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Turkey Report

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Sustainable Governance Indicators 2020

Executive Summary

Following general elections originally scheduled for November 2019 but held in June 2018, President Recep Tayyip Erdoğan issued in July 2018 a presidential decree that abolished the office of the prime minister and introduced the mechanics of the country's new presidential system. The new system undermines parliament's legislative and oversight functions, weakens elected local administrations by placing administrative or financial restrictions on them yet lacks coordination, adaptation and sustainability in governance. The lack of judicial independence and qualified judicial staffing, combined with the lengthy prosecution procedures and trial periods within this system, have weakened the rule of law in Turkey. The Turkish government currently features 16 line ministries and nine policy councils, the latter of which are responsible for developing the government's long-term strategy and reporting on progress made by the government. In addition, the growth of popular authoritarianism has further undermined legal certainty and the rule of law, exacerbated widespread social discrimination, and reinforced the presidential system and efforts to bypass the legislature in government processes.

The war in Syria has had a profound impact on Turkish politics and society. The government's extensive military counterinsurgency and border security operations in northern Syria as well as its dismissal of elected HDP mayors and appointment of so-called trustee mayors in the southeast provinces have exacerbated tensions with the Turkey-based Kurdistan Workers' Party (PKK) and its Syrian extension, the Democratic Union Party (PYD) and the People's Protection Units (YPG). The government appears to lack a clear strategy for ending the conflict in the country's southeast region. Moreover, Turkey is host to more than 4 million Syrian nationals with Temporary Protected Status, whose social and economic integration remains unresolved. The uncertainty faced by these individuals poses challenges to Turkey's political, social and economic future.

Throughout the review period, the government continued to quash dissent by, for example, issuing open threats against perceived opponents such as activists, academics and journalists. Gender-based violence, hate speech, and the exclusion of specific groups such as Roma or LGBT individuals are ongoing significant problems that need to be addressed.

Civil society organizations continue to have only limited influence in decision-making processes. The massive polarization between pro- and anti-government camps is present across all spheres of political, economic and social life. In the run-up to the June 2018 general elections, both the AKP, as well as its chair and the country's president, Recep Tayyip 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. However, the outcome of the 2019 Istanbul election rerun, which brought victory to the mayoral candidate who emphasized overcoming divisions, points to a brighter future. In part as a result of these electoral results, opposition parties in Turkey have won ground by forming an electoral alliance.

Over the last decade, income and living standards have improved markedly in Turkey. However, Turkey was shaken by a currency crisis in 2018 that saw the Turkish lira fall substantially against the U.S. dollar and the euro. Though the government did introduce a few effective countermeasures in an effort to restore the lira, the government has nonetheless refused to invite the International Monetary Fund for help in solving the problem and has refused to introduce substantial structural reforms needed in government or in terms of macro- and microeconomic policies.

Furthermore, environmental sustainability and efforts to achieve a high-tech, science-based society are not assured in Turkey. Increased government spending during the review period on areas such as research and development, education and vocational training, social policy, and healthcare mark a step forward, but the policies introduced thus far have yet to yield any sustainable results. On a more positive note, gains have been made in terms of security and safe living.

Key Challenges

Turkey's main problems are political and social. There is a trade-off with each of these challenges – whether its political stability versus political competition and participation, freedom of religion versus freedom from religion, or majority-minority cleavages versus an integrated state and society – that bears political, social and international repercussions. The Justice and Development Party (AKP) has leveraged societal polarization as a means of securing and holding 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. However, the victory of CHP mayoral candidate Ekrem

İmamoğlu – who ran on a platform of unity rather than division – in the 2019 Istanbul election rerun suggest a shift is taking place. Since then, opposition parties that have formed an electoral alliance have been gaining ground, signaling a rise in local democratic activity.

The new presidential system, introduced in the wake of the April 2017 referendum and the 2018 general elections, marks an attempt to promote efficiency and coordination in governmental processes, particularly in decision-making and implementation, through the use of government offices, councils and ministries. However, placing the powers of centralization and decision-making in the hands of the president have raised doubts about the sustainability of interministerial coordination, coherence, adaptability and accountability. Only one year into the current system, the AKP has begun discussing possible revisions that might include giving parliament more power and removing the restrictions placed on ministers' appointments.

Shortcomings with regard to civil rights persist. The incumbent AKP government should expand minority rights for Kurds, Alevis, Christians and other groups in order to increase the visibility of minority groups within society and foster their identification with the state. The government has also done little to address the legal status of the Syrian population and other nationalities, most of whom are unregistered and therefore excluded from social and economic participation. This failure on the part of the Turkish government, the EU and the United Nations to take action on this issue will have a negative impact on Turkey's social and economic development in the medium and long term. In addition, the Turkey's deficit budget, high unemployment rate, and the high cost of living for Turkish nationals are in urgent need of attention.

At the same time, the AKP should take seriously the domestic and international concerns raised about the continued growth of authoritarianism and exclusionist conservatism, and the decline of pluralism and liberalism within society. The impact of religiosity in government and society, coupled with the continued violations of religious pluralism in education and public spaces, are increasingly important problems to be addressed. The divisions within the governing party may, however, lead to new developments and an election in 2020 rather than 2023.

During the review period, Turkey's gradual demographic shifts and the country's economic slowdown have driven other problems to the fore. While the country's young and well-educated population offers enormous potential, financial and social provisions for the elderly need to be addressed. The government should continue to reform the pension system in order to tackle

social exclusion and poverty. The government should also do more to improve its record on environmental issues, education and innovation by increasing spending on these areas that are key to driving much-needed sustainable growth for its growing population. It must also address illegal immigration and the refugee situation if it is to mitigate social tensions and effectively combat 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 as well as the attempted coup 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 such as those proposed by the OSCE, the Council of Europe and the EU.

Party Polarization

Polarization, fragmentation and instability have been chronic maladies of the Turkish party system, especially in the 1970s and 1990s. After winning the general election in 2002, the Justice and Development Party (AKP) was able to rule the country as a single-party government until the 2015 general election. However, since 2007, the AKP government has continually challenged the parliamentary party system and proved able to strengthen presidential powers through a 2017 constitutional referendum. The AKP has also capitalized on the re-emergence of traditional cleavages between, for example, Kurdish and Turkish populations, Alevis and Sunnis and those who advocate a secular state and those who prefer a religious state, increasingly engaging in polarizing rhetoric in public discourse. It draws on a discourse of “us” (the oppressed) versus “them” (those who oppress) to consolidate its support. The exclusion of various social, economic and political groups is a key driver of party polarization. Other factors include the country's majoritarian governance model, the lack of democracy and rule of law, permanent campaigning, and a lack of transparency, meritocracy and accountability within the state system.

Elites in Turkey are so polarized that they can't reach a consensus on whether or not polarization even exists. Ideas regarding elites vs. the people have fostered the emergence of a dualistic society. In Turkey's majoritarian

governance system, the opposition is provided no voice within public discourse and has little recourse to exercising fundamental rights and freedoms within a democratic space. Pro-government elites assert that the averted coup attempt of 2016 helped conquer #polarization, while the government's opponents have argued that it merely divided Turkish society even further. The nationalist discourse accompanying the government's 2019 "anti-terrorist" intervention in northern Syria was aimed at whitewashing societal fragmentation, particularly with regard to the cleavages between the country's Kurdish and Turkish populations.

Whereas ten years ago, political polarization in Turkey was considered to pose the biggest obstacle to the country's turn toward Europe, today, it is the country's autocratic political institutions that stand in the way of economic and democratic reforms. The majoritarian principle cannot be the solution as institutional reforms to strengthen the democratic system (e.g., lowering the 10% electoral threshold) are needed.

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. 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 consequences of such a polarized environment are profound. Drafting a new constitution through consensus-driven process has become impossible in this toxic environment of "polarization, erosion of a common and good reference and distrust." This environment provides fertile ground for politicians targeting quick victories in a context of permanent campaigning and who exploit cleavages through their polarizing rhetoric. New political actors find it very difficult to claim ground in this context and voter transition between camps is difficult. As a result, the winners and the losers of these elections will be drawn from the same pool of politicians.

Growing political polarization, especially in the run-up to the March 2019 municipal elections continues to preclude constructive parliamentary dialogue. The opposition – most notably the People's Democratic Party (HDP) – remains marginalized, and many HDP lawmakers have been detained. The long-standing shortcomings associated with the system of parliamentary immunity remain addressed. The president's consolidation of power and every governmental action in this direction is an obstacle to healthy debate on any issue. However, the success of opposition parties that formed an electoral

alliance in Istanbul's local 2019 elections and the resounding victory of mayoral candidate Ekrem İmamoğlu – who emphasized the need to overcome divisions – suggest a shift is underway. (Score: 3)

Citation:

T. Carothers and A. O'Donohue, *Democracies Divided The Global Challenge of Political Polarization*, Brookings Institution Press, 2019.

S. Aydın-Düzgıt and E. Balta, 15 Temmuz Darbe Girişimi Sonrası Türkiye: Elitler Kutuplaşma Hususunda Kutuplaşınca, Istanbul: 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>

E. Erdoğan, *Dimensions of Polarization in Turkey: Social Distance, Perceived Moral Superiority, and Political Intolerance*, GMF of the US, 2018, www.gmfus.org/publications/dimensions-polarization-turkey

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G. Sak, “Türkiye’de Siyasi Kutuplaşma ve Olası Etkileri Üzerine Düşünceler,” TEPAV, 2007, http://www.tepav.org.tr/tur/admin/dosyabul/upload/New_Political_Context.pdf

Ö. Zihnioğlu, “Polarization and Democratization in Turkey,” <http://www.reflectionturkey.com/2012/04/polarization-and-democratization-in-turkey-2/>

“CHP official: Istanbul result signals end of polarization,” 24 June 2019, <https://www.dw.com/en/chp-official-istanbul-result-signals-end-of-polarization/av-49328004>

Policy Performance

I. Economic Policies

Economy

Economic Policy
Score: 4

Turkey's most significant economic problems are related to external imbalances. At present, the country's trade and current account balances, and currency and debt policies are unsustainable. Regarding trade and current account balances during the period under review, Turkey's performance has been mixed. The current account deficit decreased substantially from \$47.3 billion (5.6% of GDP) in 2017 to \$27 billion (3.6% of GDP) in 2018. On a monthly basis, the current account averaged a \$5.6 billion deficit between January and June 2018, but averaged a \$1.9 billion surplus between August and November 2018. Despite the positive development in the current account balance, it is still difficult to argue that Turkey is on a healthy and sustainable economic growth trajectory. The turnaround has been largely due to the decline in imports that accompanied a slowdown in economic growth following the 2018 currency crisis.

As a result of decreasing confidence in the sustainability of Turkey's external debt, foreign capital flows, which have been crucial to financing the country's liquidity requirements, have dried up. Consequently, the government has been forced to recognize the country's vulnerability to economic shocks, especially to currency shocks.

Turkey's total gross external liabilities amounted to \$596.2 billion, of which 75.8% were short-term liabilities, at the end of June 2019. The country's net international investment position amounted to a net external debt of \$351.5 billion. On the other hand, at the end of the second quarter of 2019, Turkey's external debt amounted to \$446.9 billion, with short-term debt accounting for 27.4% of total external debt.

According to Reuters, Turkey had to make \$179 billion in external debt repayments over the 12 months to July 2019, with the private sector (especially banks) accounting for most of this debt. Turkey's financing needs are substantial and access to international markets has become problematic. Subtracting the current account surplus of \$4.4 billion over the 12 months to July 2019 from the \$179 billion financing requirements leaves \$174.6 billion, which is a very large funding gap for Turkey. The scale of this gap indicates that Turkey must make implausibly large policy adjustments in order to achieve a sustainable current account balance. As a result of recent developments, the prospect of an IMF bailout has increased considerably. However, the government has refused to ask for IMF support.

Turkey's GDP increased by 7.5% in 2017 and 2.8% in 2018. According to the Turkish Ministry of the Treasury and Finance, GDP will grow by 0.5% during 2019. According to the IMF, Turkey's GDP declined from \$852.6 billion in 2017 to \$771.3 billion in 2018 and is expected to decline to \$743.7 billion during 2019. Though, according to the Ministry of the Treasury and Finance, GDP is expected to decline from \$789 billion in 2018 to \$749 billion in 2019, before increasing to \$812 billion in 2020. In contrast to developments in GDP, Turkey's inflation rate (CPI), according to the IMF, is expected to decrease from 16.3% in 2018 to 15.7% in 2019. Meanwhile, the Ministry of the Treasury and Finance calculates that inflation will decrease from 16.4% in 2018 to 14.1% in 2019. The country's annual inflation rate in September 2019 based on CPI was 9.26%, indicating that the headline inflation rate remains well above the central bank target of 5%.

In the case of monetary policy, on 13 September 2018, the central bank announced that bank funding provided through overnight lending will be provided via one-week repo auctions and that the policy rate would be increased from 17.75% to 24%. Thus, the central bank returned to a conventional monetary policy approach. The government was eager to see Turkey's economy grow quickly following a period of recession in 2018 and wanted to revive the credit fueled expansionary policy seen in previous periods. In July 2019, the central bank governor was sacked after refusing to decrease the policy rate from 24%. The new governor has since slashed the central bank's benchmark interest rates by 7.5 percentage points from 24% to 16.5%. As a result, the cost of borrowing from commercial banks has decreased significantly. Lending increased largely due to the country's three state-owned banks, while private lenders have taken a more cautious approach, as the proportion of non-performing loans is increasing, and are advocating for debt restructuring.

On 30 September 2019, the government announced the New Economic Program 2020 – 2022, which aims to achieve a current account surplus of \$1 billion (0.1% of GDP) in 2019 and a further \$9.6 billion (1.2% of GDP) in 2020.

Citation:

Central Bank of the Republic of Turkey, Balance of Payments and Related Statistics, Ankara.

International Monetary Fund (2019) 'World Economic Outlook Database,' Washington D.C.: IMF (October).

Ministry of the Treasury and Finance (2019) 'New Economy Program 2020-2022,' Ankara.

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

Turkish Statistical Institute, 'National Accounts Statistics;' and 'Statistics on Inflation and Prices,' Ankara.

Labor Markets

Labor Market
Policy
Score: 5

Turkey's population and work force are growing significantly. Between 2016 and 2019, the country's population increased by an estimated 3.1 million to 82.4 million people in 2019. The working-age population (those aged 15 years old and over) increased from 58.7 million in June 2016 to 61.4 million people in June 2019, while the seasonally adjusted labor-force participation rate rose from 51.8% in June 2016 to 52.9% in June 2019. A total of 27.7 million people were officially registered as employed in June 2016, a figure that rose to 28.5 million in June 2018.

Employment figures in various sectors point to growing dynamism in the Turkish labor market. Sector-specific employment figures indicate an increase of 287,000 jobs in industry and 759,000 jobs in the service sectors between June 2016 and June 2019, and a decrease in employment in agriculture of 185,000 people during the same period.

The seasonally adjusted official number of unemployed increased from 3.3 million in June 2016 to 4.5 million in June 2019. The overall unemployment rate increased from 11% in June 2016 to 13.9% in June 2019. Strikingly, unemployment rose in the non-agricultural sectors from 13% in June 2016 to 16.2% in June 2019.

Between January 2019 and March 2019, an additional 638,000 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 municipal elections, which were held on 31 March 2019. On the other hand, between the last quarter of 2018 and the first quarter of 2019, the number of public employees increased by 165,000 to 4.52 million.

Informal employment increased 0.7% between June 2018 and June 2019, and was estimated to account for 35.2% of total employment in June 2019. Displacement of native workers by refugees (who work without job security and for lower wages) is one of the factors driving this development. A major 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 19.4% in June 2016 to 24.8% in June 2019.

Following the 2018 currency crisis, the unemployment rate increased from 10.8% in July 2018 to 14.7% in January 2019 and remained above 14% during February and March 2019. This was due mainly to the 14.4% decline in quarterly GDP between the last quarter of 2018 and first quarter of 2019.

In order to overcome labor market rigidities and high labor costs, the IMF (2018) recommended 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 rights. The government's National Employment Strategy of 2017 includes measures to reform the severance payment scheme, unemployment benefits and temporary work contracts. However, the proposed measures have not been introduced, so far.

Citation:

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).

Turkish Statistical Institute, 'Statistics on Employment, Unemployment and Wages,' Ankara.

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 85.1% of central government revenue in 2017, this decreased to 82% in 2018. The taxation system can be divided into two categories: direct taxes (e.g., income tax on individuals and corporations) and indirect taxes (e.g., the value added tax, the banking and insurance-transaction tax, the special consumption tax, and the telecommunications tax). In 2018, income tax rates for individuals ranged from 15% to 35%. The standard corporate tax rate was 20%, while capital gains were usually treated as regular income and taxed accordingly. Although the general value added tax rate is

18%, a wide range of products are subject to an 8% and some other products to a 1% tax rate.

Income taxes accounted for 35% of total central government tax revenue, while taxes on property accounted for 2.2%, domestic taxes on goods and services 34.3%, taxes on foreign trade 22.2%, and other taxes 6.3%. 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.

According to the IMF's October 2019 World Economic Outlook Database, general government revenue as a percentage of GDP is expected to decrease from 31.5% in 2018 to 30.2% in 2019, before increasing slightly to 30.5% in 2020 and 2021. On the other hand, general government expenditure as a percentage of GDP is expected to increase from 34.6% in 2018 to 35.6% in 2020 and 2021. As a result, the fiscal deficit as a percentage of GDP, which was 3.1% in 2018, is expected to increase to 4.6% in 2019, 4.7% in 2020 and 5.1% in 2021. Furthermore, the gross debt-to-GDP ratio is expected to decrease from 30.2% in 2018 to 30.1% in 2019, before increasing to 30.8% in 2020 and 31.7% in 2021. However, the fiscal deficit figures given above do not account for fiscal risks arising from public-private partnership (PPP) projects. PPP projects in the transportation, energy and health sectors involve explicit minimum guarantees and components expressed in foreign exchange terms. Since detailed information on all issued guarantees and associated risks, and on the structure and risk composition of the overall PPP portfolio is not available, it is difficult to estimate the expected increases in the fiscal deficit-to-GDP and gross debt-to-GDP ratios. However, guesstimates suggest that the figures are substantial. This highlights the incompatibility of government tax policies with current economic growth trends and the unsustainability of government finances. Finally, there is no apparent incentive structure to promote ecological sustainability.

Citation:

Ministry of the Treasury and Finance (2019) 'Economic Indicators Statistics,' Ankara.EE

Budgets

Budgetary Policy
Score: 6

General government revenue, according to the IMF (2019), increased from 31.4% of GDP in 2017 to 31.5% in 2018, but is expected to decrease to 30.2% of GDP in 2019, before increasing slightly to 30.5% during 2020. On the other hand, general government expenditures increased from 33.6% in 2017 to

34.6% in 2018, and is expected to further increase to 34.8% in 2019 and to 35.2% in 2020. As a result, the general government's fiscal deficit increased from 2.2% in 2017 to 3.1% of GDP in 2018, and is expected to increase further to 4.6% in 2019 and to 4.7% of GDP in 2020.

To appeal to voters in the run-up to the municipal and parliamentary elections in 2018 and 2019, the government abandoned its earlier focus on budgetary moderation and adopted expansionary fiscal policies. The government increased wages and social transfers, and purchases of goods and services. For example, temporary tax reductions and an employment incentive scheme were introduced, and minimum wage subsidies were increased. According to the IMF (2018), the fiscal impulse is estimated to have been close to 1% of GDP in 2017. Additional incentives were introduced during 2018. Notably, contingent liabilities arising from public-private partnership (PPP) projects were not included in fiscal balance calculations. As a result, the fiscal deficits reported above are underestimates. According to the IMF (2018), investment in PPP projects in the public transport, energy and healthcare sectors amounts to \$61 billion. Of these PPP projects, 60% are under construction. Contingent liabilities could arise from demand, exchange rate, investment guarantee and contract termination clauses issued by Turkey's Ministry of the Treasury and Finance. These developments intensified in the run-up to the 31 March 2019 municipal elections.

As a result of these developments, according to the IMF, gross public debt totaled 28.2% of GDP in 2017 and 30.2% of GDP in 2018. The public debt-to-GDP ratio is expected to decline slightly to 30.1% in 2019 and then increase to 30.8% in 2020.

The armed conflict in north-eastern Syria will affect Turkey's fiscal balances and debt-to-GDP ratio. If the armed conflict lasts longer than expected then fiscal balances will deteriorate and the debt-to-GDP ratio will increase. However, it is too early at this stage to forecast the extent of these changes.

Citation:

International Monetary Fund (2019) 'World Economic Outlook Database,' Washington D.C.: IMF (October).

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 public and private R&D spending as a percentage of GDP was 0.94% in 2016 and increased to 0.96% in 2017. During 2017, commercial enterprises accounted for the largest share of R&D expenditure, at 56.9%. While universities accounted for 33.5% of spending on R&D, public institutions accounted for 9.6%. In terms of full-time employment, 266,478 people worked in the R&D sector during 2017, an increase of 10% compared with the previous year. The universities employed 57.1% of R&D personnel, while 38% of R&D personnel worked in the private sector and public institutions employed 4.8% of R&D personnel.

In 2019, Turkey adopted the Eleventh Development Plan, covering the period 2019 – 2023. The plan aims to improve science, technology and innovation, as one of the building blocks for innovative production and steady economic 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.

According to the European Commission (2018), the participation of Turkish researchers and other Turkish R&D actors in European framework programs, notably in the EU research and innovation program Horizon 2020, has not increased in recent years.

Citation:

European Commission (2018) ‘Turkey 2018 Report,’ SWD(2018) 153 final, Brussel.

Turkish Statistical Institute, ‘Science, Technology and Information Society Statistics,’ Ankara

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 22.9% in August 2017 and 38.3% in August 2018. These measures have been criticized by the IMF’s latest Financial Sector Assessment Program report, which advised the Turkish government to strengthen banking sector supervision and governance, and enhance the regulatory framework for financial services. Following the currency crisis of 2018, the central bank policy rate was increased to 24% on 13 September 2018 and the policy rate remained at this

level until July 2019. As a result of the currency crisis and measures introduced by the central bank, credit growth has slowed. In August 2019, the annual credit growth rate was -6.1%.

According to the New Economic Program 2020 – 2022, which was announced on 30 September 2019, the capital adequacy ratio of the banking sector was 18.2% in July 2019, while the sector's non-performing loan (NPL) ratio was 4.6%. Recently, the Banking Regulation and Supervision Agency told Turkish banks to write off \$8 billion in bad loans. In addition, the banks need to reclassify about TRY 46 billion of their loans as non-performing by the end of 2019 and make provisions to cover the losses. The New Economic Program 2020 – 2022 emphasizes that during 2019 the government aims to provide loans of TRY 46 billion to companies in the construction and energy sector that are facing financial difficulties. As a result, the sector's NPL ratio will increase to 6.3%, while the capital adequacy ratio will decrease to 17.7%. Turkey applies a 12% minimum capital adequacy ratio, which is above the 8% threshold set by Basel III. The ratio calculated above is well above both levels. However, the combination of low interest rates and credit fueled expansionary policy further exposes the Turkish lira to currency market turbulences and external shocks.

Citation:

Ministry of the Treasury and Finance (2019) 'New Economy Program 2020-2022,' Ankara.

II. Social Policies

Education

Education Policy
Score: 4

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 2018 – 2019 school year, although the pre-primary education enrollment rate, according to Ministry of Education, was quite low at 39.1%, Turkey achieved almost universal primary-school enrollment (91.9%). Lower secondary-school enrollment was 93.3% and upper secondary-school enrollment was 84.2% during the same period. 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 44.1% in 2018 – 2019.

The gender-based enrollment gap has nearly disappeared for primary education and has narrowed significantly for secondary education. The Gender Gap Report 2018 emphasized that 93.6% of women and 98.8% of men are literate, the enrollment rate in primary education is 93.9% for women and 94.7% for men, the enrollment rate in secondary education is 85% for women and 86% for men, and the enrollment rate in tertiary education is 96.5% for women and 110.7% for men. Furthermore, pre-primary education and higher education enrollment rates are increasing rapidly. However, according to Gender Gap Report, Turkey ranked only 106 out of 149 countries for educational attainment.

Based on PISA 2019 results, Turkey showed some improvements compared to previous years, and thus signs of effective policymaking and implementation. However, Turkey still ranks at the bottom of the table, suggesting serious issues with the overall quality of education.

- Turkey recorded a 10-point improvement in reading, eight-point improvement in mathematics and 15-point improvement in science scores in 2018 compared to 2015. Turkey recorded the highest increase in mathematics and science scores between 2015 and 2018 out of the 36 OECD countries.
- Only 3% of Turkish students aged 15 have a high level of reading skills; 63% of Turkish students have attained a secondary education in mathematics (compared to an OECD average of 76%).

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).

Hurriyet Daily News, "Significant improvement in all education fields, but Turkey still below OECD average, PISA results show," 4 December 2019, <http://www.hurriyetdailynews.com/students-improve-scores-in-global-academic-test-in-turkey-149426>

Ministry of National Education (2019) National Education Statistics, Ankara.

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

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

World Economic Forum, Global Gender Gap Report 2018, Geneva.

Social Inclusion

Social Inclusion
Policy
Score: 5

Turkey's Gini coefficient increased from 38.6 in 2015 to 40.5 in 2017, before dropping slightly to 40.3 in 2018, indicating an increase in income inequality since 2015. Income distribution in Turkey continues to be among the OECD's most unequal. According to the Turkish Statistical Institute, while the top 20% of earners received 47.6% of income, the bottom 20% of earners received 6.1% of total income. According to the president's 2020 Annual Program, the poverty rate is 21.2% in Turkey.

According to the Turkish Statistical Institute, the poverty rate fell from 18.6% in 2006 to 13.9% in 2018 largely due to an increase in earnings and employment. However, following the currency crisis of 2018, unemployment has increased. The agriculture and construction sectors have been severely affected by the economic slowdown, and the youth unemployment rate has increased sharply. According to the World Bank (2018), poverty is particularly prevalent among people with lower educational attainment, workers in the informal sector, unpaid family careers and homemakers, and the elderly. Since the currency crisis has affected low income households more than most, the poverty rate must have been adversely influenced. Though any change in the poverty rate has not yet been reflected in official poverty statistics.

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 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. As of the end of 2018, about 17 million people had received social assistance. The number of households benefiting from a social assistance program provided by the Social Assistance and Solidarity Foundation increased from 3.1 million in 2017 to 3.4 million in 2018. 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. The government has prepared a harmonization strategy document and national action plan for 2018 – 2023, but is yet to publicize it. However, the General

Directorate of Migration Administration, in collaboration with UNHCR and other international organizations, organizes workshops in various localities.

Citation:

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Al-Monitor.com (2019): Turkey joins top tier in human development, UN says, 9 December 2019, <https://www.al-monitor.com/pulse/originals/2019/12/turkey-human-development-un-report.html>

Health

Health Policy
Score: 7

Due to a series of substantial healthcare reforms implemented since 2003, Turkey had achieved near-universal health insurance coverage by 2014, improving equity in access to healthcare nationwide. The scope of the vaccination program has been broadened, the scope of newborn screening and support programs have been extended, community-based mental healthcare services have been created, and cancer screening centers offering free services have been established in many cities.

The key challenge in healthcare is to keep costs under control as demand for healthcare increases, the population ages and new technologies are introduced. Total healthcare expenditure as a share of GDP amounted to 4.5% during 2017. In 2017, public sources funded 78% of total healthcare spending, compared to 62% in 2000.

According to the European Commission (2018), Turkey has a good level of preparation in the area of public health. Though it still needs to increase institutional/administrative capacity, inter-sectoral cooperation, financial resources and appropriate diagnostic facilities to address public health issues at central and provincial level.

Citation:

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

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

Families

Family Policy
Score: 4

In 2018, there were 40.8 million women in Turkey, with 31.5 million women aged 15 and over. In June 2019, the population aged 15 and over included 31.1 million women, but only 9.1 million of these women were employed and 1.7 million women were unemployed. During the same period, the female labor-force participation rate was 34.7%, the female employment rate was 28% and the female unemployment rate was 15.6%. Note that the labor-force participation rate of women in Turkey remains quite low, far below the EU average. In June 2019, 26.8% of the female labor force was employed in agriculture, 15.1% in industry and 58.1% in services. Of these working women, 43.3% 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. There is a wide gap between the employment rates of women and men, and a gender pay gap is observed for all levels of educational attainment.

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 No. 4632. The law allowed insurance companies to offer individual retirement plans. This transformed the single-component pension system, as emphasized by Peksevim and Akgiray (2019), into a three-component system, which

includes one compulsory component, one occupational component and one optional component. While the compulsory component consists of a pay-as-you-go statutory public pension scheme, the voluntary component consists of voluntary individual pension schemes. On the other hand, the occupational component covers mainly the armed forces pension plan (OYAK), pension funds for employees of the state mining coal company, and a relatively small number of small voluntary occupational plans. 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. An upper bound was assigned to the contribution by the state.

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 enrollment 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 are obliged to stay in the individual pension plan for three years before being able to opt out. Thus, for three years the pension plan would be compulsory. In addition, the New Economic Program 2020 – 2022 emphasized that a Complementary Pension System will be established, with the backing of the government's social partners, and a comprehensive reform package will be introduced. The government has stated that policies to balance the social security system will be implemented while safeguarding social justice.

Pension spending in Turkey is modest, amounting to 7.7% of GDP during 2017. Due to the system's high dependency ratio and generous eligibility rules, 38% of 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:

Peksevim, S. and V. Akgiray (2019) 'Reforming the Pension System in Turkey: Comparison of Mandatory and Auto-Enrollment Pension Systems in Selected OECD Countries, Paris: OECD
Turkish Statistical Institute, 'Statistics on Health and Social Protection,' Ankara.

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. In October 2014, Turkey adopted the Temporary Protection Regulation, which defines the rights, obligations and procedures for people granted temporary protection in Turkey.

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 3.6 million Syrian refugees, and 365,000 persons of concern from 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 about 4% of Syrian refugees in refugee camps equipped with education, healthcare and social services, while 96% of refugees live in urban, peri-urban and rural areas. The number of people living in refugee camps is about 155,000. Since the beginning of the Syrian civil war, it is estimated that Turkey has spent tens of billions in U.S. dollars on healthcare, education, nutrition, social and other services for refugees. Though there is considerable uncertainty about how much money has been spent and on what, as the credibility of official figures and statements has been widely questioned by legal institutions and the opposition.

Resentment among large segments of the Turkish public toward Syrian refugees has increased recently. 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 65,000 work permits have been issued to date. According to Kirişçi and Kolasin (2019), an estimated 500,000 to one million Syrians are working informally in Turkey.

By invading northern Syria in 2018 and 2019, and controlling border territories through proxy forces, Turkey has been working on establishing "safe zones" for resettling Syrian refugees. However, these military interventions have been widely criticized by the international community for breaking international law, and for increasing insecurity and instability in a

region where warfare has persisted. According to the Interior Ministry, some 360,000 refugees had returned to Syria from Turkey as of September 2019, although it is unclear whether these refugees returned to their localities of origin. Overall, the feasibility and sustainability of Turkey's resettlement plans remain to be seen, although doubts remain widespread. Further, the strong notion of resettlement ambitions in political discourses may undermine efforts to integrate migrants and refugees in Turkey.

Citation:

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Al-Monitor.com (2019) Mystery surrounds Turkey's \$40 billion refugee bill, 2 November 2019, <https://www.al-monitor.com/pulse/originals/2019/10/turkey-syria-40-billion-refugee-bill-calls-for-explanation.html>

Safe Living

Internal Security
Policy
Score: 4

The 2019 UNDP Human Development Report ranked Turkey in the top group of countries (i.e., countries with a score above 0.8 score), with Turkey scoring particularly well for life expectancy and standard of living. In a 2018 OECD survey, 59.8% of Turkish respondents stated that they felt safe walking alone at night, slightly lower than the OECD average of 68%. Moreover, while the Global Competitiveness Report identified a decline in the reliability of police services, 75.2% of respondents to the TUIK 2018 Life Satisfaction Survey expressed satisfaction with Turkey's security services, the highest level of satisfaction reported in the survey. Turkey's homicide rate is 1.4, lower than the OECD average of 3.7.

On the other hand, according to a report prepared by the oppositional Republican Peoples Party (CHP), 32 sexual assaults per week were perpetrated in 2018. During the last six years, the number of victims of sexual assault has exceeded 7,000, of whom 1,779 were under 18 years old at the time of the assault. The number of women who died from violence rose to 353 in the year to November 2019, and the alleged arbitrary treatment of critics of the government and state authorities has increased since the averted coup attempt of 2016, and the subsequent changes in state institutions and public discourse. Thus, the World Justice Project Rule of Law Index 2019 ranked Turkey only 96 out of 126 countries with a 0.63 score for order and security. The Judicial Records for 2018 indicated that offenses against property and sexual assaults, especially against children, are rising rapidly.

The General Directorate of Security employed over 292,000 personnel, and spent €4.3 billion on public order and security in 2018. The directorate launched a series of projects to tackle domestic violence, improve emergency support services for women, reduce drug use and strengthen IT security, among other things. The Ministry of Interior Affairs also initiated a joint border control project with Bulgaria and Greece. 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 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.

Citation:

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Global Inequalities

Global Social
Policy
Score: 8

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 disbursements considerably from \$967 million in 2010 to \$8.1 billion in 2017. Thus, Turkey has become a strong and committed humanitarian assistance partner.

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. However, the policy is likely to be changed due to increasing public resentment of Syrian refugees. According to the Interior Ministry, 3,667,000 Syrians were registered as individuals under temporary protection as of September 2019, while some 360,000 refugees had returned to Syria, including to areas controlled by Turkey's armed forces or proxy forces, and in which Turkey also "invests" into refugee protection.

Citation:

Turkish Cooperation and Coordination Agency (2018) Turkish Development Assistance Report 2017, Ankara: TIKA.

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III. Environmental Policies

Environment

Environmental
Policy
Score: 3

According to the European Commission (2018), Turkey has some level of preparation in relation to environment and climate change. However, enforcement remains weak, especially regarding waste management and industrial pollution. In the short term, Turkey should complete its alignment with EU directives on water, waste management and industrial pollution, and ensure that the Environmental Impact Assessment Directive is correctly implemented. In addition, Turkey should complete its alignment with the acquis on climate change. However, Turkey's continued use of coal for energy production and desire to continue to be ranked among the group of emerging countries in order not to risk its economic status undermines government commitments, and renders the country's environmental policy efforts ineffective and unsustainable.

Some of Turkey's strategic goals appear very ambitious. Under goal 1.1, "Protecting the environment and nature, preventing pollution, combating climate change," the ministry aims to achieve several far-reaching targets by 2023. These include plans to expand its zero waste policy, separate waste at the source, provide recycling services to businesses, and provide solid waste and wastewater treatment services to all citizens. The number of public and private buildings implementing the Zero Waste Project increased from two to 13,000 in one year following a government campaign. During this period, the amount of waste collected and separated at source within the scope of the Zero Waste Project totaled 27.8 million tones. However, there is no available information regarding recycling services provided to businesses.

In 2017, monitoring and reporting on the activities of the ministry and its units was expanded, and macro evaluations and guidance procedures were developed to assess policy results. For this purpose, performance indicators were requested from ministerial units on a quarterly basis. At the end of each monitoring period, the units would be assessed. However, available information on concrete results is rather limited. Most related ministerial activities have focused on developing awareness, institutional capacity-building and infrastructural improvement (e.g., knowledge and software). Nevertheless, the ministry has achieved most of the targets set in the strategic plan.

The Ministry of the Environment and Urban Planning outlined several aims in its strategic plan for 2018. These aims focus on protecting the environment and nature, preventing pollution, and combating climate change; monitoring and controlling environments in order to improve environmental quality; accelerating environmental impact assessment processes for investments; and spatial planning and urban transformation for disaster resilient, energy efficient and environmentally friendly construction projects. While these aims can be related to certain sectors theoretically, it is not obvious from the ministry's annual activity report how the ministry has connected these aims with the relevant sectors, including in policymaking, policy implementation and the assessment of outcomes.

According to TURKSTAT data, total greenhouse gas emissions was 526.3 million metric tons in 2018. The largest contributor to emissions is energy consumption with 72.2%, followed by industrial enterprises and product use with 12.6%, agricultural activities with 11.9%, and waste with 3.3%.

A legislative proposal allowing thermal power plants to continue to operate without modern filters until the end of 2021 was adopted by the Turkish parliament in November 2019.

Citation:

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

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http://www.cmo.org.tr/genel/bizden_detay.php?kod=99724&tipi=67&sube=0

Global Environmental Protection

Global
Environmental
Policy
Score: 4

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 the Environment and Urban Planning signed the Paris Agreement in New York in 2016. However, the Turkish parliament is yet to ratify the agreement. Turkey is one of 10 countries out of the 197 parties to the agreement that has not yet ratified the agreement. According to Şahin (2016), Turkey lacks the political will to adopt a better climate policy. Additionally, Turkey's plastic waste imports rose sharply from 4,000 tons per month in early 2016 to 33,000 tons per month in early 2018, with the United Kingdom being the largest exporter. Although Turkey struggles to manage its own waste, it has become a collector of waste from industrial countries, including some southeast Asian countries.

Citation:

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Quality of Democracy

Electoral Processes

Candidacy
Procedures
Score: 5

The legal groundwork for fair and orderly elections and the prevention of discrimination against any party or candidate are provided for in 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. 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 Supreme Board of Election (YSK) authorizes the final list of candidates for presidential, parliamentary and local elections in accordance with the eligibility rules prescribed by the constitution (Articles 76 and 101), and the presidential election, deputies election and local administration elections laws. Eligibility criteria include a prescribed level of education (i.e., primary school for parliamentary and local elections, and higher education for presidential candidates), legal capacity and criminal records (e.g., having been sentenced to prison for certain crimes). Each citizen can object to presumptive candidates within the period announced by the YSK, which makes the final decision on any objections.

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 (ECHR) found the 10% electoral threshold to be excessive, but not in violation of the European Convention on Human Rights' Protocol 1 Article 3. As of November 2019, there were 75 registered political parties. 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.

During the state of emergency period, dozens of elected HDP mayors (mainly heads of local administrations in provincial capitals, districts and smaller localities) were ousted from office by presidential decree and replaced by state officials. As of December 2018, prior to the post-state of emergency local elections, 50 of them remained in prison. In 2019, HDP mayoral and local council candidates continue to face the threat, if elected, of being removed from office by presidential decree. This practice by state authorities may have led some potential candidates to abstain, informally undermining the fairness of elections.

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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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 penalize those who violate electoral regulations was repealed using the state of emergency decree (No. 687) issued in January 2017. The existence of this impunity mechanism facilitated several violations in the June 2018 elections that went unpenalized.

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.

During the 2019 campaigns for local administration elections, the People’s Alliance (comprised of the AKP and MHP) received 61% of the airtime allotted for political parties by the state-run TRT 1 and TRT news outlets. These two channels broadcast a total of 77 hours of negative news targeting the Nation Alliance (comprised of the CHP and IYI parties) and the Peoples’ Democratic Party (HDP).

The state-run Anadolu Agency stopped updating election results toward midnight on 31 March 2019 when the CHP İstanbul mayoral candidate began to catch his AKP rival. After not updating figures for 13 hours, Anadolu Agency finally declared CHP ahead in the İstanbul elections.

International observers stressed that candidates in the 2018 and 2019 elections did not compete on an equal basis. Notably, access to the media for political parties campaigning in the elections was unequal, which was reflected in excessive coverage of pro-government parties by government-affiliated public and private media.

Citation:

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

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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. Similar irregularities were claimed by some citizens during the rerun Istanbul metropolitan municipality election. 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.

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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.

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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.

Turkey's constitutional system has an appropriate framework for participatory public policymaking. However, there is no comprehensive policy framework or pre-defined set of principles. ICT-based participatory mechanisms, such as "common sense," are being promoted.

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. However, these units are not wholly effective, as they depend upon the goodwill of the local mayor, and some councils only exist on paper and have yet to be established in practice. Law 6360, in effect since 2014, has 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.

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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 elections in April 2018.

Journalists, who have reported on allegations of corruption in government and the judiciary, have become targets of judicial investigations (facing possible imprisonment) for "bringing the economy into disrepute." In a three-month period during 2019, at least 40 journalists, columnists and editorial office personnel were fired or forced to resign. Many media organizations of various political tendencies have parted ways with long-time columnists who refused to "adapt to the new political period." In November 2019, 45 journalist and media workers were dismissed from Hürriyet daily newspaper as a reaction to unionization.

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.

Journalists and media organizations critical of the government have faced threats, physical attacks and fines. TV and radio channels have been closed, and access to airtime has been restricted. As of November 2019, a total of 115 journalists and other media workers had been imprisoned. Some of the convicted journalists (e.g., Ahmet Altan and Nazlı Ilıcak), many detained during the 2016 to 2018 state of emergency, were released from jail for various reasons, although several were immediately detained again.

The 2019 judicial reform package added a new provision to anti-terror law (Article 7), which states that "statements of opinion that do not exceed the limits of reporting or for the purpose of criticism shall not constitute a crime." This is considered a mark of progress for freedom of expression.

According to an amendment to the Law No. 5651 on Regulation of Publications on the Internet and Combating Crimes Committed by Means of Such Publication (also known as the Internet Law), authorized access blocks should be imposed on a specific URL rather than an entire website. However,

when placing an access block on a specific URL is technically impossible, an entire website can be blocked.

New regulations will enable the Supreme Board of Radio and Television (RTÜK) to control online broadcasters, threatening the existence of online broadcasters through a costly and opaque licensing regime.

As of September 2019, RTÜK had started to monitor online broadcasting and online broadcasters must be licensed. In 2018, 2,950 online news reports, 77 Twitter posts, 22 Facebook posts, five Facebook videos and 10 websites were blocked; three broadcast bans (one temporary) were issued. Throughout 2018, eight newspapers, two TV channels, two letters, one report, one TV series and one interview were censored. During the first nine months of 2019, RTÜK banned 21 broadcasts, and fined 48 TV channels for the news reports, films or programs they had broadcast. In addition, Wikipedia continues to be censored; one newspaper was banned; and one website, one TV program, one advertising movie and one election propaganda video were censored. The RSF 2019 Index ranks Turkey 157 out of 180 countries, with a score of 52.81.

Under the existing political, regulatory and market conditions, Turkish media cannot act as an independent and critical force for democratic and sustainable societal development. Consequently, media remains the least trusted institution in public opinion polls.

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Media Pluralism
Score: 1

Turkey has some level of preparation in the area of information society and media. The lack of transparency in media funding, the growing influence of political interests on editorial policies, the concentration of media ownership, the shrinking space for pluralism, the increasing restrictions on freedom of expression and the lack of independence of regulatory authorities remain key concerns.

Turkey Report, a media monitor, finds that there are high risks for three indicators of media pluralism (regulation, political independence and social inclusiveness) and a medium risk to market plurality. On the other hand, a free and independent media is one of the components of non-governmental checks on governmental power.

While small-scale digital-born brands continue to provide alternative perspectives, they have not managed to achieve significant reach. Many showcase stories from international brands (e.g., BBC Turkish, DW and Euronews) as they have limited staff to generate original content. Other perspectives are provided by foreign media outlets, such as Russian-backed Sputnik and a new Turkish version of the (UK-based) Independent, financed and run by the Saudi Research and Marketing Group, which has close links to the Saudi royal family.

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. The sale of the Doğan media outlet to Demirören media group, which has shown a pro-governmental business profile, reshuffled the outlet’s structure. Moreover, Habertürk and Vatan, due to reduced sales and rising costs, stopped the print edition and started only publishing content online in mid-2018 in order to avoid closing down or being sold to pro-government outlets.

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.

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Access to
Government
Information
Score: 4

Access to information rights and complaint mechanisms are not used effectively. A total of 1.733 million applications for information based on Law 4982 were submitted to public institutions in 2018. According to official information, 82% of requests resulted in the full provision of the requested information, 7.8% resulted in partial information or a negative response, and 7.6% were rejected. Of the rejected applications, 783 were taken to court on appeal. A total of 35,875 applications were found to concern state secrets or private issues, while 192,840 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 1,159 objection applications in 2018. Of the applications, the board rejected 563 because the relevant public institutions had provided a proper response to the applicants. Meanwhile, 40 applications were accepted, 74 were partially accepted and 107 procedurally accepted.

Following the abolishment of the Prime Minister's Office in July 2018, the Prime Minister's Communication Center (BİMER) was united with CİMER (Presidential Communication Center) on 10 July 2018. Since July 2018, the center has received about 3 million applications, of which 49% are complaints.

Citizens' rights to administrative justice and right to seek compensation remain problematic, and the backlog of cases has increased as a result of the measures taken under the state of emergency. The WJP 2019 report scored Turkey 0.42 for the right to information, which is above global average. Though for complaint mechanisms, Turkey scored below average.

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Civil Rights and Political Liberties

Civil Rights
Score: 3

While Article 10 of the constitution guarantees equality before the law, and Article 12 enshrines fundamental rights and freedoms, concerns over shortcomings in judicial proceedings remain, including limited access by defense attorneys to prosecution files, lengthy 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 personnel being tried for alleged violations of the Anti-Terror Law.

Article 148 of the constitution states that anyone who believes his or her human or civil rights, as defined in the European Convention on Human Rights (ECHR), have been infringed upon by a public authority has the 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 December 2018, a total of 212,665 individual applications were received and 172,800 applications were concluded by the court. However, the court found that in only 7,140 applications had at least one right been violated. In 2018, the number of applications reached 38,186 and, in total, 35,395 applications were concluded violations, of which the court decided 1,197 cases involved a violation of the right to a fair trial. The cost of making an individual application was about €58 in 2019.

The European Court of Human Rights received a total of 290 cases against Turkey between January 2018 and September 2019. In total, 836 remained pending and 528 cases had been closed by the court as of September 2019. The court fined Turkey a total of €3 million in 2018 and 2019. Historically, Turkey is the country most condemned by the court for violating freedom of thought and expression, and ranked second after the Russian Federation overall.

According to the annual report of the OHAL Transactions Review Commission published in January 2019, 131,922 measures were adopted under the state of emergency decree laws. As a result of these measures, at least 125,678 public officials were dismissed, 270 student scholarships were canceled, 2,761 institutions and organizations were closed, and 3,213 government administrative staff were demoted. In addition, a total of 204 media organizations were shut down during the state of emergency. According to research on the social costs of the state of emergency, the actual number of those victimized by Decree Law 693 exceeded 250,000.

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).

The 2019 Judicial Reform Strategy, which was prepared by the Ministry of Justice with the participation of other parties, consists of nine objectives, 63 targets and 256 activities. The strategy was announced to the public on 30 May 2019. The Law on Criminal Procedure No. 7188 and the Law on Amendments to Certain Laws, which details some of the arrangements for realizing objectives and targets defined in the 2019 Judicial Reform Strategy, was published in the Official Gazette on 24 October 2019.

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Political Liberties
Score: 2

On 24 October 2019, the parliament passed the first law proposal prepared by the Ministry of Justice with the participation of related parties, which addresses the objectives and targets defined in the 2019 Judicial Reform Strategy. The law introduces important regulations to strengthen the rule of law. A provision added to the Anti-Terror Law provides that statements of opinion, which do not exceed the limits of reporting or are made for the purpose of criticism, should not constitute a crime. The maximum periods of pretrial detention have been revised. The period of pretrial detention is limited to six months if the offense is not within the jurisdiction of the higher criminal court, and one year if the offense falls within the court’s jurisdiction. For some offenses (e.g., terrorism), this period can be six months to one year, which can be extended for an additional six months on the basis of justification for adults. Though the period of detention allowed for children is shorter.

The Action Plan for the Prevention of Violations of the European Convention on Human Rights, which was adopted in 2014, expired in 2019. The preparation of a new Human Rights Action Plan continues with the participation of related parties under the coordination of the Ministry of Justice.

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. The subsequent emergency rule saw the further arrest thousands of HDP members as well as 16 HDP lawmakers. In the case of Selahattin Demirtaş, the pro-Kurdish Peoples' Democratic Party (HDP) co-chair and 2018 presidential candidate, who had been detained since 4 November 2016, the ECHR found Turkey guilty of stifling pluralism and limiting freedom of political debate, and unanimously demanded that the Turkish government take all necessary measures to end the applicant's pretrial detention. Demirtaş was subsequently convicted of terrorism, and sentenced to four years and eight months in prison in December 2018, and to a further one year and three months in prison in October 2019. Though the latter punishment has since been abrogated. Eren Erdem, a former Republican People's Party (CHP) lawmaker, was sentenced to four years and two months in prison for supporting a terrorist organization, but was released on 30 October 2019.

The Ombudsman, the National Human Rights and Equality Institution, prosecutors' offices, criminal courts and parliament's Human Rights Commission are authorized to investigate reports of abuses perpetrated by the security forces, including killings, torture, mistreatment and excessive use of force. However, the enforcement of rights is undermined by the fragmentation and limited independence of public institutions responsible for protecting human rights and freedoms, and by the lack of judicial independence.

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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. Gender disparities still exist in areas such as decision-making, employment, education and health outcomes. Gender-based violence is widespread. The Türkiye İnsan Hakları ve Eşitlik Kurumu (NHREI), which is in charge of applying anti-discrimination legislation, finalized only 35 decisions between January 2018 and October 2019. Hate crime legislation is not in line with international standards and does not cover hate offenses based on sexual orientation. Turkey has ratified the Council of Europe Istanbul Convention on preventing and combating violence against women, domestic violence and gender-related violence. However, hate speech and discrimination against LGBT communities, who do not have any legal protections, are serious problems.

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 punishable by up to four years in prison. In 2018, 2,462 persons were convicted of “insulting” President Erdoğan. During the last four years, a total of 5,683 persons were found guilty of this “crime.”

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.

The use of Kurdish and some other languages in formal education is gradually becoming more common. However, there are no anti-discrimination employment or social policy strategies or action plans in place.

The Ministry for Family and Social Policies adopted a national action plan to combat violence against women. Recently, the ministry announced the Strategic Document and Action Plan for Strengthening 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.

On the rights of persons with disabilities, Turkey continues to promote inclusive education services. The challenges of child poverty, child labor and child marriage persist. Similarly, gaps in access to quality education, and protection from violence and abuse persist, particularly for the most vulnerable groups, including Roma.

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Rule of Law

Legal Certainty
Score: 3

Turkey is in an unsettled state of political transformation, as the executive system transitions from a state of emergency to a presidential system.

Under the state of emergency, 36 decrees were issued, which restricted civil, political and defense rights, and expanded powers for the police and prosecutors. These decrees facilitated the dismissal of more than 152,000 civil

servants, including academics, teachers and public officials. 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.

Following the state of emergency and during the ongoing transition toward presidentialism, the absence of a law concerning general administrative procedures, which would provide citizens and businesses with greater legal certainty, complicates administrative procedures and exacerbates administrative burdens. The main factors affecting legal certainty in public administration are a lack of issue-specific regulations, 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 large number of amendments made to some basic laws under certain circumstances have led 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 retrial. Legal as well as judicial instruments are sometimes used against government opponents, especially those in the media.

The number of cases annulled by the Constitutional Court has been increasing since 2015. In 2018, the court annulled 87 out of 119 cases. Unconstitutional laws cause double standards and lead to unfair practices in daily life.

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Judicial Review
Score: 4

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.

The European Commission's 2019 report observes that judicial staff are still being dismissed or forcibly transferred, and that this risks engendering widespread self-censorship among judges and prosecutors. This may weaken the judiciary as a whole, its independence and the separation of powers. No measures were taken to restore legal guarantees to ensure the independence of the judiciary from the executive or to strengthen the independence of the Council of Judges and Prosecutors. No changes were made to the institution of criminal judges of peace, which risks becoming a parallel system. The recommendations from earlier reports therefore remain valid. There is no human resources strategy in place for the judiciary, which struggles to effectively perform its tasks in the wake of a substantial reduction in experienced personnel. The recruitment of a large number of inexperienced judges and prosecutors using fast-track procedures without adequate pre-service and in-service training has failed to remedy these concerns.

In 2018, the Council of State – which consists of 15 departments, two plenary sessions (one for administrative law divisions and one for the tax law chambers) and the country's highest administrative court – reviewed 135,368 cases, while a further 165,079 cases remain pending for 2019. The average length of time spent on each case was estimated to be 565 days. Compared to 2017, this long duration was due to problems in integrating new members and a lack of sufficient senior judges. As of November 2019, the cumulative number of administrative cases – transferred from 2018 and new cases arrived in 2019 – reached 514,292, of which 266,129 are still pending. Over the same period, a total of 443,791 administrative cases were reviewed. The Council of State's 2018 report admits to major weaknesses in administrative jurisdiction, including a lack of qualified legal personnel, lengthy trials, the unpredictability of trial periods and excessive workload.

The Constitutional Court, as the Supreme Court, dealt with a total of 204 cases (annulments and objections) and concluded 119 cases in 2018. The court received 87 annulment cases, of which six were approved, 41 were rejected and one was united. The court rejected 54 out of 77 objections, annulled 11 and united six. The total number of individual fair trial appeals reached 38,186 in 2018, of which 35,395 were concluded. The cumulative number of pending applications is 39,285.

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 undersecretary 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.

The Justice Academy of Turkey was re-established by presidential decree, after it had previously been closed under the state of emergency.

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Appointment of
Justices
Score: 3

To be appointed to the Constitutional Court, a candidate must be either a member of the teaching staff of an institution of higher education, senior administrative officer, lawyer, first-degree judge or Constitutional Court rapporteur who has served at least five years; 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. A

recent scholarly article stated that the Constitutional Court is highly politicized, its reviews have an ideological bias and its judges are not independent, as can be also seen in previous recruitment patterns. 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. 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. Under current conditions, this creates opportunities for the president and his political network to directly influence the executive, the parliament and the judiciary. In addition, the armed forces continue to wield influence over the civilian judiciary, as two military judges are members of the Constitutional Court.

Following the 2017 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.

Since the coup attempt of 2016 and the subsequent transition from a state of emergency (OHAL) toward presidentialism, the Constitutional Court has not performed consistently in terms of defending political stability, and human and civil rights. The court declared its non-jurisdiction over presidential decrees during OHAL, and cases in which it failed to defend the rights of detained journalists and other oppositional forces went viral. In the case of the detained journalist Ahmet Altan, the European Court of Human Rights delivered a landmark decision in April 2019, which strongly disagreed with the Constitutional Court's justification of Altan's arrest.

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Corruption
Prevention
Score: 2

Both the legal framework and the institutional structure continues to allow undue executive influence in the investigation and prosecution of high-profile corruption cases, and need to be improved in line with international standards. The limited accountability and transparency of public institutions remains a matter of concern. The absence of a robust anti-corruption strategy and action plan is a sign of the lack of political will to decisively tackle corruption. The Council of Europe's Group of States against Corruption (GRECO) recommendations have not been implemented.

An amendment to legislation relating to the audit court has limited the degree to which state expenditures can be audited. Public-procurement safeguards have been undermined by legislation that allows 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 or appointed public officials.

Law No. 657 on Civil Servants and Law No. 5393 on Municipalities, among other laws, include principles and rules of integrity. The asset-declaration system was established in 1990 by Law No. 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.

There is a high risk of corruption in public procurement. Tender notices and business opportunities are published on the website of the Public Procurement

Authority. Companies are recommended to use a specialized public procurement due diligence tool to mitigate corruption risks related to public procurement in Turkey. Procurement legislation has been amended 186 times since 2002.

Impunity for corrupt officials is widespread. Turkey's land administration has made progress in terms of reducing 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.

Turkey's Financial Crimes Investigation Board (MASAK), established in 1996, is a main service unit of the Ministry of Finance within the scope of Law No. 5549 on Prevention of Laundering Proceeds of Crime and Financing of Terrorism. In 2018, based on suspicious transaction reports, 35,649 financial transactions with a total value of approximately TRY 800 million were suspended. The National Risk Assessment Report was prepared in compliance with Financial Action Task Force (FATF) methodology and submitted to FATF Secretariat at the end of 2018.

Turkey is a signatory to the United Nations Convention Against Corruption (UNCAC), the OECD Anti-Bribery Convention, and the Council of Europe's Criminal Law Convention on Corruption and Civil Law Convention on Corruption. The UNCAC and the Council of Europe conventions are not effectively used. Turkey is a member of GRECO, but its recommendations are not fully implemented. Turkey's authorities do not have an established track record of successfully prosecuting high-level corruption. Turkey needs to adopt an anti-corruption strategy, which reflects the political will to effectively address corruption, and is underpinned by a credible and realistic action plan.

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Governance

I. Executive Capacity

Strategic Capacity

Strategic
Planning
Score: 5

Strategic management within 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.

Under the new presidential system of government, the Head of Strategy and Budget is affiliated with the Presidential Office. The 2019 Annual Plan of the Presidency stated that efforts are underway to strengthen and align the budget with the policies of the high policy documents and the objectives and targets of the strategic plans in a holistic approach. The results of these attempts remain to be seen.

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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.

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 comprised of experts, NGO representatives and professions who are to advise the president. These councils are entitled to prepare reports on certain public issues and incorporate the opinions of the ministries, relevant public entities as well as other experts.

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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. The head of administrative affairs includes four directorates: laws and legislation, personnel and principles, security affairs, and support and finance. The General Directorate of Laws and Legislation deals with presidential decrees, international agreements, suitability of legislation, draft regulations etc. There is no available official data about the number and functions of presidential personnel. However, according to budget data, as of the end of June, 1,108 regular employees, 479 permanent civil servants and 787 contracted personnel were employed in the presidential offices.

Presidential Decree No. 1 established nine policy councils (including the Local Governing Council, Social Policies Council, and the Health and Food Policies Council) 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.

This decree also established offices of digital transformation, finance, human resources and investment with advisory capacity to the president, and endowed each with a budget while granting them administrative and financial autonomy.

Citation:

2019 Yılı Merkezi Yönetim Bütçe Kanunu İcmali (I) Sayılı Cetvel – Genel Bütçeli İdareler, <http://www.sbb.gov.tr/wp-content/uploads/2019/01/3-a1-2019-2021-D%C3%96NEM%C4%B0-GENEL-B%C3%96CT%C3%87E-EKONOM%C4%B0K.pdf> (accessed 1 November 2019)

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.

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“Bin 100 odalı saraya bin 108 işçi aldılar,” *Sözcü* daily newspaper, 30 October 2018, <https://www.sozcu.com.tr/2018/ekonomi/bin-100-odali-saraya-bin-108-isci-aldilar-2709040/>

Line Ministries
Score: 6

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.

Decree no. 698 has arguably transferred all lawmaking power to the president. In August 2019, the duties of the Ministry of Treasury and Finance were expanded “to enable the Treasury to participate in domestic and foreign companies by the decision of the president of the republic.” The decree has also precipitated a draft proposal to authorize the president to appoint the head of Boğaziçi University and members of the executive board tasked with the construction of the Istanbul canal, which is currently under the domain of the Istanbul Metropolitan Municipality and four district municipalities.

Citation:

TC Cumhurbaşkanlığı Strateji ve Bütçe Başkanlığı, 2018 Yılı Genel Faaliyet Raporu, www.sbb.gov.tr > 2018-yili-genel-faaliyet-raporu (accessed 1 November 2019)

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

KHK 703, <http://www.resmigazete.gov.tr/eskiler/2018/07/20180709M3.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.

“Bakanlar Kurulu Yetkileri KHK’yle Cumhurbaşkanına Geçti,” 4 July 2018, <http://bianet.org/bianet/siyaset/198847-bakanlar-kurulu-yetkileri-khk-yle-cumhurbaskanina-gecti> (accessed 1 November 2018)

“Boğaz’daki imar yetkisi Cumhurbaşkanlığı’na mı devrediliyor?” 30 October 2019, <https://www.dw.com/tr/bo%C4%9Fazdaki-imar-yetkisi-cumhurba%C5%9Fkanl%C4%B1%C4%9F%C4%B1na-m%C4%B1-devrediliyor/a-51053304> (accessed 1 November 2019)

Cabinet
Committees
Score: 6

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.

As of 1 August 2018, several coordination committees and boards, presidential policy councils and other public institutions were established in association with the presidency. During the review period, observers have publicly pointed to the need for coordination mechanisms between the ministries, parliament and the AKP.

Citation:

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

Following the introduction of the presidential system, Decree No. 703 abolished the offices of an undersecretary, deputy undersecretary and central governor.

The new centralized government system consists of four offices, nine councils and 16 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.

Citation:

TC Cumhurbaşkanlığı Strateji ve Bütçe Başkanlığı, 2018 Yılı Genel Faaliyet Raporu, www.sbb.gov.tr > 2018-yili-genel-faaliyet-raporu (accessed 1 November 2019)

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.

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.

As of 1 August 2018, several coordination committees and boards, presidential policy councils and other public institutions were established in association with the presidency. During the review period, observers have publicly pointed to the need for coordination mechanisms between the ministries, parliament and the AKP. The president appears to make use of an informal coordination network but exactly how it works is not clear.

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)

Digitalization for
Interministerial
Coordination
Score: 6

The Office of Digital Transformation, which is affiliated with the Presidency, is entitled to lead public policies and strategies targeting digital transformation and e-government. It is also tasked with communicating the delivery of services, improving inter-agency cooperation and coordination in these areas, all in accordance with the goal set by the president. No information has been provided with respect to a mechanism facilitating interministerial coordination. However, the closed "kamunet" network for a more secure data exchange between public institutions and organizations has been established as part of an effort to reduce cybersecurity risks.

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.

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-plan/> (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)

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

2019/12 Sayılı Bilgi Güvenliği Tedbirleri Cumhurbaşkanlığı Genelgesi, 5 July 2019, <https://cbddo.gov.tr/mevzuat/2019-12-sayili-bilgi-guvenligi-tedbirleri-cumhurbaskanligi-genelgesi/> (accessed 1 November 2019)

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.

The Annual Presidential Program of 2019 refers to sustainable growth and sustainable development but makes no mention of sustainable policy or policymaking, with the exception of financial sustainability.

Moreover, 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.

Furthermore, the Capacity-Building and Support to the Preparation of a Regulatory Impact Assessment (RIA) for Decoupled Agricultural Support project aimed at supporting the Ministry of Agriculture and Forestry in the preparation of a strategy for the alignment of national agricultural policies with the EU’s Common Agricultural Policy (CAP) was concluded in late 2018.

Citation:

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

TC Cumhurbaşkanlığı, 2019 Yılı Cumhurbaşkanlığı Yıllık Programı, https://www.sbb.gov.tr/wp-content/uploads/2018/11/2019_Yili_Cumhurbaşkanlığı_Yıllık_Programı.pdf (accessed 1 November 2019)

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

F. Karcı-Sarı, *Düzenleyici Etki Analizi ve Uygulama Örnekleri*, Uzmanlık Tezi, Ankara, 2017.

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

“Agricultural policymaking within the Ministry of Agriculture and Forestry has been strengthened,” 11 November 2018, <https://www.avrupa.info.tr/en/pr/agricultural-policy-making-within-ministry-agriculture-and-forestry-has-been-strengthened-8960> (accessed 1 November 2019)

Quality of RIA
Process
Score: 2

In the past years, several chambers of industry conducted EU-funded RIA projects. The technical assistance project for the implementation of the EU Regulation Concerning the Export and Import of Hazardous Chemicals was conducted by several Turkish chambers of industry, including Balıkesir, Kayseri and Kocaeli. The European Union also funded the technical assistance project for Capacity-Building and Support to the Preparation of a Regulatory Impact Assessment (RIA) for Decoupled Agricultural Support, which supported the Ministry of Agriculture and Forestry in preparing a strategy to align national agricultural policies with the EU’s Common Agricultural Policy (CAP) in late 2018.

During the period under review, the regulatory impact assessment (RIAs) requirement did not help improve the quality of proposed government legislation. Instead, the government simply organized more preparatory workshops and projects with EU support.

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

F. Karcı-Sarı, *Düzenleyici Etki Analizi ve Uygulama Örnekleri*, Uzmanlık Tezi, Ankara, 2017.

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

“Agricultural policymaking within the Ministry of Agriculture and Forestry has been strengthened,” 11 November 2018, <https://www.avrupa.info.tr/en/pr/agricultural-policy-making-within-ministry-agriculture-and-forestry-has-been-strengthened-8960> (accessed 1 November 2019)

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 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.

On the other hand, 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.

In 2016, 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.

While making reference to sustainable growth and development, the Annual Presidential Program of 2019 does not mention sustainable policy or policymaking, with the exception of a reference to financial sustainability.

Citation:

TC Cumhurbaşkanlığı, 2019 Yılı Cumhurbaşkanlığı Yıllık Programı, https://www.sbb.gov.tr/wp-content/uploads/2018/11/2019_Yili_Cumhurbaşkanlığı_Yıllık_Programı.pdf (accessed 1 November 2019)

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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)

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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.

The Annual Presidential Program of 2019 makes references to monitoring and assessment but not to the systematic ex post evaluation of public policies.

There are a few ex post analyses of public policies, mainly in the health sector, that address citizen/patient satisfaction, self-assessment and the assessment of action plans.

Citation:

TC Cumhurbaşkanlığı, 2019 Yılı Cumhurbaşkanlığı Yıllık Programı, https://www.sbb.gov.tr/wp-content/uploads/2018/11/2019_Yili_Cumhurbaşkanlığı_Yıllık_Programı.pdf (accessed 1 November 2019)

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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.

Societal Consultation

Public
Consultation
Score: 3

The Presidency’s 2019 Annual Program stresses that civil society organizations are crucial to policymaking and the implementation process. It also notes, however, that social platforms, civil initiatives, and similar networks should also be taken into account. Opponents argue that the president seeks to include religious groups and organizations as active stakeholders in governmental processes.

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 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood->

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TC Cumhurbaşkanlığı 2019 Yılı Cumhurbaşkanlığı Yıllık Programı, <http://www.resmigazete.gov.tr/eskiler/2018/10/20181027M1-1.pdf> (accessed 27 October 2018)

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

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

Policy Communication

Coherent
Communication
Score: 4

The extensive restructuring of the executive branch has allowed for further centralization in policymaking through the president. Policy coordination among central government institutions has remained strong, but planning, monitoring and reporting on whole-of-government performance remains inadequate. Rules of procedure are lacking in administrative decision-making processes, which undermines the parliamentary lawmaking process. Legislative development and policy formulation have not pursued an inclusive and evidence-based approach, but the responsibility for producing draft legislative proposals now lies with members of parliament, rather than with the government. The president has issued over one thousand executive decisions and 50 decrees, some on limited, others on extensive issues. Exactly how nine recently established presidential policy councils relate to the work of individual government departments is not clear.

Some ministers have expressed doubts over President Erdoğan’s plan to resettle Syrian asylum-seekers in a safe zone 30 km into northern Syria and to extend the Iraqi border. The president has claimed that municipal hospital projects are realized through a build-operate-transfer model that does not involve public funding. However, the Minister of Health has stated that the construction of these hospitals can be funded by public money and are not necessarily dependent on public-private partnerships.

Although the Turkish Statistical Institute (TÜİK), declared the number of unemployed to have reached 4,650,000 in August 2019, Turkey’s employment agency, İŞKUR, registered 4,044,640.

The full introduction of the presidential system also increased the multitude of “decisive voices” emanating from within the government, including that of the president, the ministers (on particular policies), their spokesmen and chief consultants, as well as the spokesmen from the ruling party (which holds the

parliamentary majority with another party whose party leader acts partly as a consent giver or an opposition to the president/ ruling party-chairman). On foreign and security policies and in particular Turkey's military interventions abroad, the voice of the minister of defense (and former chief of staff) is taken into account.

Finally, the president's push for policies that undermine international (EU) standards and ignore scientific common sense (e.g., his position on a non-independent central bank or currency policy), and the way in which public opinion is manipulated by the centralized party-government-system and pro-government media, as well as the government's nationalist discourse renders communication and deliberation in its liberal understanding ineffective and unsustainable.

Citation:

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

"Cumhurbaşkanı Erdoğan, İkinci 100 Günlük İcraat Programı'nı açıkladı," 13 December 2018, <https://www.tccb.gov.tr/haberler/410/100089/cumhurbaskani-erdogan-ikinci-100-gunluk-icraat-programi-ni-acikladi> (accessed 1 November 2019)

"Kılıçdaroğlu'ndan Erdoğan'a 'icraat programı' sorusu: 100 gün doldu, ne oldu?" <https://www.demokraphaber.org/siyaset/kilicdaroglu-ndan-Erdogan-a-icraat-programi-h109731.html> (accessed 13 November 2018)

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TÜİK İşgücü İstatistikleri Ağustos 2019, http://www.tuik.gov.tr/PreTablo.do?alt_id=1007 (accessed 1 November 2019)

İşkur 2019 Ağustos Ayı Bülteni, <https://media.iskur.gov.tr/32190/08-agustos-2019-aylik-istatistik-bulteni.pdf> (accessed 1 November 2019)

L. Gönenç, "Hükümet Sistemi Tartışmaları – 2: Cumhurbaşkanlığı Hükümet Sistemi'nin Bir Yıllık Performansı," 8/2019, https://www.tepav.org.tr/upload/mce/2019/notlar/hukumet_sistemi_tartismalari_2_cumhurbaskanligi_hukumet_sisteminin_bir_yillik_performansi.pdf (accessed 1 November 2019)

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.

As of August 2019, public revenues had increased, but expenditures were increasing more rapidly. In addition, currency transfers expanded by 57.7% from the previous year, as did capital expenditures (82.4%) and capital transfers (286.3%). Equally surprising is the increase in purchase of goods and services (27.2%) that took place following the local elections.

Results were similarly mixed in other sectors. For instance, the Ministry of Education realized most of its 17 performance objectives, but failed to make progress in terms of improved equipment, the completion of projects, innovation and improved student and educator mobility. Whereas the Ministry of Health completed most of its 54 objectives/actions launched in 2018, it failed to increase equipment capacity and conduct assessment/ satisfaction analyses.

The government's long-standing investment strategy, which is based on the build-operate-transfer model and includes urban hospitals, bridges, connecting highways and airports, effectively created a budgetary black hole as these project are assured guaranteed revenues by the treasury.

Citation:

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

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Ministerial
Compliance
Score: 7

Turkey’s single-party government, which features strong party leadership and high demand for ministerial positions among party members, provides strong incentives to promote the government program. It is therefore difficult for even ministers with expertise in the areas they are responsible for to speak independently. The party leader’s charisma and standing, combined with the tendency within parties to leave personnel decisions to the party leader, prevent ministers from pursuing their own interests during their time in office.

Maintaining his grip on the government while stressing his intent to be an active leader, President Erdoğan interferes in almost every policy field and ministerial portfolio. Following the constitutional referendum of April 2017, Erdoğan was immediately re-elected chair of the AKP, which legalized a previously de facto status and undermines the principle of impartiality with respect to the Turkish head of state. In addition, Erdoğan immediately exercised constitutional powers that were not supposed to take effect until after the 2019 presidential elections.

Erdoğan has also actively intervened in the nomination of deputies, municipal mayors, 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. The current constellation thus 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 is eroding.

Citation:

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

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Monitoring
Ministries
Score: 7

“Cumhurbaşkanı Erdoğan, İkinci 100 Günlük İcraat Programı’nı açıkladı,” 13 December 2018, <https://www.tcgb.gov.tr/haberler/410/100089/cumhurbaskani-erdogan-ikinci-100-gunluk-icraat-programi-ni-acikladi> (accessed 1 November 2019)

The new government, established with the implementation of the presidential system in June 2018, consists of four offices, nine policy councils and 16 ministries formed around the presidency. Under the new system, offices produce projects, councils transform projects into policies and the ministries implement policies. Besides, the Office of the Commander in Chief, Intelligence Department, Department of Defense Industry, National Security Council, Directorate of Religious Affairs, State Supervision Council and Communication Department are affiliated with the Presidency. 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.

As of April 2018, there are 2,713,625 public employees; 19,838 are workers, 121,110 are contracted personnel in the ministries, their affiliated, related and associated entities. However, according to budget data, as of the end of June 2019, 479 permanent civil servants, 787 contracted personnel and 1.108 workers were employed in the Presidential Offices.

The Presidency’s 2019 Annual Program initiates several monitoring objectives ranging from health, education, judiciary, development, domestic violence and family life. It is stressed that monitoring will be done by effective mechanisms in collaboration with the relevant public entities such as ministries and assessed regularly.

Citation:

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

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Monitoring
Agencies,
Bureaucracies
Score: 7

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

The 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 interministerial coordination.

Citation:

Cumhurbaşkanlığı Teşkilatı Hakkında Cumhurbaşkanlığı Kararnamesi 1, <http://www.resmigazete.gov.tr/eskiler/2018/07/20180710-1.pdf> (accessed 27 October 2018)

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Task Funding
Score: 6

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 Turkish Court of Accounts' reports, most metropolitan municipalities have substantial debts. Therefore, most local projects in major metropolitan municipalities are run by the central government. 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). The central government is continuing transfers to the village infrastructure project (KÖYDES), the Drinking Water and Sewer Infrastructure Program (SUKAP) and the Social Support Program (SODES).

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 in such services in order to ensure their effective and efficient delivery. However, the new presidential system, which is based on the centralization and unification of decision-making, leaves no room for decentralization.

According to the Law No. 5393 on Municipalities (Article 37), mayors make appointments in municipal companies. Shortly after the local elections on 20 May 2019, the Ministry of Trade granted this authority to the municipal councils. Moreover, the Ministry of Environment and Urbanization prepared a draft law that will terminate the powers of the Istanbul Metropolitan Municipality (İBB) and the four district municipalities regarding the Istanbul canal project. Additionally, the new Bosphorus Directorate and the two boards (Boards of Protection of Bosphorus Cultural and Natural Heritage) will have a say about the Istanbul canal project and the members of the board will appoint the president, all of which clearly limit the principle of subnational self-government. Claiming that some mayors maintain links to the opposition HDP or support terrorist organizations, the government has since 2014 begun replacing elected with “trustee” mayors.

Citation:

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Constitutional
Discretion
Score: 1

Since 2014, the Turkish metropolitan municipalities have been subject to significant changes with respect to the delivery of administrative, financial, political and public services. These changes run contrary to the European Charter of Local Self-Government and severely undermine the principle of subsidiarity. In addition, the Housing Development Administration of Turkey (TOKİ) now holds all the power to act in efforts to prevent shanty housing in new areas assigned to a municipality. Furthermore, a June 2019 amendment to the Urban Transformation Regulation enabled the Ministry of Environment and Urbanization to consolidate the application of urban areas which results in a limitation of municipalities’ ability to exercise their powers.

Shortly after the June 2014 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, a total of 95 out of 102 HDP democratically elected mayors from HDP replaced with pro-government appointees by the central government.

Following the 31 March 2019 local elections, 24 out of 69 mayors from the opposition HDP were also replaced by so-called trustees.

While existing competencies will in general remain, ensuring effective and efficient delivery of public services will require an expansion of local government powers, a diversification of local needs and a strengthening of public interest. However, Turkey’s new presidential system, which is based on the centralization and unification of decision-making, does not allow for decentralization.

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.

K. Öztürk, “Yerel Yönetim Reformunda Yerelleşme– Merkezileşme Dikotomisi: 6360 Sayılı Yasa Örneği,” *Hukuk Ve İktisat Araştırmaları Dergisi*, 11(2): 133-48.

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“Yeni dönemde 15, öncekinde 95 belediyeye kayyum atandı,” *Independent Tükçe*, 4 November 2019,

National
Standards
Score: 5

<https://www.independentturkish.com/node/88241/haber/yeni-d%C3%B6nemde-15-%C3%B6ncekinde-95-belediye-kayyum-atand%C4%B1> (accessed 1 November 2019)

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Local government, mainly elected municipalities, are subject to several supervision mechanisms such as internal and external audits, mayoral supervision, the control of local councils, and a central government audit. 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 which conduct internal and external audits, and audits by civil service inspectors. The Turkish Court of Accounts (TCA) reviews the accounts of municipalities on behalf of parliament. It conducts performance audits of municipalities effectively. The Ministry of the Interior has the power to send civil inspectors and local government controllers to individual municipalities, and has, until recently done so to exercise political pressure on mayors with ties to the opposition.

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. The Union of Municipalities of Turkey also offers municipalities nationally or EU-funded training and technical support for public service-related issues.

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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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. The World Justice Project's Rule of Law Index 2019 ranked Turkey 106th out of 126 countries, with a score of 0.42 for regulatory enforcement. Turkey's score on effective regulatory enforcement (0.41) lies the global/regional average. Delay in enforcement without an acceptable reason is on par with the global/regional average (0.47), while improper influence is high (0.63) and respect for due process is very low (0.14), particularly with respect to the global/regional average.

In the first half of 2019, TRL14.6 billion of public tenders were tendered by calling specific persons/companies (mainly partisan companies) or through a direct supply procedure. In the January-June period, a tender of TRL 50.7 million was made for hospitality activities.

In other words, during the review period, the AKP and the president followed a biased and polarizing strategy in government that undermined sustainable, democratic public policymaking and implementation. The governing party also accepted that the new system has some failures in practice.

Citation:

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

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Adaptability

Domestic
Adaptability
Score: 3

Instead of following international recommendations and complying with global currency market conditions during the latest economic and lira crisis in 2018, the government refused to consult with the IMF to counter the currency crisis effectively. It acted on its own and in collision with previously independent regulatory boards, which a commentator assessed as being "afraid

to take necessary steps without instructions from above,” that is, the presidency. Given examples are the Treasury and Finance Ministry which had barred banks from calling in loans to companies under duress due to exchange rates, thereby bypassing the country’s banking watchdog, the BDDK, altogether. The banks panicked, leading to further drops in the value of the lira. Three hours later the ministry announced it was merely a suggestion rather than a policy change. Another example is the Capital Markets Board (SPK), a regulatory and supervisory authority in charge of the securities markets in Turkey whose announcement that insider trading would not be punished was overturned by decree. According to the commentator, “the confusion and disorganization in economic management, the lack of coordination between agencies, the miscalculated regulations have exposed the political influence over independent regulatory institutions, and elevated worries of a possible institutional collapse.”

On another topic, the state authorities are in ongoing operational consultation with UN and EU bodies to handle the refugee crisis. Institutional and procedural reforms, regulations and project set ups are continuously undertaken in accordance with international norms. However, Turkey’s military intervention in Syria and northern Iraq are largely considered to undermine regional security and the country’s own efforts to restabilize the region and promote the resettlement of refugees. Moreover, Turkey has not responded to EU demands to revise anti-terror legislation or visa policies as part of the EU refugee agreement, nor does it meet various Copenhagen standards in certain policy fields that are required for EU accession. Finally, despite its regular consultation with European Court of Human Rights (ECHR), Turkey still ranks second after Russia in failing to execute ECHR rulings.

Turkey still has not ratified the Paris Agreement on Climate Change and has not established a National Coordination Council that would be necessary to integrate environmental policies into its domestic agenda and reach policy coherence. It has set extremely limited carbon reduction targets, pledging only a 21% decrease in projected levels by 2030 (as compared with 1990 levels), which is significantly lower than the 40% sufficiency threshold discussed at the COP21 conference in Paris.

Citation:

Council of Europe Committee of Ministers, Supervision of the execution of judgments and decisions of the European Court of Human Rights 2019, 13th Annual Report of the Committee of Ministers, Strasbourg.
European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

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International
Coordination
Score: 4

Despite the many controversial steps Turkey has taken in foreign and security policy, Turkish state authorities play an active role in numerous fields and levels of international affairs (e.g., the United Nations, G-20, OSCE, NATO, the Council of Europe, EU, the Regional Cooperation Council in the Balkans, the OIC in the Islamic world, the Turkic Council in Central Asia and MIKTA). Yet, apart from its G-20 presidency in 2015 or the international summits it hosts (where the government has been able to actively promote global common goods), Turkey usually takes and is increasingly taking a more assertive approach that is clearly driven by its national interests. As a result, the country has increasingly confronted partners (NATO) and undermined joint undertakings and common interests in EU-Turkey relations (e.g., regarding stability in the Eastern Mediterranean).

Turkey continues to cooperate with 22 EU member states, having signed 47 cooperation agreements involving information-sharing and joint operations in the fight against terrorism and crime. Overall, Turkey has 172 security cooperation agreements with 103 countries. Its counterterrorism dialogue with the EU continued throughout the period under review and is among the key areas of joint interest. Since, 2014, Turkey has cooperated with EU member states on detecting foreign terrorist fighters (FTF) looking to cross Turkey to reach – or return from – Syria or Iraq and acted assertively when sending FTFs back to their countries of origin. At the same time, state authorities at times instrumentalize the refugee issue to push national interests against Greece and EU states instead of seeking joint understanding and sustainable solutions.

The Ministry of National Defense takes part in joint peacekeeping and humanitarian operations in Afghanistan, Kosovo, Bosnia-Herzegovina and Qatar. Some 17,470 military personnel from a total of 100 countries have participated in the courses provided by the Turkish Armed Forces at the Partnership for Peace Training Center (BIOEM). However, citing the need to fight terrorism, Turkey defied international calls not to enter into Syria in 2019. And its search for gas reserves in the Eastern Mediterranean, which is carried out with the protection of military ships, is viewed by the EU as a destabilizing move within a fragile region.

The Turkish Cooperation and Coordination Agency (TİKA) has offered projects in education, health, infrastructure, energy, communication and human resources development since 1991 in the Middle East and Africa, the Balkans and Eastern Europe, Central Asia and the Caucasus, East Asia, South Asia, the Pacific and Latin America. In 2018 alone, TİKA spent about TRY 350 million (€55 million) on various projects abroad. Similarly, the

Directorate for Religious Affairs has been active in religious affairs, education and social affairs in other countries, promoting interreligious dialogue. Both agencies are involved in protecting cultural heritage and promoting intercultural understanding. However, some have criticized Turkey for a lack of transparency regarding its objectives and for prioritizing Muslim or Turkish nationals' interests.

Turkey has yet to ratify the Paris Agreement on Climate Change. On the other hand, it will host in 2021 COP22, an international convention on the protection of the Mediterranean marine environment and coastline.

Citation:

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

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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:

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

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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 still lacks a strategic framework for public administration reform, including public financial management. There are various planning documents and sectoral policy documents on different aspects of public administration reform, but the lack of political support hinders comprehensive reform efforts. An administrative unit with a legal mandate to coordinate, design, implement and monitor public administration reform has not yet been established. Within the scope of IPA funds, Turkey attempts to ensure effective strategic planning and risk management at the program level.

Citation:

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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. There are few 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 approach defined by perception management when it comes to informing citizens about governmental processes. Although citizens in Turkey do reflect critically on politics in general, they often learn of policies only after implementation has begun. 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. The annual activity reports issued by public institutions provide only data on 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.

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. In 2018, the number of broadband internet subscribers reached 71.8 million and mobile broadband penetration significantly increased to 73.1%, though it is still below the OECD average of

102.4%. Moreover, the recent restrictions and bans placed on social media and its limited presence make it ineffective in disseminating policy information.

Citation:

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

T. Gülaslan, Kamu Yönetiminde Sosyal Medya Kullanımı ve Yönetimi: Temel İlkeler ve Öneriler, Phd Dissertation, Hacettepe University, Ankara, 2018.

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Open
Government
Score: 4

Turkey is moderately prepared for public administration reform and demonstrates a strong commitment to a more open administration and the use of e-government. However, there has been serious backsliding in the areas of public service provision, human resource management, and 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 Open Government Partnership (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. As part of its fight against corruption, Turkey prepared an Action Plan 2012 – 2013 that included launching four web portals (i.e., for transparency, expenditure, electronic procurement and regulations), identifying areas at risk of corruption, developing relevant measures, minimizing bureaucratic obstacles, and promoting integrity, transparency and accountability.

A 2019 European Commission report stressed that while Turkey has made progress in the standardization of data collection and achieving EU acquis alignment in many sectors (e.g., business, labor, education), it must improve coordination between TurkStat (TÜİK) and other data providers and improve the quality and use of administrative records. Turkey's capacity for data collection and analysis is being strengthened through projects funded under IPA. However, TurkStat's professional independence is questionable in the wake of a presidential decree adopted in July 2018 that cut the mandate of TurkStat's president and changed the appointment procedures of senior officials.

Citation:

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

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2017 Açık Hükümet Verilerinin Nihai Durum Raporu, <http://www.verigazeteciligi.com/2017-acik-hukmet-verilerinin-nihai-durum-raporu-turkce/> (accessed 1 November 2019)

Legislative Actors' Resources

Parliamentary
Resources
Score: 5

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.

The new presidential system has centralized power in the hands of the executive and significantly undermined the parliament's legislative and oversight functions. Since the 2018 general elections, parliament has been dominated by a bloc consisting of President Erdogan's AKP and its de facto coalition partner, the MHP. Since July 2018, parliament has adopted 24 pieces of legislation, mostly presidential decrees and controversial changes to its rules of procedure. Voting largely follows the governmental bloc-opposition divisions, but on issues of "national pride," opposition parties will vote in line with the AKP-MHP bloc.

Citation:

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

Ö.F. Gençkaya, “The Grand National Assembly of Turkey: A Decline in Legislative Capacity,” I. Khmelko et al (eds) *Legislative Decline in the 21st Century*, Routledge (forthcoming).

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). However, there is no available data for all parliamentary committees on how frequently they request such information – orally or in writing.

Following the failed July 15 coup d’etat, the chairman of the Grand National Assembly of Turkey Investigation Commission on the Coup d’etat, an AKP member, withheld government information and documents from the opposition parties. The request by CHP members of the commission to transmit all the information and documents to them was rejected on the grounds of confidentiality.

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.

Ö.F. Gençkaya, “The Grand National Assembly of Turkey: A Decline in Legislative Capacity,” I. Khmelko et al (eds) *Legislative Decline in the 21st Century*, Routledge (forthcoming).

“Darbe Komisyonu’nda bir skandal daha... AKP belgeleri sakladı,” *Cumhuriyet dailynews*, 22 December 2017, http://www.cumhuriyet.com.tr/haber/siyaset/890970/Darbe_Komisyonu_nda_bir_skandal_daha..._AKP_blgeleri_sakladi.html (accessed 1 November 2019)

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.

During the review period, the effects of the state of emergency, corruption scandals, mayoral resignations, 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) were highly visible. None of the government's senior executives took responsibility for or allowed for an independent parliamentary investigation into these issues. Instead, the government – including the president as both head of the executive and chairman of the governing party – 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)

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Summoning
Experts
Score: 6

According to the parliamentary rules of procedure, committees are legally able to summon experts from non-governmental organizations, universities or the bureaucracy to provide testimony without limitation (Rules of Procedure, Article 29 and 30). There is no available data about summoning experts by the parliamentary committees since the 2018 general elections.

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)

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Task Area
Congruence
Score: 5

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. Since June 2018, parliamentary standing committees have completed the deliberation of 48 out of 2,660 bills submitted. This suggests a lack of effective monitoring on the part of the committees.

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)

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Media

Media Reporting
Score: 2

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. 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, a powerful mainstream media outlet, to Demirören media, a pro-government media conglomerate in early 2018. 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. 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.

The so-called fake news have been at the center of political debates in Turkey since the new presidential system was put into force in 2018. As a result, the fact-checking organizations such as Teyit.org and Doğruluk Payı play a significant role in this context. According to a survey conducted for the Reuters Institute Digital News Report, 49% of respondents stated that they have come across “stories that are completely made up for political or commercial reasons.” Turkey is clearly in the lead on this whereas the average across all 37 countries is 26%.

Citation:

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

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S. Yanatma, Reuters Institute Digital News Report 2018 Turkey Supplementary Report, <https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2018-11/Digital%20News%20Report%20-%20Turkey%20Supplement%202018%20FINAL.pdf> (accessed 1 November 2019)

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. The right to dismiss local party organizations (Articles 19 and 20) and party members (Article 53), which is widespread among the major political parties, provides party leaders with unlimited powers and thus undermines internal party democracy. Although the dismissals are subject to judicial review (Article 57) no information is available about the judicial trials on these

appeals. 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. Nomination processes are dominated by a few party elites or directly by the will of party leaders. Those who dissent are effectively silenced or expected to leave the party. Following the AKP's 2019 losses in some municipal elections, some of the party's leading members, including former Prime Minister Ahmet Davutoğlu, former state Minister Ali Babacan and some current deputies, resigned from the party after disciplinary proceedings were introduced against them. The CHP introduced some amendments to its party statute that will enable the party assembly to delegate the selection of candidates to the central executive committee.

Citation:

"Eski AKP'liler: Pek çok arkadaşımız istifaya hazırlanıyor," 27 September 2019, <https://www.dw.com/tr/eski-akpliler-pek-cok-arkadasimiz-istifaya-hazirlaniyor/a-50616101> (accessed 1 November 2019)

"CHP'de yönetmelik değişikliği: PM aday belirleme yetkisini MYK'ye devredebilecek," 4 September 2019, <https://www.birgun.net/haber/chp-de-yonetmelik-degisikligi-pm-aday-belirleme-yetkisini-myk-ye-devredebilecek-267223> (accessed 1 November 2019)

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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, healthcare, 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:

Türk-İş, Açlık Yoksulluk <http://www.turkis.org.tr/Aclik-Yoksulluk-k91> (accessed 1 November 2019)

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Association
Competence
(Others)
Score: 3

The number of noneconomic civil society organizations has increased in the last decade, indicating a growing degree of public engagement within many segments of Turkish society. As of November 2018, 109,864 associations with more than 7 million members were active. Most are professional, sport or religious organizations. A total of 5,208 foundations are active nationwide. 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-civil society organizations (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 131 out of 146 countries in the 2018 World Giving Index. 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. A pro-government research establishment, SETA, conducts research projects on current political, economic and social issues with a view toward providing policy recommendations. Similarly, 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.

Citation:

TC Cumhurbaşkanlığı Strateji ve Bütçe Başkanlığı, 2018 Yılı Genel Faaliyet Raporu Haziran 2019, <http://www.sbb.gov.tr/wp-content/uploads/2019/06/2018-Genel-Faaliyet-Raporu.pdf> (accessed 1 November 2019)

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Ç. Toker, “İBB’den vakıflara ‘hizmet’ raporu,” Sözcü daily newspaper, 28 January 2019, <https://www.sozcu.com.tr/2019/yazarlar/cigdem-toker/ibbden-vakiflara-hizmet-raporu-3288303/>

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 TCA law is in line with the International Organization of Supreme Audit Institutions (INTOSAI) standards. It provides for an exhaustive audit mandate and gives the TCA full discretion in discharging its responsibilities. As of the beginning of 2019, it consists of eight departments in which 48 members and 53 reporter auditors and 10 prosecutors are employed. It also has 674 professional auditors, 416 expert auditors, 120 chief auditors, 93 auditors and 45 deputy-auditors.

The TCA reports – but is not accountable to – parliament. Parliament elects the TCA president and its members among 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 a pool of university graduates in the same fields through a series of 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 (prosecutors at the highest level in the country). A TCA report is taken as the basis of a trial but is shared only with those responsible and not disclosed to the public.

The court's 2018 audit report on the administrative activities of 372 public institutions, including 184 municipalities, revealed several legal deficiencies. Out of 372 public institutions, 36 did not deliver an annual activity report; 141 failed to meet the legal contents and 52 of them did not refer to any source for the information provided in these reports. Moreover, 220 public administrations did not include basic financial statements, 134 administrations did not include information about the unions, institutions and organizations that received assistance and 236 public entities did not explain discrepancies in budget targets and realizations. Turkey's Sovereign Wealth Fund, which has

been directly affiliated with the president of the republic since July 2018, lies outside the scope of the TCA's supervision.

Citation:

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

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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 2018, it received 17,585 new applications, almost similar to the previous year. It concluded 17,615 cases and adopted 677 full or partial 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. The EU Commission has pointed to the fact that the KDK still lacks *ex officio* powers to initiate investigations and to intervene in cases with legal remedies, which therefore curtail its effective impact.

Citation:

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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.

Regarding the protection of personal data, the Personal Data Protection Authority is now operational and its board has been appointed, but no legislative changes have taken place to ensure that the law is harmonized with the EU acquis, in particular the EU General Data Protection Regulation 2016/679 and Law Enforcement Directive 2016/680, which entered into force in May 2018. This concerns inter alia the application of data protection in law enforcement and the powers of the Data Protection Authority. Turkey has not signed or ratified the 2018 protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Council of Europe, CETS No 223).

Citation:

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