbia University) '2018 Environmental Performance Index' in Global Metrics for the Environment: Ranking Country Performance on High-Priority Environmental Issues, www.epi.yale.edu.

Global Environmental Protection

Global
Environmental
Policy
Score: 5

Turkey's Climate Change Action Plan 2011 – 2023 stresses its adherence to international commitments, standards and measures and foresees increasing cooperation with international actors, especially in the fields of combating climate change and improving energy efficiency, along with an active role in international activities more generally.

Reservations based on national concerns complicated negotiations of the Paris Agreement on Climate Change, which entered into force on 4 November 2016 after 55 parties to the convention joined the agreement. The Turkish Ministry of Environment and Urban Planning signed the Paris Agreement in New York, and the agreement was ratified by Turkey on 22 April 2016. So far, policy changes that would fulfill the necessary reform requirements and strengthen environmental sustainability in Turkey remain rather superficial.

A special project on Sustainable Development Goals Situation Analysis Project Turkey was launched by Escarus, and the Turkey Industry and Development Bank in early 2017 within the scope of sustainable development goals of U.N. Agenda 2030.

Citation:

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

Ümit Şahin (2016), Warming a Frozen Policy: Challenges to Turkey's Climate Politics after Paris, Turkish Policy Quarterly, Volume 15 Number 2, pp. 116-129.

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Quality of Democracy

Electoral Processes

Candidacy
Procedures
Score: 6

The Turkish constitution, Law 298 on the basic principles of elections and the electoral registry, Law 2839 on deputies' elections, and Law 2972 on local-administration elections lay the legal groundwork for fair and orderly elections and prevent discrimination against any political party or candidate. However, the relative freedom given to each political party's central executive committee in determining party candidates (by Law 2820 on political parties, Article 37) renders the candidate-nomination process rather centralized, anti-democratic and exclusionary. The parliament weakened the centralization of political parties' leadership to some extent in 2014 with the passage of a law permitting co-leadership structures. However, administrative courts and the Council of State stopped the co-mayoral practices of the HDP. Parties' executive boards typically determine their parties' candidate lists, with the exception of the Republican People's Party, which holds a primary-election vote. An independent candidate who secures a majority of votes in his or her electoral district is allowed to take a parliamentary seat without regard to the nationwide threshold.

The nationwide 10% electoral threshold for parliamentary elections (Law 2839 on deputies' elections, Article 33) is a major obstacle for all small political parties. In 2008, the European Court of Human Rights (ECtHR) found the 10% electoral threshold to be excessive, but not in violation of the European Convention on Human Rights' (ECHR) Protocol 1 Article 3. As of November 2018, there were 82 registered political parties, but only 10 of them participated in the 24 June 2018 parliamentary elections. The Party Law (Article 90/2) was amended in order to enable parties to form pre-electoral alliances in March 2018. The share of the representation of valid votes rose to 98%, and resulted in overrepresentation of big parties (8%) and underrepresentation of small parties (6%) in this parliament.

According to the constitutional amendments of 2017 (Article 101/3), political parties that either individually or as a coalition gained at least 5% of the total votes in the last parliamentary election can nominate a presidential candidate. In addition, independents can run as a presidential candidate if they collect at

least 100,000 signatures for which notarization is not required in the 2018 elections.

Presidential candidates are not asked to pay a nomination fee; however, political parties require parliamentary candidates to pay a fee ranging from €250 to €1,700 in 2018. Women candidates are generally asked to pay half or less of the fee required from male candidates or no fee at all. Most political parties do not ask for a nomination fee from disabled candidates. Independent candidates face greater obstacles, as they must submit a nomination petition along with a fee of about €2,300 (TRY 13,916). This fee is held by the revenue department of the provincial election board where the candidate is standing for election and is registered as revenue by the Treasury if the candidate fails to be elected.

The early parliamentary and presidential elections in 2018 were held under the state of emergency, which was proclaimed after the averted coup attempt in 2016 and extended seven times until after the June 2018 elections.

Selahattin Demirtaş, who was the co-chair and presidential candidate of HDP, has been detained since 4 November 2016. Consequently, Demirtaş failed to take part in the 2017 referendum, or 2018 parliamentary and presidential elections freely. The ECtHR found Turkey in violation of Articles 5/3, 3 Protocol 1 and Article 18 (stifling pluralism and limiting freedom of political debate) and unanimously demanded that the Turkish government take all necessary measures to end the applicant's pre-trial detention.

Citation:

Seçimlerin Temel Hükümleri ve Seçmen Kütükleri Hakkında Kanun İle Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun, 16 March 2018, <http://www.resmigazete.gov.tr/eskiler/2018/03/20180316-28.htm>, (accessed 27 October 2018)

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Supreme Board of Election, Decision 3237, 12 July 2014, <http://www.ysk.gov.tr/ysk/content/conn/YSKUCM/path/Contribution%20Folders/Kararlar/2014-3237.pdf> (accessed 5 November 2014)

Supreme Board of Election, Decision 543, 12 November 2013, <http://www.ysk.gov.tr/ysk/docs/Kararlar/2013Pdf/2013-543.pdf> (accessed 5 November 2014)

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Ömer F. Gençkaya, "Financing political parties and electoral campaigns in Turkey," S.Sayarı, P. Ayan-Musil and Ö. Demirkol (eds), *Party Politics in Turkey*, Routledge: Oxon and New York, 2018.

Media Access
Score: 1

According to Law 3984 on the establishment of radio and television enterprises and broadcasts, “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.” However, legislation regulating presidential elections and referendums does not ensure equal access for political parties and candidates to public and private media. The Supreme Board of Elections’ (SBE) ability to sanction electoral violations was repealed using the state of emergency decree (No. 687) issued in January 2017. This impunity mechanism facilitated several violations without any sanction in the June 2018 elections.

Currently, most mainstream media companies, including the state-owned radio and television company (TRT), are either directly or indirectly controlled by the government, or self-censor. Privately owned media outlets face either judicial or financial investigations, and media freedom is thus being placed at risk in an unconstitutional manner.

Throughout the June 2018 presidential and early parliamentary election campaigns, most print and visual media outlets favored the incumbent president and the ruling AKP. Between 14 May and 22 June 2018, the state-run TRT channels dedicated about 250 hours of coverage to the incumbent president and the AKP, but only 25 hours to opposition parties and other presidential candidates. The pro-government TV channels reserved no airtime for opposition parties or candidates (or referred to them in a negative tone if they were included). Meanwhile, the mainstream private TV channels, CNN-Turk and NTV, provided opposition parties and candidates less than half of the airtime that was provided to the incumbent president and party. Overall, 70% of paid advertising on TV channels was dedicated to the incumbent president and party. Some pro-government party TV channels failed to broadcast any opposition party or candidate advertising.

An OSCE-ODIHR Report also underlined that candidates were unable to contest fairly and equally in terms of resources and media visibility. Anadolu Agency, a state-run news agency, mock data testing results were broadcasted by a pro-government TV channel, TVNET, on 19 June 2018, declaring Erdoğan’s victory with 53% votes. Anadolu Agency, a monopoly news agency, disseminated the results of over 180,000 electoral ballots before the SBE had announced the official results. These developments reinforced suspicions of electoral fraud.

Following the sale of Doğan Media Outlet to a pro-government conglomerate in 2018, a number of current affairs and political debate programs were terminated and more than 50 journalists dismissed. The opposition candidates and parties have extensively used social media networks due to their restricted access to conventional media (newspapers and TVs).

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European Commission, Turkey 2018 Report, Brussels, 17.4.2018, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-turkey-report.pdf> (accessed 1 November 2018)

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Voting and
Registration
Rights
Score: 5

All Turkish nationals over the age of 18 can exercise the right to vote (Constitution, Article 67). The Supreme Election Board (SEB) 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 SBE, prepares, maintains and renews the nationwide electoral registry.

The ban on military students and conscripts, and the blanket restriction on voting rights for prisoners are disproportionate and at odds with Turkey’s international obligations (e.g., Turkey’s OSCE commitments). About six million young people waiting to vote in November 2019 could not vote because early elections were held in June 2018.

In 2008, the parliament passed a law facilitating voting for Turkish citizens who are not living or present in Turkey during elections (Law 5749). In the 2018 early parliamentary and presidential elections, about 1.5 million votes, or half of the registered voters in total, were cast abroad. The distance of polling stations from residents’ homes and the comparatively short voting period can be considered as potentially major obstacles to voting.

Turkey has a passive electoral registration system maintained by the SBE. Despite the recent revision of the national electoral registry based on an address-registration system, critics have noted that the number of registered voters and the number of eligible citizens registered in the address system do

not match. Disabled voters sometimes face difficulties, as many polling stations lack appropriate access facilities.

Parliamentary and local elections are conducted by local election boards under the supervision of the SBE. These local boards verify election returns and conduct investigations of irregularities, complaints and objections, with the national board providing a final check. According to an independent report, during the 2018 elections, 127 attacks were organized, four people were killed and 90 people were injured, while 387 people were detained and 15 people were jailed.

Inconsistency in electoral results were examined by some NGOs, including Oy ve Ötesi and the Chamber of Computer Engineers. These reports underlined some insignificant errors. In order to double check the election results published by the SBE, the CHP organized a “fair election mobilization” system. However, this system proved to be ineffective.

Citation:

OSCE - ODIHR, Early Presidential and Parliamentary Elections Republic of Turkey 24 June 2018 , ODIHR Election Observation Mission Final Report, <https://www.osce.org/odihr/elections/turkey/397046?download=true> (accessed 27 October 2018)

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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, political parties must prepare yearly statements of revenues and expenditures, at both the party-headquarters and provincial levels. However, Turkish law does not regulate the financing of party or independent-candidate electoral campaigns. Presidential candidates’ campaign finances are regulated by Law 6271; these candidates can legally accept contributions and other aid only from natural persons having Turkish nationality. However, the Supreme Election Board (SEB) has allowed political parties to organize campaign activities and purchase advertisements for their candidates in a way unregulated by law. Thus, the state aid provided to the political parties can be used indirectly for presidential-campaign activities. The SEB has not published the accounts of Turkey’s main parties since 2015.

Therefore, it is unknown how much political parties spent on campaigning over the last two presidential elections. Excluding Erdoğan, presidential candidates collected about €5.3 million (TRY 32 million) in donations from eligible people.

The cap on donations to political parties from private individuals is reviewed each year. In 2018, the limit was approximately €7,072 (TRY 42,434). However, donations are rarely properly and systematically recorded. For example, cash donations and in-kind contributions to, and expenditure on behalf of parties or candidates during elections are not recorded. The funds collected and expenditure incurred by elected representatives and party candidates (e.g., during election campaigning) are not included in party accounts. There is no legal ceiling on campaign spending. The finances of candidates in local and parliamentary elections are not regulated by law. There is no specific reporting obligation for campaign contributors, apart from a general requirement, based on the Tax Procedure Code, for individuals to declare expenses (which could include political contributions) to the tax authorities.

Party accounts published in the Official Gazette provide only general figures and potential infringements. The accuracy of the financial reports posted by political parties online needs to be examined. Pursuant to Article 69 of the constitution, Article 74 of Law 2820 stipulates that the Constitutional Court, with the assistance of the Court of Accounts, examines 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. Only three out of approximately 800 auditors of the Court of Accounts are mandated to audit party and campaign finance. The Constitutional Court and the SEB, the two institutions mandated with oversight powers, do not have expertise in auditing. The Constitutional Court's examination of the main political parties' accounts tends to be slow and can take longer than three years. Auditing decisions by the Constitutional Court are published in the Official Gazette. The SEB's review report on presidential candidates' campaigns must be announced within a month of the audit's completion. However, the law does not specify when the audit should be completed. Law 2820 contains criminal, administrative and civil sanctions on political parties' unlawful income or expenditures, with fines accruing to the state treasury. However, the lack of substantial oversight reduces the transparency, integrity and accountability of political finances.

Critics have argued that discretionary funds (e.g., unemployment funds) controlled by the government and the president were used for the ruling party's 2018 campaigns. An OSCE-ODIHR report also underlined that the

ruling party was using public facilities illegally during the election campaign, which contradicts the distinction between state and party, and international good practice.

Citation:

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Popular Decision-Making
Score: 2

According to Article 67 of the constitution, all citizens over 18 years old 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 votes counted publicly. In recent years, referendums were held to amend the 1982 constitution. Paragraph 3 of Article 175 of the constitution reads that, if the parliament adopts a draft constitutional amendment referred by the president by a two-thirds majority, the president may submit the law to a referendum. Laws related to constitutional amendments that are the subject of a referendum must be supported by more than half of the valid votes cast in order to be approved.

If a law on an amendment to the constitution is adopted by at least a three-fifths majority but less than a two-thirds majority of the total number of members of the Grand National Assembly, and is not sent back to the Assembly for reconsideration by the president, 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 may be submitted to a referendum by the president.

Popular decision-making is also possible at the local level. Law 5593 on municipalities (Article 76) enables city councils to implement policies for the benefit of the public. Yet these units are not wholly effective, as they depend upon the goodwill of the local mayor, and some councils exist on paper only and have yet to be established in fact. Law 6360, in effect since 2014, paved the way for more centralized decision-making processes, including in urban planning and on local matters. Some municipalities conducted local referendums on traffic management, strategic planning for 2015 to 2019 and environmental planning.

Turkey has not signed the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).

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Access to Information

Media Freedom
 Score: 1

The constitutional guarantees of freedom of the press and freedom of expression are rarely upheld in practice. The current legal framework and practice are restrictive and do not meet EU standards. The government appoints the general director of the country's public broadcaster, Turkish Radio and Television (TRT). In doing so, it essentially exercises tutelage over the public-media organization's administration. Several TRT channels regularly broadcast pro-government programs, and invite experts allied with the government party to appear on these programs. Transparency and accountability of the board meetings of TRT, the state run audio-visual media, were eliminated by an amendment to the relevant regulation just before the early presidential and parliamentary election in April 2018.

The editors of Turkey's leading media outlets were summoned to a meeting in January 2018 at which the prime minister gave them 15 "recommendations" on how to cover the military operations in a "patriotic" manner. The current legal framework and practice do not guarantee the exercise of freedom of expression in the media and internet. In March 2018, RTÜK was entitled to license, monitor and suspend Turkish media services operating from abroad. This was considered by OSCE Media Freedom representative a further limitation of media pluralism. Despite several limitations, traditional media brand as well as some digital-born brands operate freely, providing alternative perspectives.

Most concerning for many observers have been the unprecedented expansion in the range of reasons given for journalists' arrests, the massive phone-tapping campaign and the contempt shown for source confidentiality. Intimidating statements by politicians and lawsuits launched against journalists critical of the government, combined with the media sector's ownership structure, have led to widespread self-censorship by media owners and journalists. In some cases, journalists have simply been fired.

The sale of the Doğan media outlet to Demirören media group, which has shown a pro-governmental business profile, reshuffled the outlet's structure. Approximately 70 journalists, including directors, were removed from TV channels, forced to resign, or left because they could not work with the new administration. Journalists and media organizations critical of the government faced threats and physical attacks, fines and closure of TV and radio channels, and restrictions on access to the airwaves. As of October 2018, 145 journalists and media workers had been jailed and hundreds of journalists remained on trial. During the review period, some of the convicted journalists (e.g., Şahin Alpay, Deniz Yücel, Mehmet Altan and Enis Berberoğlu) were released for various reasons.

In 2017, six temporary or permanent broadcasting bans were applied, three instances of accreditation discrimination occurred, 47 passports and one press card were cancelled, and three media outlets were closed. During this period, 10 websites, six newspapers, 97 news reports and articles, eight books, six magazines, three Twitter messages and eight caricatures were censored, while nine censorship cases were noted. During the review period, one Syrian woman and one U.S.-Saudi Arabian journalist were killed in Istanbul, 20 journalists were physically assaulted and five journalists verbally assaulted, one newspaper and one publishing house were attacked, and 12 journalists and five media outlets were threatened.

The Venice Commission reported that the use of state of emergency powers had violated media freedom. The Committee to Protect Journalists joined 18 other international press freedom and freedom of expression organizations in calling on Turkey's politicians to prioritize press freedom and journalists' safety, just before the 2018 elections. The ECtHR examined some applications and found that the Turkish authorities had violated journalists' rights to liberty, security and freedom of expression.

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Media Pluralism
Score: 1

Free and independent media is one of the components of non-governmental checks on governmental power. The World Justice Project Rule of Law Index of 2017-2018 ranked Turkey 111th out of 113 countries with a score of 0.30, emphasizing the weakness of governmental accountability, including non-governmental checks on the government’s power, such as a free and independent

press. In addition to increasing restrictions on media freedom in Turkey, the country’s dominant media structure features ownership by industrial conglomerates, strong links between political forces and media organizations, and a lack of unionization in the media (a so-called Mediterranean or polarized pluralist media model). On 21 March 2018, the fragility of independent journalism in Turkey was further shaken with the news that Dogan Media Company, one of the country’s leading media groups, had been sold to Demiroren Holding, a pro-government industrial conglomerate. Critics of the government – including media companies, businesspeople and political opponents – argued that this has had a negative effect on the overall business environment. This has sparked concern for media pluralism in Turkey. Most critical private media groups have been turned through opaque or coerced changes in ownership into pro-government trustees by means of the ruling party’s direct and indirect pressure.

Bianet Report found that media ownership lacks transparency and no information is available about the concentration of media ownership. The economic interests of media owners constitute a key problem for media freedoms. Although Article 29 of Law 3984 restricts media owners’ shareholder rights, owners with stakes in other business sectors have still used media coverage to promote their outside business interests. The number of outlets belonging to the so-called pool media (Havuz Medyası) – media owned by government-allied businesses which the government can use – has expanded. Adopted in 2011, Law 6112 increased the maximum allowable foreign-ownership stake in media companies from 25% to 50%, with the condition that a single foreign investor cannot invest in more than two enterprises. Foreign companies still cannot be majority stakeholders in domestic media companies.

In 2018, pro-government media outlets (e.g., Sabah and Ahaber, and public broadcaster TRT) polled lowest for public trust among people who were aware of them, whereas more critical media outlets (e.g., FOX, Cumhuriyet and Sözcü) polled highest.

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Access to
Government
Information
Score: 4

According to Law 4982, citizens, noncitizens and foreign corporations have the right of access to government information. However, many public records are not included within the scope of the law, as there are exceptions for state secrets, intelligence information, individual privacy and communication privacy. There is no legislation on state and trade secrets, preventing effective use of access to information. Most public offices have a department that deals with access to information requests. These requests can be made in person or electronically.

Access to information rights and complaint mechanisms are not used effectively. A total of 1.807 million applications for information based on Law 4982 were submitted to public institutions in 2017. According to official information, 80% of requests resulted in the full provision of the requested information, 6.3% resulted in partial information or a negative response, and 6.4% were rejected. Of the rejected applications, 797 were taken to court on appeal. A total of 15,872 applications were found to concern state secrets or private issues, while 101,057 applications were referred to other organizations.

The government's annual report on access to information requests does not include details about the subject of the applications.

The Board of Review for Access to Information, which is attached to the presidency, examines administrative decisions rendered under Law No. 4982 (Articles 6 and 17). The board received a total of 2,020 objection applications in 2017. Of the applications, the board rejected 1,534 because the relevant public institutions had provided a proper response to the applicants and nine because there was no need to respond. Of the applications, 101 were accepted, 134 of were partially accepted and 184 procedurally accepted.

In addition to the right to petition (Law 3071), the Prime Minister's Communication Center (BİMER) has received public complaints, requests, denunciation and opinions since 2006. The center has received more than two million complaints, over one million of which were about public and private sector employees. Following the abolishment of the PMO in July 2018, BİMER was united with CİMER (Presidential Communication Center) on 10 July 2018. Since the beginning of 2018, the centers have received a combined 2.8 million applications, of which 2.4 million were referred to the relevant institutions and responded.

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Civil Rights and Political Liberties

Civil Rights
Score: 2

While Article 10 of the constitution guarantees equality before the law, and Article 12 enshrines fundamental rights and freedoms, concerns over shortcomings in judicial proceedings remain, including limited access by defense attorneys to prosecution files, lengthy pretrial detentions, and excessively long and catch-all indictments. This relates especially to numerous cases involving Kurdish activists, journalists, union members, students, military officers, and policy and security personal being tried for alleged violations of the Anti-Terror Law.

In the aftermath of the 2016 averted coup attempt, the government declared a state of emergency, which lasted two years and concluded on 18 July 2018. During the state of emergency, serious civil rights violations occurred. Although the government claims it conducted the state of emergency rules with utmost care, these practices are based on executive decrees, which have the force of law and are not subject to judicial review. Even more seriously, some decrees affected policy areas outside the scope of the state of emergency. Impunity during the state of emergency period limited law enforcement's criminal liability. Another controversial decree, issued in December 2017, removed criminal liability for civilians who actively resisted the attempted coup and any acts in the aftermath of the coup.

In July 2017, the State of Emergency Procedures Investigation Commission was established to receive the complaints from people who have been affected by the ongoing state of emergency. As of November 2018, a total of 125,000 applications were received, 42,000 of which were concluded by the commission. The commission found only 3,000 complaints appropriate. The applicants of the rejected complaints have the right to appeal to the administrative court against the institution where s/he was employed.

Political influence and pressure on the judiciary as well as allegations of conspiring with Gülenist organizations has weakened the independence of the judiciary as the sole guarantor for civil and political rights and liberties. The Justice Minister's right of veto, as ex officio President of the Council of Judges and Prosecutors (HSK), continued to be a source of major concern. Despite the reorganization of the judiciary, the court system does not work effectively.

The National Human Rights and Equality Institution (NHREI) and the Ombudsman institution were established to deal with citizens' complaints including human rights violations. However, they are in the process of being improved in accordance with international standards. Turkey is a signatory to most international human rights conventions, but has not signed some significant optional protocols in this area (e.g., a third optional protocol to the Convention on the Rights of the Child).

Article 148 of the constitution states that anyone who believes his or her human or civil rights as set forth in the European Convention on Human Rights (ECHR) have been infringed upon by a public authority has a right to apply to the Constitutional Court, after exhausting other administrative and judicial remedies. Individual applications must be filed within 30 days after the notification of the final proceeding that exhausts other legal remedies. Since September 2012, the Constitutional Court has accepted individual

petitions, if the right to a fair trial has been violated. Between September 2012 and late September 2018, a total of 200,835 individual applications were received by the court. The number of applications was 40,530 in 2017 and has reached 27,356 in the first nine months of 2018. In total, only 2,879 violations of fair trial have ever been accepted by the court. The cost of making an individual application was about €50 in 2018. The European Court of Human Rights dealt with 31,053 (30,063 inadmissible) concerning Turkey in 2017 and 4,129 (4,040 inadmissible) during the first six months of 2018. As of July 2018, there were 8,109 pending applications.

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Political Liberties
Score: 2

During the review period, Turkey’s human rights status declined from partly free to not free. The country’s score has been in free fall since 2014 due to restrictions on the press, journalists, social media users, protesters, political parties, the judiciary and the electoral system. Following the 15 July 2016 coup attempt and the 2017 constitutional amendment, control over the state and society has become increasingly centralized and personalized, while domestic and regional security has deteriorated.

The U.N. OHCHR noted that several state of emergency decrees regulated various matters unrelated to the state of emergency powers. For instance, the closure of civil society organizations and medical centers seemed to indicate that the state of emergency was used to limit various legitimate activities. Meanwhile, under state of emergency powers, civil liberties were severely undermined by government interference in the work of the judiciary, the curtailment of parliamentary oversight over the executive branch of government, the mass dismissal of civil servants and private sector employees, the closure of civil society organizations and media outlets, the prosecution of human rights activists, the use of torture during pretrial detention, further restrictions on freedom of expression and movement, and the expropriation of private property.

During the review period, the European Commission stated that, although the legal framework includes general guarantees, human and fundamental rights have been undermined by a number of emergency decrees and need to be effectively implemented. Freedom of expression, freedom of assembly, freedom of association, and procedural and property rights have been seriously undermined. Severe restrictions were imposed on the activities of journalists, human rights advocates and government critics. Measures adopted under the state of emergency also removed crucial safeguards protecting detainees from abuse, augmenting the risk of impunity for the perpetrators of abuse, in a context where allegations of ill-treatment and torture have increased. The Ombudsman, the National Human Rights and Equality Institution, prosecutors' offices, criminal courts and parliament's Human Rights Commission were authorized to investigate reports of abuses perpetrated by the security forces, including killings, torture, mistreatment and excessive use of force. Enforcement of rights is hindered by the fragmentation and limited independence of public institutions responsible for protecting human rights and freedoms, and by the lack of judicial independence.

During the two year state of emergency period, 1,767 associations, foundations, trade unions and federations; 1,107 educational and health institutions; and about 180 media outlets were closed down by decree. A total of 135,856 civil servants were dismissed, only 3,752 civil servants were later reinstated.

Gender-based violence, and discrimination, hate speech, hate crimes and human rights violations against minority groups (e.g., LGBT and intersex persons) are still a matter of serious concern. More than 3.4 million Syrian refugees were provided basic services by the central and local administrations, although a large majority of refugee children lack access to education and few adults are able to obtain formal employment. Local hostility toward Syrians increased in 2017, according to the International Crisis Group, with at least 35 people killed in intercommunal violence.

The constitutional amendment to parliamentary immunities adopted in May 2016 lifted immunity for a large number of deputies, and resulted in the detention and arrest of several HDP members of parliament, including the two party co-chairs in November 2016.

All rules and practices related to municipal bodies are regulated through Municipal Law 5393 (Articles 38, 39 and 40), which was amended by Decree 674. The number of municipalities to which a trustee has been assigned has reached 94 over the last two years. The Constitutional Court ruled that it is beyond its authority to review state of emergency decrees.

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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 this constitutional ideal. The executive's political discourse discriminates and insults opposition groups, including the CHP (the main opposition party), the HDP (the pro-Kurdish party), journalists, academics and LGBT communities. Insulting the president is a crime in Turkey punishable by up to four years in jail. In 2017, 6,033 lawsuits involving "insulting" President Erdoğan were opened. Of these lawsuits, the courts passed judgment in 5,150 cases. Of these 5,150 cases, courts convicted 2,099 defendants, acquitted 873 individuals, deferred announcing the verdict in 1,660 cases and suspended judgment in 518 cases.

During the first four months of 2018, 2,265 newspaper columns and articles targeted national, ethnic and religious groups, with 2,370 instances of hate speech identified in these articles.

The principle of non-discrimination is not sufficiently protected by law nor enforced in practice. Turkey did not ratify Protocol 12 of the ECHR, prohibiting discrimination. The definition of hate crime is excessively narrow, while the Criminal Code does not explicitly provide that racist, homophobic or transphobic motivations constitute an aggravating circumstance. Core elements of the anti-discrimination law are not in line with recommendations from the European Commission against Racism and Intolerance (ECRI).

The educational needs of refugee children, work permits for refugees and return of displaced Kurds are major issues affecting the integration of disadvantage groups. Although Turkey ratified the Council of Europe Istanbul Convention on preventing and combating violence against women and domestic violence, gender-related violence, hate speech and discrimination against LGBT communities which do not have any legal protections are serious problems.

A number of high court rulings remain unimplemented, including the European Court of Human Rights' December 2014 decision on cemevi (gathering places for Alevi Muslims) as a place of worship and February 2015 rejection of Turkey's appeal on the issue of compulsory religious-education classes, as well as the Turkish Court of Cassation's August 2015 judgment on cemevi as religious locations within the scope of the ECHR ruling. Some leading politicians' "uneven" treatment of the Alevis negatively affects the public atmosphere.

The use of Kurdish and some other languages in formal education gradually widened. However, investigations and detentions of Kurdish activists have undermined efforts to find a workable solution to the Kurdish issue. The government introduced a National Strategy (2016 – 2021) and Action Plan (2016 – 2018) for Roma people, but the committee for monitoring and evaluating the strategy only met once in February 2017. There are no strategies or action plans in place on non-discrimination in employment and social policy.

Three years ago, the Ministry for Family and Social Policies adopted a national action plan to combat violence against women. However, despite rising public awareness, the incidence of violence against women in Turkey has undergone a dramatic and rapid increase over the last decade. There are no strategies or action plans in place on non-discrimination in employment and social policy. The National Human Rights and Equality Institution has been established and its members elected in March 2017. Secondary legislation was passed in November 2017, setting up an individual application mechanism for discrimination complaints. However, the institution has not finalized any of the cases it has started to process.

Citation:

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Rule of Law

Legal Certainty
 Score: 2

Simplifying administrative procedures and cutting red tape has been hindered by the absence of a law on general administrative procedures, which would provide citizens and businesses with greater legal certainty.

The main factors affecting legal certainty in the administration are a lack of regulations on particular issues, the misinterpretation of regulations by administrative authorities (mainly on political grounds), and unconstitutional regulations that are adopted by parliament or issued by the executive. In addition, the high frequency of amendments to some basic laws under certain circumstances lead to a lack of consistency. High-profile prosecutions can follow unpredictable courses. For example, after prisoners associated with the clandestine Ergenekon network were released, they were called back for a retrial. Legal as well as judicial instruments are sometimes used against government opponents, especially those in the media.

The 15 July 2016 failed coup attempt caused a major uncertainty in legal and practical terms. The governmental decrees issued during the state of emergency are not subject to judicial review. Moreover, over 130,000 public servants mainly from the military, judiciary, health sector and universities were dismissed. The restructuring of the public service will take time and lead to further uncertainty, especially given the need to harmonize the current legal framework and constitutional amendments. More importantly, the transition to a presidential institutional model was introduced by a series of decrees (i.e., state of emergency decrees and presidential decrees) rather than through legislation, as is required by the constitution. The restructuring of public administration will take some time and increase uncertainty.

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Judicial Review
Score: 3

Several articles in the Turkish constitution ensure that the government and public administration act in accordance with legal provisions, and that citizens are protected from 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. In 2017, the Council of State, which consists of 15 departments and the country's highest administrative court, reviewed 145,092 cases, while a further 206,185 cases remain pending. The average length of time spent on each case was estimated to be 407.3 days. Since 2015, no data about the number of cases before administrative courts has been available. The High Court of Appeals consists of 23 criminal and 23 civil departments. The criminal departments received 239,063 new criminal appeals. Of these cases, 277,058 were concluded and 342,806 remain pending. The civil departments received 247,384 new civil appeals. Of these cases, 351,530 were concluded and 322,941 remain pending. Despite the increasing number of criminal and administrative judges and prosecutors, independent observers state that judicial performance has been slowing down. The World Justice Project's Rule of Law Index ranked Turkey 84 out of 113 countries, with a score of 0.44 for regulatory enforcement.

The Constitutional Court, as the Supreme Court, dealt with a total of 216 cases (annulments and objections) and concluded 176 cases in 2017. The court received 157 annulment cases, although only four out of 15 concluded cases were annulled. The court declined 115 objection cases, with 11 cases were annulled. The court concluded 770 cases related to the right to a fair trial and found a violation of at least one right in 880 cases. The reasoned decisions of the Supreme Court are publicized of late.

According to the amended constitution (Article 105), a parliamentary investigation can be opened against the president if an absolute majority in the parliament votes that the president has likely committed a crime. Criminal investigations against the general chief of staff and other army commanders can be initiated with the prime minister's approval. Moreover, the trial of the under-secretary of the National Intelligence Service (MİT) is subject to the approval of the president. Acts within the president's area of competence, decisions of the Supreme Military Council (excluding acts relating to promotion or retirement), and decisions of the Council of Judges and Public Prosecutors (except for dismissals of public officials) are open to judicial review.

According to Council of Higher Education data, there are 71 law schools in Turkey with 15,741 enrolled students in 2017. At the end of 2017, a total of

106,496 lawyers were registered. Pluralism in the appointment of judges was affected by the closure under the state of emergency of two important associations: the Association of Judges and Prosecutors, and the Judges Union. The largest association, the Association for Judicial Unity, has around 9,145 members and is perceived as being close to the government.

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Appointment of
Justices
Score: 3

Recruitment patterns in the past have highlighted the politicization of the judiciary. Following the recently adopted constitutional amendments, four members of the new Council of Judges and Prosecutors (HSK) were appointed directly by the president, and seven members were elected by parliament. The HSK does not offer adequate safeguards for the independence of the judiciary and considerably increases political influence over the judiciary.

Following the July 2016 coup attempt, more than 4,000 judges and prosecutors have been removed. As of August 2018, 12,006 judges and 5,161 prosecutors were employed in the civil and administrative ordinary and higher (Court of Cassation and Council of State) courts. Of these, 1,085 judges and 140 prosecutors work in regional civil courts, and 1,237 judges and 336 prosecutors work in administrative courts. A total of 381 judges and prosecutors were reinstated in 2017 and 2018. In 2018, 2,119 judges and 1,464

prosecutors were newly appointed in the civil court system. In administrative jurisdictions, 151 judges and 35 investigating judges were appointed in 2018.

The Constitutional Court has 17 members, as outlined by Article 146 of the 2010 constitutional referendum, whose members are nominated or elected from other higher courts by the country's president, the parliament and professional groups. Nominees can include senior administrative officers, lawyers, first-degree judges, 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; have completed higher education; and have worked for at least 20 years. Constitutional Court members serve 12-year terms and cannot be re-elected. The appointment of Constitutional Court judges does not take place on the basis of general liberal-democratic standards, such as cooperative appointment and special majority regulations. In addition, the armed forces continue to wield some civilian judicial influence, as two military judges are members of the Constitutional Court. A recent scholarly article stated that the Constitutional Court and judges are politicized, its reviews have an ideological bias, and the judiciary is not independent.

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Corruption
Prevention
Score: 2

Turkey is a signatory of UNCAC, the OECD Anti-Bribery Convention, and the COE Civil and Criminal Law Conventions, and is a member of GRECO. Law No. 5018 regarding public financial management and control prioritize legality, transparency and predictability in public administration. However,

these concepts, as well as instruments such as the formation of strategic plans, performance budgets and regulatory impact assessments, are not effectively incorporated into government oversight processes. An amendment to the law on audit court has limited the degree to which state expenditures can be audited. Public-procurement safeguards have deteriorated thanks to legislation allowing municipalities to operate in a less than transparent fashion. There are no codes of conduct guiding members of the legislature or judiciary in their actions. Conflicts of interest are not broadly deemed a concern, and there is no effective asset-declaration system in place for elected and appointed public officials.

The asset-declaration system was established in 1990 by Law 3628 on Asset Disclosure and Fighting Bribery and Corruption. All public officials (legislative, executive and judicial, including nationally and locally elected officials) must disclose their assets within one month of taking office and renew their declaration every five years. However, these declarations are not made public unless there is an administrative or judicial investigation. The Regulation on Procedure and Basis of Application of the Civil Servants Ethical Behavior Principles defines civil service restrictions, conflicts of interest and incompatibilities. The Council of Ethics for Public Officials, which was attached to the Presidency of the Republic of Turkey in July 2018, lacks the power to enforce its decisions through disciplinary measures. Codes of ethics do not exist for military personnel or academics. Legal loopholes (e.g., regarding disclosure of gifts, financial interests and holdings, and foreign travel paid for by outside sources) in the code of ethics for parliamentarians remain in place.

Corruption remains widespread, and unfair and biased bureaucratic treatment is common. Especially at the local level, corruption remains a systemic problem. Almost two out of five Turks believe local government officials are corrupt. While municipalities controlled by opposition parties are closely monitored by law-enforcement authorities and government inspectors, municipalities controlled by the AKP are shielded from close scrutiny. The Turkish Court of Accounts reported several improper transactions in the 2017 annual accounts of several municipalities. These reports emphasized the lack of improvement to issues such as undue process, corruption in municipal government and shortcomings in municipal public services, all of which have yet to be addressed by parliament. Though the reports were published in the media and online, publicly exposing hidden budget expenditures, housing-procurement abuses and tax compromises. Instead of prosecuting the corrupt officials (including mayors), President Erdoğan simply removed them from office. Procedures for doing business in Turkey were recently improved, but enforcing a contract in Turkey is more time-consuming than the regional

average, and bribes and irregular payments in return for favorable judicial decisions are perceived by companies to be fairly common. The public considers one-third of judges and judicial officers to be corrupt. Companies report very low confidence in the independence of the judiciary and the ability of the legal framework to settle disputes or challenge regulations. The Court of Cassation introduced a draft judicial code of conduct in late 2017. Corruption in the Turkish police is moderately high. Companies indicate that they perceive the police force as not adequately reliable. Impunity of corrupt officials is widespread. Turkey's land administration made progress in terms of corrupt processes – although most corruption allegations relate to construction projects, for which bids are rigged, permits are illegally awarded, and bribes are paid by developers to government officials. The public procurement legislation was amended 186 times in 16 years.

In late 2017, the main opposition party leader stated that the President Erdoğan's family members transferred millions of U.S. dollars to a company in the Isle of Man (a tax haven) in 2011 and 2012. In a counterattack, the minister of interior removed the mayor of Ataşehir, a town in Istanbul, from office following allegations of corruption. The chief public prosecutor of Ankara took the decision not to prosecute, before President Erdoğan sued for compensation. In July 2018, the ninth Anadolu Court of Istanbul ruled that Kılıçdaroğlu, the leader of the main opposition party, should pay pecuniary compensation to Erdoğan and others.

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Governance

I. Executive Capacity

Strategic Capacity

Strategic
Planning
Score: 5

All public institutions, including municipalities, special provincial administrations (laws 5216, 5302 and 5393) and state-owned economic enterprises (KİTs), 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).

Ministries have established strategic-planning units, creating the need for inner- and interministerial coordination and cooperation on present and future tasks and problems. In general, the Prime Minister's Office, the Ministries of Finance, Development and Interior, the Turkish Grand National Assembly, the Turkish Court of Audit, and the Board of Internal Audit are the primary institutions involved in the process of strategic planning. The High Planning Board of the Ministry of Development was reorganized and is now the Presidential Board of Economic Policies, which is in charge of coordinating development plans and annual programs, and determining investment and export incentives. Under the current system of government, the Head of Strategy and Budget is affiliated with the Presidential Office.

Strategic management within the Turkish public administration faces several challenges. Public institutions in general have insufficient strategic-management capacity. Strategic plans, performance programs, budgets and activity reports are prepared with little if any coordination. Although a total of 890 internal auditors are employed across 382 public institutions, the Turkish public administration as a whole has failed to develop an effective internal-audit system. There is no relationship between political strategy documents and lower-level policy materials, and little coordination between associated institutions. Difficulties in gaining access to relevant information within public

administrative bodies and insufficient human resource capacities are additional major contributors to this failure. There are also no cumulative statistics on the frequency of meetings between strategic-planning staff members and government heads. In general, these meetings are held once a year and during budget negotiations. However, there is no harmony between strategic plans and governmental decisions.

During the review period, the 2016 – 2019 National e-Government Strategy and Action Plan was prepared. The plan envisages an integrated, technological, participatory, innovative and high-quality Effective e-Government Ecosystem, and takes into account national and international considerations. Following the June 2018 early elections, a new medium-term program and the 2019 Annual Presidential Program was also announced. Under the new governmental system, the coordination of strategic planning will be a major focus.

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Expert Advice
Score: 4

In former years, the frequency of participation by non-governmental organizations (NGOs) and experts in political decision-making processes were increased. In addition to working with pro-government think tanks, the government consults with academic experts in the context of projects sponsored by the United Nations, the Council of Europe and the European Union.

However, the spectrum of communication with outside experts is narrowing, as the government has begun to recruit its own experts to provide alternative but not critical opinions on relevant issues of public policy. Policymaking is increasingly biased. As Turkish politics has become increasingly polarized, the government and the ruling party have seemed to shut themselves off from broader societal influences, basing decision-making increasingly on information provided by loyal personal or clientelist networks. Several academics who had previously worked with the government were recently

dismissed from their university positions due to their associations to Gülenist organizations.

Public institutions' annual activity reports provide no indication of how often expert opinions have been requested. Selected groups of scholars participate in the preparation of special expert reports related to the national development plans. The Turkish Academy of Sciences has been critical of the lack of scholarly cooperation with public institutions.

The new presidential system, which was fully implemented after the June 2018 elections, includes nine policy councils to provide advice and consultation. The councils consist of experts, NGO representatives and professionals, who provide advice to the president. Their effectiveness remains to be seen.

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Interministerial Coordination

GO Expertise
Score: 5

Following the April 2017 referendum and the June 2018 early elections, the governmental system was changed to a presidential model and the Prime Minister's Office (PMO) was abolished. The organization of the new presidential system was regulated by presidential decree No. 703 in July 2018. In addition to a vice-president, the head of administrative affairs was established. Its main task is to coordinate between public institutions and organizations and examine the congruity of laws adopted by the parliament and draft legislation prepared by government institutions with the constitution, current legislation, presidential decrees and government program.

There is no available and updated data about the number and qualifications of presidential personnel. In 2017, the PMO had a total of 2,168 employees, a quarter of whom were able to provide advice (e.g., were experts or advisers). A Sectoral Monitoring and Assessment Unit was established to provide advice to the PMO in 2011. In May 2015, about 266 career employees from various public institutions were assigned to this unit. Critics argue that these senior civil servants lack sufficient resources, as well as incentives for effective

action. Until the “cleansing” activities of the government following the averted coup attempt of 2016, the unit was also alleged to be a “detention camp” for bureaucrats supposedly close to illegal Gülenist organizations. Most of these personnel were employed in the president’s office.

According to presidential Decree No. 1, nine councils (e.g., Local Governing Council, Social Policies Council, the Health and Food Policies Council) are formed to improve the president’s capacity for public policymaking. The councils will report to the president by taking the views of ministries, civil society and sector representatives and experts, and follow the policies and developments implemented. It will also give opinions to public institutions and organizations in their fields. It is too early to assess their effectiveness.

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Line Ministries
Score: 7

Following the April 2017 referendum and the June 2018 early elections, the governmental system was changed to a presidential model and the Prime Minister’s Office (PMO) was abolished. The organization of the new presidential system was regulated by presidential decree in July 2018.

Currently there are 16 line ministries and nine policy councils, which develop long-term strategic vision and report on the progress of governmental activities. The Ministry of Development, which has been the primary consultative body for preparing policies according to the government’s program, was abolished. In addition, four offices were established: finance, investment, digital transformation and human resources.

Six departments are attached to the presidency: Chief of Staff, Religious Affairs, National Security Council, Defense Industry, State Supervision Council, Communication and Strategy, and Budget Unit. These departments were established to promote efficiency and coordination in the executive.

Until the new governmental system change, policymaking was occasionally tarnished by issues of bureaucratic competition, including among politicians. The former PMO's inability to foster interministerial cooperation had been a serious institutional shortcoming. A previous reorganization of the PMO and line ministries led to some performance declines. Conflicting announcements regarding policy proposals made by the PMO and line ministries were a sign of weak coordination.

The effectiveness of the system, which is based on centralization and unification in decision-making, should be reviewed in the near future.

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Cabinet
Committees
Score: 6

Following the April 2017 referendum and the June 2018 early elections, the governmental system was changed to a presidential model and the Prime Minister's Office (PMO) was abolished. The organization of the new presidential system was regulated by presidential decree in July 2018. The Ministry of Development – previously the primary consultative body for the preparation, implementation, coordination and monitoring of the government program – was abolished by decree in July 2018.

Until the PMO was abolished in July 2018, the Better Regulation Group within the PMO ensured coordination among related agencies and institutions, and improved the process of creating regulations. In addition, the government has created committees – such as the anti-terror commission under the Ministry of Interior, which includes officials from the ministries of Foreign Affairs and Justice, as well as other security departments. These are composed of ministers, experts, bureaucrats and representatives of other bureaucratic bodies (such as those on legislation techniques, legislation management and administrative simplification, and regulatory impact analysis) in highly important policy areas or when important or frequently raised issues were under consideration.

Several coordination committees and boards were attached to the presidency, presidential policy councils or other public institutions on 1 August 2018.

The effectiveness of the system, which is based on centralization and unification in decision-making, should be reviewed in the near future.

Cumhurbaşkanlığı Genelgesi 2018/3, <http://www.resmigazete.gov.tr/eskiler/2018/08/20180802-2.pdf> (accessed 1 November 2018)

Cumhurbaşkanlığı Teşkilatı Hakkında Cumhurbaşkanlığı Kararnamesi 1, <http://www.resmigazete.gov.tr/eskiler/2018/07/20180710-1.pdf> (accessed 1 November 2018)

K. Gözler, Türkiye'nin Yönetim Yapısı (TC İdari Teşkilatı), Bursa: Ekin Basın Yayın Dağıtım, 2018.

Z.Sobacı et al., Turkey's New Government Model and the Presidential Organization, SETA Perspective No. 45, July 2018.

Ministerial
Bureaucracy
Score: 5

Undersecretary, deputy undersecretary and central governor cadres were abolished by Decree No. 703 in July 2018, in the wake of the introduction of the presidential system of government.

The new centralized government system consists of offices, councils and ministries formed around the presidency. Under the new system, offices produce projects, councils transform projects into policies and the ministries implement policies. The Department of Administrative Affairs conducts monitoring and the State Supervision Council performs a control function. The new governmental system is an attempt to promote efficiency and coordination in governmental processes, especially in decision-making and implementation. However, the centralization and unification of decision-making in the hands of the president raises doubts about the sustainability of interministerial coordination, in particular.

The effectiveness of the system, which is based on centralization and unification in decision-making, should be reviewed in the near future.

Until July 2018, there was an increasing tendency to draft and adopt legislation without appropriate consultation. The creation of new ministries and agencies and the resulting fragmentation of responsibilities has complicated ministerial coordination, for example in the areas of budgeting and medium-term economic policymaking. Until their abolishment in July 2018, the oversight bodies under the PMO were responsible not only for coordinating and overseeing legal proposals, but are also tasked with monitoring legislative implementation.

Similar observations have been made by the Ministry of Development, the primary policy-coordination body. Accordingly, a serious problem is inefficient coordination due to institutional ambiguity and conflicts.

Citation:

Cumhurbaşkanlığı Teşkilatı Hakkında Cumhurbaşkanlığı Kararnamesi 1, <http://www.resmigazete.gov.tr/eskiler/2018/07/20180710-1.pdf> (accessed 1 November 2018)

K. Gözler, Türkiye'nin Yönetim Yapısı (TC İdari Teşkilatı), Bursa: Ekin Basın Yayın Dağıtım, 2018.
 Z.Sobacı et al., Turkey's New Government Model and the Presidential Organization, SETA Perspective No. 45, July 2018.
 Y. Üstüner and N. Yavuz, " Turkey's Public Administration Today: An Overview and Appraisal," International Journal of Public Administration, 2017.
 TC Başbakanlık 2016 Yılı Faaliyet Raporu, https://www.basbakanlik.gov.tr/docs/KurumsalHaberler/Basbakanlik_2016_Faaliyet_Raporu.pdf (accessed 1 November 2017)
 2015 Programının Uygulanması, Koordinasyonu ve İzlenmesine İlişkin Karar, Resmi Gazete, 17 October 2014, <http://www.resmigazete.gov.tr/eskiler/2014/10/20141017-11-1.pdf> (accessed 27 October 2015)

Informal
 Coordination
 Score: 5

Informal bodies, which are usually made up of senior party members and their personal networks, are typically used to 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, continue to form a tight network and contribute significantly to policy preparation.

Informal coordination between the PMO and the presidency allegedly became more relevant once President Erdoğan assumed office, and especially once Binali Yıldırım became prime minister. Though the PMO has since been abolished following the transition to a presidential system. Erdoğan regularly meets with line ministers and with the "small cabinet" to coordinate government policies. This type of informal coordination, however, cannot be considered constructive, as it has the potential to replace formal mechanisms of interministerial coordination.

The new presidential governmental system, introduced after the April 2017 referendum and the June 2018 elections, is an attempt to promote efficiency and coordination in governmental processes, especially in decision-making and implementation. However, the centralization and unification of decision-making in the hands of the president raises doubts about the sustainability of interministerial coordination.

The effectiveness of the system, which is based on centralization and unification in decision-making, should be reviewed in the near future.

During the review period, President Erdoğan (who is also chairman of the ruling AKP) decided to hold the April 2017 referendum and the June 2018 elections, following an informal agreement with the head of the Nationalist Movement Party (MHP). As part of the agreement, AKP and MHP campaigned together in the subsequent elections. By doing so, informal politics fundamentally sidelined legitimate forms of decision-making and policymaking, and runs counter to executive politics.

Digitalization for
Interministerial
Coordination
Score: 6

Citation:

Z.Sobacı et al., Turkey's New Government Model and the Presidential Organization, SETA Perspective No. 45, July 2018.

M. Turan, "Türkiye'nin Yeni Yönetim Düzeni: Cumhurbaşkanlığı Hükümet Sistemi," Social Sciences Research Journal, 7(3), 2018: 42-91. <http://dergipark.gov.tr/download/article-file/524784> (accessed 1 November 2018)

Turkey is a member of the e-Europe+ initiative, while the e-Transformation Turkey Project was introduced by a prime ministerial circular of December 2003. In 2004, e-government applications were introduced into public administration following the adoption of e-signatures. In 2008, a prime ministerial circular stated that the electronic document management standards and Registered Electronic Mail (KEP) projects were being implemented. Turkey developed an Information Society Strategy and Action Plan 2006 – 2010. The subsequent 2015 – 2018 Information Society Strategy and Action Plan focuses on economic growth and employment, and includes 72 actions in eight axes, including horizontal issues.

KAYSİS is an information system that covers the organizational structure of public institutions, public services, documents used by public services and all elements incorporated in public administration. Furthermore, the system integrates all e-government applications to promote a small-state government.

The KAYSİS system includes: DETSİS, a central registry of state organization;

HEYS, a system in which public services (provided to citizens, businesses, non-governmental organizations or other public institutions) are determined at the operational level, and defined in the electronic environment by Service Inventory Number and national process maps;

Public Legislation System (KMS), a system in which all legislation is registered and made publicly available; Service Standards Management System (HSYS), a system which monitors the standardization of services provided by public institutions; State Document Management System (DBYS), a system in which the names of requested documents are standardized by the State Document Number and samples are recorded electronically; Standard File Plan Management (SDYPS), a system which defines the subject of an article and the retention times of archive codes; Public Satisfaction Survey (KMA), a smart survey system which reports citizens' satisfaction ratings for public services for use in determining strategies for public administration.

MERSİS is one of the most important projects of the e-transformation process in Turkey. The project has four basic databases: the Central Population Administration System (MERNİS), National Address Database (UAVT), Land

Registry and Cadastre Information System (TAKBİS), and Central Registry System. Additional e-government applications include POLNET (police network and information system) and UYAP (national judiciary informatics system).

The e-government portal in Turkey is estimated to be used by about 30 million people. No recent analysis of the use of e-government applications by ministries is available.

Citation:

TC Ulaştırma ve Altyapı Bakanlığı, 2015–2018 Bilgi Toplumu Stratejisi ve Eylem Planı, <http://www.edevlet.gov.tr/2015/10/13/2015-2018-bilgi-toplumu-stratejisi-ve-eylem-planı/> (accessed 1 November 2018)

E. Tamtürk, “Kamu Yönetiminde Elektronik Belge Yönetim Sistemi,” Muş Alparslan Üniversitesi Sosyal Bilimler Dergisi, 5(3), 2017: 851-862. <http://dergipark.gov.tr/download/article-file/325152> (1 November 2018)

E. Sezgin et al., “The Perception of Electronic Document Management Systems (EDMS) as a Transformational Information and Communication Technology (ICT) for Public Institutions in Turkey,” Y. K. Dwivedi et al. (eds), Public Administration Reformation Market Demand from Public Organizations, Routledge, 2014, 279-300.

K. Abacı, “Electronic Document Management System in the Turkish Public Sector and Recommendations,” The Russian Academic Journal, 31(1), 2015: 23-26.

Y. Üstüner and N. YAvuz, “Turkey’s Public Administration Today: An Overview and Appraisal,” International Journal of Public Administration, 2017.

Evidence-based Instruments

RIA Application
Score: 4

Legislation and policy formulation do not follow an inclusive and evidence-based policy development process. The legal requirement to produce medium-term cost estimates and fiscal impact assessments for draft policies and laws continues to be ignored. Regulatory impact assessments are a formal exercise, but are neither sent to parliament nor published.

In 2007, the Prime Minister’s Office issued a circular that provided guidance on how to prepare regulatory impact assessments (RIA). Since that time, the completion of a RIA has been required for all new 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). However, despite regulations adopted to encourage administrative simplification in April 2012, the introduction of RIAs has not improved the quality of government legislation, and RIA processes are only rarely followed. According to the Regulation on the Procedures and Principles of Legislation (2006), a full RIA is required for legislation that would involve costs of exceeding TRY 30 million (about €5 million) and a partial RIA is required for legislation that would involve costs below this amount.

During the review period, several chambers of industry conducted EU-funded RIA projects. The EU Regulation on the Export and Import of Harmful Chemicals Technical Support Project for Implementation was conducted by several Turkish chambers of industry, including Balıkesir, Kayseri and Kocaeli. The European Union also funded the Technical Assistance for Capacity-Building and Support to the Preparation of a Regulatory Impact Assessment (RIA) for Decoupled Agricultural Support project.

Citation:

European Commission Turkey Report 2018, <https://ec.europa.eu/sites/.../20180417-turkey-report.pdf>, (accessed 27 October 2018)

Mevzuat Hazırlama Usul ve Esasları Hakkında Yönetmelik, <http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=3.5.20059986&MevzuatIliski=0&sourceXmlSearch=>, (accessed 27 October 2018)

Murat Önder, “Mevzuat Yapımında Düzenleyici Etki Analizi ve Uygulama Sorunları,” *Türk İdare Dergisi*, 89 (485) 2017: 771-810.

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

Technical Assistance Service for IPPC – Integrated Pollution Prevention and Control in Turkey, Draft Regulatory Impact Assessment, 2015, <https://webdosya.csb.gov.tr/db/pops/editor/dosya/SIA%20Report%20-%20Final%20EN.pdf> (accessed 1 November 2018).

Zararlı Kimyasalların İhracatı ve İthalatına İlişkin AB Tüzüğü’nün Uygulanması için Teknik Destek Projesi, <http://kosano.org.tr/wp-content/uploads/2016/08/ankt.pdf> (accessed 1 November 2017)

Quality of RIA
Process
Score: 2

During the period under review, the regulatory impact assessment (RIAs) requirement 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; not to mention the government’s de facto surpassing of the parliament under its state of emergency powers.

According to the Regulation on the Procedures and Principles of Legislation (2006), a full RIA is required for legislation that would have result in costs exceeding TRY 30 million (about €5 million) and a partial RIA is required for legislation that would result in costs lower than this amount.

Citation:

Mevzuat Hazırlama Usul ve Esasları Hakkında Yönetmelik, <http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=3.5.20059986&MevzuatIliski=0&sourceXmlSearch=> (accessed 27 October 2018)

Murat Önder, “Mevzuat Yapımında Düzenleyici Etki Analizi ve Uygulama Sorunları,” *Türk İdare Dergisi*, 89 (485) 2017: 771-810.

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

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

Zararlı Kimyasalların İhracatı ve İthalatına İlişkin AB Tüzüğü’nün Uygulanması için Teknik Destek Projesi, <http://kosano.org.tr/wp-content/uploads/2016/08/ankt.pdf> (accessed 1 November 2017)

Sustainability
Check
Score: 3

The government has conducted several sustainability checks within its regulatory impact assessment (RIA) framework, for instance for the Waste Electrical and Electronic Equipment (WEEE) Directive, the Habitat Directive and the Discharge Directive.

Within the scope of U.N. Sustainable Development Goals 2030, a project to assess the current state of sustainability in Turkey was launched. However, the project has since been postponed indefinitely.

However, these examples refer to internationally sponsored projects and are not an indication of a general administrative practice. Politicians and experts widely use the term “sustainability” in policy slogans, but there is no formally adopted sustainability strategy in Turkey.

During the review period, the Coordination Board of Internal Audit published Performance Audit Guidelines for Public Sector Internal Auditors, which includes sustainability checks as a component in performance auditing. However, there is no information about RIA sustainability checks.

Citation:

Başbakanlık, Bürokrasinin Azaltılması ve Kamu Hizmet Sunum Esaslarının Geliştirilmesi, Düzenleyici Etki Analizi Raporu, Temmuz 2009, www.pirigroup.com/RIA/doc/Burokrasinin_azaltilmasi.doc (accessed 1 November 2018)

Yavuz Gazibey, Ahmet Keser, Yunus Gökmen, Türkiye’de İllerin Sürdürülebilirlik Boyutları Açısından Değerlendirilmesi, Ankara Üniversitesi SBF Dergisi, 2014, 69(3): 511-544. (accessed 1 November 2018)
İç Denetim Koordinasyon Kurulu, Kamu iç Denetçileri İçin Performans Denetimi Rehberi, 2016, <http://www.idkk.gov.tr/SiteDokumanlari/Mevzuat/Ucuncul%20Duzey%20Mevzuat/PerformansDenetimiRehberi.pdf> (accessed 1 November 2018)

Quality of Ex
Post Evaluation
Score: 2

Currently, the capacity of public policy assessment institutions in Turkey lack knowledge regarding evidence-based instruments, both theoretically and practically. RIA practice was introduced by Law No. 5018 on Public Financial Management and Control (2003), and other relevant regulations. In this context, a cost-benefit analysis is required for all public agencies. However, there are various social and political barriers to the evaluation of public policies. For example, the parliament and judiciary cannot effectively supervise and review executive actions. It is unlikely that an effective evaluation mechanism will be developed in the near future. However, there are a few academic studies that have evaluated certain public policies.

Citation:

Aydın Usta, “Yeni Kamu Yönetiminde Politikaların Değerlendirilmesi: Tipolojiler, Boyutlar ve Ölçütler,” Sayıştay Dergisi, 94/Temmuz-Eylül 2014, 5-27.

İbrahim Arap and Veysel Erat, “Bir Kamu Politikasının Analizi: Türkiye’de Geçici Köy Koruculuğu,” Mülkiye Dergisi, 39 (4), 2015: 73-108.

Public
Consultation
Score: 3

Societal Consultation

According to the Regulation Concerning the Procedures and Principles of Preparation of Legislation (Article 6), ministries may announce draft texts that are of public concern via the internet, press or printed publication before forwarding it to the Prime Minister's Office. However, decision-makers (the executive) are not required to consult with civil society organizations, although decision-makers may choose to (Article 7/2 and 3). Consequently, government decisions are made after the draft text has been publicly debated. In developing policies on housing, energy and education, among other policy areas, ministries may convene consultative bodies of major stakeholders, although not all sectors or organizations are typically included. The 64th and 65th government programs included some strategic goals for public-civil society dialogue. However, these goals were limited to the development of civil society and cooperation in cultural affairs. Circumstances since 2015 have prevented the inclusion civil society in participatory mechanisms.

Turkey's national development plans emphasize the importance of cooperation between NGOs and the public sector. The EU-funded public-civil society dialogue projects promote the participation of civil society in public decision-making. The relationship between government and society, and parliament and society are not based on a systematic and structured consultation mechanism. Due to increasing political polarization during the review period, the government has increased restrictions on public access to policymaking processes and tended to consult only with pro-government actors.

Some civil society organizations (e.g., TÜSİAD) established the delegation on the Relations with the Parliament and Public Institutions, and organized several meetings with the governmental representatives.

In general, governmental authorities consider this requirement to have a "slowing" effect on policymaking (e.g., on progressive projects such as urban renewal or the planning of hydroelectric power plants). Draft policies and laws are not subject to public consultation, despite legal requirements.

Citation:

European Commission Turkey Report 2018, <https://ec.europa.eu/.../sites/.../20180417-turkey-report.pdf>, (accessed 27 October 2018)

64th Government Program, http://www.akparti.org.tr/upload/documents/64.hukumet_programi.pdf (accessed 27 October 2018)

65th Government Program, <https://www.akparti.org.tr/site/haberler/65.-hukumet-programi/84149> (accessed 27 October 2018)

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Civil Society Dialogue, Political Criteria Projects, <http://civilsocietydialogue.org/masonry-grid/> (accessed 27 October 2015).

Yakup Bulut et al., “Kamu Politikalarının Oluşturulmasında Sivil Toplum Kuruluşlarının Etkisi,” *Strategic Public Management Journal*, 3(6), 2017: 23-38.

Gökçeççek Ayata and Ulaş Karan, *Sivil Topluma Aktif Katılım: Uluslararası Standartlar, Ulusal Mevzuattaki Engeller, Öneriler*, İstanbul: TÜSEV, 2015.

“Kamu - Sivil Toplum İşbirliği,” <https://www.avrupa.info.tr/tr/kamu-sivil-toplum-isbirligi-37> (accessed 1 November 2017)

TÜSİAD, 2017 Çalışma Raporu, https://tusiad.org/tr/faaliyet-raporlari/item/download/8866_437acba2ff81e038a8074a20a1bc09a2 (accessed 27 October 2018)

Policy Communication

Coherent
Communication
Score: 4

Policy coordination among central government institutions has traditionally been strong, but annual planning, monitoring and reporting of whole-of-government performance continue to be lacking. In spite of its centralized and hierarchical structure, Turkey’s executive is poorly coordinated and rarely speaks with a single voice. Contradictory policy statements on the economy (role of the central bank), security (failure in security and safety provisions) or education (reform of the examination processes) are regular.

In addition, under state of emergency powers, the voice of the president is considered decisive. Yet, a coordinated “division of labor” has not been achieved. Following the April 2017 constitutional referendum, the government initiated a project to prevent confusion over overlapping ministerial authority, reduce the “bureaucratic oligarchy” and improve the effectiveness of administrative processes.

The government spokesman system did not work effectively due to the fact that the president, the prime minister (until July 2018) and individual ministers made contradictory public addresses – either contradicting each other or the government program.

The new presidential system metaphorically consists of a satellite system: a sun located at the center and two administrative satellites, five offices, nine councils, 16 ministries and several departments. The new government announced a 100-day performance program and is in the process of preparing an additional 100-day performance program to be announced in November 2018. The opposition leader criticized that the government for failing to deliver on most of its policy promises.

Citation:

European Commission Turkey Report 2018, <https://ec.europa.eu/.../sites/.../20180417-turkey-report.pdf>, (accessed 27 October 2018)

“Yetki karmaşaları mercek altında,” *Hürriyet*, 3 September 2017, <http://www.hurriyet.com.tr/yetki-karmasaları-mercek-altında-40568608> (accessed 1 November 2018)

“Cumhurbaşkanı Erdoğan’dan TEOG ve LYS açıklaması,” *Yeni Şafak*, 27 September 2017, <http://www.yenisafak.com/gundem/cumhurbaskani-Erdoğan-dan-teog-ve-lys-aciklamasi-2796903> (accessed 1 November 2017)

“Başbakan Yıldırım’dan TEOG açıklaması,” 3 October 2017, <https://www.ntv.com.tr/turkiye/basbakan-yildirimdan-teog-aciklamasi,gexFodLrykKgWvTypnFNow> (accessed 1 November 2017)

“Milli Eğitim Bakanı Yılmaz, TEOG yerine gelecek yeni istemi açıkladı,” 5 November 2017, <http://www.trthaber.com/haber/gundem/milli-egitim-bakani-yilmaz-teog-yerine-gelecek-yeni-istemi-acikladi-340141.html> (accessed 5 November 2017)

Z.Sobacı et al., Turkey’s New Government Model and the Presidential Organization, SETA Perspective, July 2017, https://setav.org/en/assets/uploads/2018/07/45_Perspective.pdf (accessed 27 October 2018)

100 Günlük İcraat Programı 3 Ağustos 2018, https://www.aa.com.tr/uploads/userFiles/c09e217d-a61f-47f8-a355-ddf8004cfef9/100_GUNLUK_ICRAAT_PROGRAMI.pdf (accessed 27 October 2018)

“Kılıçdaroğlu’ndan Erdoğan’a ‘icraat programı’ sorusu: 100 gün doldu, ne oldu?” <https://www.demokrathaber.org/siyaset/kilicdaroglu-ndan-Erdoğan-a-icraat-programi-h109731.html> (accessed 13 November 2018)

Implementation

Government
Effectiveness
Score: 6

Governmental inefficiency is widespread, especially in relation to the economy. The first nine months following the implementation of the government’s annual economic objectives varied sharply from official budget and 2017 – 2019 medium-term fiscal plan forecasts. The recent devaluation of the Turkish lira has increased the fiscal burden on macroeconomic variables. In the current and the next (2018 – 2020) medium-term fiscal plan, greater fiscal discipline is expected. Unemployment, inflation and the budget deficit will continue to be major economic weaknesses, which will be exacerbated by population growth, refugee issues and security concerns. Results were similarly mixed in other sectors. For instance, the Ministry of Education realized most of its 43 performance objectives, while the Ministry of Health completed most of its 22 objectives for 2016. However, the Ministry of Health failed to realize two key objectives, namely human resource objectives in the health care sector and scientific publications.

Citation:

“İşte hükümetin bütçe performansı,” 17 October 2017, <http://www.businessht.com.tr/ekonomi/haber/1311270-iste-hukümetin-butce-performansi> (accessed 1 November 2018)

“Turkey challenges EU to ‘open new chapters,’” Hürriyet Daily News, 10 May 2017, <http://www.hurriyetdailynews.com/turkey-challenges-eu-to-open-new-chapters-112952> (accessed 1 November 2018)

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Ministry of Development, 2017-2019 Medium Term Programme in Macro-economic and Fiscal Targets, <http://www.mod.gov.tr/Pages/content.aspx?List=16bb86d7%2Ddad48%2D4f23%2Db1e3%2D56bbe5b28aaa&ID=13&Source=http%3A%2F%2Fwww%2Emod%2Egov%2Etr%2FPages%2FMediumTermPrograms%2Easpx&ContentTypeId=0x0100F7A44FBA3ED2844D8825963D0C0BE391> (accessed 1 November 2018)

Sağlık Bakanlığı 2014 Faaliyet Raporu, <https://dosyasb.saglik.gov.tr/Eklenti/7585,raporpdf.pdf?0> (accessed 1 November 2018)

Milli Eğitim Bakanlığı, 2016 Faaliyet Raporu, https://sgb.meb.gov.tr/meb_iys_dosyalar/2017_02/28172815_2016_FR_webde_yayYmlanacak_kitap.pdf (accessed 1 November 2018)

Pelin Ünker, “Ekonomide tüm hedefler şaşıtı,” Cumhuriyet daily newspaper, 10 September 2015. (accessed 27 October 2015)

Ministerial
Compliance
Score: 7

The entrenched single-party government, with strong party leadership and high demand for ministerial positions among party members, provides strong incentives for the promotion of the government program. Therefore, it is difficult even for those ministers who are professionals in their fields to come independently to the forefront. The charisma and standing of the party leader and the tendency of political parties to leave personnel decisions to the party leader prevent ministers from pursuing their own interests during their time in office.

The AKP governments under Erdoğan have made it even more difficult for ministers to follow their own agendas, a situation which has continued under Erdoğan's successors since 2014. President Erdoğan continues to maintain his grip on the government, stressing his intention to be an active president, and interfering in almost every policy field and ministerial portfolio. Following the constitutional referendum of April 2017, Erdoğan was immediately re-elected chair of the AKP, legalizing a previously de facto status. This contradicts the principle that Turkey's head of state should be impartial and should not be a member of a political party. Second, Erdoğan immediately started to exercise constitutional powers that were intended to take effect after the 2019 presidential elections. Early presidential and parliamentary elections were held on 24 June 2018, the results of which strengthened Erdoğan's full authority as the president of Turkey and chair of the ruling party.

Erdoğan has also actively intervened in the nomination of deputies, the appointment of senior civil servants and the organization of electoral campaigns. In other words, the office of the president, now entrusted with increasing powers, has replaced the offices otherwise established by the constitution. Thus, the current constellation raises the question whether the effectiveness of the executive in general and the government in particular will be diminished by the existence of several centers of power, and suggests that the democratic separation of powers as a whole are eroding.

Citation:

Cumhurbaşkanlığı Teşkilatı Hakkında Cumhurbaşkanlığı Kararnamesi 1, <http://www.resmigazete.gov.tr/eskiler/2018/07/20180710-1.pdf> (accessed 1 November 2018)

TC Başbakanlık 2017 Faaliyet Raporu (özet), <https://www.kamusaati.com/gundem/basbakanlik-2017-faaliyet-raporu-personel-h3199-1.html> (accessed 1 November 2018)

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"Constitutional amendments in Turkey: Predictions and implications," 28 February 2017, <http://studies.aljazeera.net/en/positionpapers/2017/02/constitutional-amendments-turkey-predictions-implications-170228092500529.html> (accessed 1 November 2017)

Monitoring
Ministries
Score: 7

The General Directorate of Laws and Decrees, and the General Directorate of Legislation Development and Publication under the former Prime Minister's Office (PMO) examined the congruity between draft bills, decrees, regulations and resolutions of the Council of Ministers, and the constitution, as well as reviewed general laws, plans and the government's program. These bodies were 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 program and ideology.

Until July 2018, the PMO had a total of 2,253 employees, a quarter of whom were experts or advisers. A Sectoral Monitoring and Assessment Unit was established in 2011 to provide advice to the PMO. A total of 17 full-time officers were employed by the PMO. Beginning in May 2015, about 266 career employees from various public institutions were also assigned to this unit.

The new government, established with the implementation of the presidential system in June 2018, consists of offices, councils and ministries formed around the presidency. Under the new system, offices produce projects, councils transform projects into policies and the ministries implement policies. The Department of Administrative Affairs conducts monitoring and the State Supervision Council performs a control function. The new governmental system is an attempt to promote efficiency and coordination in governmental processes, especially in decision-making and implementation. However, the centralization and unification of decision-making in the hands of the president raises doubts about the sustainability of interministerial coordination.

The effectiveness of the system, which is based on centralization and unification in decision-making, should be reviewed in the near future.

Citation:

Cumhurbaşkanlığı Teşkilatı Hakkında Cumhurbaşkanlığı Kararnamesi 1, <http://www.resmigazete.gov.tr/eskiler/2018/07/20180710-1.pdf> (accessed 1 November 2018)
TC Başbakanlık 2017 Faaliyet Raporu (özet), <https://www.kamusaati.com/gundem/basbakanlik-2017-faaliyet-raporu-personel-h3199-1.html> (accessed 1 November 2018)
Z.Sobacı et al., Turkey's New Government Model and the Presidential Organization, SETA Perspective No. 45, July 2018.

Monitoring
Agencies,
Bureaucracies
Score: 7

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

Law 5018, adopted in 2004, introduced a strategic-management approach under which all public agencies must prepare a strategic plan, annual program and activity reports. The performance of subunits is assessed on the basis of these documents. However, neither strategic management principles nor internal oversight mechanisms have been effectively implemented.

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). The board ensures that administrative bodies cooperate with public auditing bodies, and recommends measures to eliminate fraud and other irregularities. According to the 2016 Annual Activity Report, qualified human resources management, capacity-building, coordination, and the separation of inspection and internal-audit functions are major issues in this field.

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

The new presidential government consists of offices, councils and ministries formed around the presidency. Under the new system, offices produce projects, councils transform projects into policies and ministries implement policies. The Department of Administrative Affairs conducts monitoring and the State Supervision Council performs a control function. The new governmental system is an attempt to promote efficiency and coordination in governmental processes, especially in decision-making and implementation. However, the centralization and unification of decision-making in the hands of the president raises doubts about the sustainability of inter-ministerial coordination.

The effectiveness of the system, which is based on centralization and unification in decision-making, should be reviewed in the near future.

Citation:

İç Denetim Koordinasyon Kurulu 2016 Yılı Kamu İç Denetim Genel Raporu, November 2016, <http://www.idkk.gov.tr/SiteDokumanlari/Faaliyet%20Raporlar%c4%b1/2017KamuicDenetimGenelRaporu.pdf>

Cumhurbaşkanlığı Teşkilatı Hakkında Cumhurbaşkanlığı Kararnamesi 1, <http://www.resmigazete.gov.tr/eskiler/2018/07/20180710-1.pdf>

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Z.Sobacı et al., Turkey's New Government Model and the Presidential Organization, SETA Perspective No. 45, July 2018.

Task Funding
Score: 6

Municipal governments depend on financial contributions from the central government. Many municipalities do not have the sufficient resources to finance basic duties. Thus, many have declared bankruptcy. Municipal borrowing constitutes a large share of Turkey's total medium- and long-term debt. Financial decentralization and reform of local administration have been major issues during the review period. The central administration (mainly through the Bank of Provinces) is still the major funding source for local governments through regional development projects (e.g., GAP, DAP and DOKAP). Besides transfers from the central government budgets within the scope of village infrastructure project (KÖYDES), the Drinking Water and Sewer Infrastructure Program (SUKAP) and the Social Support Program (SODES) still continue.

The previous governments have been frequently accused of taking a partisan approach toward the distribution of funds. Since 2009, transfers from the central government to municipalities via the Bank of Provinces have taken into consideration the number of inhabitants and the locality's relative position on development indices. However, the new model has not eased the difficult financial situation of Turkey's municipalities, which are seriously indebted to central-government institutions. According to Audit Court reports, most metropolitan municipalities have substantial debts. Therefore, most local projects in major metropolitan municipalities are run by the central government.

The recent change in regulations governing metropolitan municipalities was designed to generate funds for municipal governments. While existing competencies will continue in general, it may be necessary to expand local government powers, diversify local needs, broaden service requirements, and promote public interest to ensure effective and efficient services. However, the new presidential system, which is based on the centralization and unification of decision-making, leaves no space for decentralization.

Citation:

2017 Yılı Kamu Yatırımlarının Sektörlere Göre Dağılımı, <http://www.resmigazete.gov.tr/eskiler/2017/01/20170114M1-1-1.pdf> (accessed 1 November 2018)

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Constitutional
Discretion
Score: 2

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.

Shortly after the June 2015 parliamentary elections, two towns and 15 provinces in the southeast of Turkey and two neighborhoods in Istanbul declared self-government. The central government took a strong stand against these declarations, and judicial investigations were initiated against mayors and other people in charge. Moreover, in the wake of the averted coup attempt in 2016 and the government’s state of emergency, numerous democratically elected mayors and municipality staff were detained and replaced with pro-government appointees by the central government.

While existing competencies will continue in general, it may be necessary to expand local government powers, diversify local needs, broaden service requirements, and promote public interest to ensure effective and efficient services. However, the new presidential system, which is based on the centralization and unification of decision-making, leaves no space for decentralization.

Citation:

Ayşe Güner and Serdar Yılmaz, Son Değişikliklerin Türkiye’de Yerel Yönetimlerin Takdir Hakkı ve Hesap Verilebilirlik Üzerindeki Etkisi, *Marmara İktisat Dergisi*, 1,2 Eylül 2017, 229-250.

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 K. Gözler, Türkiye'nin Yönetim Yapısı (TC İdari Teşkilatı), Bursa: Ekin Basın Yayın Dağıtım, 2018.
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 "Öz yönetim ilan edilen merkez sayısı 16'ya yükseldi," T24, 20 August 2015, <https://t24.com.tr/haber/oz-yonetim-ilan-edilen-merkez-sayisi-16ya-yukseldi,306949> (accessed 1 November 2018)

National
Standards
Score: 5

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

While United Nations Development Program (UNDP) support for the implementation of local-administration reform in Turkey (LAR Phase 2) has been concluded, Turkey still aims to fulfill some requirements of the European Local Self-Government Charter. In this context, municipalities work to establish departments tasked with monitoring, investment and coordination. The main duties of these departments are to provide, monitor and coordinate public institutions and organizations' investments and services; to provide and coordinate central-administration investments in the provinces; and to guide and inspect provincial public institutions and organizations. However, the most significant outstanding issues with regard to standardizing local public services are essentially financial, technical and personnel-driven. Within the OECD, Turkey remains the country with the largest regional disparities.

Citation:
 Kamu Hizmetlerinin Sunumunda Uyulacak Usul ve Esaslara İlişkin Yönetmelik, Official Gazette, 31 July 2009, <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2009/07/20090731.htm&main=http://www.resmigazete.gov.tr/eskiler/2009/07/20090731.htm> (accessed 1 November 2018)
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 K. Gözler, Türkiye'nin Yönetim Yapısı (TC İdari Teşkilatı), Bursa: Ekin Basın Yayın Dağıtım, 2018.
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Effective
Regulatory
Enforcement
Score: 4

A state of emergency was declared by the government after the averted coup attempt of 2016, which lasted until shortly after the June 2018 elections. Under the state of emergency, the government used all its capacities and competences to impose its rule over many areas of public policymaking (e.g., security, justice, economy, media and civil society) by tightening its control over human resources and legal practices, as well as by restricting human and civil

rights. According to the World Justice Project's Rule of Law Index 2017, Turkey ranked 88 out of 113 countries, with a score of 0.44 for regulatory enforcement.

In other words, during the review period, the AKP and the president followed a biased and polarizing strategy in government, which undermined sustainable, democratic public policymaking.

Citation:

World Justice Project, Rule of Law Index 2017-2018, https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition_0.pdf (accessed 1 November 2018)

Adaptability

Domestic
Adaptability
Score: 3

Since the June 2018 early elections, the Turkish governmental system is transitioning toward a presidential model. This transition is largely based on one state of emergency decree, one Council of Ministers decree and two presidential decrees. The ongoing restructuring will take time. Consequently, it is too soon to evaluate the adaptive capacity of the government and consequences of the restructuring.

Turkey faced a currency crisis just before and after the elections, as the government had to comply with global currency market conditions. However, the government refused to consult with the IMF to counter the currency crisis effectively.

Turkey is a signatory of several international conventions that include binding provisions and the Turkish government has attempted to comply with these international responsibilities. However, the government has fallen short on many requirements, either legally or institutionally. The European Commission 2017 Report highlighted several topics requiring urgent improvement. For example, a climate change adaptation strategy is yet to be adopted and enforced. Turkey has still not adapted legislation related to the COE Istanbul Convention on preventing and combating violence against women. Turkey needs to take further steps to adapt and enforce rules on animal welfare and animal by-products.

The report also stated that Turkey needs to achieve further alignment with the EU acquis public administration reform, and demonstrate a strong commitment to a more open administration and the use of e-government in several public services, including public procurement, environment and climate change, statistics and transport. Turkey's judicial system is at an early

stage of preparation. There has been further serious backsliding in the past year, in particular with regard to the independence of the judiciary. The constitutional amendments governing the CJP (HSK) entered into force during the review period, which further undermined judicial independence from the executive. Shortcomings in the corruption-related provisions of the Criminal Code need to be harmonized with the standards of the COE Criminal Law Convention on Corruption.

Citation:

European Commission Turkey Report 2018, <https://ec.europa.eu/sites/default/files/20180417-turkey-report.pdf>, (accessed 27 October 2018)

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International
Coordination
Score: 5

As a result of the ongoing civil war in Syria, Turkey has hosted and assisted more than 3.5 million Syrian refugees, with only a limited proportion of refugees living in state-run refugee camps. The EU-Turkey Statement has become an important element of the European Union's comprehensive approach on migration. While Turkey accuses the European Union of falling behind on its promises, the European Union claims that €3 billion were allocated through the EU Facility for Refugees in Turkey in 2016 and 2017.

The U.S.-led coalition campaign to destroy the Islamic State group enters its fourth year, with authorities declaring concrete improvements. However, Turkey, a key player in the coalition, has also intensified its own separate efforts in Syria. The Turkish military established its own mission in Northern Syria in 2016 and 2017. This mission has since developed into a full military confrontation with the U.S.-backed People's Protection Units (YPG). Turkey claimed the mission is part of Turkey's efforts to fight all terrorist organizations, including ISIL. In December 2016, a total of 3,359 people were taken into custody for associating with ISIL militants and 1,313 were arrested. Since November 2017, police officers have conducted almost daily raids on ISIL cells across Turkey, with increasing intensity in the past few weeks.

In addition to the consultative, coordinative and cooperative structures within NATO and the European Union, Turkey also participated in the Vienna and Geneva talks as well as – after overcoming disputes with Russia – bilateral talks with Russia, Iran and other regional players in search of a diplomatic solution to the Syrian conflict. Within the scope of bilateral and multilateral

agreements, Turkish troops are active in Afghanistan, Somalia, Bosnia, Kosovo, Syria and Iraq.

In 2017, in accordance with the Concept of Participation in the Operations of Support and Protection of Peace, Turkey carried out 20 projects in Afghanistan, 24 projects in Bosnia and Herzegovina and 41 projects in Kosovo, and a total of 85 civilian military cooperation projects.

European Commission Turkey Report 2018, <https://ec.europa.eu/sites/default/files/20180417-turkey-report.pdf>, (accessed 27 October 2018)

International Crisis Group, "Turkey's Syrian Refugees: Defusing Metropolitan Tensions," <https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/248-turkeys-syrian-refugees-defusing-metropolitan-tensions> (accessed 1 November 2018) TC Milli Savunma Bakanlığı Faaliyet Raporu 2017, <http://www.msb.gov.tr/Content/Upload/Docs/maliye/MSB%202017%20Faaliyet%20Raporu.pdf> (accessed 27 October 2018)

TİKA Annual Report 2017, https://www.tika.gov.tr/upload/2018/2017%20Faaliyet%20Raporu/AR_2017%20web.pdf (accessed 27 October 2018)

Organizational Reform

Self-monitoring
Score: 5

With the April 2017 referendum and the subsequent incremental introduction of the presidential system of government, Turkey has undergone an organizational change involving the creation of new institutions, the merging or splitting of ministerial bodies, legal changes and rapid personnel shifts. These developments make monitoring exceedingly difficult.

The organization of the new presidential system was regulated by presidential Decree No. 703 in July 2018. In addition to a vice-president, the head of administrative affairs was established under the General Directorate of Law and Legislation. Its main task as the head of administrative affairs is to coordinate between public institutions and organizations, and examine the congruity of laws adopted by the parliament and draft legislation prepared by government institutions with the constitution, current legislation, presidential decrees and government program. The policy councils of the president are expected to monitor and report the implementation of governmental policies to the president.

Several units contribute to the monitoring process directly or indirectly. These units include the State Supervisory Council, the Directorate General of Law and Legislation of the Presidency of the Republic, the Directorate General of Laws and Decrees of the TBMM, the General Directorate of Laws of the Ministry of Justice, and the Council of State. Each administrative institution has its own internal control unit for monitoring compliance with financial rules. However, these units are not fully effective.

Citation:

“132 maddelik anayasa uyum paketi Başbakanlık’ta,” <http://www.trthaber.com/haber/gundem/132-maddelik-anayasa-uyum-paketi-basbakanlikta-318675.html> (accessed 1 November 2017)

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K. Gözler, Türkiye’nin Yönetim Yapısı (TC İdari Teşkilatı), Bursa: Ekin Basın Yayın Dağıtım, 2018.

Z.Sobacı et al., Turkey’s New Government Model and the Presidential Organization, SETA Perspective No. 45, July 2018.

Y. Üstüner and N. Yavuz, “ Turkey’s Public Administration Today: An Overview and Appraisal,” International Journal of Public Administration, 2017.

Institutional
Reform
Score: 5

According to Law 5018 on Public Financial Management and Control, all public institutions, including municipalities and special provincial administrations, must prepare strategic plans. All public bodies have designated a separate department for developing strategy and coordination efforts; however, these departments are not yet completely functional. Maximizing strategic capacity requires resources, expert knowledge, an adequate budget and a participatory approach. The government lacks sufficient personnel to meet the requirements of strategic planning, performance-based programs and activity reports. In this respect, several training and internship programs have been established.

Turkey developed sectoral strategies and action plans for 2015 – 2018 on biotechnology, entrepreneurship, small and medium scale enterprises, productivity and information society. Several strategy documents were also prepared such as a National Employment Strategy. Also, a National Strategy of Regional Development was prepared for the period 2014 – 2023. The central government’s institutions and agencies, local administrations, universities, and the state economic enterprises (KİTs) also prepared strategic plans.

Advocates of the presidential system, introduced since the April 2017 referendum, argue that it will bring greater efficiency and effectiveness to policymaking. However, the state of emergency decrees and practices, and the urgent need to harmonize current legislation with recent constitutional amendments undermines strategic thinking and improvements in public administration.

Turkey is moderately prepared in the field of public administration reform. However, there has been serious backsliding in the areas of public service and human resource management Turkey made a progress on e-government. The European Commission’s recommendations from 2016 onward have not been implemented. There is still no comprehensive public administration reform

strategy or political ownership of this reform. Inclusive public consultations and systematic regulatory impact assessments for major legal reforms have either not been carried out or have not been publicized. The politicization of public administration and the low level of female representation in the higher echelons of bureaucracy continue to be of serious concern.

Citation:

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Y. Üstüner and N. Yavuz, " Turkey's Public Administration Today: An Overview and Appraisal," International Journal of Public Administration, 2017.

II. Executive Accountability

Citizens' Participatory Competence

Political
Knowledge
Score: 4

Except for the Ministry of Finance and the central bank, the government generally does not adequately inform citizens about the content and development of government policy. The head of government, ministers and high government officials highlight success stories and policies, but do not offer follow-up details. While there are no surveys that review how citizens get information on government policy, it is evident that policymaking in Turkey is not transparent or participatory. The government follows a selective and perception management approach to informing citizens about governmental processes. Although citizens in Turkey do reflect critically on politics in general, they often learn of policies only after their implementation has begun. Although, public opinion polls rarely provide substantial results, it can be assumed that public knowledge about government affairs is low, in contrast to public satisfaction with the government. While public dissatisfaction with the justice and education systems is increasing, there are a few civil society organizations that mostly satisfactorily inform the public about ongoing developments related to the health care, education and security

sectors. Policy plans are kept largely secret or are subject to last-minute changes, and the parliament's tendency to pass important measures as a part of an omnibus of legislative packages has been increasingly criticized, because it confuses the public. Public institution's annual activity reports only provide data about policy achievements. A recent report on governance in Istanbul's municipalities indicated that municipalities do not provide stakeholders with sufficient information on decision-making processes.

In the aftermath of the early presidential and parliamentary elections in June 2018, the pluralistic structure of Turkey's media was fatally undermined by the sale of Doğan Media, the flagship of Turkey's media, to Demirören media, a pro-government media conglomerate in 2018. Media freedoms deteriorated significantly after the failed coup attempt of 15 July 2016. Numerous journalists have been imprisoned without indictment, which has had an intimidating effect on other journalists. Consequently, it is difficult for citizens to find objective and substantive information on government policies and decision-making.

Social media has become a widespread tool, even for the government in its public relations. Ministries and municipalities use social media frequently, though the information shared by executive officers is limited and propagandistic. Academic studies concluded that people consider social media a mechanism able to influence views and developments in two directions: government can inform its citizens and the people can influence government policies. In other words, social media can facilitate input-output and implementation and feedback in governmental processes. However, the accessibility and reliability of social media is a major obstacle. Some 54% of the population has access to the internet and 70% of the population expresses optimism with regard to digital transformation. Moreover, the recent restrictions and bans on social media on the one hand and its limited presence on the other make it ineffective. Furthermore, as is the case demonstrated in other countries, social media may inform people, but it also tends to re-affirm biased views and opinions among the public. As a result, social media may underline or even exacerbate polarization tendencies in Turkey.

Citation:

TC Maliye Bakanlığı, 2017 Yılı Genel Faaliyet Raporu, https://www.bumko.gov.tr/Eklenti/11192,2017-genel-faaliyet-raporupdf.pdf?0&_tag1=911F80DC33E9561482271ED12E6CECD4737655AB (accessed 27 October 2018)

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Open
Government
Score: 4

Turkey is moderately prepared in the area of public administration reform, with a strong commitment to a more open administration and the use of e-government. However, there has been serious backsliding in the area of public service provision and human resource management, and in the area of accountability (e.g., with regard to the right to administrative justice and the right to seek compensation). A transparent and effective response still needs to be provided for the large-scale dismissals of public sector employees.

The OGP Steering Committee designated the Government of Turkey as inactive in OGP on 21 September 2016. Due to Turkey's failure to meet the requirements, Turkey's participation in the OGP ended in September 2017. In fact, in the fight against corruption, Turkey prepared an Action Plan 2012 – 2013, which included opening four web portals (for transparency, expenditure, electronic procurement and regulations); identifying areas at risk of corruption; developing of relevant measures; minimizing bureaucratic obstacles; and promoting integrity, transparency and accountability.

According to the World Justice Project's Open Government Index 2015 (which assesses publicized laws and government data, rights to information, complaint mechanisms, and civic participation), Turkey ranked 82 out of 102 countries with a score of 0.44 – in the middle for the first three criteria and in the bottom tercile for civic participation.

Citation:

Open Government Partnership, <https://www.opengovpartnership.org/turkey-withdrawn> (accessed 27 October 2018)

TÜSEV, Sivil Toplum İzleme Raporu 2015-2016, Açık Yönetim Ortaklığı ve Türkiye Süreci Vaka Analizi, 2017, (accessed 27 October 2018)

World Justice Project, Open Government Index 2015, https://worldjusticeproject.org/sites/default/files/ogi_2015.pdf, (accessed 27 October 2018)

Legislative Actors' Resources

Parliamentary
Resources
Score: 6

The administrative organization of the Grand National Assembly of Turkey (TBMM) consists of departments that support the Speaker's Office. The conditions of appointment of the administrators and officers are regulated by law (Law 6253, 1 December 2011). The administrative organization (including the research services department and the library and archives services department) is responsible for providing information as well as bureaucratic and technical support to the plenary, the bureau, committees, party groups and deputies; informing committees about bills and other legislative documents

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

In 2017, the 550 deputies were provided with 482 primary and 465 secondary advisers and 493 clerks. A total of 29 experts and 93 clerks are assigned to the various party groups. As of 2018, 86 legislative experts -16 of them were assigned in the standing committees- and 30 deputy-experts were employed at the Department of Laws and Resolution. The Turkish parliament attempted to improve its human resources, especially for budget and final accounts processes, and provide greater support for parliamentary members' work. Within this scope, the so-called Country Expert Project covers 44 countries and employ four experts and 47 officers. However, capacity-building remains a major problem. The parliamentary library and research unit cannot effectively meet demands for information.

Citation:

26. Dönem, 1, 2 ve 3. Yasama Yılı, https://www.tbmm.gov.tr/komisyon/insanhaklari/faaliyet_raporlari_26.htm (accessed 1 November 2018) "TBMM personel alımı başvuru sonuçları açıklandı!" 15 November 2017, <http://www.hurriyet.com.tr/tbmm-personel-alimi-basvuru-sonuclari-aciklandi-40646332> (accessed 1 November 2017)

Obtaining
Documents
Score: 5

According to the Rules of Procedure (Article 62), the speakership of the TBMM may invite the vice-president, ministers and deputy-ministers, and senior public officials to provide information at the plenary, as described by Article 119 of the Constitution (state of emergency). Parliamentary commissions may directly communicate with any ministry and request information from a ministry relevant to the commission's work (Article 41)

Citation:

Rules of Procedure of the Grand National Assembly of Turkey, <https://www.tbmm.gov.tr/docs/ictuzuk.pdf> (accessed 1 November 2018)

Ş. İba, Parlamento Hukuku, Ankara: Turhan Yayınevi, 2017.

Summoning
Ministers
Score: 4

Ministers can attend committee meetings as a representative of the government without invitation, and may talk on the subject matter at hand (Rules of Procedure, Article 29, 30 and 31). However, ministers may also delegate a

senior civil servant to be his or her representative at a committee meeting. If relevant, the committee may ask a minister to explain a government position, but he or she is not required to comply with this invitation if there is no legal obligation (Article 62). While parliamentary committees are not able to summon ministers for hearings, the responsible minister may voluntarily decide to participate in a meeting. Normally, the committees are briefed by high-ranking ministerial bureaucrats. In the new presidential system, the ministers will always be present at the Planning and Budget Committee when the previous year's final accounts and following year's draft budget are discussed. They also attend the budgetary debates in the plenary.

The latest available GNAT activity report is from 2016.

During the review period, the effects of the state of emergency, corruption scandals, resignation of metropolitan mayors, economic instability and regional affairs (e.g., Turkey's involvement in the war in Syria, the massive movement of refugees from neighboring countries into Turkey, and Kurdish developments in and outside of Turkey) are highly visible. None of the government's senior executives took responsibility for or allowed an independent parliamentary investigation into these issues. Instead, the government demonstrated a lack of accountability vis-à-vis parliament.

Citation:

Rules of Procedure of the Grand National Assembly of Turkey, <https://www.tbmm.gov.tr/docs/ictuzuk.pdf> (accessed 1 November 2018)

TBMM Faaliyet Raporu, 26. Dönem, 1, 2 ve 3. Yasama Yılı, https://www.tbmm.gov.tr/komisyon/insanhaklari/faaliyet_raporlari_26.htm (accessed 1 November 2018)

Summoning
Experts
Score: 7

Parliamentary rules of procedure, committees are legally able to summon experts from non-governmental organizations, universities or the bureaucracy to provide testimony without limitation (Rules of Procedure, Article 29 and 30). There is no detailed information about the use of experts' opinions by the parliament.

Citation:

Rules of Procedure of the Grand National Assembly of Turkey, <https://www.tbmm.gov.tr/docs/ictuzuk.pdf> (accessed 1 November 2018)

26. Dönem, 1, 2 ve 3. Yasama Yılı, https://www.tbmm.gov.tr/komisyon/insanhaklari/faaliyet_raporlari_26.htm (accessed 1 November 2018)

Task Area
Congruence
Score: 6

Under the new governmental system following the April 2017 referendum on the introduction of presidentialism, the number of ministries has been reduced to 16. Advocates of the new system argue that the system would run more efficiently. However, the alignment of ministries (or rather the presidency and its new executive structure) and parliamentary committees is likely to create frictions in policymaking.

There are 18 standing committees in the Grand National Assembly of Turkey (TBMM), which are generally established in parallel with structure of the ministries. The most recent such committee, the Security and Intelligence Commission, was established in spring 2014. Except for committees established by special laws, the jurisdiction of each committee is not expressly defined by the Rules of Procedure. Some committees have overlapping tasks. Committees do not independently monitor ministry activity but do examine draft bills. During discussions, committees may also supervise the ministry activity indirectly. The State Economic Enterprises Commission does not audit ministries but plays an important role in monitoring developments within their administration. The distribution of the workload of these committees is uneven. The Planning and Budget Commission is the most overloaded group, as every bill possesses some financial aspect. Except few, professionalization among committee members is low. Neither the Strategic Plan nor the Activity Reports of the TBMM emphasize the need to implement effective ministerial monitoring. These committees recently stated their intent to recruit more qualified personnel in certain areas.

Citation:

Rules of Procedure of the Grand National Assembly of Turkey, <https://www.tbmm.gov.tr/docs/ictuzuk.pdf> (accessed 1 November 2018)

Ş. İba, Parlamento Hukuku, Ankara: Turhan Yayınevi, 2017.

26. Dönem, 1, 2 ve 3. Yasama Yılı, https://www.tbmm.gov.tr/komisyon/insanhaklari/faaliyet_raporlari_26.htm (accessed 1 November 2018)

Media

Media Reporting
Score: 2

In the aftermath of the early presidential and parliamentary elections in June 2018, the pluralistic structure of Turkey's media was fatally undermined by the sale of Doğan Media, the flagship of Turkey's media, to Demirören media, a pro-government media conglomerate in 2018. Media freedoms deteriorated significantly after the failed coup attempt of 15 July 2016. Numerous journalists were imprisoned without indictment, which had an intimidating effect on other journalists. In consequence, it is difficult for citizens to find objective or substantive in-depth information on government policies and government decision-making. A media-ownership structure based on industrial conglomerates (the so-called Mediterranean or polarized pluralist media model), the government's clear-cut differentiation between pro- and anti-government media, and the increasingly polarized public discourse make it difficult for journalists to provide substantial information to the public. News coverage and debates are mainly one-sided in the pro-government media, while self-censorship is common in the mainstream, neutral media. This is also true even of the main news agencies, such as Anadolu (a state-owned

company) and Doğan, which has been sold to Demirören media. Superficial reporting, self-censorship and dismissal of critical journalists from their job are widespread within the major media outlets. Media ownership, and direct and indirect government intervention in private media outlets and journalism obscure the objective analyses of government policies. Thus, few newspapers, radio or TV stations offer in-depth analysis of government policies or their effects concerning human rights, the Kurdish issues, economic conditions and so on.

In 2017, internet freedom declined in Turkey and several internet sites were blocked, including sites managed by journalists in exile. Social media services and websites (e.g. Wikipedia) were also blocked. The minister of transportation and communication stated that Turkey is often mentioned together with terrorist organizations on social media platforms. For example, Wikipedia articles include content that suggests Turkey supports terrorist organizations. Turkey is among 30 governments that employs “opinion shapers” to promote government views and agendas, and counter government critics on social media.

Citation:

European Commission, Turkey 2018 Report, Brussels, 17.4.2018, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-turkey-report.pdf> (accessed 1 November 2018)

Freedom House, Freedom of the Press 2017, https://freedomhouse.org/sites/default/files/FOTP_2017_booklet_FINAL_April28.pdf (accessed 1 November 2018)

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N. Newman and et al., Reuters Institute Digital News Reports, <http://media.digitalnewsreport.org/wp-content/uploads/2018/06/digital-news-report-2018.pdf?x89475> (accessed 1 November 2018)

“Turkey spells out conditions to blocked site Wikipedia,” <http://www.euronews.com/2017/05/11/wikipedia-reste-interdit-en-turquie> (accessed 1 November 2017)

Parties and Interest Associations

Intra-party
Decision-Making
Score: 2

The centralized structure of the Political Parties Law (Law 2820) and the bylaws of the major parties does not encourage intra-party democracy. Consequently, strong party discipline is a common feature of all political parties. Although the Justice and Development Party (AKP), the Republican People’s Party (CHP) and the Peoples’ Democratic Party (HDP) do not discriminate on the basis of ethnicity or religious orientation with regard to membership, contestation within the parties is limited, at best. Dissenting voices are generally unable to find an institutional path by which to engage in effective debate. Competition usually revolves around party members’ ability to create local power centers through which they compete for the attention and goodwill of the party leader.

Membership, party congresses and executive boards are not democratically managed in most political parties. Three deputies were dismissed from the MHP in March 2017. Several deputies of the AKP allegedly closer to illegal Gülenist networks either resigned or faced being dismissed, especially in the aftermath of coup attempt in 2016. On the request of the president and AKP chair, Recep Tayyip Erdoğan, the mayors of six provinces, including Ankara and Bursa, resigned in fall 2017. Erdoğan stated that “people do not take these offices as independent candidates but as candidates shown by parties.”

Citation:

“AKP’de ‘metal fırtına’: Erdoğan, “Gökçek dahil 6 belediye başkanının istifasını istedi” iddiası,” 2 October 2017, <http://t24.com.tr/haber/Erdoğan-gokcek-dahil-6-belediye-baskaninin-istifasini-istedi-iddiasi,455251> (accessed 1 November 2017)

“Turkey’s Erdoğan Calls on Mayors to Resign, Hurriyet Newspaper Says,” 19 October 2017, <https://www.usnews.com/news/world/articles/2017-10-19/turkeys-Erdoğan-calls-on-mayors-to-resign-hurriyet-newspaper-says> (accessed 1 November 2017)

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Bekir Ağırđır, Fuat Keyman, Tarhan Erdem, *Türkiye’nin Demokratikleşmesi İçin Kapsamlı Bir Siyasi Parti ve Seçim Sistemi Reformu Önerisi*, İstanbul: IPC, 2015, <http://ipc.sabanciuniv.edu/en/wp-content/uploads/2014/03/Turkiyenindemokratikleşmesiicinkapsamli.pdf> (accessed 27 October 2015)

Association
Competence
(Employers &
Unions)
Score: 5

The Union of Chambers and Commodity Exchanges (TOBB) is the most influential business association in Turkey, representing more than 1.2 million enterprises and members of various industry and business chambers. The Economic Policy Research Foundation of Turkey (TEPAV), affiliated with TOBB University in Ankara, provides extensive surveys in various fields. The pro-Western, Istanbul-centric Turkish Industrialists’ and Entrepreneurs’ Association (TÜSİAD) and the conservative, Anatolian-centric Independent Industrialists’ and Entrepreneurs’ Association (MÜSİAD), also have R&D units and sponsor reports on political reforms, education, health care, security and migration. The degree of direct impact of such proposals and amendments on legislation is unknown, but the government regularly claims to take such reports under consideration.

Among labor unions, the ideological split between secular unions such as the Confederation of Public Workers’ Unions (KESK) and the Confederation of Revolutionary Trade Unions of Turkey (DİSK) and the more conservative-Islamic Confederation of Turkish Real Trade Unions (Hak-İş) tends to prevent common action. Trade unions and civil society representatives participated in drafting Law No. 6356 on trade unions, although the final output was ultimately determined by the government. Moreover, it has become increasingly obvious over the last decade that religiosity has become a

strategic resource in creating solidarity among union members, and in bolstering loyalty to the government. Turkey's oldest trade union, Türk-İş, has for many years prepared monthly surveys on hunger and poverty thresholds and is included in the collective bargaining process.

Citation:

"State of emergency no hurdle for business in Turkey: Erdoğan," 18 May 2017, <http://www.hurriyetdailynews.com/state-of-emergency-no-hurdle-for-business-in-turkey-erdogan-113283> (accessed 1 November 2017)

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

A. Şahin and A. Söylemez, "Sendikalara Yönelik Politikaların Belirlenmesinde Sendikaların Rolü ve 6356 Sayılı Sendikalar Kanunu," *Sosyal Ekonomik Araştırmalar Dergisi*, 17, 2017: 135-144.

Kolektif, 2000'li Yıllarda Türkiye'de Sendikacılık Zorluklar, Eğilimler, Olanaklar, Epos Yayınları, 2017.

Association
Competence
(Others)
Score: 3

The number of non-economic civil society organizations has increased in the last decade, indicating a growing degree of public engagement within many segments of Turkish society. In November 2017, 106,861 associations with more than 11 million members were active. Most are professional, sport or religious organizations. A total of 5,083 foundations are active nationwide. Most foundations are social solidarity organizations, 22 are foreign foundations and 167 are religious organizations. Among others, TESEV, TESAV, TEPAV, SETAV, ASAM can be regarded as semi-professional think-tanks which conduct research and publish reports on various policy issues. SETA is a very influential pro-government policy research organization.

Most civil society organizations are not professionally organized, and lack financial and human resources. The number of pro-government and pseudo-CSOs (i.e., GONGOs) benefiting from public and EU funding has increased recently. Several CSOs lack the staff, resources and visibility to carry out face-to-face fundraising. Turkey ranked 128 out of 135 countries in the World Giving Index 2014 (WGI), but has not been included in subsequent indexes. The government has excluded opponents from government decision-making processes. Instead, the government has created its own loyal civil society groups, such as TÜRGEV – a foundation led by President Erdoğan's son, which has gained political influence in the executive and expanded its financial resources.

Local and global environmental pressure groups such as Greenpeace have increasingly demonstrated against dam and hydroelectric-energy projects throughout Turkey, but their protests are regularly suppressed by the security forces and subjected to criminal investigations. The Turkish Foundation for Combating Soil Erosion for Reforestation and the Protection of Natural Habitat (TEMA) is the most established environmental organization in Turkey with 500,000 volunteers.

The Association for Support of Women Candidates (KA.DER) has for years promoted the equal representation of women and men in all walks of life. KA.DER sees equal representation as a condition for democracy and calls for equal representation in all elected and appointed decision-making positions. It conducts several EU- and UNDP-sponsored projects and advocates its objectives. Like SETAV in general, KADEM (Women and Democracy Association) was founded with the patronage of Erdoğan's family members and is used as a social policy instrument.

The Oy ve Ötesi Girişimi (Vote and Beyond) initiative – in collaboration with the Unions of Bars of Turkey, several bars, and the Checks and Balances Network – monitors local and presidential elections. The Computer Engineers Association also made an analysis of ballot box results with regard to inconsistency of electoral results.

According to the Audit Court's reports, state institutions contributed a total of €500 million (TRY 3.7 billion) to associations, foundations, organizations and similar non-profit organizations in 2017. About €1.6 million (TRY 9.5 million) was allocated by the president and prime minister to such organizations.

Citation:

"Yıllara, Nevilere ve İllere Göre Dernek ve Üye Sayısı," <https://www.dernekler.gov.tr/tr/AnasayfaLinkler/yillara-nevilere-ve-illere-g%C3%B6re-dernek-ve-uye-sayisi.aspx> (accessed 1 November 2018)

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Oy ve Ötesi Derneği, Seçim Sonuçları Değerlendirmesi 2015, <http://oyveotesi.org/1-kasim-2015-genel-secimleri/1-kasim-2015-secim-sonuc-degerlendirmeleri/>

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Independent Supervisory Bodies

Audit Office
Score: 4

According to Article 160 of the constitution, the Turkish Court of Accounts (TCA) is charged on behalf of the Grand National Assembly with auditing all accounts related to revenues, expenditures and properties of government

departments that are financed by the general or subsidiary budgets. The court's auditing capacity was limited by the Law 6085 in 2010, but the Constitutional Court annulled Article 79 regulating how the TCA would audit the accounts of public institutions. In December 2012, the Constitutional Court also annulled the provision limiting performance auditing. Currently, the TCA has three functions: auditing, financial trials and reporting. It conducts regulatory audits and performance audits. Contrary to the Constitutional Court's decision, the current law prohibits the TCA to conduct a propriety audit.

The court's audit reports for 2017 also revealed several improper financial transactions, corrupt procedures and processes across various public institutions, including government ministries, the Directorate of Religious Affairs, TÜBİTAK, universities, and municipalities governed by AKP and CHP. It is claimed that financial irregularities in Istanbul metropolitan municipality and its annex institutions reached up to €125.5 million (TRY 753 million).

The TCA reports to parliament, but is not accountable to parliament. The president and the members of the TCA are elected by the parliament among the graduates of universities or higher education institutions of law, political science, economics and administrative sciences who have served at least 16 years in public service. The auditors are selected from among the university graduates of the same fields to the service by multilevel written and oral examinations. If a criminal act is found during the audits and investigations, the relevant auditor notifies the president of the TCA immediately. If a public criminal case is required, the chief prosecutor of the TCA sends the documents either to the relevant public authority or to the chief public prosecutor of the republic (highest prosecutors of the country).

The Turkey Wealth Fund is subject to independent audit and will be audited for the first time by the parliamentary Plan and Budget Commission in November 2018. The fund is under the scope of the court's audit.

According to the TI Defense A-C Index, the Turkish parliament has limited-to-no formal powers to oversee defense spending. The parliament cannot formally oversee the defense budget, monitor procurement or scrutinize the military's commercial activities.

The European Commission has recommended that Turkey develop an effective monitoring system in the TCA to follow up implementation of auditors' recommendations.

Citation:

European Commission Turkey Report 2018, <https://ec.europa.eu/sites/default/files/20180417-turkey-report.pdf>, (accessed 27 October 2018)

TC	Sayıştay	Başkanlığı	2017	Yılı	Faaliyet	Raporu,
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[https://www.sayistay.gov.tr/tr/Upload/76662805/files/SAYI%C5%9ETAY%202017%20YILI%20FAAL%C4%B0YET%20RAPORU\(1\).pdf](https://www.sayistay.gov.tr/tr/Upload/76662805/files/SAYI%C5%9ETAY%202017%20YILI%20FAAL%C4%B0YET%20RAPORU(1).pdf) (accessed 27 October 2018).

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Transparency International Government Defense Anti Corruption Index, Turkey 2015CountrySummary, <http://government.defenceindex.org/downloads/docs/turkey.pdf> (accessed 27 October 2015).

Ombuds Office
Score: 4

A law establishing a Turkish ombudsman office, called the Public Monitoring Institution (KDK), was adopted in June 2012 and went into force in December 2012. The office is located within the Parliamentary Speaker’s Office, and is accountable to parliament. The ombudsman reviews lawsuits and administrative appeals (from the perspective of human rights and the rule of law) and ensures that the public administration is held accountable. In 2017, it received 17,131 new applications, almost three times as many as the annual average for the previous four years. It concluded 14,746 cases and adopted 422 full or partial recommendations. Overall, public administration has acted on about 65% of these recommendations, confirming a steady trend of increasingly adopting recommendations. According to the KDK itself, two main obstacles hamper the efficacy of its work. First, the degree of compliance with its decisions has been low, with only 20% of its released decisions having been obeyed by public administrative bodies. Second, under the current law, the KDK cannot conduct inquiries on its own initiative. Moreover, the mandate of the office does not cover administrative actions performed by military personnel. The Ombudsman has been active in raising awareness of the role. However, due to its limited authority to initiate investigations and intervene in cases with legal remedies, the Ombudsman remained silent on certain human rights issues, most notably on reported human rights violations in the southeast of Turkey. The Ombudsman’s limited powers reduce the institution’s effectiveness and contribution to the fields of human rights and good governance.

The Parliamentary Petition Committee reviews citizens’ petitions (a total of 6,055 in 2015) and refers them to the relevant authority, when appropriate. The Human Rights Investigation Commission has the authority to receive, investigate and review complaints on human-rights issues. The Commission on Equal Opportunities for Women and Men is entitled to review complaints regarding violations of gender equality.

Citation:

European Commission Turkey Report 2018, <https://ec.europa.eu/sites/.../20180417-turkey-report.pdf>, (accessed 27 October 2018)

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Data Protection
Authority
Score: 3

In 2016, the country ratified the Council of Europe Convention 108 on the Protection of Individuals with regard to Automatic Processing of Personal Data and its additional protocol dated 1981. The Personal Data Protection Authority is now operational and its nine-member board has been appointed. Of the nine members, five were appointed by the parliament and four by the president. Law No. 6698 on Protection of Personal Data dated 2016 does not fully align with the EU acquis. This concerns the powers of the Data Protection Authority, the balancing of data protection with the right to freedom of expression and information.

Citation:

European Commission Turkey Report 2018, <https://ec.europa.eu/.../sites/.../20180417-turkey-report.pdf>, (accessed 27 October 2018)

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