



Turkey Report

Düzgün Arslantaş, Ludwig Schulz,
Roy Karadag (Coordinator)

Sustainable Governance Indicators 2022

©vege - stock.adobe.com

Executive Summary

The transition to a Turkish-style presidential system, which was justified as a means of stabilizing the political system, brought more harm than benefit. It has resulted in a weakening of the separation of powers, violations of civil and political rights, a tight control over judiciary and media, and selective repression of the opposition. The transition also weakened or eliminated the coordination and cooperation mechanisms between ministries, as parallel offices were established within the body of the Presidential Office. Although most legislative powers were transferred to the president, party polarization mixed with traditionally strong ethnic and religious cleavages persisted.

Widespread resentment led oppositional voters and parties to execute a more coordinated strategy against the long-ruling AKP. Most notably, the opposition has gained momentum after the Nation Alliance (including the CHP, İYİP, SP and DP parties) captured metropolitan municipalities including Istanbul and Ankara in the 2019 local elections. Splinter parties including DEVA (Remedy) and Gelecek (Future) have appealed to some of the AKP's loyal supporters. In this context, most public surveys have found that Erdoğan is likely to lose the presidential race against potential opposition candidates, particularly against Ekrem İmamoğlu and Mansur Yavaş, if this trend persists.

The major challenge to Erdoğan's rule comes from the sphere of the economy. Above all, the high levels of economic growth sustained through the construction boom are no longer viable, as construction costs have soared and credit interest rates have climbed. Additionally, Erdoğan's insistence on reducing interest rates has triggered several currency shocks in the shadow of rising inflation. The fact that the head of the central bank was changed three times in two and half years further destabilized the situation. Low-income households have been most affected by the worsening situation, especially those who reside in urban slums. This has accelerated the dealignment of the AKP's loyal voter base.

Although welfare state provisions have expanded in the last decade or so, particularly those related to disabled and retired people, high levels of informality and unemployment persist, and wages are low. The recent flow of refugees, most of whom work informally and earn low wages, has further undermined the situation in the labor market. Women continue to face discrimination in the labor market.

In the review period, Turkey increasingly detached from the international community. In particular, the absence of the rule of law, increasing corruption and the violation of international sanctions undermined Turkey's image in the international arena. However, Turkey sustained its coordinated effort in leading international organizations, and emerged as a generous development aid donor, including during the pandemic. Seeking allies, Turkey has turned toward Russia and some Gulf states to maintain its regional middle power status. However, the new foreign policy orientation has contributed to Turkey's "precarious loneliness," considering the rising tensions in the Mediterranean, the ongoing refugee crisis and deteriorating relations with the United States over the purchase of S-400 missiles from Russia.

Despite the extent of the challenges, the COVID-19 pandemic did not turn into a full-blown crisis situation mainly due to Turkey's relatively strong health infrastructure and well-experienced personnel. The opposition's constructive stance must also be stressed. The vaccination campaign is underway, as Turkey stocked a sufficient quantity of vaccines and produced its own inactivated vaccine (TURKOVAC). Yet as of the time of writing, vaccination rates remained much lower than those in the industrialized countries.

Key Challenges

In 2021, the political and economic crisis in Turkey deepened. Although the government was relatively successful in containing the COVID-19 pandemic, currency shocks and booming inflation seriously undermined the long-established rule of Erdoğan.

As clientelist resources have diminished, the government has sought to escalate polarization along ethnic and religious lines. There is no prospect that polarization will fade away by the next presidential election, which is scheduled for summer 2023. Moreover, although the newly institutionalized Turkish-style presidential system has streamlined decision-making, it

eliminated government institutions' ability to act in cooperation and execute their own programs. It has also inhibited judicial supervision, which is essential in order to hinder corruption and arbitrary governance.

Even more worrying, high levels of inflation have returned, and the government has shown no consistent program to deal with it. Erdoğan's idea that "interest is the reason and inflation is the result" makes currency shocks chronic and difficult to contain, given that the central bank's net reserves are at their lowest level since 2002. The economic turmoil will possibly persist through 2022, if not deepen, as Erdoğan announced a new scheme that aims to protect the Turkish lira against the loss in value. This move will increase the pressure on the budget if the currency rates are not stabilized. The guarantees given to companies participating in public-private partnership projects such as the Yavuz Sultan Selim Bridge, Istanbul Airport and city hospitals have added further pressure on the public budget.

In recent years, it became clear that Turkey cannot protect its own border. Accordingly, Turkey turned into one of the largest refugee centers in the world as the number of refugees exceeded 4 million, according to official estimates. In addition to its immense financial costs, the refugee problem has the potential to destabilize the country's already fragile internal dynamics, as most of the refugees work informally and with low wages. The recent (un)organized violent attacks against refugees, especially in Istanbul and Ankara, reveal how public resentment has grown in parallel with economic setbacks.

Unlike most industrialized countries, the government did not implement a comprehensive recovery package intended to soften the losses experienced during the COVID-19 pandemic. Additionally, poverty and income inequality have expanded due to the soaring inflation, while discrimination and hate speech against women and the LGBTQ+ community have become more visible. Turkey's withdrawal from the Istanbul Convention shows that the government no longer has enough power to resist the demands of the most conservative groups in society.

Although Turkey has the ambition to produce its own car (TOGG), and is advanced in producing drones, it needs to invest more in eco-friendly technologies. Erdoğan's insistence on realizing the Canal Istanbul Project despite its likely catastrophic results on the environment shows the government's rentier-based approach.

Finally, more transparency and accountability are needed. Recent surveys reveal that TURKSTAT is one of the least trusted institutions in Turkey, as it often manipulates numbers relating to inflation and unemployment. The

contradictory statements from the government regarding the evaporation of the central bank's \$128 billion in reserves were just another example of the unaccountable nature of the newly institutionalized Turkish-style presidential system.

Party Polarization

The Turkish party system has long been prone to the maladies of polarization, fragmentation and volatility, especially in the 1970s and the 1990s. The AKP's landslide victories in the 2002, 2007, and 2011 elections added some degree of stability to the political competition. Since then, however, the tightening authoritarianism ruined the democratic character of the party competition and institutionalized one-man rule, especially in the aftermath of the failed coup attempt in July 2016. The state of emergency that was introduced afterward remained in force for two years, and turned into witch hunt targeting the opposition. The transition to a presidential system essentially shifted the country to conditions of one-man rule.

Until 2007, the AKP government mainly addressed voters through a comprehensive redistributive program, as both domestic and international political and financial conditions were favorable. With the 2008 global economic recession, however, the economy became vulnerable to external and internal shocks. To keep its voters loyal in the context of decreasing clientelist resources, the AKP boosted polarization along religious (secular vs. Islamist) and ethnic (Turk vs. Kurd) lines, while class-based cleavages remained secondary.

In extending polarization, the AKP not only targeted the CHP but also the HDP and IYI parties, and most recently the splinter parties of Gelecek (Future) and DEVA (Remedy). The HDP's former co-chair Selahattin Demirtaş, as well as most of its high-ranking officials and mayors, were sent to prison. In addition, a number of IYI party deputies and journalists were assaulted. DEVA and Gelecek were also targeted, as they attract some of the AKP's loyal voters. However, the AKP's polarization strategy backfired as it prompted strategic voting against opposition supporters. The success of the opposition in the 2019 local elections can be read from this perspective. (Score: 3)

Citation:

Özbudun, E. (2013). *Party Politics & Social Cleavages in Turkey*. Boulder and London: Lynne Rienner Publishers.

Arslantaş, D., & Arslantaş, Ş. (2020). Keeping power through opposition: party system change in Turkey. *New Perspectives on Turkey*, 62, 27-50.

Arslantaş, D., & Arslantaş, Ş. (2020). How does clientelism foster electoral dominance? Evidence from Turkey. *Asian Journal of Comparative Politics*, 2057891120920718.

Konda. "Türkiye'de Kutuplaşma Ocak 2019." January 2019. https://konda.com.tr/wp-content/uploads/2020/08/TR1901_Barometre94_TurkiyedeKutuplasma.pdf.

Arslantaş, D., Arslantaş, Ş., & Kaiser, A. (2020). Does the electoral system foster a predominant party system? Evidence from Turkey. *Swiss Political Science Review*, 26(1), 125-143.

Sustainable Policies

I. Economic Policies

Economy

Economic Policy
Score: 3

Before the onset of the pandemic, Turkey's economy was already vulnerable to internal and external shocks. More specifically, 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. At present, the country's trade and current account balances are unsustainable. According to the Ministry of Treasury and Finance, Turkey's gross external debt stock totaled \$450 billion at the end of 2020, amounting to 62.8% of its GDP. The country's net foreign debt was \$268.9 billion, amounting to 37.5% of its GDP. In addition, the short-term external debt stock had reached \$126.9 billion as of August 2021. The short-term debt of the public sector was \$25.5 billion, while that of the private sector was \$74.4 billion. These numbers indicate that the private sector accounts for most of the debts.

The inflation rate is soaring again. The head of the Central Bank, Naci Ağbal, who replaced Murat Uysal in November 2020, increased the interest rates from 10.25% to 19% within four months. Ağbal was then replaced by Şahap Kavcıoğlu four months later. From September to October 2021, the interest rate was cut by 3 percentage points, and further reduced to 15%. As a response, between September 2021 and December 2021 alone, the exchange rate with the U.S. dollar rose from TRY 8.5 to TRY 18. The inflation rate, on the other hand, is expected to approach an annual rate of 40% in the first quarter of 2022. Due to deteriorating indicators, Minister of Treasury and Finance Lütfü Elvan resigned, and Nureddin Nebati was appointed in his place.

The government's rescue plan responding to the devaluation of the Turkish lira included using Treasury funds to offer compensation for possible losses

against foreign currencies over periods of three, six, nine and 12 months. Experts argue that this new model creates serious risks for the public budget. Shortly after the announcement of the new plan, the dollar dropped sharply to TRY 11, a decrease of almost 40%. However, the exchange rate is far from being stabilized, as high levels of volatility persist in the capital market.

Despite this deteriorating picture, Turkey's GDP increased by 0.9% in 2019 and 1.7% in 2020. According to the three-year program crafted in 2019, the Turkish economy was expected to grow by 9% in 2021, 5% in 2022 and 5.5% in 2023 and 2024. However, these estimates are unrealistic. For example, the OECD (2021) expects that even in an absence of external shocks, the GDP growth would remain at 5.7% in 2021 and 3.4% in 2022, as the post-pandemic recovery continues. The biggest obstacle to sustainable growth has been the dynamics of the growth itself, which previously centered on the expansion of the construction sector. As construction became costlier due to inflation and the rise of credit interest rates, the economic growth rate declined. September 2021 numbers indicated that mortgage-based house sales had dropped by 16.4% on an annual basis.

Turkey is far from creating resource-efficient economic activity that might promote social well-being and economic empowerment in the future. The government rarely backs eco-friendly policies in practice. The most notable exceptions include Turkey's investments in renewable energy and desire to produce its own electric car (TOGG). Turkey relies on imports for its energy needs. To reduce its import dependency, the government is now constructing the country's first nuclear power plant in Mersin, with the help of Russia. It is also making efforts to identify natural gas deposits in the Black Sea and the Mediterranean, despite the high geopolitical risks associated with such activity.

Citation:

Anadolu Ajansı. "Turkey's external gross debt stock at \$450B end-2020." March 31, 2021. <https://www.aa.com.tr/en/economy/turkeys-external-gross-debt-stock-at-450b-end-2020/2193871>

Anadolu Ajansı. "Turkey's short-term foreign debt stock at \$126.9B in August." October 15, 2021. <https://www.aa.com.tr/en/economy/turkey-s-short-term-foreign-debt-stock-at-1269b-in-august/2392843>

Anatolian Agency. "Turkey projects 9% GDP growth this year, 5% in 2022." September 6, 2021. <https://www.aa.com.tr/en/economy/turkey-projects-9-gdp-growth-this-year-5-in-2022/2356625>

OECD. 2021. Turkey Economy Snapshot: Economy Forecast Summary (December 2021). <https://www.oecd.org/economy/turkey-economic-snapshot/>

Anadolu Ajansı. 2021. "Türkiye'de Eylülde 147 bin 143 konut satıldı." <https://www.aa.com.tr/tr/ekonomi/turkiyede-eyulde-147-bin-143-konut-satildi/2390576>

Labor Markets

Labor Market
Policy
Score: 5

Turkey's population and workforce are both growing rapidly. Turkey's population had reached 83,614,362 by the end of 2020, representing an increase of 459,365 over the previous year. The annual population growth rate declined from 1.39% in 2019 to 0.55% in 2020. The average age increased by 0.3 to 32.7 in 2019 (for men it increased to 32.1; for women, it increased to 33.4).

The number of people in the working-age population (those aged 15 years old and over) increased from 61.8 million in November 2019 to 63.8 million in August 2021. The seasonally adjusted labor-force participation rate declined from 52.8% in November 2019 to 42.2% in August 2021. A total of 28.1 million people were officially employed in November 2019, a figure that increased to 28.7 million in August 2021.

High levels of unemployment highlight the failure to generate an efficient labor market policy. Still, with respect to the pandemic and its impact on many sectors, the Turkish labor market showed some resilience. In August 2021, the official unemployment rate was 12.1%, indicating a 0.9% decrease on an annual basis. The unemployment rate outside of the agricultural sector was 14.2%, indicating a 0.2% increase. Moreover, sector-specific employment figures point to growing dynamism in the Turkish labor market following the first shock of the COVID-19 pandemic. Employment figures reveal an increase of 190,000 jobs in construction, 731,000 jobs in the service sector, 787,000 jobs in the industry sector and 157,000 jobs in the agriculture sector during the same period. Displacement of native workers by refugees (who work without job security and for lower wages) is one of the factors driving this development.

The rate of unregistered employment, which stood at 31.4% in August 2021, represents one of the biggest problems in the labor market. Another challenge 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. In particular, the employment rate among young people decreased from 24.7% in August 2020 to 22.7% in August 2021. In contrast to this trend, the total number of children who were working declined from 893,000 in 2012 to 720,000 in 2019.

The Unemployment Insurance Law No. 4447 defines criteria in order to receive unemployment insurance benefits (e.g., paying the unemployment insurance premium for at least 600 days in the last three years). Turkey does not have a good collective agreement record. Only six out of 100 workers benefit from collective agreements, the lowest rate among OECD members.

Citation:

TURKSTAT. "The Results of Address Based Population Registration System, 2020." February, 4 2021. <https://data.tuik.gov.tr/Bulten/Index?p=The-Results-of-Address-Based-Population-Registration-System-2020-37210&dil=2>

TURKSTAT.2021. "Labour Force Statistics, August 2021." October 11, 2021. <https://data.tuik.gov.tr/Bulten/Index?p=Isgucu-Istatistikleri-Agustos-2021-37490>

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Birgün. "Her 100 çalışanın yalnızca 6'sı Toplu iş sözleşmesi hakkından faydalıyor: TİS mi oda ne?" August 16, 2020. <https://www.birgun.net/haber/her-100-calisanin-yalnizca-6-si-toplu-is-sozlesmesi-hakkindan-faydalaniyor-tis-mi-oda-ne-312120>.

Taxes

Tax Policy
Score: 5

The taxation system in Turkey 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 2021, 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 8% and some other products to a 1% tax rate.

Taxes accounted for 81.0% of central government revenue in 2020. Biased toward indirect taxes, Turkey's taxation system does not take into consideration horizontal or vertical equity, which inhibits competition across classes. Income taxes accounted for 19% of the central government's total tax revenue while corporate taxes accounted for 12.6%. This system reduces fiscal stability and political credibility, particularly given the strong played by the special consumption tax, which accounted for 24.8% of total government revenue in 2020. Finally, there is no apparent incentive structure to promote ecological sustainability.

Citation:

Sözcü. "2020'de neye ne kadar vergi ödedik? Ozan Bingöl 15 soruda anlattı." January 16, 2021. <https://www.sozcu.com.tr/2021/ekonomi/2020de-neye-ne-kadar-vergi-odedik-ozan-bingol-15-soruda-anlatti-6213681/>.

Budgets

Budgetary Policy
Score: 6

According to the World Economic Outlook Database (2021), general government revenue as a percentage of GDP is expected to decrease from 29.2% in 2020 to 28.2% in 2021, before increasing slightly to 28.4% in 2022. General government expenditure as a percentage of GDP is expected to

decrease from 34.6% in 2020 to 33.9% in 2021, then increase to 34.5% in 2022. The general government structural balance as a percentage of GDP, which was -3.3% in 2020, is expected to worsen to -3.4 % in 2021 before recovering again to -3.3% in 2022. The general gross debt-to-GDP ratio is expected to increase from 36.7% in 2020 to 37.1% in 2021, before rising to 38.8% in 2022.

From January to September 2020, tax revenues totaled TRY 578.7 billion. With the increase in the risk premium of the Turkish economy, TRY 107.8 billion of this was applied to interest payments. Due to the COVID-19 pandemic, budgetary expenditures increased to TRY 870 billion (9.5 billion) for the first nine months of 2020. This amounted to a 17.6% increase on an annual basis. The New Economic Program of 2020-2022 initially anticipated that the budget deficit would be 2.9% of GDP. Due to the pandemic, however, this number was later revised to 4.9%. The budget expenditure in 2020 was TRY 1.20 trillion while revenues were TRY 1.03 trillion. The 172.7 billion lira deficit in 2020 amounted to a 38.5% increase in comparison to 2019.

The primary surplus that had persisted since 2002 fell back into balance in 2018 due to expansionary fiscal policies, and reverted to a primary deficit starting in 2019. The depreciation of the Turkish lira since 2018 put Turkey's payment obligations at risk. Reuters sources estimated that the central bank of Turkey spent more than \$100 billion to cushion the currency shock. TEPAV (2020) similarly indicated that expansionary fiscal policies harmed the budget. The government's attempt to balance the budget by collecting one-time revenues rather than through implementing structural adjustments increased the share of interest expenses in the budget.

The fiscal deficit figures presented 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. According to one credible source, the PPP projects such as the Akkuyu nuclear power plant, the Yavuz Sultan Selim Bridge, the Istanbul Airport and city hospitals, most of which were sponsored by pro-government businessmen, amount to a total cost of TRY 150 billion. The immense cost of megaprojects such as the Canal Istanbul project are adding additional costs to the public budget. According to official estimations, the costs of the canal alone are projected at TRY 75 billion. Finally, the astonishing rise in expenditures by the President's Office must also be noted. Since 2014, the first time Erdoğan was elected as president, these expenditures have increased by 1,506%.

Citation:

IMF. "World Economic Outlook Database." 2021. <https://www.imf.org/en/Publications/WEO/weo->

database/2021/October.

IMF. “IMF Staff Country Report.” <https://www.imf.org/en/Publications/CR/Issues/2021/06/11/Turkey-2021-Article-IV-Consultation-Press-Release-Staff-Report-and-Statement-by-the-50205>

Anatolian Agency. “Turkey: Budget balance posts \$20.9B deficit in Jan-Sept.” October 15, 2020. <https://www.aa.com.tr/en/economy/turkey-budget-balance-posts-209b-deficit-in-jan-sept/2007235>.

NTV. “Bütçe, 2020’de 172,7 milyar lira açık verdi,” January 15, 2021. <https://www.ntv.com.tr/ekonomi/butce-2020de-172-7-milyar-lira-acik-verdi,mLQGQEs69LEyb974xQwV2bQ>

TEPAV. “Merkezi Yönetim Bütçesinin Görünümü: COVID-19 Etkisi, 2020 ve Sonrasına Bakış.” November 2020. https://www.tepav.org.tr/upload/mce/2020/notlar/merkezi_yonetim_butcesinin_gorunumu_covid19_etikisi_2020_ve_sonrasina_bakis.pdf.

BBC. “Reuters: Türk Lirası’nı desteklemek için piyasaya geçen yıldan beri 100 milyar dolar döviz sürüldü.” July 16, 2020. <https://www.bbc.com/turkce/haberler-turkiye-53433974>.

Cumhuriyet. “Büyük kamu-özel işbirliği projelerinin hazırlanmasında bir defa değil bin defa dikkatli olunmalı.” July 27, 2020. July 27, 2020. <https://www.cumhuriyet.com.tr/haber/buyuk-kamu-ozel-isbirligi-projelerinin-hazirlanmasinda-bir-defa-degil-bin-defa-dikkatli-olunmali-1754223>.

Kanal İstanbul. 2021. “Kanal İstanbul’un Toplam Maliyeti.” <https://www.kanalistanbul.gov.tr/tr/hersey/kanal-istanbulun-toplam-maliyeti>

Birgün. “Saray’ın harcamaları 4.5 katına çıktı.” January 16, 2020. <https://www.birgun.net/haber/saray-in-harcamalari-4-5-katina-cikti-284202>.

Research, Innovation and Infrastructure

R&I Policy
Score: 5

During the review period, the government continued to reinforce the country’s research and innovation capacity. The Scientific and Technological Research Council of Turkey (TUBITAK) is the leading agency for the management, funding, and conduct of research. According to TURKSTAT (2020), total public and private R&D spending as a percentage of GDP increased from 1.06% in 2019 to 1.09% in 2020. During 2020, commercial enterprises accounted for 64.8% of R&D expenditure, the largest single share. While universities accounted for 28.4% of spending on R&D, public institutions accounted for 6.8%. A total of 199,371 people worked full-time in the country’s R&D sector during 2019. Financial and non-financial corporations employed 65.3% of the country’s R&D personnel, while 29.9% of R&D personnel were employed in higher education. Public institutions accounted for a 4.7% share. Educational statistics reveal that 32.1% of R&D personnel hold a doctoral degree or equivalent, 33.1% a bachelor’s degree and 24.6% a master’s degree.

As of September 2021, Turkey had 1,260 R&D centers, 203 of which were owned by foreigners or foreign shareholders. These centers have carried out 59,935 projects and own 27,983 patents. In terms of sectoral distribution,

machine and equipment manufacturing centers topped the list (174), followed by the automotive subsidiary industry (130) and software centers (116).

The Supreme Council for Science and Technology (SCST) is the highest-ranking science and technology policymaking body in Turkey. In recent SCST meetings, an emphasis has been placed on intensifying R&D efforts in the energy, health and biotechnology sectors. Additionally, the government has cooperated with 12 research universities in Turkey to create five new investment funds for techno-entrepreneurs and startups worth a total of €105 million. It also was supporting 85 technology development zones as of January 2020.

Citation:

TURKSTAT. "Research and Development Activities Survey, 2020," October, 26. 2021.
<https://data.tuik.gov.tr/Bulten/Index?p=Research-and-Development-Activities-Survey-2020-37439>

Sanayi ve Teknoloji Bakanlığı. "AR-GE Merkezleri."
<https://www.sanayi.gov.tr/assets/pdf/istatistik/ArGeMerkeziIstatistik2021.pdf>

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021.
https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Global Financial System

Stabilizing
Global Financial
System
Score: 5

Turkey's integration into the global financial system has been put at great risk by recent developments. Most notably, it turned out that the U.S. embargo on Iran was breached by Halkbank after Iranian businessperson Reza Zarrab fled to the United States. Within the framework of the investigation, Halkbank Deputy General Manager Hakan Atilla was arrested and then sent to prison in the United States. Similarly, recent allegations by organized crime network leader Sedat Peker revealed that money earned by defrauding the state in the United States has been laundered in Turkey through businessperson Sezgin Baran Korkmaz. In line with these developments, a global anti-money laundering body added Turkey to its so-called gray list of jurisdictions along with Jordan and Mali, a designation that could potentially deter investors.

Erdoğan's desire to lower interest rates has inhibited the flow of foreign capital flow Turkey. On several occasions, foreign intermediary institutions that hold short positions on the Turkish lira had to pay high-interest rates to close their positions through swaps. As a response, most of the major players have exited the market. The closing of swap channels increased Turkey's risk premium, and put Turkey's short-term debt obligations at risk.

Citation:

Bloomberg. "Turkey added to global money laundering watchdog's 'gray list'," October 21, 2021.
<https://www.bloomberg.com/news/articles/2021-10-21/global-money-laundering-watchdog-adds-turkey-to-its-gray-list>

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 2020 – 2021 school year, although the pre-primary education enrollment rate was quite low at 58.5%, Turkey achieved almost universal primary-school enrollment (97.6%). During the same period, lower-secondary-school enrollment was 96.1%; upper-secondary school enrollment was 95.6%, and the higher-education enrollment rate was 43.3%. Gender-based statistics show that female enrollment ratios are 97.7% at the primary education level, 84.8% for secondary education and 87.9% for higher education. With these scores, the Gender Gap Index of the World Economic Forum ranked Turkey 133th out of 156 countries.

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, almost all of which is spent in workplaces. A total of 36% of 25- to 34-year-old women have a tertiary qualification in comparison to 35% of men. These numbers are respectively 51% and 39% on average across OECD countries.

The results of the 2019 PISA study showed Turkey making some improvements compared to previous years, and thus indicated some degree of effective policymaking and implementation. However, Turkey still ranks at the bottom of the test group, suggesting serious issues with the overall quality of education.

For the 2020-2021 education year, the total number of teachers in the country reached 1,112,305. Among them, 950,090 work in public schools and 162,215 work in private schools. There are 53,620 public and 13,501 private schools in Turkey. The number of classrooms is 732,381. Despite the extent of institutionalization, the education system does not provide students with high-quality instruction. In the YKS test in 2021, out of 2,416,748 candidates, 217,504 had no correct answers in the mathematic test (out of 40 questions).

Equitable access for Syrian refugees to Turkey’s education system remains a matter of concern. Although the number of refugees who are enrolled in formal education rose from 684,728 in 2019 to 768,839 by December 2020, more than 400,000 school-aged refugee children cannot still access education. Similarly, the school enrollment rate among disabled people remained low despite enhancements in online teaching and TV broadcasting.

Citation:

Anadolu Ajansı. “MEB eğitim-öğretim istatistiklerini açıkladı,” September 10, 2021. <https://www.aa.com.tr/tr/egitim/meb-egitim-ogretim-istatistiklerini-acikladi/2361308>

World Economic Forum. “Global Gender Gap Report 2021.” https://www3.weforum.org/docs/WEF_GGGR_2021.pdf

OECD. “Education at a Glance 2020, Turkey.” 2020. <https://www.oecd-ilibrary.org/docserver/1701b91e-en.pdf?expires=1636550364&id=id&accname=ocid41021573&checksum=CC4D567BFA4E35995436E0BDEC6B56C4>

OECD. “PISA 2018.” https://www.oecd.org/pisa/publications/PISA2018_CN_TUR.pdf.

Anadolu Ajansı. “MEB eğitim-öğretim istatistiklerini açıkladı,” September 10, 2021. <https://www.aa.com.tr/tr/egitim/meb-egitim-ogretim-istatistiklerini-acikladi/2361308>

Sözcü. “Eğitim sistemi sıfır çaktı! 1 milyon aday birinci basamağı bile geçemedi,” July 28, 2021. <https://www.sozcu.com.tr/2021/egitim/egitim-sistemi-sifir-cek-ti-1-milyon-aday-birinci-basamagi-bile-gecemedi-6561432/>.

European Commission. “Turkey Report 2021. Commission Staff Working Document.” October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Social Inclusion

Social Inclusion
Policy
Score: 5

Income distribution in Turkey continues to be among the OECD’s most unequal. According to TURKSTAT (2021), while the top 20% of earners received 47.5% of income, the bottom 20% of earners received 5.9% of total income. TURKSTAT data reveals that if the poverty line is determined according to 60% of median income, 21.9% of the citizens would be below the poverty line. In particular, poverty remains prevalent among people with comparatively low educational attainments, workers in the informal sector, unpaid family caregivers and homemakers, and the elderly. As the currency shocks have affected low-income households more than others, it would not be surprising to see a rise in poverty rates in the short run.

Since 2002, the AKP government has developed a fragmented and integrated social assistance scheme for the elderly, widows and disabled, excluding the homeless. Targeted assistance programs are also applied to encourage school attendance and visits to hospitals as necessary. The EU Commission (2021) points to the absence of a universal last-resort minimum income scheme,

although one-off payments have been seen as a partial remedy. In 2020, social assistance payments totaled 1.37% of GDP, or TRY 69.3 billion. Between 2011 to July 2020, a total of 1,724,006 people benefited from at-home care facilities.

Additionally, 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. The government has been implementing an Integrated Social Assistance Information System, using a single proxy means test to target benefits more effectively. While 6,630,682 households benefited from social assistance in 2020, a total of 2,450,080 households received regular assistance. About 1,436,799 households benefited from both regular and temporary aid.

Citation:

TURKSTAT. "Gelir ve Yaşam Koşulları Araştırması, 2020." September 11, 2020. <https://data.tuik.gov.tr/Bulten/Index?p=Income-and-Living-Conditions-Survey-2020-37404>

Worldbank. "Turkey Economic Monitor: Navigating the Waves." April 27, 2021. <https://www.worldbank.org/en/country/turkey/publication/economic-monitor>

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Anadolu Ajansı. "Evde sağlık hizmetinden yararlananların sayısı 1,5 milyonu aştı." September 23, 2020. <https://www.aa.com.tr/tr/saglik/evde-saglik-hizmetinden-yararlananlarin-sayisi-1-5-milyonu-asti-/1982721>.

Sözcü. "Yoksul hane sayısı 1 yılda 2'ye katlandı," April 2, 2021. <https://www.sozcu.com.tr/2021/ekonomi/yoksul-hane-dayisi-1-yilda-2ye-katlandi-6348466/>

Health

Health Policy
Score: 7

Thanks to a series of healthcare reforms implemented since 2003, Turkey had achieved near-universal health insurance coverage by 2014, improving equity in access to healthcare nationwide. The vaccination program has been broadened, the scope of newborn screening and support programs has 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 remains keeping costs under control as demand for healthcare increases, the population ages and new technologies are introduced. Total health expenditure rose to TRY 201 billion in 2019, with a 21.7% increase in comparison to 2018. The total health expenditure as a share of GDP increased from 4.7% in 2019 to 5.0% in 2020. The rate of public health

expenditure to total health expenditure was 79.2% in 2020, while private-sector health spending consisted of 20.8% of all expenditure.

In 2020, a total of 1,534 hospitals actively served patients. From 2019 to 2020, the number of actively used hospital beds increased by 13,678, reaching 251,108. The number of adult intensive care beds rose from 25,364 to 32,663. For the same period, the total number of physicians increased from 160,810 to 171,259, while the number of healthcare personnel increased from 1,033,767 to 1,142,469. Adequate payment of medical staff, however, remains a pressing issue.

To tackle the pandemic, the Ministry of Health attempted to increase the quality of health facilities and protect public health in accordance with the EU directives on communicable diseases and WHO international health regulations. Since the outbreak of the pandemic, Turkey has usually had enough capacity with regard to protective materials, disinfectants, masks and ventilators.

By December 2021, more than 9 million people in the country had been infected with COVID-19, and nearly 79,000 people had lost their lives in connection with the disease. The country's comprehensive vaccination program started in January 2021. As of 25 December 2021, more than 128 million doses of the vaccine, mainly of Chinese origin, had been administered. This means that 82.7% of citizens over 18 were fully vaccinated, yet were largely insufficiently protected against the virus and its variants. Turkey is executing seven vaccine development projects at the same time. The inactivated TURKOVAC vaccine, developed by the Health Institutes of Turkey and Erciyes University, was permitted for emergency use in December 2021.

Healthcare access is equitable. Turkey, in coordination with WHO/Europe, assists in providing healthcare services to refugees and migrants. The government has employed 4,000 Syrian health workers. More than 97 million polyclinic services were provided to Syrians, and the number of surgical operations reached 2.6 million.

Citation:

TURKSTAT. "Health Expenditure Statistics, 2020," December 8, 2021.
<https://data.tuik.gov.tr/Bulten/Index?p=Saglik-Harcamalari-Istatistikleri-2020-37192#:~:text=Toplam%20sa%C4%9Flu%C4%B1k%20harcamas%C4%B1n%C4%B1n%20GSYH'ye,%254%2C6%20olarak%20ger%C3%A7ekle%C5%9Fti.>

Sağlık Bakanlığı. 2021. "Sağlık İstatistikleri Yıllığı 2020 Haber Bülteni."
<https://sbsgm.saglik.gov.tr/Eklenti/41611/0/haber-bulteni-2020pdf.pdf>

Sağlık Bakanlığı. 2021. "Günlük Covid-19 Tablosu." <https://covid19.saglik.gov.tr>

BBC. "Turkovic: Yerli Covid aşısı için acil kullanım onayı alındı," December 22, 2021. <https://www.bbc.com/turkce/haberler-dunya-59754868>

Families

Family Policy
Score: 4

Inequalities between men and women with regard to combining participation in the labor force and parenting persist in Turkey. Most strikingly, no regulation has been made relating to part-time work for working parents in the public sector. In 2019, the employment rate among men (63.1%) was more than twice that among women (28.7%). Despite a modest increase in the latter figure, Turkey still lags behind advanced economies such as Germany (46.3%) and France (48.1%). What is troublesome is that the gender pay gap is observed at all levels of educational attainment. In 2018, the pay gap was 15.6%. The wage gap tends to diminish as educational level and age increase. According to the EU commission, the gender employment gap was 38.1% in 2020, which was the highest such rate among EU candidate countries and potential candidates.

Under the provisions of the Labor Law No. 4857, female workers have a right to maternity leave of eight weeks before giving birth and eight weeks after giving birth, for a total of 16 weeks. The right to return to one's job after maternity leave is no longer exclusive to civil servants or women married to a civil servant. Women whose spouse is no longer a civil servant, but who has worked in civil service for a minimum of 360 days in the last two years, may apply for maternity leave and have the right to return to their position. However, to benefit from this provision, people must have paid premiums for at least 360 days in the last two years.

In general, the government's conservative stance on women and family affairs (e.g., concerning the number of children, or women's roles) harms gender equality in the labor market. Turkey's withdrawal in March 2021 from the Istanbul Convention, which protects women from domestic violence, allegedly because the measure was incompatible with Turkish family values, illustrates the desire of the government to curtail women's rights under the pressure of the religious groups in Turkey.

Citation:

World Bank. "Labor Force, Female (% of Total Labor Force) - Turkey." <https://data.worldbank.org/indicator/SL.TLF.TOTL.FE.ZS?locations=TR>

ILO. "Gender Wage Gap Is 15.6% in Turkey, According to the Joint Study by ILO Turkey Office and TURKSTAT." October 05, 2020. https://www.ilo.org/ankara/news/WCMS_757055/lang-en/index.htm.

Pensions

Pension Policy
Score: 5

In 2001, Turkey's pension system was reformed with the enactment of Law No. 4632, offering individual retirement plans within a three-component system that includes one compulsory component, one occupational component and one optional component. In 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 2016, Law No. 6740 automatically assigned all publicly and privately employed wage and salary earners who were less than 45 years of age to an individual pension plan, in which they would begin contributing at a minimum rate of 3% of their taxable earnings unless they opted out within two months of their automatic enrollment in the plan. After the plan went into effect, 60% of the 12 million workers included in the system opted out of the plan, which created pressure for the government to take further action.

Under the Economic Program of 2019 – 2021, 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. Moreover, a comprehensive reform package is to be introduced. The government has stated it would implement policies balancing the social security system while also safeguarding social justice.

Currently, the age of pension eligibility is 60 years for men and 58 years for women, with at least 7,200 days of contributions needed for eligibility. The pension age will gradually rise to 65 for both men and women, between 2036 and 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 constitute around 3% of GDP until the middle of the century.

Because of soaring inflation, pension payments remain under the poverty threshold. Some research shows that about 8 million retirees live under the poverty line, while 1.5 million retirees live under the hunger threshold.

The population of people who will be forced to wait longer for pension eligibility than they had expected (*emeklilikte yaşa takılanlar*), whose number is estimated to be around 1 million, are putting increasing pressure on policymakers. Although the government has not yet passed a bill that recognizes their rights, it will likely use this as a trump card on the eve of the

2023 elections. According to some credible estimates, the cost of such legislation could reach TRY 750 billion, making it less popular among many policymakers.

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

Cumhuriyet. "Çözüm." February 10, 2019. <https://www.cumhuriyet.com.tr/haber/cozum-mumkun-1241326>

Integration

Integration Policy
Score: 6

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 to bring 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 irregular migration. At the same time, it also remains a notable transit and destination country for irregular migration. Turkey hosts 3.6 million Syrian refugees along with 400,000 refugees from other countries. Additionally, around 1 million unregistered refugees are estimated to reside in Turkey. Children aged 0-18 make up 1,764,863 (47.5%) of the country's Syrian population. About 51,945 Syrians were residing in temporary refugee centers as of October 2021. Istanbul hosts the largest number of Syrians (534,439); followed by Gaziantep (458,670) and Hatay (437,234).

The Human Rights Association (2020) observes that difficulties in accessing education, nutrition and suffering from violence persist. 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.

The refugees were one of the most vulnerable groups during the pandemic, as most of them lost their jobs and income. However, the government did not create a special program to help refugees. Rather it collaborated with international actors in order to ease the burden on its own budget. The EU Facility for Refugees in Turkey, for instance, had mobilized €4.2 billion in funding for the refugees by August 2021.

Citation:

Mülteciler Derneği. “Türkiyedeki Suriyeli Sayısı Kasım 2021,” November 25, 2021.
<https://mülteciler.org.tr/turkiyedeki-suriyeli-sayisi/>

European Commission. “Turkey Report 2021. Commission Staff Working Document.” October 19, 2021.
https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Cumhuriyet. “‘Göçmen Emegi’ çalışmasına göre, kayıt dışı çalışma yüzde 94,” August 2, 2021.
<https://www.cumhuriyet.com.tr/haber/gocmen-emegi-calismasina-gore-kayit-disi-calisma-yuzde-94-1857175>

Safe Living

Internal Security
 Policy
 Score: 4

The Turkish National Police (TNP) has introduced an e-government infrastructure in many of its divisions, and initiated several projects intended to bring operations into harmony with the EU acquis. The 2020 UNDP Human Development Report ranked Turkey in the top group of countries (i.e., countries with a score of above 0.8), as Turkey scored particularly well for life expectancy and standard of living. In a 2018 OECD survey, 60% of Turkish respondents stated that they felt safe walking alone at night, slightly lower than the OECD average of 68%. Turkey’s homicide rate is 1.4 per 100,000 inhabitants, lower than the OECD average of 3.7 per 100,000 inhabitants. Moreover, 77.4% of respondents to the TURKSTAT 2020 Life Satisfaction Survey expressed satisfaction with the security services.

Based on TURSTAT figures, however, the opposition draws a completely different picture. Most strikingly, from 2009 to 2019, theft increased by a factor of seven, smuggling by a factor of nine, murder by a factor of six, and sexual crimes by a factor of 10. Consequently, Global Initiative’s Global Organized Crime Index ranks Turkey 12th among 193 countries.

The Ministry of Interior Affairs also initiated a joint border control project with Georgia in 2021. The Turkish National Police (TNP) collaborates extensively with domestic partners and international organizations such as INTERPOL, EUROPOL, SECI, AGIT, BM, CEPOL and FRONTEX.

Citation:

TURKSTAT. “Life Satisfaction Survey, 2020,” February 18, 2021.
<https://data.tuik.gov.tr/Bulten/Index?p=Yasam-Memnuniyeti-Arastirmasi-2020-37209>

Medyascope. “Küresel organize suç indeksi açıklandı: Türkiye’nin adı her kategoride yer alıyor,” November 3, 2021. <https://medyascope.tv/2021/11/03/kuresel-organize-suc-indeksi-aciklandi-turkiyenin-adi-her-kategoride-yer-aliyor/>

Anadolu Ajansı. “Türkiye ile Gürcistan’dan ortak sınır tatbikatı.” November 12, 2021. Accessed 5 April, 2022. <https://www.aa.com.tr/tr/dunya/turkiye-ile-gurcistandan-ortak-sinir-tatbikati-/2418997>

Global Inequalities

Global Social
Policy
Score: 7

Turkey has long used development assistance to advance social inclusion and development beyond its borders. Most strikingly, the amount of official development assistance (ODA) provided by Turkey increased from \$967 million in 2010 to \$8.6 billion in 2018. This means that ODA totaled 1.1% of the country’s gross national income (GNI), well above the 0.7% threshold in the Sustainable Development Goal targets. The top five receivers are Somalia, Palestine, Afghanistan, Bosnia and Herzegovina, and Kyrgyzstan.

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.

Citation:
United Nations. 2019. Turkey’s Sustainable Development Goals. (Strong Ground towards Common Goals). https://sustainabledevelopment.un.org/content/documents/23862Turkey_VNR_110719.pdf

TIKA Annual Report 2020, <https://www.tika.gov.tr/upload/sayfa/FAAL%C4%B0YET%20RAPORU%202020/TIKAFaaliyet2020Web.pdf>

III. Environmental Policies

Environment

Environmental
Policy
Score: 3

The Turkish government does not generally follow eco-friendly policies. The ongoing economic crises in Turkey make a sustainable economy secondary. Although some positive steps have been taken, such as the ratification of the Paris Agreement on climate change in November 2021, enforcement remains weak, especially in the areas of waste management and industrial pollution. According to TURKSTAT (2021) data, greenhouse gas emissions totaled 506.1 million metric tons in 2019. The largest contributor to emissions is energy consumption, with a 72.0% share, followed by industrial enterprises and product use at 13.4%, agricultural activities at 11.2%, and waste at 3.4%.

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 Ministry of the Environment and Urban Planning outlined several aims in its strategic plan for 2018 – 2022. These aims focus on protecting the environment and nature, preventing pollution and combating climate change; monitoring and controlling environments 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 its policymaking, policy implementation and the assessment of outcomes

Turkey is currently building its first nuclear power plant, in Akkuyu. What is worrisome about environmental policy is the government's disregard of judicial decisions relating to controversial projects with high levels of impact. The Canal Istanbul project, which will connect the Black Sea and the Sea of Marmara, is one of these projects. The government is seeking to build the canal despite its immense costs and its very serious impact on the environment.

Citation:

OECD. "OECD Environmental Performance Reviews: TURKEY." 2019. <http://www.oecd.org/env/country-reviews/Highlights-Turkey-2019-ENGLISH-WEB.pdf>.

Voice of America. "Paris Anlaşması 10 Kasım'da yürürlüğe giriyor," November 4, 2021. <https://www.amerikaninsesi.com/a/paris-anlasmasi-10-kasim-da-yururluge-giriyor/6299485.html>

TURKSTAT. "Greenhouse Gas Emissions Statistics, 1990-2019," March 30, 2021.

<https://data.tuik.gov.tr/Bulten/Index?p=Greenhouse-Gas-Emissions-Statistics-1990-2019-37196>

Global Environmental Protection

Global
Environmental
Policy
Score: 5

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

Reservations based on national concerns complicated negotiations over the Paris Agreement on climate change. Although Turkey struggles to manage its waste, it has become a collector of waste from industrial countries, including some southeast Asian countries.

Due to public pressure, Turkey banned the import of mixed plastics in 2021. In December 2020, Turkey introduced a ban on the import of mixed plastics as of 2021, but it has not ratified the Basel Convention 2019 Amendment. Similarly, the National Biodiversity strategy had not yet been legislatively implemented, although wastewater treatment capacity has been greatly expanded. In the 2022 Climate Change Performance Index, Turkey was ranked at 42nd place out of 60 countries. Turkey is not part of the Aarhus or Espoo conventions, but is part of the EU sea basin strategy, the Common Maritime Agenda for the Black Sea (CMA). This was endorsed by a ministerial declaration in May 2019, and seeks to improve marine health and coastal ecosystems in the Black Sea.

Citation:

Climate Change Performance Index. 2021. <https://ccpi.org/country/tur/>

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Robust 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 is 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. 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 laws governing presidential elections, deputies' elections and local-administration elections.

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 the lack of a criminal record (e.g., having been sentenced to prison for certain crimes). Any citizen can object to presumptive candidates within the period announced by the YSK, which makes the final decision on any objections.

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 presidential candidates if they collect at least 100.000 signatures for which notarization is not required in the 2018 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>.

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

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 under 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. Several TRT channels regularly broadcast pro-government programming, and invite experts allied with the government party to appear on these programs. The mainstream (pro-government) TV channels and newspapers frequently use identical headlines. 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 most notable recent event revealing the influence of the government in the media sector was the 2019 local elections. The state-run Anadolu Agency stopped publishing election results near midnight on 31 March 2019 when the CHP Istanbul mayoral candidate began to catch up with his AKP rival. After refraining from publishing updated figures for 13 hours, Anadolu Agency finally declared the CHP to be ahead in the Istanbul elections.

Citation:
Freedom House. “Freedom in the World 2020 Turkey.” 2020. <https://freedomhouse.org/country/turkey/freedom-world/2020>.

Bianet. “State-Run AA declares CHP ahead in İstanbul elections After 13-Hour Silence,” 1 April 2019, <http://bianet.org/english/politics/207014-state-run-aa-declares-chp-ahead-in-istanbul-elections-after-13-hour-silence>

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 allowing Turkish citizens who are not living or present in Turkey during elections to vote (Law 5749). The distance of polling stations from residents' homes and the comparatively short voting period can be considered as potentially major obstacles to voting.

Turkey has a passive electoral registration system maintained by the SBE. Despite the recent revision of the national electoral registry based on an address-registration system, critics have noted that the number of registered voters and the number of eligible citizens registered in the address system do not match. Disabled voters sometimes face difficulties, as many polling stations lack appropriate access facilities.

Parliamentary and local elections are conducted by local election boards under the supervision of the SBE. These local boards verify election returns and conduct investigations of irregularities, complaints, and objections, with the national board providing a final check.

Citation:

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

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 money political parties spent on campaigning over the last two presidential elections. Excluding Erdoğan, presidential candidates collected TRY 32 million in donations from eligible people.

Turkish parties excessively rely on external resources, especially state subsidies, to survive. Generally speaking, more than 90% of parties' income comes from state subsidies. The current law allows for public financing if a party has won at least 3% of the votes in the last election or has representatives in the parliament.

The cap on donations to political parties from private individuals is reviewed each year. In 2018, the limit was approximately TRY 72,900. However, donations are rarely properly and systematically recorded. For example, cash donations, in-kind contributions and expenditures on behalf of parties or candidates during elections are not recorded. The funds collected and expenditures made 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. Given these factors, the OSCE has noted that party and campaign finances are not well regulated in Turkey.

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 the information contained in a party's final accounts and the legality of recorded revenues and expenditures based on the information at hand and documents provided. Only three out of approximately 800 auditors of the Court of Accounts are tasked with auditing party and campaign finances.

Citation:

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

Arslantaş, D., & Arslantaş, Ş. (2021). The evolution of the party model in Turkey: from cadre to cartel parties?. *British Journal of Middle Eastern Studies*, 1-18.

OSCE – ODIHR, Early Presidential and Parliamentary Elections Republic of Turkey 24 June 2018, ODIHR

Election Observation Mission Final Report,
<https://www.osce.org/odihr/elections/turkey/397046?download=true>.

Ö. Faruk Gençkaya. 2018. "Financing of Political Parties and Electoral Campaigns in Turkey," S. Sayarı, P. Ayan-Musil and Ö. Demirkol, *Party Politics in Turkey: A Comparative Perspective* (pp. 61-79), Routledge: London.

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 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 in the Assembly may be submitted to a referendum either directly by the president, or if the president has vetoed it. A number of ICT-based participatory mechanisms 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.

Citation:

H. Yerlikaya. 2015. *Kamu Politikalarının Oluşturulmasında Katılımcılık ve Bilgi ve İletişim Teknolojileri*, Ankara

H. Akay. 2016. *Yerel Yönetimlerde Katılımcı Mekanizmalar ve Süreçler*, İstanbul: Türkiye Avrupa Vakfı.

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 governing the media is restrictive, and does not comply with EU standards. The government appoints the general director of the country's public

broadcaster, Turkish Radio, and Television (TRT). By doing that, 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.

Journalists and media organizations critical of the government have faced threats, physical attacks and fines. TV and radio channels have been closed. According to Turkey's Journalists' Union, 34 journalists and media workers were in prison as of the close of the review period. Some of the convicted journalists (e.g., Ahmet Altan and Nazlı Ilıcak) were detained during the 2016 to 2018 state of emergency and were released from jail for various reasons, but several were immediately detained again. Additionally, in 2019, monetary fines were imposed 57 times on a large number of radio and TV channels. A total of 24 programs were suspended.

In October 2019, the Radio and Television Supreme Council (RTUK) announced it would silence any voice speaking out against the ongoing military operation in Turkey. The government seems to be taking further steps to undermine the already fragile media freedom. For instance, a new law passed in July 2020, the "Arrangement of Internet Publication and Combating Crimes Committed through These Publication" law, introduced heavy fines and bandwidth restrictions for content producers on the internet that do not comply with the regulations. This is widely perceived as a step toward silencing opposition programming on YouTube.

Citation:

Turkey's Journalists' Union. "34 journalists jailed in Turkey. December 12, 2021. <https://tgs.org.tr/arrested-jailed-journalists-turkey/>

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en.

Media Pluralism
Score: 1

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.

In recent years, Erdoğan and his party have tightened their control over the media. The process started with the takeover of the Cem Uzan-owned STAR TV by the Saving Deposit Insurance Fund (TMSF). This was followed by the takeover of Sabah, Takvim and a popular TV channel ATV by the TMSF; these were then sold to loyal businessmen in a procurement process. A landmark case was the sale of Doğan Group-owned Vatan and Milliyet to the pro-AKP Demirören family in 2011 with the help of loans from publicly owned banks.

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

While small-scale digital 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 small staffs and are unable to generate much original content. Other perspectives are provided by foreign media outlets, such as the Russian-backed Sputnik and a new Turkish version of the (UK-based) Independent, which is financed and run by the Saudi Research and Marketing Group, which has close links to the Saudi royal family. 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.

Citation:

Bianet Media Monitoring reports 2021 (first three-quarters), <https://m.bianet.org/bianet/diger/117328-bia-media-monitoring-reports>

Euronews. "Türkiye'de medyayı kim kontrol ediyor?" May 3, 2019. <https://tr.euronews.com/2019/05/03/medya-sahipligi-turkiye-de-mediyai-kim-kontrol-ediyor->

Access to
Government
Information
Score: 4

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

Access to information rights and complaint mechanisms are not used effectively. A total of 2,043,467 applications for information based on Law 4982 were submitted to public institutions in 2020. According to official information, 84.3% of requests resulted in the full provision of the requested information, 8.1% resulted in partial information or a negative response, and 7.0% were rejected. Of the rejected applications, 2,628 were taken to court on appeal. A total of 9,170 applications were found to concern state secrets or private issues. 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 were procedurally accepted.

Additionally, following the abolishment of the Prime Minister's Office in July 2018, the Prime Minister's Communication Center (BİMER) was merged with the Presidential Communication Center (CİMER) on 10 July 2018. By 2020, the center had received around 6 million applications.

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Türkiye Büyük Millet Meclisi Başkanlığı, 2020 Yılı Bilgi Edinme Genel Raporu, https://www.tbmm.gov.tr/bilgiedinme/2018_yili_degerlendirme_raporu.pdf

CnnTürk. "'CİMER'e 2020 yılında 6 milyona yakın başvuru yapıldı," January 13, 2021. <https://www.cnnurk.com/turkiye/cimere-2020-yilinda-6-milyona-yakin-basvuru-yapildi>

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.

Article 148 of the Turkish constitution states that anyone who believes his or her human or civil rights, as defined in the European Convention on Human Rights (ECHR), has 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 2020, a total of 295,038 individual applications were received and 257,108 applications were concluded by the court. However, the court found that in only 14,027 applications had at least one right been violated.

The European Court of Human Rights received a total of 9,104 cases against Turkey in 2020. Among the 6,520 cases in which a verdict was rendered, the court ruled that 95 of them had involved a violation of the law. Historically,

Turkey is the country that has been most frequently condemned by the court for violating the freedoms of thought and expression, and ranks second after the Russian Federation on all issues. Additionally, according to the 2020 report of the OHAL Transactions Review Commission, which addressed issues related to the post-2016 coup attempt state of emergency, 112,310 out of 126,630 cases were brought to conclusion.

Euronews. "AYM 257 bin bireysel başvurudan sadece 14 bin 765'ini esaslan inceledi, yüzde 95 hak ihlali buldu ", January 17, 2021. <https://tr.euronews.com/2021/01/17/aym-257-bin-bireysel-basvurudan-sadece-14-bin-765-ini-esaslan-inceledi-yuzde-95-hak-ihlali>

Adalet Bakanlığı. 2021. "Avrupa İnsan Hakları Mahkemesi 2020 Yılı İstatistikleri Değerlendirme Notu," [https://inhak.adalet.gov.tr/Resimler/Dokuman/10220211651521-%20Avrupa%20İnsan%20Hakları%20Mahkemesi%20\(AİHM\)%202020%20Yılı%20İstatistik%20Değerlendirme%20Notu.pdf](https://inhak.adalet.gov.tr/Resimler/Dokuman/10220211651521-%20Avrupa%20İnsan%20Hakları%20Mahkemesi%20(AİHM)%202020%20Yılı%20İstatistik%20Değerlendirme%20Notu.pdf)

TRT Haber. "OHAL Komisyonu'ndan faaliyet raporu: Müracaatların yüzde 89'u sonuçlandırıldı," February 5, 2021. <https://www.trthaber.com/haber/gundem/ohal-komisyonundan-faaliyet-raporu-muracaatlarin-yuzde-89u-sonuclandirildi-553942.html>

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 criticism, should not constitute a crime. Also, 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 for adults, if justification is provided. The period of detention allowed for children is shorter.

Although it is technically against law, President Erdoğan and other AKP officials publicly comment on most political hearings. The constitutional amendment on 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 of 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 the freedom of political debate, and unanimously demanded that the Turkish government take all necessary measures to end the applicant's pretrial detention.

The right to assemble and organize is largely restricted. During the period in question, the government largely exploited the pandemic to prevent mass gatherings. In particular, protests against the country's withdrawal from the Istanbul Convention and against the trustee rector appointed to Boğaziçi University, as well as Workers Day gatherings, were banned by the governorships on the grounds of "public health."

Bianet. "Pandemi bahane: Eylem ve gösteri hakkı yok sayılıyor". April 23, 2021. Accessed 4 April 2022. <https://m.bianet.org/bianet/insan-haklari/242924-pandemi-bahane-eylem-ve-gosteri-hakki-yok-sayiliyor> .

The Human Rights Watch, Turkey. 2021. <https://www.hrw.org/europe/central-asia/turkey>

Freedom House, Freedom in the World 2021, Turkey Profile <https://freedomhouse.org/country/turkey>

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

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 Human Rights and Equality Institution of Turkey, which is in charge of applying anti-discrimination legislation, only finalized 43 decisions in 2020 out of 276 submitted. Moreover, Turkey has not signed Protocol 12 of the ECHR, which prohibits discrimination.

Hate crime legislation is not in line with international standards, and does not cover hate offenses based on sexual orientation. Turkey withdrew from the Council of Europe Istanbul Convention on preventing and combating violence against women, domestic violence, and gender-related violence despite widespread public reaction. Despite rising public awareness, the incidence of violence against women in Turkey has undergone a dramatic and rapid increase over the last decade. More specifically, while 80 women were killed in 2008, this number increased to 300 in 2020.

Hate speech and discrimination against LGBTQ+ communities, which do not have any legal protections, are major problems. During the 2021 Boğaziçi University protests over the appointment of a pro-government rector, President Erdoğan publicly denied the existence of LGBTQ+ individuals within Turkish society.

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

Citation:

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Habertürk. "2020'nin kadın cinayetleri raporu," January 2, 2021. <https://www.haberturk.com/2020-nin-kadin-cinayetleri-raporu-2924207>

Euronews. "Erdoğan: LGBT, yok öyle bir şey, bu ülke millidir, manevidir," February 3, 2021. <https://tr.euronews.com/2021/02/03/erdogan-lgbt-yok-oyle-bir-sey-bu-ulke-millidir-manevidir>

Rule of Law

Legal Certainty
Score: 3

The transition to a presidential system of government was introduced by a series of decrees (i.e., state of emergency decrees and presidential decrees) rather than via legislation, as is required by the constitution. The restructuring of the 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.

Citation:

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Judicial Review
Score: 3

Several articles in the Turkish constitution ensure that the government and public administration act in accordance with legal provisions and those citizens are protected from the state. Article 36 guarantees citizens the freedom to claim rights and Article 37 concedes the guarantee of lawful judgment.

However, judicial review has been seriously undermined in line with tightening authoritarianism in recent years. Most notably, the local courts

sometimes do not implement the rulings of the Constitutional Court or the European Court of Human Rights, which are legally binding. This tends to occur following pressure placed by political authorities on the judiciary, as in the trials of the prominent political figures such as former CHP vice-chair Enis Berberoğlu and former HDP co-chair Selahattin Demirtaş.

Judicial staffers are still being dismissed or forcibly transferred. This risks engendering widespread self-censorship among judges and prosecutors. This may weaken the judiciary as a whole, while further undermining its independence and the separation of powers. No measures have been 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 have been made to the institution of criminal judges of peace, which risks becoming a parallel system.

There is no human resources strategy in place for the judiciary, which struggles to perform its tasks effectively in the wake of a substantial reduction of 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.

The Judicial Reform Strategy's effort to improve the quality and the number of staffers has not so far created the intended result. The backlog persists. Large-scale dismissals, including over 3,968 judges and public prosecutors, for being Gülenists has increased the backlog of cases. As of June 2021, a total of 43,372 cases were still pending at the Constitutional Court, while 133,428 cases were pending in front of the Council of State. The Constitutional Court had finalized 257,108 cases out of 295,038 individual applications since September 2012. The number of judges and prosecutors totaled 21,979 in 2020.

Citation:

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

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. The appointment of Constitutional Court judges does not take place based on 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 rest of the seats are appointed by the minister of justice and the deputy minister, who is directly connected to the president. The HSK does not offer adequate safeguards for the independence of the judiciary, and indeed considerably increases political influence over the judiciary.

Ahmet Şık, an opposition member of parliament, disclosed the list of 90 prosecutors and judges who have worked within the ranks of the AKP. Each year, large-scale transfers occur among judges and prosecutors. With the main decree in 2020 alone, a total of 4,726 judges and prosecutors were relocated. The government often takes this occasion to punish judges and prosecutors who resist political pressures.

Citation:

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Cumhuriyet. "Hâkim ve savcı olarak atanan AKP'lilerin listesi ortaya çıktı," February 18, 2019. <https://www.cumhuriyet.com.tr/haber/hakim-ve-savci-olarak-atanan-akplilerin-listesi-ortaya-cikti-1254227>

Bloomberght. "4 bin 726 hakim ve savcının görev yeri değişti," June 17, 2020. <https://www.bloomberght.com/4-bin-726-hakim-ve-savcinin-gorev-yeri-degisti-2258170>

Corruption
Prevention
Score: 2

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 that reflects the political will to address corruption effectively, and which is underpinned by a credible and realistic action plan.

Both the legal framework and the institutional structure continue to allow undue executive influence in the investigation and prosecution of high-profile

corruption cases. These need to be improved in line with international standards. The limited amount of accountability and transparency at public institutions remain 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 tackle corruption decisively.

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 must 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. Companies are recommended to use a specialized public procurement due to diligence tool to mitigate corruption risks related to public procurement in Turkey. Procurement legislation has been amended 191 times since 2002. The changes mainly serve the interests of party-affiliated businessmen. This group, which is called “beşli çete” (gang of five) among the opposition circles, were expected to receive public procurement contracts worth \$150 billion worth.

Turkey’s Financial Crimes Investigation Board (MASAK) is the 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 2019, a total of 203,786 requests were submitted to MASAK. Of these, 20,850 requests were related to the financing of terrorism, of which 98% were related to the financing of the FETO/PYD organization. Criminal complaints were filed against 220 people. Assets worth TRY 9 million, belonging to 1,149 people, were confiscated due to illegal betting.

Citation:

European Commission. “Turkey Report 2021. Commission Staff Working Document.” October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Sözcü. “Alfabe de harf kalmadı ihale yasası yine deęişiyor,” October 5, 2021.
<https://www.sozcu.com.tr/2021/ekonomi/alfabede-harf-kalmadi-ihale-yasasi-yine-degisiyor-6687658/>

Bianet. “Yandaş şirketlerin aldığı ihaleler 2020 bütçesinden fazla,” September 7, 2020.
<https://m.bianet.org/bianet/siyaset/230414-yandas-sirketlerin-aldigi-ihaleler-2020-butcesinden-fazla>

Hürriyet. “MASAK’a 203 bin 786 şüpheli işlem bildirildi,” July 28, 2020.
<https://www.hurriyet.com.tr/ekonomi/masaka-203-bin-786-supheli-islem-bildirildi-41574274>

Good Governance

I. Executive Capacity

Strategic Capacity

Strategic
Planning
Score: 5

With Presidential Decree No. 13, the central harmonization function regarding strategic management components such as strategic planning, development of a performance program and production of the annual report is carried out by the Strategy and Budget Department. Previously these tasks had been the responsibility of different ministries. Strategic plans are prepared in public administrations within the scope of the central government, social security institutions, SOEs, special provincial administrations, and municipalities with populations of 50,000 or more. They are implemented through performance programs and monitored through annual reports. As of October 2021, a total of 49 strategic plans had been evaluated by the Strategy and Budget Department, 13 of which were developed by the central public administration, 35 by state universities and one by an SOE.

Under the new presidential system of government, the head of Strategy and Budget is affiliated with the Presidential Office. The 2021 Annual Plan of the Presidency emphasized that efforts are underway to strengthen and align the budget with the policies contained in the government's main policy documents and the objectives and targets of the strategic plans in a holistic approach. The results of these attempts remain to be seen. There are 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.

Citation:

Cumhurbaşkanlığı Strateji ve Bütçe Başkanlığı. 2022 Yılı Cumhurbaşkanlığı Yıllık Programı. <http://www.sp.gov.tr/upload/xSPTemelBelge/files/AXe9Q+2022-Yili-Cumhurbaskanligi-Yillik-Programi-26102021.pdf>

Expert Advice
Score: 4

The spectrum of communication with outside experts is narrowing, as the government has begun to recruit experts that will provide alternative but not critical opinions on relevant issues of public policy.

Public institutions' annual activity reports do not indicate 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 councils established under the Presidential Office are entitled to prepare reports on certain public issues and incorporate the opinions of the ministries, relevant public entities as well as other experts.

Citation:

Üstüner, Y., & Yavuz, N. (2018). Turkey's Public Administration Today: An Overview and Appraisal. *International Journal of Public Administration*, 41(10), 820-831.

Interministerial Coordination

GO Expertise
Score: 5

With the transition to the presidential system in 2017, the Prime Minister's Office (PMO) was abolished. In addition to a vice-president, the head of administrative affairs was established. His or her 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 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.

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.

Citation:

Gözler, K. (2018). *Mahalli İdareler Hukuku*. Baskı, Ekin Kitabevi: Bursa.

Line Ministries
Score: 7

Currently, there are 16 line ministries and nine policy councils, which develop a 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. In addition, 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.

Citation:

Strateji ve Bütçe Başkanlığı. 2021 Yılı Cumhurbaşkanlığı Yıllık Programı. https://www.sbb.gov.tr/wp-content/uploads/2020/11/2021_Yili_Cumhurbaşkanligi_Yillik_Programi.pdf

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 governing party.

Citation:

Gözler, K. (2018). Mahalli İdareler Hukuku. Baskı, Ekin Kitabevi: Bursa.

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. Instead, deputy ministers, who usually come from the private sector and are politically well-connected to the government, acquired the highest position within a hierarchical structure. In addition, some traditionally strong institutions were either weakened or abolished. The State Planning Organization, which was one of the most respected institutions in Turkey, was abolished. Instead, the Ministry of Development was founded. Similarly, the Ministry of Finance, which had a traditionally strong bureaucratic structure, was subject to severe restructuring.

Citation:

Strateji ve Bütçe Başkanlığı. 2021. <https://www.sbb.gov.tr/wp-content/uploads/2021/10/2022-Yili->

Cumhurbaşkanlığı-Yıllık-Programı-26102021.pdf

Gözler, K. (2018). Mahalli İdareler Hukuku. Baskı, Ekin Kitabevi: Bursa.

Informal
Coordination
Score: 5

Informal bodies, which are usually made up of senior party members and their 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 the 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.

During the pandemic, there were some irregular meetings between some key ministers, including the minister of health, the minister of interior and the minister of transportation. The High Advisory Board, which is composed of strong AKP figures including Köksal Toptan and Cemil Çiçek, was established in 2019. The members of the board are elected by the president from among the former presidents or vice presidents of the Turkish Grand National Assembly.

Citation:

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>

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 is available concerning mechanisms facilitating interministerial coordination. However, the closed "kamunet" network for 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

Citation:

Tamtürk, E. (2017). Kamu Yönetiminde Elektronik Belge Yönetim Sistemi. Anemon Muş Alparslan Üniversitesi Sosyal Bilimler Dergisi, 5(3), 851-863.

Evidence-based Instruments

RIA Application
Score: 4

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 (RIA) are a formal exercise but are neither sent to parliament nor published. The legal quality is mainly shaped by the “By-Law on Principles and Procedures of Drafting Legislation” decree passed in February 2006. The law involves provisions relating to stakeholder engagement as well as RIA. The Prime Ministerial Circular on RIA, issued in April 2007, further specified guidelines, roles, and responsibilities including for the Better Regulation Group within the Prime Ministry. Since then, the completion of an RIA has been required for all new legislation (laws, decrees, and other regulatory procedures), excluding issues relating to national security, the draft budget or final accounts (under Article 24 of Regulation 4821 on the Procedure and Principles of Preparing Legislation, 12 December 2005).

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 EU also funded the Technical Assistance for Capacity-Building and Support to the Preparation of an RIA for Decoupled Agricultural Support project.

Citation:

European Commission. “Turkey Report 2021. Commission Staff Working Document.” October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Quality of RIA
Process
Score: 2

During the period under review, the RIA requirement did not help improve the quality of proposed government legislation. Instead, the government simply organized more preparatory workshops and projects with EU support. Despite regulations adopted to encourage administrative simplification in April 2012, the introduction of RIAs has not improved the quality of government legislation, and RIA processes are only rarely followed. According to the Regulation on the Procedures and Principles of Legislation (2006), a full RIA is required for legislation that would involve costs exceeding TRY 30 million, and a partial RIA is required for legislation that would involve costs below this amount.

The By-Law on Principles and Procedures of Drafting Legislation recommends full RIAs when the estimated cost of draft laws or decrees are above TRY 10 million or upon the request of the prime minister irrespective of its costs, if it is demanded by citizens or business.

Citation:

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

OECD. 2015. OECD Regulatory Policy Outlook 2015 (Turkey). <https://www.oecd.org/gov/regulatory-policy/Turkey-web.pdf>

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

Sustainability
Check
Score: 3

In the past, 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 the UN 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 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 it does refer to sustainable growth and development, the Annual Presidential Program of 2021 does not mention sustainable policy or policymaking, except for a reference to financial sustainability.

Citation:

Gazibey, Y., Keser, A., & Gökmen, Y. (2014). Türkiye'de illerin sürdürülebilirlik açısından değerlendirilmesi. Ankara Üniversitesi SBF Dergisi, 69(3), 511-544.

Quality of Ex
Post Evaluation
Score: 2

Generally, public policy assessment institutions in Turkey lack knowledge regarding evidence-based instruments, both theoretically and practically. 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 2021 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. The EU Commission draws attention to the absence of systematic

ex post monitoring and public reporting on the implementation of key government programs. There is also a lack of public scrutiny, which further limits accountability.

Citation:

Aydın, U. S. T. A. (2014). Yeni Kamu Yönetiminde Politikaların Değerlendirilmesi: Tipolojiler, Boyutlar ve Ölçütler. *Sayıştay Dergisi*, (94), 5-27.

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Gazete Duvar. "Duvar Arkası... 'Beştepe'de iki insan boyu evrak bekliyor.'" August 16, 2020. <https://www.gazeteduvar.com.tr/politika/2020/08/16/duvar-arkasi-bestepe-de-iki-insan-boyu-evrak-imza-bekliyor>

Societal Consultation

Public
Consultation
Score: 3

As of September 2020, Turkey was home to 320,206 associations, 121,999 of which were active. Among them, 38,160 concentrate their efforts on professional and social solidarity. A number of civil society organizations (e.g., TÜSIAD) together established the Delegation on Relations with the Parliament and Public Institutions, and organized several meetings with governmental representatives. In general, governmental authorities consider such activity to have a "slowing" effect on policymaking (e.g., on projects such as urban renewal or the planning of hydroelectric power plants).

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. Unlike this tendency, the presidency's 2021 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 considered. Opponents argue that the president follows a biased approach by preferentially including religious groups and organizations as active stakeholders in governmental processes.

The EU-funded public-civil society dialogue projects promote the participation of civil society in public decision-making. The relationships between government and society and parliament and society are not based on a systematic and structured consultation mechanism.

Citation:

İçişleri Bakanlığı. 2021. Derneklerin Faaliyet Alanlarına Göre Dağılımı. <https://www.siviltoplum.gov.tr/derneklerin-faaliyet-alanlarina-gore-dagilimi>

Strateji ve Bütçe Başkanlığı. 2021. <https://www.sbb.gov.tr/wp-content/uploads/2021/10/2022-Yili-Cumhurbaskanligi-Yillik-Programi-26102021.pdf>

Policy Communication

Coherent
Communication
Score: 3

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.

During the review period, the biggest communication failure was related to the coronavirus pandemic. On 29 July 2020, following pressure from the Turkish Medical Association and opposition mayors, the Minister of Health confessed that the reported number of infected people had been changed to the number of patients showing symptoms. Another communication failure was related to the evaporation of the central bank's \$128 billion in gross reserves, for which officials gave unconvincing or contradictory explanations. The status of firefighting aircraft during an unprecedented forest fire in summer 2021 was another illustrative instance. It is still unknown how many firefighting aircraft Turkey has. Last but not least, there is no confidence in TURKSTAT figures, most notably relating to inflation and labor force numbers. According to Enag, an independent institution, the the annualized rate of inflation as measured by the consumer price index for November 2021 was 58.6%, while TURKSTAT reported it as only 21.3%.

Birgün. "AKP'den '128 milyar dolar nerede?' sorusuna bir çelişkili yanıt daha," October 29, 2021. <https://www.birgun.net/haber/akp-den-128-milyar-dolar-nerede-sorusuna-bir-celiskili-yanit-daha-363802>

Bila, F. "Filomuz var mı yok mu?," August 11, 2021. <https://t24.com.tr/yazarlar/fikret-bila/filomuz-var-mi-yok-mu,32060>

Karar. "Enflasyon rakamlarında büyük çelişki: Sadece 5 aylık rakam yüzde 16," June 3, 2021. <https://www.karar.com/ekonomi-haberleri/enflasyon-rakamlarindaki-bilmece-vatandas-hangi-verilere-inanacak-1619207>

Cumhuriyet. "Çelişkili veriler Meclis gündemine taşındı: TÜİK, milyonlarca işsiz rakamlar içinde kaybetmeye çalışıyor," August 14, 2021. <https://www.cumhuriyet.com.tr/haber/celiskili-veriler-meclis-gundemine-tasindi-tuik-milyonlarca-issizi-rakamlar-icinde-kaybetmeye-calisiyor-1860405>

Enagrup. "Aylık Enflasyon Haber Bülteni ", December 3, 2021. <https://enagrup.org/bulten/2021kasb.pdf?v1>

Implementation

Government
Effectiveness
Score: 6

Measures relating to the COVID-19 pandemic were implemented rather swiftly due to Turkey's transition to a presidential system in 2018, which gave the executive more power than the legislature or the judiciary. Throughout the pandemic, the constructive stance of the oppositional parties also facilitated the implementation of coronavirus-related measures.

Despite the success in containing the pandemic, governmental inefficiency has been widespread, especially in relation to the economy. Economic activity in the first nine months following the implementation of the government's annual economic objectives varied sharply from the official budget and the 2017 – 2019 medium-term fiscal plan forecasts. The recent devaluation of the Turkish lira increased the fiscal burden. Greater fiscal discipline is foreseen in the 2020 – 2022 medium-term fiscal plan. The inflation targets by the central bank have been subject to revisions on many occasions.

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, has effectively created the potential for huge deficits, as the revenues for these projects are guaranteed by the treasury.

Citation:

Strateji ve Bütçe Başkanlığı. Orta Vadeli Program (2022-2024). <https://www.sbb.gov.tr/wp-content/uploads/2021/09/Orta-Vadeli-Program-2022-2024.pdf>

Bloomberg. "Merkez Bankası 2021 enflasyon tahminini yükseltti. July 29, 2021. <https://www.bloomberght.com/tcmb-3-enflasyon-raporunu-acikliyor-2284847>

Ministerial
Compliance
Score: 6

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 ministers even 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 interests during their time in office.

President Erdoğan 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 of 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 Report 2021. Commission Staff Working Document." October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Monitoring
Ministries
Score: 7

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 Presidency's 2021 Annual Program initiates several monitoring objectives ranging from health, education, judiciary, development, domestic violence, and family life. It is stressed that monitoring will be performed by effective mechanisms in collaboration with the relevant public entities such as ministries, and assessed regularly. The results of these efforts remain to be seen

Citation:

Cumhurbaşkanlığı Strateji ve Bütçe Başkanlığı. 2021 Yılı Cumhurbaşkanlığı Yıllık Programı. https://www.sbb.gov.tr/wp-content/uploads/2020/11/2021_Yili_Cumhurbaskanligi_Yillik_Programi.pdf

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.

Citation:

Cumhurbaşkanlığı Strateji ve Bütçe Başkanlığı. 2021 Yılı Cumhurbaşkanlığı Yıllık Programı. https://www.sbb.gov.tr/wp-content/uploads/2020/11/2021_Yili_Cumhurbaskanligi_Yillik_Programi.pdf

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 the 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 the reform of local administrations were both major issues during the review period. The central administration (mainly through the Bank of Provinces) is still the major source of funding for local governments, with the funds channeled through regional development projects (e.g., GAP, DAP and DOKAP). The central government also continues to make transfers to the village infrastructure project (KÖYDES), the Drinking Water and Sewer Infrastructure Program (SUKAP), and the Social Support Program (SODES).

The resources allocated to metropolitan municipalities and special provincial administrations increased by 18.2% to TRY 97.3 billion in 2020. Nevertheless, arbitrary governance prevails. Most strikingly, the expenditures by trustees appointed to formerly HDP-governed municipalities such as Diyarbakır, Van and Mardin have been extremely high and without accountability. The trustee appointed to Van alone left a debt of TRY 1,389 billion in three years. In particular, extraordinary increases in office and dining expenses have been documented.

According to 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 opposition-controlled Istanbul Metropolitan Municipality (İBB) and the four district municipalities regarding the Istanbul canal project. The 10% share of revenues accruing to the İBB from bridge crossings was transferred to the government. Moreover, a Council of State decision has given municipal councils the power to appoint administrators in municipality-affiliated institutes, with a majority vote required.

Citation:

Anadolu Ajansı. "2020 yılı merkezi yönetim bütçesi belli oldu," October 17, 2019. <https://www.aa.com.tr/tr/politika/2020-yili-merkezi-yonetim-butcesi-belli-oldu/1616663>

Evrensel. "Kayyumlar belediyeleri borç batağında bırakmıştı," August 19, 2019. <https://www.evrensel.net/haber/385098/kayyumlar-belediyeleri-borc-bataginda-birakmisti>

Cumhuriyet. “Yeni Boğaziçi yasasıyla İBB’nin köprü geçiş ücreti payı da gidiyor,” November 1, 2019. <https://www.cumhuriyet.com.tr/haber/yeni-bogazici-yasasiyla-ibbnin-kopru-gecis-ucreti-payi-da-gidiyor-1572928>

Cumhuriyet. “‘23 Haziran sendromu yeniden hortladı!’: Başkanların atama yetkisi meclislere verildi,” March 16, 2021. <https://www.cumhuriyet.com.tr/haber/23-haziran-sendromu-yeniden-hortladi-baskanlarin-atama-yetkisi-meclislere-verildi-1821000>

Constitutional
Discretion
Score: 1

Since 2014, Turkey’s 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 (TOKI) 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.

While existing competencies will in general remain, ensuring effective and efficient delivery of public services will require an expansion of local government powers, 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:
K. Öztürk, “Yerel Yönetim Reformunda Yerelleşme– Merkezileşme Dikotomisi: 6360 Sayılı Yasa Örneği,” *Hukuk Ve İktisat Araştırmaları Dergisi*, 11(2): 133-48.

National
Standards
Score: 5

Local governments, mainly elected municipal governments, 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 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.

Prior to the review period, the Ministry of Internal Affairs substantially increased the frequency of its inspections of municipalities. While inspectors

prepared 625 reports in 2018, this figure increased by 58% to 990 in 2019. The number of special inspection reports increased by 1,400%. Additionally, in six of the 65 municipalities in which the HDP won in the 31 March 2019 local elections, the candidates elected were not authorized to govern. Trustees have been appointed to 48 municipalities. This represents an open violation of the right to rule, and has triggered harsh criticism among opposition parties.

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 province, and to guide and inspect provincial public institutions and organizations. However, the most significant outstanding issues with regard to standardizing local public services are essentially financial, technical, and personnel-driven. Within the OECD, Turkey remains the country with the largest regional disparities.

Citation:

Birgün. "Belediyeler el değiştirdi denetim yüzde 1400 arttı," September 28, 2020. <https://www.birgun.net/haber/belediyeler-el-degistirdi-denetim-yuzde-1400-artti-317160>

Evrensel. "HDP'nin 65 belediyesinden 48'i kayyumla, 6'sı mazbata verilmeyerek gasbedildi," October 2, 2020. <https://www.evrensel.net/haber/415521/hdpnin-65-belediyesinden-48i-kayyumla-6si-mazbata-verilmeyerek-gasbedildi>

Effective
Regulatory
Enforcement
Score: 4

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. On many occasions, government members also accepted that the new system has some deficiencies in practice. Profiting from this is the group of clientelistic enterprises (the "gang of five") that have been winning numerous public tenders. In total, this group has signed contracts worth a total of TRY 94 billion. The tenders in question include tenders for bridges, highways, airports, tunnels and city hospitals. Osmangazi Bridge, Third Airport, Eurasia Tunnel and Third Bridge are among the most notable projects.

The World Justice Project's Rule of Law Index 2021 ranked Turkey at 119th place out of 139 countries, with a score of 0.41 for regulatory enforcement. In particular, the score for delays in enforcement without an acceptable reason (0.41) is below the global average (0.49), while the score for respect for due process is very low (0.14), particularly with respect to the global average (0.48).

Citation:

World Justice Project. WJP Rule of Law Index. <https://worldjusticeproject.org/rule-of-law-index/country/2021/Turkey/Regulatory%20Enforcement/>

Medyascope. “Kılıçdaroğlu’nun “Beşli Çete” dediği holdingler Cengiz, Limak, Kalyon, Kolin ve Makyol’un aldığı kamu ihaleleri,” December 14, 2020. <https://medyascope.tv/2020/12/14/kilicdaroglunun-besli-cete-dedigi-holdingler-cengiz-limak-kalyon-kolin-ve-makyolun-aldigi-kamu-ihaleleri/>

Hürriyet. “Yeni sisteme ‘uyum’ paketi: Sorunun % 80’i uygulama kaynaklı,.” September 5, 2019, <http://www.hurriyet.com.tr/gundem/yeni-sisteme-uyum-paketi-sorunun-80i-uygulama-kaynakli-41321763>

Adaptability

Domestic
Adaptability
Score: 3

The international environment does not much affect the administrative structure of the Turkish state. The new presidential system has been presented as a unique system in the world that maximizes efficiency in decision-making and implementation.

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. Another example is the Capital Markets Board (SPK), a regulatory and supervisory authority in charge of securities markets in Turkey whose announcement that insider trading would not be punished was overturned by decree.

On another topic, the state authorities are in ongoing operational consultation with UN and EU bodies to handle the ongoing refugee crisis. Institutional and procedural reforms, regulations and new projects are continuously undertaken in accordance with international norms. However, Turkey’s military interventions in Syria and northern Iraq are largely considered to have undermined 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 the European Court of Human Rights (ECHR), Turkey still ranks second after Russia in failing to execute ECHR rulings, especially concerning the political trials of Selahattin Demirtaş and Osman Kavala.

Citation:

Cumhurbaşkanlığı Strateji ve Bütçe Başkanlığı. 2021 Yılı Cumhurbaşkanlığı Yıllık Programı. https://www.sbb.gov.tr/wp-content/uploads/2020/11/2021_Yili_Cumhurbaskanligi_Yillik_Programi.pdf

European Commission. “Turkey Report 2021. Commission Staff Working Document.” October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

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 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).

Since, 2014, Turkey has cooperated with EU member states in seeking to identify foreign terrorist fighters (FTF) looking to cross Turkey to reach – or return from – Syria or Iraq. It has acted assertively in sending FTFs back to their countries of origin. At the same time, state authorities at times instrumentalize the refugee issue to advance national interests against Greece and other EU states instead of seeking joint understanding and sustainable solutions. In addition, the Ministry of National Defense takes part in joint peacekeeping and humanitarian operations in Afghanistan, Kosovo, Bosnia-Herzegovina and Qatar. Turkey has made some public efforts to support the 2030 Agenda associated with the Sustainable Development Goals.

However, problems persist on several fronts, for instance regarding the armament of the Republic of Cyprus. Turkey's search for natural gas in the eastern Mediterranean has caused severe tension with the major players in the region. U.S.-Turkey relations severely deteriorated during the review period. Turkey's purchase of S-400 missiles from Russia led to the enforcement of the U.S. Countering America's Adversaries through Sanctions Act (CAATSA), with sanctions taking effect in April 2021. The Halkbank case, Fethullah Gülen's possible extradition, and the U.S. support for Kurdish Syrian Democratic Forces are also stressing the already fragile relationship. Nevertheless, both parties have found some common ground for cooperation in Afghanistan.

In recent years, Turkey increased its investment in Africa, especially in Somalia, despite the humanitarian costs due to several deadly attacks against Turks. Relations with Israel have improved considerably. In Syria, Turkey actively worked through the Astana Process, a tripartite committee that also involves Iran and Russia. In jihadist-controlled Idlib, military observation posts have been established. Additionally, Turkey has become a close ally of

Russia, and has extended its cooperation in the fields of defense, energy and tourism. Efforts have also been made to align Turkey's Middle Corridor infrastructure strategy with China's Belt and Road Initiative.

Citation:

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

TIKA Annual Report 2020, <https://www.tika.gov.tr/upload/sayfa/FAAL%C4%B0YET%20RAPORU%202020/TIKAFaaliyet2020Web.pdf>

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 internal control unit for monitoring compliance with financial rules. However, these units are not fully effective.

Citation:

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Gözler, K. (2018). Mahalli İdareler Hukuku. Ekin Kitabevi: Bursa.

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:

Gözler, K. (2018). Mahalli İdareler Hukuku. Baskı, Ekin Kitabevi: Bursa.

II. Executive Accountability

Citizens' Participatory Competence

Political
Knowledge
Score: 4

With the exception of communiques from the Ministry of Finance and the central bank, the government does not adequately inform citizens about the content and development of government policy. The head of government, ministers and other high government officials highlight success stories and policies, but do not offer follow-up details. Decisions, information and reports are posted on governmental websites, but are not presented in such a way as to adequately inform the public.

Social media does enable some feedback on governmental processes, but is used by politicians to propagate disinformation. The government passed a regulation that imposes serious penalties on broadcasters that criticize the government via social media. The public is increasingly less likely to be aware of political developments beyond the information provided via channels belonging to pro-government media outlets.

Open
Government
Score: 4

Citation:

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Alat, B. 2018. "Türkiye'de İl Belediye Web Sitelerinin İşlevselliği Üzerine Bir Araştırma," Fırat Üniversitesi Sosyal Bilimler Dergisi, 28(1), 93-114.

The Open Government Partnership (OGP) Steering Committee designated the government of Turkey as inactive 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.

The credibility and validity of data provided by public institutions have recently been substantially shaken. TURKSTAT, for instance, changed its calculation of GDP in 2016, which made the tracing of time-series data impossible. In calculating GDP, TURKSTAT changed the base year to 2008, when the Turkish economy experienced significant improvement. Similarly, political pressure has been put on authorized institutions to manipulate figures, with the results becoming more evident in recent years. One public survey reveals that TURKSTAT is the least trusted institution in the country, with a trust rate of 22.8%.

Citation:

Open Government Partnership. "Turkey (Withdrawn)." July 06, 2020. <https://www.opengovpartnership.org/turkey-withdrawn/>.

Eğilmez, M. (2016). GSYH hesaplaması değişti, kişi başına gelirimiz arttı. <http://www.mahfiegilmez.com/2016/12/gsyh-hesaplamas-degisti-kisi-basna.html>

Gazeteduvar. "Anket: Diyanet'e, Merkez'e TÜİK'e güvensizlik yüzde 50'nin üzerinde," December 14, 2021. <https://www.gazeteduvar.com.tr/anket-diyane-merkeze-tuik-guvensizlik-yuzde-50nin-uzerinde-galeri-1545414>

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, and other public institutions; organizing relations with the media and public; and providing documentation, archive, and publishing services (Article 3, Law 6253).

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. 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 budget without negotiation or consultation with the government; however, it does follow the guidelines of the Ministry of Finance.

Citation:

Ö.F. Gençkaya. 2020. "The Grand National Assembly of Turkey: A Decline in Legislative Capacity," I. Khmelko et al (eds) *Legislative Decline in the 21st Century* (pp. 82-93). Routledge: New York.

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

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.

The major problem lies again in the effectiveness of the legislators in obtaining documents. Since legislators are aware that such inquiries are not an effective way of putting pressure on the government, given that the new presidential system has centralized power in the hands of the executive, the power is not widely used.

Ş. İba. 2017. *Parlamento Hukuku*, Ankara: Turhan Yayinevi

Ö.F. Gençkaya. 2020. "The Grand National Assembly of Turkey: A Decline in Legislative Capacity," I. Khmelko et al (eds) *Legislative Decline in the 21st Century* (pp. 82-93). Routledge: New York.

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 the following year's draft budget are discussed. They also attend the budgetary debates in the plenary. An inquiry by one of the opposition deputies revealed that written questions are one of the most important elements of the current oversight mechanism, but almost no question was answered within the legal time limit.

During the review period, 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:

Gazeteduvar. "17 bakana soru: Kimi link verdi, kimi adres gösterdi," October 18, 2021. <https://www.gazeteduvar.com.tr/17-bakana-soru-kimi-link-verdi-kimi-adres-gosterdi-haber-1538759>

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 relating to parliamentary committees' summoning of experts since the 2018 legislative elections.

Citation:

Ö.F. Gençkaya. 2020. "The Grand National Assembly of Turkey: A Decline in Legislative Capacity," I. Khmelko et al (eds) *Legislative Decline in the 21st Century* (pp. 82-93). Routledge: New York.

Task Area
Congruence
Score: 5

Under the Turkish presidential system, the number of ministries has been reduced to 16. Although advocates of the new system argued that the system

would run more efficiently, the alignment of ministries (or rather the presidency and its new executive structure) and parliamentary committees is likely to create frictions in policymaking.

There are 18 standing committees in the Grand National Assembly of Turkey (TBMM), which are generally established in parallel with the structure of the ministries. The exceptional committees include the Petition Commission and the Human Rights Investigation Commission. Except for committees established by special laws, the jurisdiction of each committee is not expressly defined by the Rules of Procedure. Therefore, some committees have overlapping tasks. Committees examine draft bills and may also supervise ministry activities 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.

Citation:

Ö.F. Gençkaya. 2020. "The Grand National Assembly of Turkey: A Decline in Legislative Capacity," I. Khmelko et al (eds) *Legislative Decline in the 21st Century* (pp. 82-93). Routledge: New York.

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

Media

Media Reporting
Score: 2

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.

Broadcasts by the state-owned TRT heavily support the ruling party. RTUK (Radio and Television Supreme Council) as an oversight organization is neither independent nor impartial. During the review period, RTUK imposed harsh monetary penalties on voices critical of the government, while largely ignoring regulatory violations by pro-government channels. The rapid closure of OLAY TV in less than a month – as a result of government pressure – was the latest example of the limits of media freedom.

In this context, the free and independent media is a key nongovernmental check on governmental power. While small-scale digital 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 lack the staff to generate substantial original content. Other perspectives are provided by foreign media outlets, such as the Russian-backed Sputnik and a new Turkish version of the (UK-based) Independent, which is financed and run by the Saudi Research and Marketing Group, which has close links to the Saudi royal family.

The strengthening of a few pro-government oligarchs in the media sector has further curtailed media freedom. In 2020, monetary fines were imposed in 57 cases on a large number of radio and TV channels. In addition, 24 programs were suspended. In October 2019, RTUK announced that it would silence any voice opposing the ongoing military operation in Turkey. The government seems to be taking further steps to undermine the already fragile state of media freedom. For instance, a new law passed in July 2020 (“Arrangement of Internet Publication and Combating Crimes Committed through These Publication”) introduced heavy fines and the potential of bandwidth restrictions for online content producers that do not comply with regulations. This was widely perceived as a step toward eliminating opposition programming on YouTube. In addition, opposition journalists including Levent Gültekin and Erk Acarer have been frequently threatened and even physically attacked.

Citation:

European Commission. “Turkey Report 2021. Commission Staff Working Document.” October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Freedom House. “Freedom in the World 2020 Turkey.” 2020. <https://freedomhouse.org/country/turkey/freedom-world/2020>.

Parties and Interest Associations

Intra-party
Decision-Making
Score: 2

The centralized structure of the Political Parties Law (Law 2820) does not encourage intra-party democracy. The right to dismiss local party organizations (Articles 19 and 20), and party members (Article 53), provides party leaders with unlimited powers and thus undermines internal party democracy.

As a general tendency, membership issues, 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. Since no wings or cliques are tolerated within parties, in case of serious disagreements, either the party's leaders tend to expel their adversaries, or opposition groups establish new parties on their own. The ultimate result of this tendency is "party inflation."

Within the AKP, Erdoğan has no rivals for power. Following the AKP's 2019 losses in some municipal elections, for instance, some of the party's leading members, including former Prime Minister Ahmet Davutoğlu, former Minister of Economy Ali Babacan and some current deputies resigned from the party after disciplinary proceedings were initiated. The CHP, on the other hand, introduced some amendments to its party statute that will enable the party assembly to delegate the selection of candidates to the central executive committee. However, that party's 2018 presidential candidate, Muharrem İnce, established a new party, Memleket Partisi, after he lost a close leadership race to Kemal Kılıçdaroğlu. The MHP traditionally has a strong leader and a centralized structure. The absence of democracy within the party led to the formation of the İYİ Party by figures such as Meral Akşener and Koray Aydın. Among mainstream parties, the HDP respects intra-party democracy more than others by incorporating its multi-cultural voter base into the party cadres.

Citation:

Kabasakal, M. (2014). Factors influencing intra-party democracy and membership rights: The case of Turkey. *Party Politics*, 20(5), 700-711.

Birgün. "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-yet-kisini-myk-ye-devredebilecek-267223>

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.

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. In many instances, this has led the government to offer wage increases that are well below real inflation rates.

Association
Competence
(Others)
Score: 3

Citation:

Şahin, A., & Söylemez, A. (2017). Sendikalara Yönelik Politikaların Belirlenmesinde Sendikaların Rolü Ve 6356 Sayılı Sendikalar Kanunu. Sosyal Ekonomik Araştırmalar Dergisi, 17, 135-144.

During its tenure in power, the government has created its own set of loyal civil society groups. One such group is TÜRGEV, a foundation led by President Erdoğan's son, which has gained political influence in the executive and has expanded its financial resources. A pro-government research establishment, SETA, conducts research projects on current political, economic and social issues, with the goal of 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.

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 subject to criminal investigation. The Turkish Foundation for Combating Soil Erosion for Reforestation and the Protection of Natural Habitat (TEMA) has remained the most well-established environmental organization in Turkey, with 500,000 volunteers.

Various resources, especially land allocation and financial support, have been provided by municipalities to foundations that support the government. Although Ensar Vaqf and other religious foundations have been in the public spotlight due to child abuse scandals, the government has continued to support these organizations. However, most pro-government organizations' resources were cut off, especially after the opposition captured the Istanbul and Ankara metropolitan municipalities in the 2019 local polls.

Citation:

TEMA. <https://www.tema.org.tr/hakimizda/kurumsal/kurulus-oykumuz>

Cumhuriyet. "AKP'nin çocuk istismaları ile sınava... Erdoğan Ensar ve Adıyaman Gerger ile yüzleşecek mi? February 20, 2018. <https://www.cumhuriyet.com.tr/haber/akpnin-cocuk-istismarlari-ile-sinavi-erdogan-ensar-ve-adiyaman-gerger-ile-de-yuzlesecek-mi-930278>

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 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. It provides for an exhaustive audit mandate and gives the TCA full discretion in discharging its responsibilities. As of February 2020, the TCA had 1,874 staff members including 830 auditors.

The TCA's 2019-2023 Strategic Plan foresees the development of greater risk-based audit and human resources capacities. The TCA reports to – but is not accountable to – parliament. Four audit reports are sent to the parliament each year, including the External Audit General Evaluation Report, the Accountability General Evaluation Report, the Financial Statistics Evaluation Report, and the Report on State, which was considered only during budget deliberations in the parliament. The reports of the TCA are considered only by the parliament. Parliament elects the TCA president and its members. Candidates must be graduates of universities or higher education institutions of law, political science, economics or administrative sciences who have served at least 16 years in public service.

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 (the country's top prosecutors). A TCA report can be taken as the basis for a trial, but is shared only with those involved, and is not disclosed to the public.

There are credible concerns concerning the fiscal discipline, transparency and accountability of the Turkey Wealth Fund (TWF), which is now directly affiliated with the president and is not fully subject to direct audit by the TCA. The law allows only a limited number of the companies within the TWF to be audited by the TCA. What is more worrisome is that the audit is conducted by auditors appointed by the president, who is also the chairman of the TWF. Moreover, the transition to the presidential system further undermined the accountability of agencies, as well as internal control and auditing, since various institutions' roles and responsibilities have not yet been clarified. Finally, given that TCA reports are only considered by the parliament during the deliberations on the budget in December, the TCA was not in a position to monitor the government's financial actions during the pandemic.

Citation:
 Sayıştay. 2020.
https://www.sayistay.gov.tr/files/952_Say%C4%B1C5%9Ftay%202020%20Y%C4%B1%C4%B1%20Faaliyet%20Raporu_compressed.pdf

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021.
https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Ombuds Office
 Score: 4

A law establishing a Turkish ombuds 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 2020 alone, the institution received 90,209 new applications and concluded 91,100 cases. Among them, the highest number of applications was relating to Local Administrations (10.86%), followed by the Ministry of Justice (10.60%), and the Social Security Institution (8.62%). 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 initiative. The EU Commission indicates that despite the KDK's increasing workload, the institution does not react to widespread infringements of fundamental rights. It also lacks *ex officio* powers to open investigations relating to cases requiring legal remedies.

Citation:
 Ombusmanlık. 2020. 2019 Yıllık Raporu. https://www.ombudsman.gov.tr/kdk-pdf/2019_yili_yillik_rapor/2019_yili_yillik_rapor.pdf

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021.
https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Data Protection
 Authority
 Score: 3

Before 2016, Turkey had no specific legislation mandating oversight of personal data protection. In April 2014, the Constitutional Court ruled that new regulations must be made to protect personal data, which is often used for marketing purposes. In 2016, Turkey 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 of them are appointed by the legislature and four by the president. Law No. 6698 on Protection of Personal Data dated 2016 does not fully conform to the EU *acquis*, especially relating to the powers of the Data Protection Authority, the balancing of data protection with the right to freedom of expression and information.

Turkey has not signed 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). The lack of harmonization with the EU acquis hinders possible cooperation with Eurojust and Europol. The EU Commission (2020) has raised concerns regarding the exceptions for law enforcement and the independence of the Data Protection Authority.

Citation:

KVKK. “100 Soruda Kişisel Verilerin Korunması Kanunu.”
<https://www.kvkk.gov.tr/SharedFolderServer/CMSFiles/7d5b0a2f-e0ea-41e0-bf0b-bc9e43dfb57a.pdf>.

European Commission. “Turkey Report 2021. Commission Staff Working Document.” October 19, 2021.
https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Address | Contact

Bertelsmann Stiftung

Carl-Bertelsmann-Straße 256
33311 Gütersloh
Germany
Phone +49 5241 81-0

Dr. Christof Schiller

Phone +49 30 275788-138
christof.schiller@bertelsmann-stiftung.de

Dr. Thorsten Hellmann

Phone +49 5241 81-81236
thorsten.hellmann@bertelsmann-stiftung.de

Pia Paulini

Phone +49 5241 81-81468
pia.paulini@bertelsmann-stiftung.de

Arslantaş D., Schulz L. & R. Karadag (2022).
Turkey Report. Sustainable Governance Indicators.
Bertelsmann Stiftung: Gütersloh.
<https://doi.org/10.11586/2022121>

As a living document, this report is updated and revised on an annual basis. The authors cited here are the most recent authors to have contributed to this report.

Previous report versions can be accessed here:
[SGI 2022 | Publications \(sgi-network.org\)](https://www.sgi-network.org)

www.bertelsmann-stiftung.de
www.sgi-network.org