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## PRESENTATION OF THE CULTURAL POLICY REVIEW OF TURKEY

DOCUMENT FOR INFORMATION and DECISION

Item 3.1 of the draft agenda

# Review of Cultural Policy in Turkey

*Independent Experts' Report*

***Council of Europe, April 2013***

# Review of Cultural Policy in Turkey - Contents

# (1) Preface

This National Cultural Policy Review is the 29th in the Council of Europe's series since the programme's inception in 1990. The Turkish Authorities' request and 'in principle' agreement to participate was reported to the CDCult Bureau Meeting in October 2007. Since that date, Turkey has been experiencing an ongoing process of major internal change, as well as finding itself exposed more recently to the consequences of violent actions in the vicinity of its south eastern borders.

Following formal agreement to proceed in 2008, officials from the Council of Europe's Secretariat met Turkish Government representatives in Ankara that October to map out the detailed process that would follow. The appointed team of independent Evaluators then met in Paris in December 2008, when they held a wide-ranging discussion to consider their approach to the task and to try and define a manageable scope for proceeding. At this early stage of the review, forward planning was to some extent constrained by the absence, so far, of the National Report – although this is not unusual at that stage of the process. The revised (second) version of the National Report was delivered in March 2012, just before the second visit to Turkey of the full Review team. Some further amendments and updates were provided in March 2013.

The Review has taken place during a significant time in Turkey's political, economic, social and cultural development. This has required setting the current initiative in its broader Turkish context from the outset, while being sensitive not to stray too far into areas that are more properly the concern and responsibility of other, appropriately constituted bodies of which Turkey is a member (e.g. UNESCO, The European Court of Human Rights etc.) The Turkish Constitution guarantees 'freedom of conscience, religious faith and opinion' to all its legitimate citizens, and cultural expression is very much part of that. Media commentators within and outwith Turkey are making much of the reforms that are currently being implemented in the country, and of the debates and reactions that this is producing. Turkey today – and during the five-year gestation period of this Review – has been undergoing substantial change.

Over the past ten to fifteen years, the global explosion in affordable and accessible information technology has completely transformed the everybody's communication possibilities internationally, including those for minorities and diasporas. Turkey's socio-political climate is experiencing a gear-change, and culture is, naturally, a constant and important feature within that. It came as no surprise to us that issues concerning freedom of expression and the cultural identity of minorities were themes that many of our interlocutors in Turkey raised with us, as we with them. These formed a regular part of the backdrop to our deliberations. After having settled on a manageable definition of our brief, we leave detailed comment and judgement on these matters (sometimes in quotation) to those other expert authorities, better qualified than ourselves to comment.

Turkey is an immensely complex and fascinating country, with an unusually rich history and heritage. We feel it a privilege to have been able to engage with it, its culture and governance at close quarters. The first full research visit of this Review was arranged for early November 2009, when the group split its time equally between Ankara and Istanbul. The Rapporteur then made a three-day follow-up visit to interview additional 'witnesses' in Istanbul December that year. The second visit, which took place in early April 2012, was arranged to take in Mardin and Diyarbakir (in south-eastern Turkey), Izmir and Ephesus (Aegean region) and Trabzon (eastern Black Sea region) - with return journey via Istanbul. The Review group had the additional pleasure and stimulus of sharing its 'voyage of discovery' with officials from Ankara – some of whom were also experiencing certain regions of their own country for the first time. We enjoyed the great team spirit amongst and between them, the expert team and our accompanying Council of Europe colleagues.

The organisation of complicated and intense travel schedules covering huge distances, and dealing with the delays that are an unavoidable feature of air travel, was handled by our hosts with courtesy and discrete efficiency. Their constant attention and company were pleasing by-products of the exercise. Turkey's

reputation for hospitality was in evidence to the full, and it was excellent to have the chance to explore the variety (in very different regions of Turkey) of one of the world's truly great *cuisines*.

The thoughts and any conclusions that follow in the Report are offered in a friendly and constructive spirit - but also in all humility. The Review team is very aware that, despite the protracted time it had to think about the issues concerned, it has only been possible to scratch the surface in attempting to understand and appreciate this large and diverse country. Alexander the Great's impatient solution to a complex Anatolian problem that confronted him in 333 BC (not so very far from Ankara) was simply to draw his sword and cut the Gordian Knot. Our approach has been, we hope, rather more patient, considered and constructive – if less conclusive or heroic.

We offer our sincere thanks to the staff of the Turkish Ministry of Culture and Tourism and, in particular, to our main coordinator throughout the review process, Onur Gözet, and to the Ministry of Foreign Affairs represented by Cemil Karaman (first visit) and Hakan Aytek (second visit). Our patient and wise Council of Europe coordinator for the duration was Kathrin Merkle, to whom we are grateful – but we should also mention that the Council itself underwent major change during this period, and we must therefore also record our debt to Robert Palmer, former Director of Culture and Cultural and National Heritage (who retired from the Council in 2012) and to Marie-Pierre Fronteau, Sarah Humble and Sandrine Marolleau who were ever helpful on administration and research needs. My great team of examiner colleagues are named below, and we all feel very enriched by the experience we had in considering culture in this fascinating country. My thanks also to David Codling of British Council for his help in arranging follow-up visits in Istanbul.

Finally, the views expressed in this report are, of course, those of the independent Examiners alone and should not be attributed to any of our individual informants or the Council of Europe itself.

Christopher Gordon, Winchester, UK - April 2013

<u>The Independent Review Team</u>
Christopher Gordon (United Kingdom)
Kira Kosnick (Germany)
Christine M. Merkel (Germany)
Nina Obuljen Koržinek (Croatia)
Bissera Zankova (Bulgaria)

<u>Council of Europe coordinator</u>
Kathrin Merkle

# (2) Executive Summary

Council of Europe Reviews of Cultural Policy are carried out at the request of the government of the country concerned. They involve detailed cooperation and joint working between the Council's staff and officials of the authorities responsible for culture in the country. The independent examiners (from member countries of the Council of Europe) are chosen for their expertise in aspects of policy, and particularly in relation to issues of current relevance to the particular country.

Turkey is an important regional and global power, a democratic country whose government has an entrepreneurial, free market attitude and is presiding over a buoyant economy. The nation is currently undergoing something of a transition in respect of its shared, common secular and religious inheritances. Culture and heritage are key areas of significance in relation to current developments and readjustment affecting identity, how the Turkish people see themselves and how they are perceived from outside. It is therefore a fascinating time of change and the Council of Europe examiners were fortunate in being able to engage so constructively with national and local officials and the 'third' sector – all of them dealing with great opportunities and potential within a rapidly changing context.

We were very impressed in different regions of Turkey with the energy and aspiration of local arts activists to make use of culture as a vital factor in local development and quality of life, but this very dynamism can reveal underlying questions about the fitness for purpose today of systems that were originally designed for other reasons in different times. Continuing empowerment of the 'third' sector and NGOs throughout the country seems to be a government objective. We share the view that this is important – and offer some opinion about the clear need for improving partnership working between to private, voluntary and public sectors.

Tourism is strongly identified as a major plank in national economic prosperity, supported by an imaginative Tourism Development Strategy (with associated targets and timescales) and already featuring in longer term plans envisaged for, and beyond, the 2023 plans to celebrate the centenary of the Foundation of the Republic. Heritage (natural, built, archaeological and intangible) is unusually rich in Turkey and is one of the key drivers for tourism development, while the country is also endowed with very rich and diverse cultural traditions. Our Report discusses some of the opportunities and risks that the exploitation (or underplaying) of this great resource bring, particularly at the local level. We consider that there are positive openings for the incorporation and development of culture and the arts to a greater extent than is currently the case within the broadening economic perspective. We express some views about what might be the most appropriate balance between central and local, and how this can be one key to capacity building and creating more committed stakeholders in society.

At the conclusion of our Report we leave a number of open questions the Turkish authorities might wish to consider. Some of these are very broad (for example how best to embrace in policy terms the wide variety of cross-cutting artistic, social and economic aspects that never remain static) while other issues may be quite narrow and probably more easily tractable (e.g. creating clearer and more transparent conditions for grant-aid application, and encouraging greater potential for private sponsorship to support culture away from the major cities). We think it is a good time to be addressing such issues in an open and constructive partnership with the stakeholders in the public (national, regional and local), private and 'third' sectors. The voice of independent artists and performers needs to be heard. Given the economic imperative and the steady rise in importance of the cultural and creative industries to Turkey, we think that the 'status' of artists and independent operators (i.e. their social and economic position) needs to receive urgent attention.

Democratically elected governments as ultimate authorities have the power to regulate, control, enable and modernise. 'Cultural policy' in the complex social and economic environment of 2013 is about much more than what the Ministry itself does directly. How does the Ministry today see its future strategic role to embrace the wide range of stakeholders and to embrace the widest possible range of members of society?

How well do the connections with other government departments, with the Provincial governorships and with the local authorities work to maximise effort, avoid unnecessary duplication, and be capable of foreseeing the possible impacts of new legislation that is not specifically designed for cultural purposes, but which can often (quite unintentionally) have a negative – or at least unexpected – impact on cultural operators? Major recent reforms in the management and 'valorisation' of heritage appear to be proving successful, but raise other interesting issues in the contemporary mix of public/private and central/local priorities.

Some of the cross-cutting themes that we discuss call for consultation with all the other interested parties at the developmental stage. We also think there is something of an urgent need to clarify overall strategy at the local level to ensure that 'the big picture' is in focus, that local people are getting the best out of provision and the best value for the money being spent, and that sustainability is – so far as possible – ensured when desirable. How is the management of local cultural provision and infrastructure best handled in the changing circumstances of the 21st century? These can be difficult issues in any country, and in Turkey's case the needs and solutions are likely to be rather different in urban and rural areas, while Istanbul may well be in some other category altogether.

While on the one hand there are recurring issues for debate around freedom of expression and editorial control, there is also clear evidence of some reforms in language policy, identifiable in local broadcasting and in the vigorous publishing industry. Turkey's success in literature, film and TV is an international phenomenon. The European Union Accession process is offering useful time and space for considering how Turkey has progressed, and what the state sees as its next crucial destinations. Given the high proportion of young people in the Turkish population, and the global Internet phenomenon, cultural policy is an increasingly vital arena for addressing the future, valuing what is rooted in the best of the past, and disseminating it. The recent intensified efforts through Turkish cultural institutes abroad are notable, both from the point of view of the Turkish (and Turkic) Diasporas, and for their desire to spread knowledge of the language and culture.

Perhaps as a follow-up to the positive effort the Turkish authorities have contributed to this Review process, an open, inclusive (and structured) national consultation exercise might focus on some of the practical but fundamental issues that affect culture and cultural policy that are an inevitable challenge for any rapidly modernising 21st century state. We would encourage the Ministry, Provincial governments and local authorities to envisage some continuation activity to this exercise – particularly to open up debates within Turkey where representatives from the cultural and academic sectors might be able to reflect on our findings and proposals. Building upon the National Report and our Review Report this could contribute to helping identify strategic directions for the continuing development of Turkish cultural policy.

# (3) Introduction

Establishing agreed definitions for, and the boundaries of, 'cultural policy' is often difficult in policy review exercises. Whereas in the mid-1980s at the inception of the programme there was a considerable amount of traditionally accepted and common 'Western' core practice, the subsequent acceleration of the global economy and collapse of the USSR, together with social and economic development generally, has blurred the lines between public and private. Meanwhile, the revolution in communications has altered perceptions of what is legitimately 'cultural' and where there may – or may not – be inextricably intertwined issues relating to minority rights, artistic licence and freedom of expression. A Council of Europe paper in 2006 had described this rapidly changing context and need for the evaluation process in future to take account of the 'diversification of stakeholders and issues.'

Although the original methodology devised for the Review process had incorporated cross-cutting themes, the National Reports provided by participating countries have continued to focus to a considerable extent on structural and traditionally demarcated heritage and individual art form issues for which data exists. Reflecting a more flexible and holistic approach to a broader culture concept in an official document is obviously much more difficult to achieve convincingly. This, while still maintaining a primary focus on culture, the arts and heritage, would consider the changing roles and needs within a much broader public policy context. On the basis of the National Report's mainly factual and descriptive format, the independent Review team felt obliged to extend the scope of its inquiry to Turkey's aspirations regarding cultural transformation and development.

Turkey has evolved with a mixture of identities as a by-product of the disintegration of a multinational empire and the creation of a modern nation state. This major rupture has presented challenges to all governments since the formation of the Republic in 1923. The shifts between modernity and tradition have largely depended on the political interests at stake at particular times – though also influenced by private enterprise, local politicians - and artists and writers. It is unclear to us whether the ruling Justice and Development Party (*Adalet ve Kalkınma Partisi*, abbreviated hereafter as AKP) has ever adopted any working definition of what it regards as 'culture'. It seems possible that a current, apparent change of emphasis may mean more of an official push towards the rural, small town and popular – so that the state subsidised and 'high' culture institutions are becoming squeezed with cultural policy objectives becoming blurred in the public mind. The rise in neo-liberal economic thinking globally is leading to a constant questioning of the traditional post-1945 paradigms of state-assisted culture, a trend that corresponds quite closely to the AKP's largely conservative social agenda linked to a strongly liberal market economy that also aspires to membership of the European Union.

Turkey became one of the very early members of the Council of Europe, signing the agreement in 1949 immediately following the action of the ten original founding states. The European Convention on Human Rights was thereafter ratified in 1954 and Turkey is an active member of the Parliamentary Assembly of the Council of Europe (PACE). Associate membership of the European Economic Community was achieved in 1963 under the *Ankara Agreement*, with the European Customs Union Agreement signed in 1995 as an outcome of the Helsinki Summit in December that year. Turkey's application to accede to the European Union (EU) was submitted in 1987, with official candidacy from 1999. This process is ongoing as the various 'chapters' are progressed (Education and Culture chapter 26 still incomplete – the European Commission's Progress Report for 2012 states that 'little progress is to be reported in the area of culture').

The Turkish state has also been a formal member of the Western European Union since 1992 and sits in the United Nations as part of the 'Western European and Others' Group. Turkey has been in membership of the OECD since 1961, and of the World Trade Organisation since 1995 – demonstrating the country's commitments to international cooperation and standards.

Turkey has been a very important member of the NATO Alliance it joined in 1962. This has been one of the essential dimensions of Turkish foreign and defence policy for sixty years. Turkey was a founding member

in 1975 of the Organisation for Security and Co-operation in Europe (OSCE), actively contributing to its work in particular through providing technical and financial assistance, as well as expertise, to OSCE projects in the Caucasus, Central Asia and the Balkans in areas such as democratic policing, border management, counter-terrorism, customs control, anti-drug trafficking, institution building, post-conflict rehabilitation, good governance, specialised training, minority protection and public order.

While the government in 2012 upgraded its Ankara unit dealing with EU Accession matters to full Ministry status (notwithstanding certain reservations both ways) there has been a growing and plainly visible dynamic of Turkey as an increasingly important regional power and international player. This encompasses the importance of both the globalisation and digitisation agendas of the government with reference both to the rest of the world and, taking account domestically of Turkey's own demography, entrepreneurship, economic growth, geo-political role and interactivity with its own diaspora.

# (4) The Context

## Historical, Political and Policy Background

### (a) Origins

Turkey in 2023 is due to celebrate, under the slogan *'towards a happier Turkey on the 100th anniversary of our Republic'*, the centenary of its foundation under the first President, Mustafa Kemal Atatürk, former Ottoman and Turkish army officer, revolutionary statesman, writer and 'father of the nation'.

The history of the territory Turkey covers is as old as that of human civilisation. The strategic position of Asia Minor and the 'fertile crescent' between the great Tigris and Euphrates rivers meant that this land has seen the rise and fall of many great civilisations and empires. There is archaeological evidence from around 10,000 BC of settlers in Anatolia growing crops and keeping domesticated animals for farming, of metalworking and of building the world's earliest discovered town settlements.

The vast territory of Anatolia (plus Eastern Thrace and the land of the extreme East and South-East) that makes up present-day Turkey corresponds to the boundaries that emerged through peace-treaties and struggle immediately following the end of the First World War and the final collapse of the Ottoman Empire. With the exceptions of Iran, Morocco, and part of the Arabian Peninsula, all of today's countries in the Middle East and North Africa are successors to the Ottoman Empire which, at its height, reached from Algeria to Azerbaijan. Saudi Arabia, North Yemen, Iran and Turkey itself are the only countries of the region to have been free of decades of interfering European rule during the 20th century.

It is difficult in 2013 fully to comprehend the sheer size of the task that confronted, and was successfully accomplished by, Atatürk and his immediate circle. One must always be mindful that Turkey is a country that had to reassert, indeed invent, itself out of defeat and occupation after 1918 - almost in total contradistinction to its illustrious predecessor of the preceding six hundred years (1299-1922). The 1922 Turkish War of Independence fought against the occupying European powers and others secured the 'new' boundaries. After international recognition under the Treaty of Lausanne (signed on 24 July 1923), of the Grand National Assembly of Turkey located in the newly declared capital of Ankara, the Turkish parliament proclaimed the establishment of the Republic of Turkey as the new Turkish State on 29 October 1923, succeeding and formally ending the defunct Ottoman Empire, in line with the treaty provisions. The Ottoman Caliphate having been abolished, its authority and properties were transferred to the secular Grand National Assembly of Turkey on 3 March 1924.

The Ottoman Empire, one of the longest-lasting state entities in world history, had a continuity, administrative record and cultural heritage spanning three continents, and providing one of the longest-lived continuous political narratives that exist. The cultural sphere therefore particularly deserves to be re-examined with fresh insights parallel to, and taking advantage of, new developments in cultural studies. During the 16th and 17th centuries, notably at the height of its power under Sultan Suleiman the Magnificent, it was a multinational, multilingual empire that stretched from the southern borders of the 'Holy Roman Empire' to the outskirts of Vienna. Napoleon is reputed to have commented that if the world were a single state, then its capital would surely have had to be Istanbul. Following 1918 Turks were focused on constructing their country from a fragmented former empire and, on a more cultural and social level, their shaken sense of identity. Following the end of the Second World War it was, above all, the Soviet threat that persuaded Turkey to take its place in the Western camp by joining NATO. The sense of Turkey's being on the cusp of East and West is today, as ever, extremely strong.

## (b) The 'cultural' and situational context

With reference to the present day, the following sobering passage is to be found in the Ministry of Culture and Tourism's (MoCT) national tourism strategy projecting forward strategically to 2023:

> *Acts of terrorism, adverse publicity and press articles disseminated in the international community on such areas as democracy, human rights etc. and the outbreak and continuation of armed conflicts and political instability next door to Turkey, due to her challenged geographical position, have all contributed to a destructive impact on Turkey's general image amongst international travellers. In the next few years new projects and programmes will be devised to tackle the constraints and eradicate the damage caused by these unfavourable impacts, involving the launch of a variety of promotional campaigns dedicated to seeding a better image of the country in people's minds.*
>
> [extract from the *National Tourism Strategy to 2023*, page 27 (published 2007)]

These candid statements confirm official recognition of the importance of 'image' both internally and externally. Less clear is any acknowledgment that culture and the arts are central to the existence, integrity and future of the country and the image it projects - a strong point of departure for this Review of Cultural Policy at a time of crucial transition and reform. In considering cultural production and consumption throughout this diverse country in 2013, one must bear in mind that the mean average age of Turkey's population (74.7 million in 2011) is just 29 years old, with 26% below the age of 15.

We were conscious that almost everywhere we travelled in Turkey, we were in dialogue with people who were determined to help create a better world for themselves and others. We were hugely impressed with the energy levels and commitment of active 'citizens' at the local level. The inherited legal and operational framework within which people operate can seem quite inflexible and discouraging, making the dynamism of developments even more remarkable. We think that certain restrictions that arise out of this framework have important implications for cultural activity and for the demarcations between professional, amateur and voluntary effort.

## (c) The Inherited Secular State

The Republic's foundation on secular principles owes much to internal reactions during the early 20th century and, in particular, to Ziya Gölkalp who was very influential in the redefinition of religious perceptions and the construction of Turkish nationalism (and indeed 'Turkishness' further afield in Asia). Gölkalp was convinced that nations - and especially any new one - required a strong and shared consciousness for their survival, and that this was more a matter of language and cultural identity than geography. For decades Atatürk's legacy has provided the constant beacon guiding the Republic in its forward progress. Almost 75 years after Atatürk's death, his omnipresent portrait remains a universal feature of urban and rural Turkey, still watching over much of daily life throughout the country. Since the foundation of the Turkish Republic in 1923, centralisation has been used to protect the unity and secularism of the state against separatism and the potentially destabilising effects of the very uneven levels of economic development between the western and eastern parts of Turkey. One should not forget that three major punctuation points in Turkey's political development have involved military *coups d'état* – in 1960, 1971 and 1980.

Under the religious conservative-rooted Justice and Development Party (AKP) that has won three successive elections, with an increased majority on each occasion, and governed Turkey since 2002, a different compass is emerging. This is initiating a rethink of the contemporary Turkish state's relationship with the secular ideology and legacy of Atatürk within the neo-liberal, geo-political economic context. Ankara's centralised authority since the foundation of the Republic is now finding itself exposed to a climate of democratically-driven change, steered by a government that is strongly committed to free market principles, a position that clearly has considerable impacts on the arts and heritage.

Alone amongst the predominantly Muslim countries of the Middle East region during the 20th century, Turkey chose to follow the path of Western-style democracy. The state programme of pragmatic modernisation, with its deliberate emphasis during the 1920s and 1930s on Western cultural norms and forms in clear distinction from the culture of what it succeeded, had a strong cultural dimension. Atatürk's 'nation branding' initiatives out of the remnants of the defeated Ottoman Empire involved new borders, a new name for the nation and new surnames for all its inhabitants, a change of alphabet and calendar, adoption of the metric system, a new dress code, (all men had to wear western headgear or at least a Turkish version of it) and, perhaps most importantly of all in view of recent developments, a secular rather than a symbolically religious state.

The reforms instituted legal equality between the sexes and granted full political rights to women by 1934 (cf. full political rights conceded to women in France only in 1944, Italy in 1946, Greece in 1952 and Switzerland not until 1971). Although Atatürk personally advocated 'modern' dress for women, no laws were enacted on the subject. The critical, but very different, dominance of Ankara and Istanbul as the country's two major urban centres remains a major factor to this day. Rural and urban differences notwithstanding, we were told that Turkish 'families' tend to live together to a much greater extent - as compared with other European countries – emphasising continuity alongside substantial internal migration within a rather conservative social fabric.

By 1923 a backbone of initial legislative, judicial, and executive structures had been created. The Turkish Criminal Code Law, modelled on the Italian Penal Code was passed on 1 March 1926 (*Sharia* law was finally ended that October). Since a gradual establishment of the new civil law would clearly require more time, inclusion of the formal principle of *laïcité* in the Constitution was delayed until early 1937. The secular civil code broadly followed the Swiss model. We should remember that the political context of this era was very much influenced by the rise of Communism and Fascism in close territorial proximity to Turkey.

A rather strong assessment of this unique position and its broader 'cultural' implications is expressed by the Turkish scholar of cultural policy, Selen Korad Birkiye, as follows:

> *"Turkey has a peculiar status with its secular-democratic system among countries where a Muslim population is the majority.... The doctrine of Kemalism was mainly to abolish the religious community mentality of the former Ottoman state. But its alternative model of citizenship was built in a very authoritarian way, in terms of a scientific, positivist methodology, and the result was not a foundation for individualism... a national community spirit was to be imposed on the society by the state. A classless society was to be created but, ironically, required a government of élite bureaucrats... This has not allowed enough space for the initiation of individualisation in the social and cultural spheres*."
>
> [International Journal of Cultural Policy vol. 15/3 – 2009]

Published international expert opinion from representatives of the Congress of Local and Regional Authorities in Europe (CLRAE) has come to similar conclusions, and we refer to some of this below where we discuss the division of powers between central and local authority (5.2c and 6.4).

## (d) The rich historical record

History has been incredibly generous – in certain respects perhaps too generous – to Turkey. Surely no other country in the world, with the sole possible exception of China, could claim to have such richness within its territory of the origins of human civilisation? The Ministry of Culture and Tourism's website notes the country's key location and role that has made it prominent in the history of the three major monotheistic world religions – Judaism, Christianity and Islam, observing that Turkey is one of a few countries where all three faiths have co-existed amicably for centuries. There are many important sites in Turkey of interest or pilgrimage to people of all faiths. Noah's Ark according to the Bible came to rest on Mount Ararat (some have even claimed the Garden of Eden was in Turkish Mesopotamia), and both

Christians and Muslims believe that the house of the Virgin Mary still stands on a hillside near Selçuk (Ephesus). The Patriarch Abraham is believed to have been born close to Şanlıurfa (Edessa), the Apostle Paul in Tarsus with most of his missionary work having taken place in Anatolia. St Nicholas ('Santa Claus') was Bishop of Myra (in Antalya Province), the Seven Churches of the Apocalypse were all located in Turkey's present day Aegean Region. The Eyüp Sultan Mosque in Istanbul is one of Islam's holiest shrines, marking the supposed burial place of the Prophet Mohammed's standard-bearer, and the tomb of the revered Sufi mystic Rumi is a pilgrimage site in Konya.

Archaeologists in Turkey are, year on year, using advanced and improving techniques, making discoveries that are pushing the origins of civilisation further back into prehistory and increasing our knowledge. Meanwhile the state authorities continue to do what they can to try and secure the repatriation of major archaeological and heritage losses that resulted from the activities of 19th century collectors from abroad. Much current excavation is the result of emergency rescue, driven by the development of the Ilisu Dam and twenty-one other major projects making up the *South-Eastern Anatolia Project* targeted on providing for economic development and stability in the region through hydro-electric power production, flood control and water storage.

Çatal Höyük, the Neolithic site south east of Konya has been celebrated for over 50 years as the world's earliest known 'urban' settlement – a rooted farming community of, some estimate, possibly as many as 10,000 inhabitants that was able to trade in agricultural surpluses. Other even older centres of advanced Neolithic culture in South-Eastern Turkey, such as Çayönü and Göbekli Tepe (near Şanlıurfa) – have more recently revealed what are probably the world's oldest known man-made structure and religious images (10th millennium BC). Turkey contains rich evidence of the origins of animal husbandry and stockbreeding, food surpluses and trade, pottery, metallurgy, wheeled vehicles, the plough, use of precious metals and domesticated horses. Successive occupants of the territory over the millennia have included the Hittites (iron smelting Indo-Europeans), Assyrians (cavalry), Urartians (Iron Age Kingdom of Van), Phrygians and Lydians (invention of coinage), the Achaemenid Persians, Ionian and Hellenistic Greeks, the Romans, Byzantines, Ghaznavids, Seljuk and Ottoman Turks. It is a wholly unique record of progress and continuity in human culture and development. A mosque in Ankara still incorporates the walls of an Augustan temple in the capital city of the Roman Province of Galatia in Asia Minor.

> *"....encompassing peoples of diverse ethnic origins and languages, religions and cultures, the Ottoman Empire was a kaleidoscope whose art attained a spectacular synthesis."*
>
> [Quotation on the wall of Museum of Islamic & Turkish Art]

## (e) Atatürk's legacy to the Arts and Heritage

"Culture is the foundation of the Republic of Turkey.... This culture is not a narrative of legends that are the inheritance of a lost empire, but a modern culture of a secular Turkish Republic which will take its place amongst the most developed nations."

Mustafa Kemal's statement early in the life of the new country that culture was the foundation or 'basis' of the Turkish Republic is an unusually clear and strong 'cultural' statement from a nation-builder and his closest allies and advisers. The determination to Westernise the culture of the new country, involving such radical reforms as changing the alphabet and the calendar, did not mean that development implied simply 'copying' the West. The view of culture articulated included both the new nation's creative legacy and what were seen as the admirable values of global civilisation, emphasising the secular humanism that was to form the backbone of the Turkish Republic. It was an important vehicle for creating new and positive values, a key element in educating society to aspire to higher levels of attainment.

But the need was also stressed to harness the elements of the national heritage of the Turks and of Anatolia, including its ancient indigenous cultures, as well as the arts and techniques of other world civilizations, past and present, to create a modern and progressive synthesis. Atatürk emphasised the need

to study the earlier cultures of the pre-Turkish Anatolian civilizations, notably the Sumerians, after whom he named the 'Sümerbank', and the Hittites, after whom the 'Etibank' was designated, as well as the Phrygians and Lydians. Extensive research into the pre-Islamic culture of the Turks themselves was also encouraged. At the same time, positive value was also accorded to the folk arts of traditional rural Turkey as a wellspring of present and future Turkish creativity.

In a move calculated to accelerate the challenge and supplanting of certain restrictive Islamic traditions and prohibitions in art, many museums were opened. Nevertheless we should note that the foundation of the Faculty of Fine Arts, co-education generally, and the first museum by Osman Hamdi Bey were already in place when the Republic was founded. The penetration of western art in a Muslim country did not happen overnight. Western art had permeated both the palace and non-Muslim communities long before the foundation of the Republic. However this had been confined to a limited section of society. Atatürk encouraged the visual and the plastic arts that had been banned, limited or suppressed under Islamic regimes as idolatry. Architecture began to follow modern trends, and classical Western music, opera, and ballet, as well as the theatre were actively supported and encouraged. (e.g. Paul Hindemith was commissioned by the Turkish government in 1935 to reorganise national musical education and, more specifically, to devise the *Universal and Turkish Polyphonic Music Education Programme* for all music-related institutions in Turkey. Hindemith also created the Ankara State Conservatory and Turkish State Opera and Ballet). Several hundred 'People's Houses' (*Halk Evi*) and lesser centres (*Halk Odası*) founded across the country allowed for increased access to a wide range of artistic participation, sport, and other cultural activities. Publication of books and magazines saw a large-scale expansion (though with some censorship) and the embryonic film industry began to grow. A progressive education system was set up for rural areas to encourage self-development and a large expansion of the university system took place.

## (f) Cross-cutting dimensions of cultural policy ('implicit' cultural policy)

Tourism and heritage have an obvious connection, not least in Turkey's case from the very composition of the Ministry itself. Less clearly recognised by the National Report are the increasingly important lateral connections between 'cultural policy' and a large range of other stakeholders in the public, private and voluntary sectors as well as in the day-to-day workings of civil society throughout the country. Such links and mutual interests are often more obviously apparent at local level than is the case with powerful central government Ministries that may, not least for purely structural reasons, find it more difficult to share policy agendas and actions. The extent to which the so-called 'creative' or 'cultural industries', operating within the market economy, and public policy for culture, education and training are linked and inter-dependent is growing exponentially in Turkey just as is also currently happening around the rest of the world.

The Turkish *Tourism Development Plan* (available on the Internet in English version) sets out an impressive and coherent strategy in its identification of national priorities for development, while at the same time recognising the need to give better protection to vulnerable sites and advocating diversification to spread the pressures. Its thoughts on future 'destination brands' are either geographically-based or thematic – occasionally a combination of both. There is an obvious under-developed issue concerning differentiated sub-national distinctiveness, and an apparent gulf between it and local provision and sustainability. This is a clear example of an important topic that is identifiable centrally as a discrete policy area with its own national objectives and targets, but which at the local level will have other obvious policy links that have manifest economic, social and educational connotations.

We were interested and impressed to encounter the high levels of local interest, commitment and investment in the potential of cultural heritage (e.g. in Mardin, Diyarbakir and Trabzon). We are unclear, however, on how this commitment to exploiting heritage for general development purposes connects, in policy terms, with giving appropriate value to present-day as well as past culture, to build a spirit of creative entrepreneurship and make constructive use of the raw materials of a varied cultural life that exist in their individual localities. We discuss some of the implications of this sometimes confused – and confusing – mixed representation of different identities more fully in our chapter on the heritage itself, and

explore in other chapters the more general issue of ‘transversal’ connections that we think could be more productively harnessed for the good of both culture and society.

# (5) Governance

## (5.1) Governance issues affecting culture

### (a) Fundamental objectives of governance

The systems put in place at the time of the creation of the Republic of Turkey were intentionally designed to be strong and centralised to help build a coherent and manageable new national secular state. Almost ninety years later, in a very different political, social and economic environment, questions arise about the rationales for that original design and whether further adaptations might be required. The Republic was established as a 'moderniser' and 'provider' under a particular set of circumstances.

Present day Turkey is having to reconcile the differences between a fundamentally secular system and the religious conservatism of *hizmet* (the Gülen movement's worldwide initiative across society, rooted in the spiritual and humanistic traditions of Islam). As the consequences emerge more clearly at a social level, the further question arises as to whether the state's role is perceived as some form of censor, where 'regulation' and the enforcement of rules designed in and for a different era might be hindering the natural growth in the role of government as 'enabler' and, once again, 'moderniser'. This is perhaps most noticeable in the imbalance between the authority and independent capacity for action at the local (democratically sanctioned) level and the overwhelming power of central government through its 81 directly appointed Provincial Governorships.

We noted that the National Report correctly refers to the "the minor role of local institutions" compared to the agencies of the central state. However, it is stated elsewhere that "since 2003 responsibility has been devolved to municipalities" while the CLRAE monitoring reports are clear that the initial pace of reform seems to have slowed down since 2005. It is unclear to us what the extent of any real responsibility is here – not least given the enormous variability in 'local' capacity and budgetary capability. This is an issue to which we will return.

### (b) The structures of governance

Turkey's administrative hierarchy since 1925 has consisted of Provinces, Counties, towns and villages. During the 1950s there was a further division into seven large geographical Regions with an average of about ten Provinces each. This 'planning' level, however, has no instruments of democracy or governance. From 2002 onwards, a new tier has designated the 81 Provinces into 26 'NUTS2' clusters for more efficient and progressive planning and development purposes. This has partly been driven by European Union Accession agendas, but also comes about as Turkey's government had concluded that the seven regions were just operationally too large, and the 81 provinces too small, as units for developing coherent and efficient regional policy for development taking proper account of the sizeable differences. While these 26 new planning and statistical regions are all roughly similar in terms of geographic and spatial coverage across the country, there are, not surprisingly huge differences in per capita GDP from one to another. [OECD]

Substantial population shifts in Turkey over recent decades notwithstanding, there continues to be a large rural population. Around 12 million people (17% of the total national) live in villages of which there are about 34,000. There are a further 47,000 smaller settlements. In those areas lacking any municipal authority, village government – which seems to be weak both institutionally and financially – is the *only* local self-government that exists below the level of the Provinces, with no guaranteed sources of revenue (although the salaries of *muhtars*, the Village Headmen are paid by Central Government, via the Special Provincial Administrations). 'Conservation of cultural and natural assets' is included amongst the responsibilities laid upon these small units of governance, which are necessarily heavily reliant on assistance from the Provincial Governor (or municipality where they come within a designated municipal local authority area).

### (c) The Ministry of Culture & Tourism and the Cultural Infrastructure

The organigramme provided in the National Report of the Ministry's organisation and disposition of staff is helpful, backed up with detailed descriptions of the main 'service units'. We do not know in detail the numbers of staff involved, broken down according to unit (or the total numbers separately assigned to Culture and to Tourism or what professional expertise may be required). We would be particularly interested to see a breakdown that separately identifies performers, musicians, actors, curators and archaeologists (in terms of training background or professional skills of museum officials) as opposed to administrators, planners or accountants.

Turkey has a highly organised cultural policy system. Its dominant and centralised administration (both in Ankara itself and through the governorships) seems to us to create the risk of undervaluing local action - even when this has full democratic legitimacy. The local constraints on resources are apparent in both available finance and in (inevitable shortfalls in) professional capacity. That said, we were impressed by the many examples we came across of determined local people doing whatever they could to help create and share a vibrant local cultural life, and demonstrating considerable energy and ingenuity in doing so.

We thought we could detect a greater openness and potential for entrepreneurship, civic and social engagement at the local level than was evident within the centralised systems – which in any national government system tend to be process-dominated, risk averse and defensive (and therefore likely to be resistant to reform). The actual relationship (on political party and even personal level) between municipality and governorship appeared to be an unusually important factor in securing backing for initiatives – implying a degree of political party convergence that may not be altogether healthy for democracy.

## (5.2) The financial framework and budget procedures

### (a) Context: the inherited system and economic liberalisation

Atatürk well understood that a stable democratic state requires a strong and independent economic base. The varying geographic and climatic conditions that exist within the Republic's territory – East to West and North to South – have naturally led to the development and evolution of a wide range of types of economic production and social models. However, the liberalisation of Turkey's economy that began in the 1980s in response to radical changes worldwide, and which continues apace under the present government, is to some extent a development away from previously established practice whereby the public sector had invariably played a very major role in all of the country's economic development. Whilst the positive economic growth rate achieved by Turkey during the 1960s and 1970s (at an average annual rate of 7% that was much higher than that of any other developing country) did lead to substantial improvements in the quality of life, the rapid economic growth taking place also exposed serious structural problems and regional disparities.

It was the severe balance of payments crisis in late 1977 that precipitated the events that gave rise to a more market-orientated, open and export-led economy from the early 1980's onwards. This, of course, corresponds to the era of increasing international competition and globalisation. Turkey in late 2005 entered into full European Union Accession negotiations, a process which – notwithstanding the subsequent and ongoing Eurozone crisis – has significant political and democratic implications, as well as its more obvious economic aspects. All nation states today have to operate in an environment that is intensely competitive and commercial, with a considerable overlap of inward investment, tourism and the export of goods and services.

Under present unstable global conditions, it is hardly surprising that many Turkish people regret that (as they see it) one side-effect of the country's political and economic readjustment is the diminution of the strictly secular state's major *direct* role in economic affairs. This had been taken as a fixed point, even if state planning has lost its appeal across the world, particularly since 1990. The unity and authority of the

secular Turkish state has been challenged by the rise of political Islam and Kurdish separatism on the one hand, and the increasing demands of the EU, IMF and World Bank on the other. Neo-liberal market symbolism is being incorporated into fields of state activity – with 'modernity' as both an invention in progress and an object of nostalgia.

## (b) Openness and Transparency in Public Systems

In a transforming society where multi-stakeholder approaches are rapidly developing and clearly being officially encouraged, there appears to us to be some considerable disjuncture between the longer-term (sustainable) aspirations and the systems currently in place. The confidence that exists in the centralised governmental systems and the authority vested in them seems to us to risk hindering, or at least inhibiting, independent stakeholder initiatives and capacity building at the local level. We were made aware that cooperation between different sectors in Turkey is far from easy to achieve, still less to sustain in any dependable way.

There are two important issues here. Openness is a general question relating to the ability of local actors in the cultural field to be empowered to work for the general benefit of people in their localities, and to make that easier to achieve. It is also partly about that possibility for the arts and culture being included through coherent strategies and plans within the much larger and dominant tourism agendas. Transparency is more of a technical issue concerning access to resources (grant aid in particular) through application processes that are seen to be open and fair, based upon published and accountable criteria.

We discuss some detailed aspects of this below (both in relation to management of the heritage and in arts initiatives). For independent socially-based action to take root and grow at the local level, greater openness and potential for sustainability would be beneficial. This is partly a matter of democratic accountability to taxpayers, but is also about helping change the mindset from grant-dependency to confident capacity building. We noted across the country considerable confusion (sometimes possibly just ignorance) over the availability, timescales and criteria for applications to public grant-aid possibilities. This does not encourage initiative and was clearly experienced as frustrating and demotivating. Large scale initiatives that happen to be promoted independently of the state-sponsored system by powerful families, or by commercial entrepreneurs with major assets, are much more able to set their own terms and horizons.

Although the National Report has a considerable amount of data about structures, numbers of employees and institutions and actual expenditure totals, we did not manage to find much dependable information about annual budgets or accounts that we could analyse to compare from year to year to detect trends, or to enable us to make any real assessment of efficiency or efficacy. In particular we do not understand the rationales behind the Ministry's (MoCT) allocation of its annual budget between 'culture', 'tourism' and 'heritage', let alone any sub-divisions within these major responsibilities. With Tourism having a published development strategy and plan in English, it is possible to chart progress and some changing priorities for government expenditure. For 'culture' and 'the arts' we have nothing comparable – although we are assured by the Ministry that they make use of a Strategic Plan for 2010-14 that takes this into account.

## (c) Financial provision for municipalities

We have already recorded our observation that control and/or confidence over resources is a large factor in attitudes and approaches to policy making and implementation at both the national and local levels. The CLRAE Report on the situation of local and regional democracy in Turkey (published March 2011) was the result of monitoring Turkey's obligations according to the European Charter of Local Self-Government that was undertaken in 2005 (its evidence was taken during visits to Turkey in 2007 and 2008 and 2009, including a special fact-finding mission to South East Anatolia). The report concludes that progress towards the reforms called for in 2005 has been particularly slow.

> *A big concern in 2005 was the lack of adequate financial provision for municipalities and too great a dependence (especially by smaller municipalities) on central government grants. Because the*

> *principal reforming Law on Revenues has not yet been enacted, this is a position that has not changed in 2010. The delegation received sustained complaints from the Association of Municipalities that, with the exception of a limited number (perhaps four) metropolitan municipalities, the level of funding was inadequate. Funding is skewed in favour of the large urban areas.*

The authors of the above report do acknowledge the significant volume of reform in general that the government has been pursuing over this particular period and give credit for some progress to the benefit of local democracy. A law on Allocations from Tax Revenues (No 5779) was enacted in 2008, giving 'ordinary' municipalities 2.85% of the total general budget tax revenues collected nationally**.** This is distributed by formula, principally taking account of the population of each municipality concerned (80%) and to a smaller extent its 'development index' (20%). The allocation of the development index proportion is made by reference to broad categories of development needs generated by the State Planning Organisation. The reform does seem to have been of some real benefit to municipalities (by up to 20-30% in some cases), but the authors of the Report comment that the method specified leaves Turkish municipalities *"even more heavily dependent upon centrally determined grants".* The local authorities' 'own resources', although theoretically derived from quite a wide range of local taxes and charges, amount to only a rather small proportion of their annual revenue.

## (5.3) Centre and Periphery

### National, Regional and Local

We have acknowledged (5.1.a) our understanding of the rationale for the strength and continuity of the centralised Turkish state systems. We have observed with interest some of the current reforms and developments that try actively to involve and empower people who may traditionally have tended to be regarded as marginal (or at least not as fully empowered stakeholders in society) – e.g. 'Openings' to Roma, reforms in aspects of education and broadcasting policy for Kurdish speaking people, improvements in literacy standards etc.

Only national and local government in Turkey have independent democratic legitimacy, with the state (nationally and through its appointed Provincial Governors) having an overwhelming control of the resources. The usual 'centre versus periphery' tensions and dilemmas that confront all national governments are highly complex in Turkey. This especially concerns the unique positions of Ankara and Istanbul, and how they perceive themselves and their respective roles in relation to the country as a whole. In 5.1.b above we briefly described the basic structures of governance and hinted at some of the imbalances between genuine authority, economic possibility and democratically sanctioned legitimacy. Recently developed new regional structures that have come into being in part as an element of the EU Accession preparation process may be changing some of the previously accepted boundaries, but the map is, if anything, becoming more complicated with a network of co-existing parallel and competing structures. Our reflections on this are, naturally, focused on how this potential confusion affects culture. The recent (radical and largely positive – see below 7.2) reforms in cultural heritage management provide a clear example of the possible consequences.

The meetings we had in the very diverse areas of Mardin, Diyarbakir, Izmir and Trabzon in particular revealed to us as outsiders the different mindsets evident in our discussions in meetings convened by the appointed governorships and by the elected municipalities. The latter were all extremely aspirational but seemed to be heavily constrained by their reliance on central government for resources and support. We comment separately on the special case of Istanbul in Chapter 7.7.

The CLRAE's 2010 Report highlights this issue as follows:

> *There is also a similarly shared consensus that rapid institutional change in Turkey will, in any event, always be difficult. The social, political and cultural inheritance of the founding principles of the Republic which place such a heavy emphasis (reinforced in the 1982 Constitution) on a unitary and*

*indivisible state make the pursuit of decentralisation and the implementation of regional and local self-government very difficult. Those who oppose reform find security in the unitary principle and readily point out the potential dangers of reforms which might have a domino effect in the direction of the dismantling of the state. They have tradition and a conservative political class and bureaucracy on their side. On the other hand, the commitment to further reform, encouraged by the reforms already achieved in the Law on Municipalities, the SPAs, Unions and more recently on Scale Reform and the Allocation of tax Revenues, remains very much alive. It is, in particular, the declared will of the government to reform the Villages Law and to strengthen the financial base of local and regional self-government.*

## (5.4) NGOs and the Third Sector

A mood change in Turkey during the early 1980s seemed to signal an improvement in the conditions and possibilities for civil society organisations (such as foundations, associations and trade unions) but following the revised 1982 Turkish Constitution, newer legal measures have limited progress and created significant media restrictions. Whilst this can be seen as problematic, the increasing strength of the private sector, the market economy and the effects of globalisation trends – plus an increase in articulate middle-class civic engagement since around 1985 – have encouraged the advancement of women, and stimulated both human rights discourse and social development generally. The momentum of the AKP Government's desire to pursue EU Accession since the latter part of the 1990s has helped maintain this trajectory.

The National Report contains a section about NGOs, Foundations and Associations, referring to them as having 'very high potential' in expanding contemporary cultural and social development. This corresponds to what we heard, particularly from the Governorships we encountered – where it often seemed that more trust and potential for future development was being ascribed to them than on the basis of partnership with democratically-elected local government. Ankara seems to see NGOs in particular as key agents of civil society, ranked above the elected local authorities – although independent observers (such as the CLRAE) confirm our sense that democratic progress requires much greater delegation to the elected local authorities. This 'third' sector is clearly extremely active in Turkey (over eight million Association members – with Istanbul, Ankara and Izmir in the lead positions for the numbers of associations, approximately following the demography, as one might expect). As we learned in our discussions, there seem to be legal and bureaucratic requirements that can unintentionally create operating difficulties for them. The (EU) Culture Contact Point's (CCP) Turkish officials suggested to us that the legal obligations on NGOs might be proving some disincentive for them to proceed with applications. Nevertheless, despite the apparent technical complexities in setting up NGO structures, we noticed a strong desire by people to use this available method of civic engagement. In Trabzon municipality we heard that *"people need to prove themselves to show they're active to the authorities and to the outside world".*

The 'Institutional Framework' section of the National Report provides information on NGOs, categorised as 'Foundations, Associations and Unions'. These are all legal entities that can be formed for the benefit of society and their members. A good number of high profile cultural foundations in Turkey, particularly in Istanbul, are celebrated and respected internationally with their peers and with the professional sector generally abroad.

Much less well known is the extremely large number of associations across Turkey that makes voluntary provision for a rich local cultural life. We learned during our meetings that the government, notably through its governorships, seems to be placing an increasing emphasis on the development of this sector of civil society. While this clearly capitalises on very considerable local energy and commitment, we were also made aware from our interaction with individuals that the legal and bureaucratic apparatus around establishing local entities in the voluntary sector can be limiting in addition to the issues we discuss concerning access to funding.

It was made clear to us that, from the perspective of central government, there is the will to try and create a more 'modern' model right across the whole of Turkey, devolving certain central functions increasingly to

NGOs. We understand the central concern, driven by the complexity, diversity and varied economic conditions of this huge country, but we also think that the ingrained habit of 'co-ordination from the centre' can have different (sometimes restrictive and demotivating) impacts in different places. We discuss this in more detail in the next chapter – and express our view on how this central government intention may be impacting negatively on local authorities that do, after all, have democratic legitimacy but also need support in capacity building.

> *The AKP's reforms in government have sparked resistance from parts of the bureaucracy, which perceives them as attacks on the country's unity and secular tradition. Even after limited devolution, however, the state remains highly centralised: unlike most countries, provinces (il) and counties (ilçe) are mere peripheral units of the central state, with governors, county-level administrators, and parts of provincial assemblies directly appointed by the Council of Ministers to represent the centre at the local level. Since 2003, reforms in Turkey driven by the 'New Public Management' have also reached the cultural heritage sector, where until recently the state central administration not only managed museums and archaeological sites but also ran all related commercial activities.*
>
> [Shoup, Zan & Bonini – University of Bologna research paper into UNESCO World Heritage Sites, 2012]

# (6) The Resources for Culture

## (6.1) Skills and Capacity Building

It will be obvious from what has been said above that one of the keys to Turkey's ability to deliver to its citizens and to protect its unparalleled heritage must be the maximum productive use of skilled human resources. This puts the spotlight on efficient systems and people, well trained in the latest techniques. We have commented that, in our view, the enduring and strongly centralised (and not always transparent) nature of formulating strategy and allocating resources is one factor in inhibiting capacity development at the local level – which is, nevertheless, a desirable government objective at both centrally and locally. This even seems to apply to the recent outsourcing of heritage management where, improved systems and income-raising notwithstanding, fragmentation continues to be a hindrance to coherent and co-operative planning and longer-term sustainability.

Competitiveness locally and between localities can indeed be a spur to greater achievement. This spirit often impressed us but we did sometimes wonder about the validity and usefulness of parallel competing central government and municipal cultural centres within the same city. With regard to culture generally, we were unable to identify a responsibility for coherent local plans and strategies that took account of the differing – and legitimate – concerns (social, artistic, economic, employment etc.) of all the various stakeholders which often appeared to be lost in the vacuum between governorship and municipality, but with insufficient commitment by cities to assume that role even when they wanted to because of their concerns about lack of secure resources or their control over them for sustainability in the future. This seemed partly responsible for what the EU CCP staff characterised to us as a regrettable 'lack of self-reliance'.

The fragmentation of the cultural sector (to which might be added absence of cultural strategy and clearly set out policies, both nationally and locally) contributes in our view to:

- widespread deficit in adequate management capacity;
- general problems in planning (even in the short-term) and over sustainability;
- under-estimation of professional training needs for staff.

The National Report informs us that the MoCT itself employs nearly 11,000 staff – which certainly would call for in-service training development capacity. Some of these people are no doubt musicians, dancers, actors and theatre practitioners etc. who have professional training in what they provide. Heritage professionals will have an academic training in their particular skills and fields – although we have noted an undesirable fragmentation here between the academic and practical aspects of conservation etc. We learned of some available museum management training – but mainly through purely academic routes.

The National Report makes no reference to updating skills or imparting standard management training to employees who are promoted or allocated new or different roles. Who, we wonder for example, is going to run the burgeoning new cultural centres, and do trained individuals exist with the experience and combination of skills in artistic programming, marketing and promotion, and community development that may be called for? We suspect that the prevalent and conventional view of culture, vertically categorised by art form etc. may no longer offer the best and most productive approach. Some of the recent changes to the heritage management system demonstrate that this need is beginning to be understood and addressed.

> *The CLRAE's 2011 Report Local and regional democracy in Turkey includes a recommendation to the Council of Ministers to 'invite the Turkish authorities to. take the lead in further encouraging,*

*through its training programmes and other means, the strengthening and support for the decentralisation programme.*

[Recommendation (I) – CLRAE, Strasbourg, March 2011]

Professional capacity building is obviously also a matter that is of great concern to, and already clearly identified by, the Foundation and NGO sectors. Even such an established and well-reputed organisation as İKSV (see 7.7) is seriously concerned about the age profile of its staff and worried about its own independent sustainability, unable to compete with the expanding private market and knowing from long experience that it may take 8-10 years to train younger people to be able to take on full responsibility. From Anadolu Kültür (see 6.2) we heard, and understood, their reservations about the absence of relevant local capacity within municipalities where they, as a non-profit association, were making major commitments but also taking sizeable financial risks for local public benefit.

In Western Europe since the late 1980s, the 'shrinking state' and economic imperatives of 'New Public Management' have required the cultural sector to become more dynamic and self-reliant in its management. Through 'sponsorship in kind' a variety of schemes have been contributed by the private sector in planning, budgeting, legal advice, marketing, risk assessment etc. For this to deliver the required benefits, there needs to be some systemic connection between the private, voluntary and public sectors on some form of civic and social continuum. This is therefore not about the high profile privately run cultural institutions in major cities which seem to be successful in their own self-defined spaces (and probably do not therefore afford routes into general capacity building for other public institutions or operators) but about shared agendas and social responsibility in local cultural life at district level.

**The Turkish Academy of Sciences (TÜBA)**

The Türkiye Bilimler Akademisi (TÜBA) was established in 1993 as an autonomous body, authorised to determine its organisational structure and activities on the principles of relevant scientific merit. Its aims are to establish the criteria of scientific and technical excellence in Turkey and to encourage and foster scientific endeavours. We met representatives of the Academy in Ankara during November 2009 and were impressed to learn about their professional activities. Several of these have successfully led to needed improvements in training for improved management and conservation in various aspects of heritage. The nine month concentrated training programme for young conservators has useful applications nationwide. The unified single system Cultural Heritage (Istanbul) Inventory is an important step forward in management and control. The Academy is also producing similar inventories to the best modern standards of other regions of Turkey where there is an urgent need – e.g. Province of Sanliurfa (2002) (TÜBA-TÜKSEK Cultural Inventory Project Publications).

However, since our visit we have learned that the Academy's independence is being threatened. The government in 2011 imposed far-reaching changes to its composition and leadership. Following a decree, which was sharply criticised by academic organisations around the world, more than 50 of the academy's 138 existing members resigned while membership expanded from 140 to 300, with 100 appointed by the Prime Minister and 100 appointed by the government-run Council of Higher Education. The President and Vice-President of the Academy are now appointed directly by the government rather than by sitting members. We do not know what effect these changes might produce on the choice of projects that the Academy independently chooses to initiate and progress. Nevertheless, it seems to follow that if the independence of science and knowledge production is threatened, cultural developments are also likely to suffer.

## (6.2) The role of Foundations, the Private Sector and Sponsorship

Even if, as we were informed by several of our interlocutors, commercial and business sponsorship is rather a new phenomenon in the arts in Turkey (at least in comparison with sport) there is plenty of evidence of its existence in the major cities. According to a 2007 Law on tax incentives for sponsors, the MoCT is required to adjudicate on lists provided for approval. Two important underlying factors need to be recognised in relation to this. Firstly, it is a constant issue across the world in relation to sponsorship that whilst democratic governments are keen to promote it, projects in provincial cities and remote regions are at some disadvantage in seeking significant donations, given that any sponsor is only likely to be interested in maximum exposure and publicity in major centres of population and/or of political and media influence. In two of our meetings with municipalities we heard that "private sponsors are vital to help make up for shortfalls in funding". This is a tactic that usually does not succeed. Why should any private sponsor be interested in 'making up a shortfall' on public funding (other than in perhaps making a small contribution to local community effort where they might have employees or customers)? Secondly, as we have already commented, Turkey lacks policy and strategy coherence so far as culture is concerned with the public, private and voluntary sectors somewhat unconnected.

There appears to be a large gap in possible policy intention, exemplified through the separateness of (a) confident private initiatives (such as the now internationally celebrated *Istanbul Modern* gallery) and (b) the dynamic independent sector (e.g. the excellent example of *Garaj Istanbul* – see 7.3). At neither end of this spectrum is there any systemic connection with the public systems of government let alone any recognised role for 'civil society' in these independent parallel universes. As the infrastructure of cultural provision in Istanbul (and possibly also Ankara) shows, there is very substantial private and foundation investment and support – but not on any recognised continuum or as a valued part of any coherent plan or strategy for provision. Much of it is very competitive – and intentionally so. Rare examples of perhaps more benevolent 'private' initiatives that have the capacity and will to generate projects in places where there is a serious lack of provision (e.g. Anadolu Kültür's initiatives in Diyarbakir and Kars) run the risk of falling victim – as in Kars – to local political whim or to sudden changes in what is a cultural policy vacuum.

Amongst the substantial number of projects, festivals – several claiming to be 'international' – and high-profile events that were presented to us, we remarked on the notable absence of evidence of commercial sponsorship. This was perhaps particularly remarkable in Izmir with its *Expo 2020* aspirations (and in the context of an extremely confident presentation from the Chamber of Commerce that didn't mention culture, still less a potentially important and positive local role for its members). In Trabzon we learned how the Black Sea Theatre Festival had lost its sole sponsor (Efes Beer) and was now 100% reliant for its continuation on State money via the theatre, its scope severely reduced and its future in doubt.

Istanbul enjoys the benefit of several major 'permanent' art institutions affiliated to banks and universities that are fully available to the general public. The Garanti Bank's *Contemporary Art Center* and *Garanti Gallery* were recently restructured into a single autonomous organisation. This new institution is based on a 'Two Buildings, One Programme' concept (named SALT) that combines and contrasts various different disciplines as it develops publications and organises and hosts research, exhibitions, conferences, workshops, educational programmes and film screenings in various fields including contemporary art, architecture and design and economic, historical and social studies. A library featuring a digital archive with more than one million documents along with nearly 100,000 printed works is being planned.

Yapi Credi Bank has initiated a remarkable publishing enterprise. Using its resources to publish books and translations of certain celebrated titles, it uses Turkish-owned distribution chains and has also opened bookselling outlets of its own in a number of provincial towns that lack these facilities. This cultural engagement of banks is of great interest, although we did hear from a number of our interlocutors that they feared there could be some risk because of the banks' powerful existing roles in the Turkish media system, which could be a further step on the road to oligopolies and high media concentrations designed to channel the interests only of a rather limited range of economic and political élites. Ensuring transparency

and trying to preserve an appropriate balance of interests is always an issue where major private cultural investment takes place.

**Anadolu Kültür**

Anadolu Kültür is an Istanbul-based non-profit Association, established in 2002 under the inspirational leadership of Osman Kavala (still Chair of its Board and head of the Kavala Corporation since 1982) with the committed participation of individuals and institutions in various arts disciplines. The Association promotes social and cultural life and bridges between 'divided' communities. Kavala himself is also a member of the board of the Turkish Economic and Social Studies Foundation (TESEV) and the advisory board of the (George Soros) Open Society Institute in Turkey. His family, originally from Northern Greece, were subject to the population exchange following 1922.

Anadolu Kultür, with a small and dynamic full-time staff (fewer than 20 in 2009) aims to be a platform and facilitator for cross-cultural collaboration and exchange between artists, cultural and educational organisations, the socio-cultural field and local authorities in Turkey, Europe, and the neighbouring region. Its programmes and projects include cultural exchange, cultural heritage studies, and local cultural policies with a special concentration on diversity and cross-border regional cooperation. The Association works in significant and influential partnerships with the British Council, Goethe Institute, European Union, Open Society Institute, European Cultural Foundation etc.

*Depo* is a public space provided by Anadolu Kultür, occupying a former four-storey tobacco warehouse (Tütün Deposu) in Tophane, Istanbul. It exists to encourage critical debate and cultural exchange and is the first initiative in Turkey to focus on regional collaborations between Turkey and countries in the Caucasus, the Middle East and the Balkans. Besides its artistic programme of exhibitions and screenings, *Depo* addresses the socio-political implications of socially engaged art practices in the region by organising conferences, workshops, lectures and panel discussions, and publishing an e-journal titled Red Thread. Its activities are planned to provide artists, curators, cultural operators, academics and intellectuals from the region the opportunity to engage with each other, to exchange ideas and experiences, and to develop collaborative work.

A major focus of Anadolu Kültür's effort is eastern and south-eastern Turkey. The cultural centre in Diyarbakir is renowned for its excellent work. Initiatives in Kars have met with a more chequered outcome recently, while there are successful outcomes in Kayseri and Antakya (with linkage to Aleppo). The 'City-based cultural policy' project with ECF (including excellent results involving Çannakale in 2010) has provided important lessons for local cultural development. The levels of effective coordination can be quite variable and local capacity has been demonstrated to be seriously lacking.

Since October 2009, Anadolu Kültür has been running a project with international partners to help build bridges between Turkish and Armenian society through adult education, intercultural exchange and oral history research as a contribution to Armenian-Turkish reconciliation. The project includes activities in both countries: summer camps for students from both countries, an international workshop on reconciliation in Armenia, oral history research in Turkey and Armenia with a published book in English, Turkish and Armenian. As an outcome of the oral history research, a book Speaking to One Another: Personal Memories of the Past in Armenia and Turkey has been published. An exhibition based on the research opened in December 2010 and is touring to different cities in Turkey and Armenia, plus a 'diaspora' study visit to Germany where the students from both countries will have the chance to visit various NGOs and government offices.

The Armenia-Turkey Cinema Platform (ATCP), established in 2009, is a production and networking initiative between Armenia and Turkey aiming in the long term to create positive cooperation between the two countries, that includes filmmakers, producers, actors and artists throughout Turkey.

## (6.3) Information resources

Although the MoCT has a mass of information and data concerning its own remit, much of this is not generally accessible or, apparently, used in any openly accountable way in order to evaluate policy and funding decisions. Furthermore, we have found that as a result of the recent positive reform and improvements in management and exploitation of the heritage, the data are actually less visible – being categorised as 'commercial', and thus confidential, to those companies operating the franchises under contracts that provide two-way benefits.

Given what we see as a general lack of longer-term strategy or cultural/arts planning, there appears to be an urgent need for more practical research to encourage and assist this, and to enable better evaluation and public accountability to become a regular feature of the cultural policy scene. We encountered strong examples of such research taking place within private universities such as Bilgi (in Istanbul) and Bilkent (in Ankara) and were made aware of other specialised functions of great practical use in the heritage and environment at certain other higher education institutions in Istanbul. We would urge greater co-operation between the public administration and these specialised university units or departments for optimal use of existing policy resources. Much of the cultural policy research being conducted and published (in English) by institutions such as Bilgi is of the highest international standards, yet apparently insufficiently used within Turkey itself for policy development and strategy purposes. There are good examples of targeted work involving local authorities and external stakeholders (such as the joint-projects between Çanakkale municipality, Bilgi, Anadolu Kültür and The European Cultural Foundation).

**Bilgi University** - **Cultural Policy and Management Research Centre**

The cultural policy Department at this private İstanbul university is a powerful unit, well-known and respected internationally. We were pleased that a visit had been included in our schedule, giving us the opportunity to engage with staff and the excellent team of young researchers. The importance of the contribution they are making cannot be underestimated, not least given Turkey's need for increased capacity building in management of the arts and heritage. The training offered for students provides an international perspective on Turkey's need for 'modernisation' and to spread knowledge and experience of good practice elsewhere.

The Cultural Management Master's Degree course provides an interdisciplinary education offering students the opportunity to examine cultural organisations and structures, and their policies, in both their local/regional and international dimensions, taking full account of the social, economic and political frameworks within which they operate. The concentration of activity, which we applaud, is on practical applications in arts management and policy development, rather than on pure academic theory. It very much involves building active partnerships with cultural organisations within Turkey and with professional networks externally.

The Department publishes annually its important and progressive Cultural Policy and Management Yearbook. *Policy-expert groups of researchers give a multi-disciplinary and Turkey wide perspective that can cover topics as wide as cultural provision and participation's links to social policy issues, NGOs, the creative industries and economy, and perspectives on heritage, urban development issues, archaeology and landscape etc.* The Cultural Policy and Management Research Centre (KPY) established in 2010 by Bilgi University provides a focus for research, advocacy and training, making a feature of following studies that are both contemporary and internationally contextualised. **It** is one of the first policy-oriented research centres in Turkey in the field of cultural policy and cultural management. One current high profile project aims to build successful long-term collaborations between cultural organisations/initiatives and cultural managers from Turkey, particularly from Anatolian cities (e.g. Diyarbakir, Kars and *Çanakkale)* and EU countries (Germany in particular) and to disseminate results as an example of new exemplary collaboration. 15 cultural organisations from Turkey and 15 from EU countries are collaborating on a targeted two-year joint development process. The opportunity to experience learning first-hand in new organisational and

artistic settings provides an inspiring and stimulating context for developing partnerships and creative practice.

Information website - http://bilgikpy.com/konular/haber-arsivi/

Reference has been made above to the need for improved evaluation and self-evaluation to demonstrate efficiency and value-for-money to taxpayers and citizens. We were encouraged in our meetings with the staff of the (EU) Cultural Contact Point for Turkey to find something of this open and critical reflection. The demands of the EU culture programme, even if not always 'user-friendly' in themselves, have in this respect helped identify some of the developmental needs within the sector in Turkey.

**Cultural Contact Point – Turkey (MoCT and European Commission)**

This small unit (three staff members charged with an active countrywide development role) has operated since December 2006 under the Istanbul Provincial Directorate for Culture. It exists to provide information and assistance on a national basis for independent Turkish arts organisations wishing to apply for grants from the European Union's cultural programmes. Meetings, training sessions, workshops and briefings have been widely arranged throughout the country for local artists, groups, universities and others (e.g. in Elazığ [Eastern Anatolia], Çorum and Sinop [Black Sea], Muğla, Gaziantep etc.) Help is given with the application process and an informative website provides practical assistance and a database for finding appropriate project partners inside and outside Turkey.

We found this to be an interesting example of a focused and nationally accessible information service that was also constructively self-critical about the reasons for any mismatch in Turkey between aspiration and actual success rates achieved. We thought that the officials we met were probably correctly analysing why Turkish EU culture bids to date had mostly failed. Despite the funds on offer and the good advice freely available, the participation level from organisations within Turkey is low, with only 17 completed applications submitted to Brussels in 2011 after about 17,000 inquiries. We were told that the EU's required 50% match was thought to be an extremely high, and usually unattainable, demand for potential Turkish applicants. The only successful Turkish-led application from 2011 was the one submitted by Istanbul Modern, with partners in Ireland and Greece (however, there were six Turkish arts organisations that were included as partners in applications led from other existing EU member states).

We were disappointed, though hardly surprised, to learn that the EU's Schengen visa requirements for participating Turkish artists and performers continue to present a major problem. The feedback (in 'scorecards') from Brussels to the CCP has improved slightly to explain why particular applications have failed, but claims regarding 'confidentiality' often mean that qualitative judgements are vague and obscure, with only brief reasons provided. This is unhelpful to the Turkish officials who are trying their best to improve the success rate.

[information collected at Provincial level and collated by the CCP]

## (6.4) Local Authorities: their under-exploited cultural potential

*"During its visits to Turkey in February 2008, January 2009, and May 2010, the delegation was struck by the extent to which there was agreement among its informants from all quarters that the pace of reforming change had slowed. The period of rapid legislative developments in 2004 and 2005 has been followed by five years of reduced activity – explained, in part at least, by the preoccupations of the AKP Government with its own struggle against Party closure during 2008, the constitutional reform initiative of 2009 - 2010, the referendum campaign of the summer of 2010, and, shortly, the campaign for the 2011 national elections."*

*[CLRAE Report (2011)]*

We touched on the important issue of local government finance above (5.2c), having been convinced in our meetings across Turkey that there is very substantial unrealised potential for culture at local level which is unnecessarily constrained. This can be cross-referenced to what we say about capacity building generally, and about NGOs and the voluntary sector. The Mayor of Altındağ (the local authority area encompassing much of historic Ankara) informed us of a rise in the perceived importance of local authorities since the 1980s, but added that the political and administrative mentality is still very centralised. Ironically this continues to be so in part because of the need to obtain resources from the government to fund development and services. In total less than 5% of the national budget is accounted for by municipal government spending. Prior to 1980, municipalities were 'affiliated' to the Provinces (i.e. effectively *controlled* by the state to a much greater extent than is now the case – although that issue was raised in every discussion we had with municipalities).

For all this uncertainty regarding capacity (both financial and human resources) and genuine autonomy we are dealing with statutory (as opposed to optional or additional) functions of municipalities in a broad grouping that includes:

*culture, art, tourism, publicity, youth and sport; social services and social assistance; weddings; vocational and skills training.*

Provided that these services are of a local community nature, municipalities are legally empowered to deliver, or contract out the delivery of, these services. Economic and commercial developments are also listed as parallel duties on the same continuum. The Congress of Local and Regional Authorities in Europe (CLRAE) in its recent monitoring Report on Turkey (March 2011) recommended that the [CoE] Committee of Ministers invite the Turkish authorities to:

> *take steps, as part of the efforts undertaken towards further Constitutional reform, which we are confident are continuing, to improve the constitutional environment for strengthening decentralisation in the country, including the abolition of administrative tutelage maintained by both the Constitution and other laws and the introduction of greater freedom to use languages of choice in the public services.*

In Diyarbakir municipality we received a strongly consistent message about what the city authorities believed was the Governorship's agenda to impose uniformity through all its official programmes, the parallel language path having been rejected by the state nationally (though we note with approval some local and other relaxations instituted under the AKP government). The implication was that the Governor's role went far beyond relatively passive 'co-ordination from the centre' – a phrase that we heard on many occasions in Turkey. While we heard many comments concerning diversity and tolerance everywhere we travelled, the rhetoric often seemed to outstrip any evidence we could see on the ground. Diversity – 'common space' or neutral ground – seemed to be more openly pursued at NGO level whereas politicians locally may tend to define things through difference rather than common points. Mardin in this respect seemed remarkably open, although it was clear that its NGOs operated on the basis of an almost total reliance on volunteers, with the usual observations about lack of financial security and sustainability generally.

We were made aware in both these places that the authorities are having to deal with 'diversity' issues resulting from migration that have a significant 'cultural' dimension. The broader implications of this are noted as follows in the Tourism Strategy:

> *"Migration from rural areas to large cities [is creating]... an 'in-between' status leading to solidarity in small communities – especially in suburban areas – but at the same time it finds the most important components of its identity constructing an 'other' category."*

Our impression was that the continuing, if necessary, over-reliance of democratically elected local government on the centre (both the elected government, of whichever political party, and the Ankara

bureaucracy with its own strong traditions) does not provide for confidence or great continuity in actions. The means to match the vision and ambition that we heard about and strongly commend seemed to be insufficiently dependable, making for uncertainty about future sustainability. Furthermore, the apparent inability of local authorities to offer open and regular grant aid programmes is unhelpful to local independent and voluntary cultural initiative (see (g) below).

**The Municipality of Izmir**

It was in Izmir (and also to an impressive extent in Mardin) that we experienced the highest level of civic engagement. Izmir has clearly developed at least the outlines of a cultural development strategy for itself, is capable of uniting all the various sectoral interests in a common conversation and demonstrates coordinated aspiration. It may well be that Izmir's bid to host Expo 2020 – under the slogan 'uniting generations' (and focusing upon climate and healthy living) – is providing some stimulus for coherence.

It was our strong impression that the group of lively, open-minded and enterprising people we met had not just been assembled together *ad hoc* for the purpose of our visit. These were clearly individuals who are used to talking to each other and sharing a vision for quality of life and the future development of their expanding city. We also had the impression that the elected level of the municipality (with good support from purposeful officials) seems to have genuine influence where there are strong personalities and some sort of orchestrated understanding of broad priorities in their city, and where there is also, naturally, a good working relationship between the Town Hall and the Provincial Governor's Office.

Our Izmir discussions were the most forthright in their assessment that financial decisions in the arts and culture depend rather more on political and personal relationships rather than on any transparent and open access to funding sources and structured processes with clear criteria and public accountability. We were somewhat surprised at the regular references to the European Union's culture programme – a very limited, unpredictable and unsustainable source of funds. This undue prominence given to an external source seemed to confirm the general absence (which we remarked across the country) of identifiable sources of 'regular' public funding that one might expect to find as accessible grant-aid, available to independent operators on successful application through processes operated by the local democratic structures.

We had a good opportunity to hear from a range of artists, performers and promoters and to share with the audience at an evening concert in the excellent new municipal venue. We learned about a wide range of city-promoted (often free) arts events – the mobile art bus, open-air poetry and puppet shows, arts in hospitals, cinema and the film festival (shorts in particular), independent theatre production and links abroad. We also had an invigorating and enjoyable excursion around Kemeralti, the old district nerve centre of city with its lively cultural, historical and commercial mix in the preserved bazaar (1890 by Gustave Eiffel, supposedly).

## (6.5) Multi-Stakeholder approaches

The general trend towards multi-stakeholder approaches across society is interesting and encouraging – even if still apparently beset by legal or bureaucratic impediments which can act as discouragement. Certainly in civil society terms these seem to have a vital role to bridge across the 'parallel universes' we have noted. This often still seems to involve a 'mindset' problem of expecting or hoping for 100% project funding from the government (i.e. rarely as part of a longer-term and maybe more stable organisation that carries out projects with a mixture of stakeholders towards commonly agreed ends).

We were told in Trabzon municipality that there was a maximum 2% - 3% legally permitted limit on expenditure at local authority level that is very restricting to ambition, and the CLRAE Report independently confirms this as a maximum figure of 2.85% of the total national budget.

A large number of the activities we heard about were widely open general public *free of charge* (often with small financial contributions from the relevant municipality for some larger NGOs). This seems to underline that partnerships can be important in ensuring maximum public access. However, it also suggests that *earned* income as a significant component of promoting local projects sustainably is not part of the thinking or planning process. For smaller and local voluntary organisations the challenges are more modest – but no less taxing on the motivated individuals. We were also informed in Trabzon that 'the public sector owns the buildings and covers basic running costs, NGOs and foundations are responsible for paying salaries of artists and programming'. We took away the view that the cultural sector was extremely competitive but fundamentally disorganised in the independent sphere. While this burgeoning local diversity may indeed be a healthy sign, its continuing development and sustainability will require much improved public information and transparency over grant availability and processes.

That said, we should record that we were also made aware of a number of significant and progressive developments where the independent sector clearly felt more able to innovate and experiment than the state institutions, and set the pace to positive effect. A good example would be *Istanbul Modern* which, legally constituted as a foundation, had successfully set the trend for outward, consumer-orientated and welcoming museum bookshops and restaurants. This supports what we heard elsewhere about the adoption in the independent sector of 'lateral and more thematic approaches... partly because we did not think it helpful in surveying the broad territory to be constrained by Ministry or Departmental divisions which happen to be historic or just reflecting standard administrative boundaries and practice in Turkey'.

## (6.6) The contribution of women and the gender equality issue: women's involvement in social activity in Turkey

The founders of the Turkish state recognised the traditionally underutilised capacity of its women very early in the country's existence. Atatürk at a victory rally in a large cinema in 1922 addressed his audience thus:

> *To the women: "Win for us the battle of education and you will do yet more for your country than we have been able to do. It is to you that I appeal. "To the men: "If henceforward the women do not share in the social life of the nation, we shall never attain to our full development. We shall remain irremediably backward, incapable of treating on equal terms with the civilizations of the West."*
>
> [quoted in Lord Kinross, *The Rebirth of a Nation* (1964), p. 342]

> *"The real enemy in Turkey is patriarchy, as in many other places, rather than Islam. Women's equality in Turkey dates back to the establishment of the secular republic in 1923. Yet that's not always reflected in everyday life. Turkish women are under-represented in the workforce, except perhaps in banks... Frankly, when I go abroad to meetings of senior Western bankers, I don't see many other women."*
>
> Suzan Sabanci

Like most of what we term the 'transversal topics' mentioned above, the issues of the contribution of women and of gender equality as a broad topic can be assessed from many different viewpoints. The Suzan Sabanci quotation acknowledges both a specific Turkish concern and certain general global trends that can be observed in most of the developed countries. The National Report does not mention or draw attention to gender issues as being relevant or important for the future development of the Turkish cultural policy. While the Report does offer some random statistics referring to the standard male and female proportions of the population, it does not go on to make any specific reference to these gender issues and the importance of full respect for gender diversity and opportunity as a prerequisite for a democratic and inclusive cultural policy. Striving for gender balance should be articulated across cultural policy including cultural production, distribution and participation.

## (a) The Council of Europe and international standards on gender equality

Women's involvement in social activities in Turkey is encompassed under the fundamental values of the Council of Europe, with their protection and promotion of human rights, democracy and rule of law. Human rights are universal and inviolable. The European Convention for the Protection of Human Rights and Fundamental Freedoms provides in Article 14 for 'Prohibition of discrimination':

> *"The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."*

Gender equality is one of the pillars that supports all modern democratic societies. In its landmark Declaration on Equality of Women and Men (1988) the Committee of Ministers of the Council of Europe emphasised that "equality of women and men is a principle of human rights" and "a *sine qua non* of democracy and an imperative of social justice." The *Declaration on Equality between Women and Men as a fundamental criterion of democracy,* adopted by the 4th European Ministerial Conference on Equality between Women and Men (Istanbul, November 1997) further states that "the achievement of equality between women and men is an integral part of the process leading to genuine democracy".

Ministers agreed to pursue this goal through "specific, multidisciplinary strategies, concerning political and public life and all other walks of life" and affirmed that "the realisation of equality between women and men is the task not just of governments, but also that of society as a whole." The Declaration's appendix lists four parameters of multidisciplinary strategies aimed at promoting equality as:

- Equality in political and public life
- Equality in economic and professional life
- Reconciliation of family responsibilities with political and professional life
- Promoting equality in a democratic society: the role of men.
-

The Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women (1995), still in force today, affirms that equal rights and the inherent human dignity in men and women demands practical steps to be undertaken by all relevant actors to turn formal equality into substantive equality. Particular emphasis is placed upon actions to be implemented in the field of the media due to their enormous potential to promote gender equality as *living* social practice. The Council of Europe's resolution and recommendation on gender equality to member states (adopted by the Committee of Ministers on 21 November 2007) mandates members to implement adequate policies in various social areas advancing equality between men and women - also including in the media. Other areas specified are education, science and culture. Women should have equal opportunities to work and realise their social aspirations to contribute to the general welfare of society.

> *"(24) Educational choices and achievements influence women's and men's professional career and the well-being of their individual and family life, as well as their life in society. Governments have the obligation to promote access to education as a right for girls as well as boys, women as well as men, on an equal basis, at all levels of education, lifelong learning, science, research and culture.*
> *(25) Equal opportunities in regard to education, science and culture are essential for better human and economic development and are a driving force for social change. On the other hand, equal access of women to high level qualifications is not only a basic right, but it is also instrumental for a more balanced society and for the achievement of gender equality."*

[Extracts from: *Recommendation CM/Rec(2007)17 of the Committee of Ministers to member states on gender equality standards and mechanisms]*

## (b) Gender equality in Turkey and women's participation – the internal reality

From the evidence we have read and encountered, the main problem about gender equality in the country seems to lie in the actual implementation of all the policy and legal agreements that have so far been legally adopted. Gender equality is currently a cornerstone of democratisation and of Turkey's bid to join the European Union, as well as a major concern of the increasingly strong women's movement in the country. A number of legal steps, particularly affecting the constitution, civil law and penal law, have been taken during the last decade to align Turkey's domestic law with its international commitments. The 2004 amendment to Article 10 of the 1982 constitution, for example, added a specific provision prohibiting discrimination on the basis of gender. The Turkish Penal Code was also amended in 2004 so that crimes against women are now reckoned within the framework of crimes against humanity, with life imprisonment instituted as the penalty for convicted perpetrators of so-called 'honour' killings. At present, the government is drafting a comprehensive new law on violence against women.

Despite this improving legal framework however, it is difficult to talk about real social equality for women. While the current government is proud to underline that Turkey is amongst the top 20 fastest growing economies in the world, its poor ranking in the 2011 Global Gender Gap Index suggests a different underlying perspective. The areas in which gender inequality is most pronounced are economic participation and opportunity (where Turkey ranks 132 out of 135) and educational attainment (where it appears at 106 out of 135). While the global average rate for female labour market participation is 52 per cent, Turkey's fluctuates at 24 to 28 per cent – less than half of the world average. Moreover, female employment rates have been *decreasing* since the 1990s (no doubt due to massive migration from rural to urban areas, implying that women who previously worked in agriculture but now live in cities have had recourse predominantly to jobs in the informal sector, or else remain unemployed due to lack of skills and education). While Turkish literacy rates have improved in recent years, the majority of the illiterate population, reckoned at around four million, is predominantly female.

Turkey's experience over the last ten years clearly demonstrates that legally sanctioned equality does not inevitably lead to equality in actual practice. There are examples of good practices, including nationwide campaigns and initiatives to encourage families to send girls to school supported by increasingly active women's NGOs. Nevertheless, their impact remains limited due to economic hardship and continuing patriarchal social values. Many families still do not send their girls to school because they are still expected take on household responsibilities from an early age. Formal education for girls is thus not prioritised, a problem compounded in rural areas by transportation issues.

There is a serious need for the political will to translate legal reforms into real, practical gender equality in all aspects of life. Providing training and education for women, to empower them to become strong and independent, is an important first step. Therefore, improving both the formal education system and lifelong learning opportunities for women is of the utmost importance. Men also need to be included in efforts to promote gender equality in order to challenge existing mindsets and values. Incorporating gender equality classes in the formal education system and providing gender equality training – particularly for military, police and legal services personnel – could be important in this respect. Government efforts to combat violence against women are commendable but they can probably only be fully effective if they are complemented by concrete initiatives on other fronts, not least ensuring women's economic independence and social participation. Though there is significant progress on topics such as women's employment and domestic violence, women's representation in political processes awaits an adequate response from those in authority.

## (c) Gender equality as reflected through national policy

The published ***National Action Plan on Gender Equality (2008-2013)*** sets out strategies with targets for various areas – education, economy, health, environment, poverty, power and decision-making processes,

media and human rights (notably domestic violence). To a great extent this follows the decisions of the Istanbul Ministerial conference embodied in the declaration cited above. Cultural activities are not expressly mentioned. The media however are treated as a separate sector of activity in which firstly, women are underrepresented as decision-makers and secondly as a powerful instrument for gender mainstreaming and avoiding sexism and discrimination in society. With the expansion of private media outlets, the number of women employees has risen (visual arts and cinema). However, they tend to hold only mid-level positions while the percentage of women owners or managers of media enterprises is very low. By and large in Turkey more men than women use computers as a result of educational or employment opportunities (and this also seems to be the case with cultural engagement in Internet cafés outside the home).

The stated objectives and strategies for action are:

- gender awareness among media staff to improve their sensitivity towards gender equality issues;
- increased employment of women and their participation in decision-making processes in the media sector;
- improved access to computers and ICT.

We have no data for the balance between males and females in specifically cultural professions in Turkey but, as in most countries, we were conscious of the sizeable proportion of women who are actively engaged. Very often this may simply be a consequence of the generally low rates of pay in the sector concerned, rather than any conscious determination to address gender balance. The National Report informs us that there are over 8 million members of Associations throughout Turkey – of which 1.36 million are identified as female. We note from the 2012 European Union Commission's Progress Report on Turkish Accession that the gender gap in secondary education has further been narrowed – which the Report estimates at around only 2.5%.

We were pleased to engage in Trabzon with members of the Association of Women Artists (founded in 2009). A self-help organisation that assists its members with technical and operational problems they encounter in trying to work (e.g. work space or rental payment problems), it also has a strong commitment to linked social issues. New branches of this network have more recently opened up in Kars, Antakya, Van and Fetiye.

## (6.7) Access to resources to support individual and voluntary arts initiatives

At all three levels – national, regional and local – we identified the same issue, and considerable frustration on the part of independent organisations and individuals in relation to it. The process of securing grant aid on any open and competitive basis seems opaque, with no clear tendering procedures or published criteria, no regular public application dates (with declared deadlines), no publication concerning available budgets (on any level), and no reporting or evaluation of the results or outcomes of funded projects. Even when there is some identifiable grant distribution system in place, the resources usually only seem to reach *public* institutions (in a variety of legal forms). There was more than a hint in quite a number of conversations we had that 'who you know' can be at least as important a factor as 'what you are trying to offer for public benefit'. It appears to us that the lack of familiarity with open application opportunities across the country is an identifiable contributory factor to the failure rates that the EU Cultural Contact Point informed us about.

This difficulty that independent organisations and individuals experience in respect of possible access to funding is noteworthy for a variety of compelling reasons.

- it is fundamentally a democratic issue, about transparency and accountability for the money of taxpayers who, after all, constitute the local residents;

- it is also important for professional competence reasons: transparency and competitiveness will contribute to promoting quality and excellence;
- availability of funding would open up an immediate increase in the size and competence of the independent sector and NGOs – something we understood that Ankara is keen to encourage;
- it has managerial and governance implications in that it helps eliminate any possible risk of corruption (if there be any) while also stimulating an increase in capacity and competence at the local level in dealing with it;
- it is now a European and international standard for financing culture, which helps protect some form of dynamic and creative balance between the state/public sector and independent operators;
- private funding by commercial sponsors (prominent in Istanbul) is not obliged to be responsive or accountable to the public, for all its claims to 'social responsibility'. The choices of projects that sponsors support will always be exclusive, for perfectly defensible and understandable reasons;
- finally, it is a prerequisite for effective participation in international projects that require financial support (which in most cases will demand some sort of matched funding – usually 50/50 – obtained from sources within the applicant's own country).

We concluded that there is an urgent need to address this lack of clarity over budgets and the processes that one would normally expect to find in terms of basic public accountability.

Despite our frequently having sought information about grant application possibilities and procedures during our discussions with Governorships, our impression was that any processes –other than basic year-on-year maintenance of government-sponsored institutions – seem to be largely *ad hoc* rather than planned or part of any coherent local strategy for provision and development. In each of the cities we visited we tried to discover who at the local level took responsibility for, or had a genuine interest in, drawing together 'the big picture' culturally speaking, taking in the concerns and aspirations of the national, provincial and municipal authorities plus the NGOs, independent and voluntary sectors. Nevertheless in most cities this remained rather unclear. It is therefore extremely difficult to make any assessment of how efficiently and effectively (or otherwise) the many directly provided state services are, or what opportunity there may be for valuable new independent initiatives to arise and gain support in a context in which they feel the odds are stacked against their having a real chance to succeed.

In addition to our interest in how culture and society interact at the local level, we have a particular concern for the cultural and artistic manifestations themselves and their quality, and how they come to be created and disseminated (or constrained). There are useful references to this at various points in the National Report and we were interested to learn more about any possible changes the government might have in mind. We received a strong impression in Istanbul, and from certain Ministry officials in Ankara, that the private (and foundation) sector exists almost in a parallel universe to public (state) cultural provision. Co-operation towards achieving shared cultural and social goals seems to be rather limited, and we failed to identify anything that we might recognise as a 'public/private partnership' operating on an equal footing.

We were pleased to encounter a good example of a locally-based (local authority initiated and supported) women's craft workshop in Maçka, inland from Trabzon (which benefits from some EU co-financing support). Here, in space adjoining the town hall, local women were being taught skills in a whole range of traditional and more contemporary crafts, enabling them to support themselves through the sale of high quality work (in jewellery, textiles etc.) that they were producing.

One very experienced and respected interviewee from the Foundation sector emphasised that cooperation between the public, private, NGO and independent sectors and the government is *very* difficult indeed to achieve. They each have completely different modes of operation – both internally and externally. An example of this structural inability to cooperate and share good practice is to be found in what we were told is too often the unsatisfactory design of many public performance spaces and in the newly mushrooming cultural centres. The poor sightlines, defective acoustics etc. all tend to be a regular consequence of the central government tender system that drives the construction industry. The

somewhat disappointing outcomes of *Istanbul 2010* may also partly be a product of this failure of local initiative and enthusiasm to be able to harness 'official' structures to deliver coherently together on agreed aims and objectives in any kind of mutually respectful balance.

We obtained a reasonably consistent view across the country in our interactions with artists, voluntary groups and officials, that interesting and worthwhile project ideas often came to nothing as a direct consequence of grant requests (whether framed realistically or not) being refused, or having nowhere else to be referred on to. Given what seems to be a common mindset throughout Turkey, artists and promoters may assume that without the security of, effectively, 100% guaranteed funding, it is just too risky to proceed with the projects they are proposing. This seems highly regrettable, not least given the naturally competitive and 'can-do' mentality we so often encountered locally. A more open and transparent system that allowed for several different stakeholders to work together on projects would surely lead to more sustainability and a better channelling of productive energy from everyone's point of view.

As a contrasting example of what can be achieved at the highest international level with private initiative, money and the capacity to act decisively, but still fully committed to public access, we would cite the superb Sabanci Museum in Istanbul.

**Sakip Sabanci Museum, Istanbul**

The museum is legally constituted as a 'private institution' – owned by Sabanci University – and open to the public in the former home of Ali Pasha. This well-known Turkish banking family over decades has acquired a superb family collection of exceptionally fine examples of Ottoman calligraphy, one of the highest forms of Ottoman art.

The collection, focused on religious and state documents, as well as paintings from the Ottoman period, consists of nearly 400 items, offering a comprehensive view of Ottoman calligraphic art over a period of 500 years. Manuscript Korans and prayer books, calligraphic panels, decrees, *firmans*, imperial documents, declarations, seals and *tugras*, poetry books and calligraphic tools are on excellent display and well interpreted.

The museum opened in June 2002. Apart from its permanent exhibitions, it also hosts national and foreign temporary exhibitions in a state-of-the-art new Gallery space, as well as hosting cultural events over weekends. With cooperation from Yildiz Technical University, the museum operates an important conservation programme to improve and develop techniques (also offering a private conservation and restoration service for individual collectors).

Selective school visits can be arranged, and the museum conducts regular visitor surveys of its clientèle to gauge satisfaction levels and expand activities in response to public demand.

# (7) Cultural Creation, Production, Dissemination and Audiences

## (7.1) The Conditions for Cultural Creation, Production and Distribution

We deal in this part of our report with cultural creation, provision, distribution, access and consumption in the broadest sense – from traditional forms and aspects of art and culture (such as libraries, museums and theatres) to the 'creative industries' (film, the media and publishing, but also design and fashion). This is considered both in terms of the traditional forms and formats as well as in new media (i.e. the development of the Internet both as an objective in its own terms, and as an engine driving parallel developments, such as the digitisation of libraries and e-books) but also as a crucial and increasingly important instrument that facilitates broader access to culture and provides guarantees for freedom of expression and exchange. Tradition and the new creative economy in Turkey are very much intertwined. We make use of some of the broad 'subject headings' set out and employed in the *Compendium of Cultural Policies and Trends in Europe* (http://www.culturalpolicies.net*)* since these transversal themes have been identified as Council of Europe issues of priority. They also help to facilitate transversal approaches to cultural policy thinking, analysis and monitoring which governments are increasingly using to reflect the ways in which culture, the economy and society are interacting.

We recognise the risk that any opinion we might have formed as foreign observers concerning the 'cultural' climate could simply be dismissed as ignorant or superficial. There is already too much published comment by people who have engaged enthusiastically with the professional arts scene in the metropolis of Istanbul – and then over-generalised about Turkey without having any knowledge of conditions in the rest of the country, particularly beyond the major urban centres. There is little possibility of their (or our) being able to see Turkey through Turkish eyes. We, for our part, were only able to make brief acquaintance of six regions in this vast and diverse country. In addition to the interest in how culture and society interact, we were particularly interested in the cultural and artistic manifestations themselves, their quality, imagination and how they come to be created, performed and disseminated (or constrained).

The National Report provides a great deal of information about the comprehensive state structures in place, and we were interested to learn from the various authorities, and from press comments, about possible changes the government may have in mind (e.g. in relation to the network of state theatres' legal status)**.** We observed certain similarities in the basic organisation of the state's arts services with the former system in Eastern Europe – under which the state sector tended to under-perform in relation to its potential, although that does not have to follow, and is mainly a question of motivation and scope for decisive independent action within a national framework that may be quite strong (as in France, for example).

We constantly asked questions to try to establish whether there really is any identifiable *independent arts sector* in Turkey or not. For us, this must remain an open question. There clearly is at the local level a very considerable amount of good participatory activity going on (as we memorably experienced in Trabzon) but without more information and data, it is difficult for us to say whether this is more than purely 'amateur' (in no way intended to be understood as a pejorative term) or fully professional in standard while being genuinely 'independent' of the public/state structures. The consistent impression that we received was that artistic activity is treated as either part of state provision, or else categorised as 'amateur'. Persistent questioning during our visits suggests, as already mentioned, that if there is any system of available grant-aid for projects and independent operators, it is rather incoherent and opaque [see further below in *Status of the Artist*].

Our strong impression in Istanbul, from Ministry officials in Ankara and from governorships was that the private (and foundation/association/NGO) sector exists almost as if in a parallel world to public (state) cultural provision. Co-operation towards achieving shared cultural and social goals seems to be rather

limited, and we were unable to identify anything that might be recognisable as a 'public/private partnership' operating on anything like an equal footing. Such 'de-concentration' as we were able to identify seems, in the main, to be purely administrative and functional from within existing governmental systems (i.e. still 'top down') rather than giving any genuine increase in opportunity to empower people locally to have a greater say in how their own lives should be conducted and governed. This was sometimes expressed to us as a need, given Turkey's size and complexity, for continued co-ordination from the centre via the appointed Governorships.

Access to resources seems to be too dependent upon personal/political relationships rather than on transparent information or genuinely open processes backed up with clear criteria. We were told that, from the government's perspective 'NGOs need to reconnect with their roots and with local activists and a demand for increased social involvement' but on a local basis we think this could only happen in a 'bottom up' mode that invests more trust in the democratic legitimacy of local government to respond to, and work in partnership with, local initiative. In Mardin we heard that "the Ministry gives money only according to their own priorities – and after local people have had to go through complicated processes, and only then be able to submit project funding applications to the central authorities or Governor's office". This well summarises comments we heard in several other locations, and is clearly not an isolated example.

We noted from our meetings with local authorities good examples of the many energetic local participatory initiatives in towns and cities – but these seemed to lead a precarious existence. It did not really amount to what we would regard as a flourishing 'third sector'. Given that we so often had the impression that Ankara is placing an increasing emphasis on NGOs in the development and stability of civil society and participation at the local level, the fragility of this sector seemed surprising. The information we gained in conversations suggested two main reasons for this: (1) problems and complexity in the processes legally required to establish voluntary organisations and secure access to, or ownership of, suitable premises for conducting activity, and (2) the vagaries of any available grant aid systems (see *passim*). Superimposed upon this, perhaps, is the attitude we so often encountered, put to us on one occasion in this way - "in Turkey people expect the government to provide everything". This conditioned mindset seems to be inhibiting the growth of good local initiatives and potentially sustainable partnerships where the energy and commitment levels are actually rather impressive.

We also heard about a large number of festivals that regularly take place but, once again, found that this often seemed to happen from quite an insecure base. Opportunities for commercial sponsorship of public events with high visibility seems to be underdeveloped which, again, may be connected with a culture of seeing responsibilities in separate 'compartments' rather than as a joint civic enterprise with multiple, committed local stakeholders. Anadolu Kültür, who have an impressive record in working alongside local authorities in cultural development projects in 'difficult' regions of Turkey, told us that *"most municipal budgets for culture are pretty arbitrary – and many of them need training in budgeting and using them to best advantage."*

### (7.1.1) Status of the artist

Given the impressive rise in Turkey's economic performance and taking into account the many reforms that have contributed to the development of its market economy, we believe that the Turkish authorities should seriously consider the need for some overall review of the status of the artist in order to strengthen the position of creative professionals, cultural workers and producers. This could improve the position of artists as well as providing a great incentive for the further development of arts and cultural industries and for empowering professionals working in these fields within the broad productive economy.

It is difficult to deduce from the National Report how independent artists, who do not happen to be employed by the state, can earn a professional living from practising their art. It is clear that in music (for festivals and other events), theatre and film/TV, a healthy performing ecology requires pools of freelance professionals. It is unclear from the National Report (e.g. in relation to theatre) whether everyone listed is

employed on a full-time basis by the state, or whether there is room for some incorporation of freelance or self-employed people. The crude data do not explain whether these numbers relate to individual posts (or are perhaps grossed-up 'full time equivalent' numbers?) or indeed whether it is possible to work part-time for the state and also as an independent freelance or self-employed artist or performer. We understand from updated information from the MoCT that there is correspondence relating to this question, and acknowledge that this question of growing importance about changes within the sector is registering as a possible policy issue.

We were told that the state theatres are 'autonomous non-profit institutions' with particular legal status, but recent public announcements (from both the Prime Minister and from the Mayor of Istanbul) suggest that their apparent security and independent control of repertoire choice may be increasingly fragile, or at least being questioned. (There were 23 state theatres in 2003, 58 in 2011 with two more being created in 2012). For several years now, there has been some direct interference in the system of appointments to theatres (see Birkiye p269) and politicians (national and municipal) have intervened in attempts to impose their own preferences in performance and repertoire choices. Prestige and morale have clearly been affected. We understand that under current regulations (post 2006) commercial theatres are no longer able to apply for state grants. In the absence of any 'foundation' model for theatre in Turkey, this means that any independent professional theatres (many of which long predate the state theatres in major cities) are classified and treated as 'commercial' while the state theatres can compete unfairly with them on cost and price.

Our interviews with artists and voluntary organisations locally across Turkey suggested that *only* those employed in state institutions (plus a small number of curators directly supported by e.g. a Bank Foundation) manage to make a living from their profession. All other artists appeared to need to have a 'proper job', such as teaching, or else be in receipt of social security payments. This seems to mean that they have no option but to pursue their artistic careers as *de facto* amateurs. In Trabzon we even heard that it could be easier for independent artists to find a private sponsor than to be able to set up a legal organisation with studio space etc. Suitable space and exhibition opportunities did exist and could be found but *"in this area you can't make a living out of it".* Some of this may seem counter-intuitive, but it indicates that unhelpful legal and/or bureaucratic obstacles, or perceptions of them, are inhibiting progress.

We understand that even the Bilkent Symphony Orchestra, which we heard give a concert in Ankara, is largely able to exist only as a consequence of the majority of its members being either salaried university teachers or full-time students. We were told in Trabzon that an important amateur theatre company had been supported with funds from the Ministry for professional direction (a decreasing sum over 5 years) for cross-border exchanges including festivals in Iran and Armenia.

The contemporary visual art scene in Istanbul is no doubt *sui generis*, but we learned around the country of a substantial university offer in training designers and architects. Comment has already been made on the problems in quality control between design and the public procurement tender system for building – the results of which is all too visible in certain locations. We noted that Izmir alone has three private universities teaching art and design skills. We heard opinion from professional designers that the current 'development jungle', almost entirely led by money and the lowest tender, was needlessly destroying the special character of cities such as Ankara, Istanbul and Izmir, and threatening large parts of the Aegean and Mediterranean coasts with urban development that is dangerously free of appropriate controls – at least so far as visual impact is concerned. Izmir in particular in the light of its *Expo 2020* candidature desperately seems to need a coordinated and effective development plan.

We believe that this apparently blurred professional status of creative and performing artists is an important issue that needs to be urgently addressed, requiring research by a study-group (or a commissioned survey) to offer comprehensive information about the current status of artists in Turkey, perhaps to be published showing a range of international examples for comparison. Clarity about the legal and employment status of artists and performers, coupled with much greater openness and

systematisation of grant-aid processes would, we believe, help make a substantial improvement in the cultural policy system as a whole. It would also assist Turkish applicants in their search for 'European' and other international funds where the current working assumptions may be putting them at some disadvantage, besides making it very difficult to compete with the state sector in what is claimed to be a free and open market.

A growing number of people working in the arts and creative professions these days within 'mixed economies' see themselves as operating between different professional and operational spheres. They might work for one or other employer for some weeks (or for certain days of the week on their own private practice) and at other times on a commercially driven project on time-limited contracts. Their work, even if never receiving any public subsidy, is often clearly 'artistic'. Indeed those working in culture 'commercially' not only often value 'the arts' but see their own activity as involving high levels of artistic or cultural purpose.

What value is this casualised (or self-employed) sector given by the public policy makers – and is it properly recognised for what it is? If these people's work is primarily perceived as 'economic activity' then there may be a problem in obtaining any coherent policy picture of the various 'arts' factors involved. Yet the evidence across many disciplines would suggest that formal arts training (notably through higher education) has a range of general and specific impacts on the creative economy, for example through:

- ideas and research and development – contributing to a general creativity;
- providing institutional infrastructure for new ideas and experimentation;
- contributing key skills for the creative workforce, and
- attracting creative workers to specific locations and contributing to the creative atmosphere and dynamic of those towns or cities.

We believe the above to apply in a significant way to Istanbul, and also had quite a strong sense that the underlying positive value of such connections was recognised in our discussions in both Izmir and Mardin.

## (7.1.2) Access to, and participation in, the arts and heritage

This is a very broad issue to which the Ministry and its partner organisations clearly have great commitment. Given the geography, diversity and varying economic circumstances across Turkey, there will necessarily be different approaches in different places. As a means of framing thoughts about how the democratically-driven intention to create 'equal access' so far as possible, the following all need to be taken into account:

- Geography
- Availability/distribution
- Social access/education levels
- Pricing
- Choice
- Repertoire
- Mobility, public transport etc.

We deal with detailed aspects of these where we think there may be 'issues' in particular sections of our Report. Recent reforms in outsourcing aspects of heritage management and promotion seem to be leading fairly quickly to improved and increased access (see 7.2). Improvements in school education, mandatory citizenship education, literacy rates and the encouragement of social access will be a positive factor. Free access to the Internet and the e-library system are clearly helpful, particularly outside the main urban centres. For live events we came across evidence of quite wide variables in pricing – but noted that many 'public' events are offered free as a matter of policy. We note in passing that this does, of course, to some

extent dictate the attitude of performers and managers to budgeting and setting up projects if there is no requirement for any earned income target to be taken into consideration in planning.

The Ministry and local authorities between them do what they can within the budget constraints to present and tour music, theatre and exhibitions so that people in most parts of the country have at least some opportunity to engage with the arts live in their own communities. This becomes increasingly complex In the light of changes in methods of production and distribution. While it may be that inherited distribution systems that predate the Second World War still have relevance to the more remote rural areas, they may now be less necessary in developed urban areas. This partly seems to underlie the recent debate on the role of state theatres.

There are also difficult balances to be struck regarding choice and repertoire, in which it is inevitable that questions relating to diversity and freedom of expression will arise (as we heard particularly strongly in Diyarbakir). Artists have a tendency to explore ideas beyond the safe territory that politicians feel comfortable with, a tension in the policy systems of all countries whenever public money is invested in culture. We detect this in the following extract, recorded in a speech by former Minister Ertuğrul Günay to artistic directors at the opening of a new stage in Istanbul concerning the artistic choices they make: *"you have to learn to produce plays that are suitable for the tastes of the majority."* (quoted in Birkiye p 271) The commentator observes that "some have suggested [this] is more about ideology than audience development for high quality work." We discuss some of the implications of artistic freedom below.

## (7.1.3) Freedom of expression and artistic creation

### (a) The legal context

The United Nations' Human Rights Council is due to receive a report devoted to the global issue of 'the right to 'freedom of artistic expression and creativity ' in June 2013. Its Special Rapporteur, Farida Shaheed, has already stated on the record that:

> *"The issue of artistic freedom is crucial to any nation. It is not only about the artist's rights to express him/herself freely, but it is also a question of the rights of citizens to access artistic expressions and to take part in cultural life – and thus one of the key issues for democracy.... The protection of artistic expression is just as important for the development of democracy as the protection of media workers. It is frequently artists who – through music, visual arts or films – put the 'needle in the eye' and strike a chord with millions of people, some of them unable to read and with no access to express themselves."*

Culture cannot flourish properly without freedom of expression. Although Turkey is a signatory to two UN and CoE Conventions that both see freedom of expression as a central principle, the state's Penal Code still includes a clause (Article 301) that remains contrary to those principles, despite two fairly recent amendments to modify it (the latest in 2008). Amnesty International has claimed that 'Article 301 poses a direct threat to freedom of expression as enshrined in Article 19 of the *International Covenant on Civil and Political Rights and Fundamental Freedoms*.'[1] Article 301 of the Penal Code, even if less used recently in prosecutions arising out of debates concerning the Armenian or Kurdish questions, remains a barrier to freedom of expression, and requires further amendment in light of the European Court's 2011 judgment in the case of Taner Ak**ç**am.[2]

[1] http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx

[2] *The case of Taner Akçam*: The European Court found in its judgment of 25/10/2011 that the applicant's right to freedom of expression had been violated because the wording of Article 301 of the Criminal Code which criminalises "insulting the Turkish nation" was excessively broad and vague and did not fulfil the requirement of "foreseeability" under Article 10 of the Convention. Article 301 should be revised or abolished for the execution of this judgment. (See fuller note on this case at Appendix C.1.a)

Recent legal history in Turkey indicates that there can still be problems over free, and academic, debate on issues such as the disputed Armenian 'Genocide' and Kurdish separatism with the continuing restrictions on free expression - as was demonstrated by the Orhan Pamuk trials in 2005 and 2011. An interview with Pamuk, in which he stated "one million Armenians and 30 000 Kurds were killed in these lands and no one but me dares talk about it" was published in a Swiss newspaper in 2006, resulting in conviction and a fine in 2011. The European Commissioner for Human Rights commented in his 2011 Report on Turkey as follows:

"Although the contentious statement of Pamuk is now considered statute-barred for further civil cases under Turkish law, the Commissioner is deeply concerned that this judgment, which allows any Turkish citizen to bring civil claims against statements "insulting Turkishness", may have adverse effects for freedom of expression, at a time where the number of criminal proceedings under Article 301 of the Criminal Court has decreased... The Commissioner strongly urges the Turkish authorities to take all necessary measures in order to prevent the recent civil defamation judgment against the writer Orhan Pamuk from becoming established case-law." [3]

According to figures published in 2012, Turkey currently has the highest number of imprisoned journalists worldwide - 72 (see also references in Appendix C). The existence of Article 301 and its continuing application by the legal authorities is an ever-present threat to freedom of legitimate debate, and an encouragement to self-censorship (which of course cannot ever be quantified).[4] At the macro-level, the effect on public discourse is an ongoing matter of concern both domestically and internationally. In such a climate of opinion, there is some risk to creative expression in the arts (we were interested to learn of one exhibition of cartoons in the Trabzon Art House) and the dangers of politically-driven reaction. The controversy over the demolished, incomplete Kars *Monument to Humanity*, intended as a symbol of Armenian reconciliation, is a recent continuing manifestation of such actions. There are also three recorded ECHR cases that concern violation of the European Convention on account of the seizure of books that contained artistic expression.

Commissioner Hammarberg considered that the various amendments to the Turkish Penal Code and the Anti-Terrorism Act have not proved sufficient to guarantee freedom of expression rights. He called on the Turkish authorities to overhaul and amend the provisions detailed in his 2011 Report, in order to prevent their disproportionate use to limit freedom of expression. He believed that most violations of freedom of expression in Turkey stem from a lack of proportionality in the interpretation and application of the existing statutory provisions by the courts and prosecutors.[5]

### (b) Censorship and the Index

It is encouraging to note in this context that the Fourth Judicial Reform Package which is currently before the Turkish Parliament contains important amendments to Turkish legislation that should be capable of improving the right to freedom of expression (provided that these amendments are applied in compliance with the case-law of the European Court). If this measure is adopted by Parliament and is implemented

[3] *Freedom of expression and media freedom in Turkey* – Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe (paras. 59 and 88) Strasbourg, 12 July 2011 **[**CommDH(2011)25**]**

[4] **"***Following his visit to Turkey in 2009, the Commissioner expressed his concern regarding Article 301, notwithstanding an amendment adopted in 2008 which led to a decrease in the number of proceedings brought under this article. On 14 September 2010 the Court delivered its judgment in the case of Dink v. Turkey in which it found a violation of Article 10 ECHR on account of Hrant Dink's conviction based on Article 301. The Court held that Hrant Dink's conviction for denigrating Turkish identity prior to his murder did not correspond to any "pressing social need" which is one of the major conditions on which interference with one's freedom of expression may be warranted in a democratic society. The Commissioner considers that the amendment adopted in 2008, which subjects prosecution to a prior authorisation by the Ministry of Justice in each individual case, is not a lasting solution which can replace the integration of the relevant ECHR standards into the Turkish legal system and practice, in order to prevent similar violations of the Convention."* (Hammarberg - ibid. para. 17)

*"...the combination of these factors results in a situation where the mere possibility of the opening of an investigation by a prosecutor can be a dissuasive factor against the exercise of freedom of expression, regardless of the final outcome of the actual trial. However, prosecutors appear to exercise little restraint in filing criminal cases, including clearly unmeritorious cases, in particular in the light of the case law of the European Court of Human Rights. This state of affairs has reportedly led to a great degree of self-censorship in mainstream Turkish media."* (ibid. para. 50)

[5] His concern was that the interpretation of the concept of "incitement to violence" was not compliant with the case-law of the European Court of Human Rights. The Commissioner urged the authorities to introduce into the Turkish legal system the defences of truth and public interest, through legislation and case law.

correctly by the domestic courts, there should be fewer problems in the future. [6] In the past decade, Turkey has adopted a number of constitutional amendments aimed at bringing its law and practice in line with the case law of the European Court. The Commissioner has welcomed, in particular, the fact that Articles 13 and 26 of the Constitution (as amended) limit restrictions on freedom of expression to grounds listed in the Constitution, and specify that procedures for such restrictions should be prescribed by law. Another positive and significant change has been the amendment of Article 90 of the Constitution, designed to give direct effect to international treaties, such as the ECHR, in the Turkish domestic legal system.[7]

In January 2013 the ban was lifted on 453 books after having been in force for 63 years (Third Judicial Reform Package Review from Ankara's Chief Public Prosecutor's Office responding to the Security General Directorate). The various authors concerned include Karl Marx, Lenin, De Sade, Nazım Hikmet, Aziz Nesin, Said-i Nursi and Mahir Çayan. There has also been some relaxation of the indexed bans on 645 newspapers, periodicals and other published material. The Public Prosecutor Kürşat Kayral stated that he had decided to lift the restrictions in order to meet standards of freedom of thought and expression as stated in the package in general, declaring that "Lifting the bans will make a clean break in society. If we cannot explain to anyone that freedom of expression is a complete body comprised of many different liberties, it won't matter if we know if the Emperor has no clothes." However, one notes that during that very same week, internationally celebrated pianist and composer Fazil Say was summoned to court for blasphemy and "insulting religious values" in some of his tweets and was placed under investigation for having insulted the state.[8]

> *"Article 301 of the Turkish penal code, which punishes anyone who "insults Turkishness" with up to three years in prison, has been noticeably restricted in practice, though not abolished. It is not as easy as it used to be to press charges against a writer or journalist for their words since it now requires the approval of the Minister of Justice. However, the law hovers above our heads like the sword of Damocles. Some citizens feel "insulted" at the slightest critical remark about the state, government or our ancestors. Prosecutors take their applications seriously, and the vagueness of the law only deepens the problem...*
>
> *There is a growing concern that the press is not as diverse as it used to be and that alternative voices are heard less and less. Self-censorship is a subject we rarely discuss, although clearly we have to... Even if the majority of the cases do end in acquittal, the judicial process is too lengthy. Writers, journalists, translators and publishers are no strangers to prosecutors' offices. And then they have to suffer attacks from extremist newspapers. One major hurdle is the old laws, many of which date back to the 1980 military coup d'état. We urgently need a new, egalitarian, pluralistic, and more democratic constitution...*
>
> *Yet at the same time countless books and magazines are published on subjects that until recently were taboo. Minority rights, the army, domestic violence, homophobia – publications and discussions follow one another. Turkey has an amazing ability to reinvent itself in a surprisingly short time. Of one thing we can be certain: young and dynamic, perched delicately on the threshold of east and west, Turkey's civil society is anything but silent."*

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[6] See, for example**,** Judgment by the European Court of Human Rights - Akdaş v. Turkey (No. 41056/04 of 16 February 2010) detailed at Appendix C (1d) involving a publisher and classic literature in translation.

[7] However, the Commissioner adds that "*it has been widely recognised that the letter and spirit of the present Turkish Constitution represent a major obstacle to the effective protection of pluralism and freedom of expression. The present Constitution, approved in the aftermath of the coup d'état of 12 September 1980, enshrines a state-centrist approach, based on the principle of the 'indivisible integrity of the state', and an apparent intolerance towards pluralism."* (ibid. para. 11)

[8] Fazil Say was convicted by an Istanbul court on 15.04.13 and given a 10 month suspended sentence. The charges against Say cited tweets he had sent, including one – based on a verse attributed to mediaeval poet Omar Khayyám (died 1131 AD). Emre Bukagili, the private citizen who filed the initial complaint against Say, said in an emailed statement that the musician had *used "a disrespectful, offensive and impertinent tone toward religious concepts such as heaven and the call to prayer."* Andrew Gardner of Amnesty International commented that ***"t****he conviction of Fazil Say is one example of a clear trend of abusive prosecutions being brought against journalists, writers and others speaking out on controversial subjects. It is a clear violation of the right of freedom of press, there are many such cases in Turkey. That is why we call for the law such as this one to be scrapped from Turkey's statute.... Say's (statement) was provocative and there are many people who will have been offended by what he said and do not agree with it. But the right of freedom of expression does not only include those ideas that are popular or uncontroversial."* Note that blasphemy is considered anachronistic in Europe by the CoE - see PACE recommendations from 2007 on state, religion, secularity and human rights and on blasphemy, religious insults and hate speech http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta07/erec1805.htm

[Elif Shafak – extract from article in The Guardian newspaper (13.04.13) immediately before the London Book Fair 2013's focus on Turkey]

### (c) Broadcasting and the media

Although some progressive democratic trends in the state and in the media in particular are visible in Turkey (such as sporadic emergence of critical perspectives even in some biased media outlets), the media landscape remains firmly under the control of political and economic forces. Consequently, as frequently reported, the address to certain questions (e.g. the position of the military, Cyprus, the Kurdish and Armenian issues) without compliance with the 'official' position of the state is considered almost to be tantamount to a kind of heresy, right across the media. The Commissioner has observed that:

> ***"...****the media landscape in Turkey, which is dominated by large conglomerations, raises certain concerns about* ***the*** *editorial independence of newspapers and broadcasting media. He is also concerned that the labour rights of media professionals are often violated and many journalists, in particular investigative journalists, work under precarious conditions. He considers that this media landscape requires particular vigilance on the part of the authorities, who should be urged to refrain from any actions which have chilling effects on freedom of expression and on the work of media professionals."*
>
> (Report 2011, Summary III)

We were also made aware of continuing serious concern about how Turkey's institutional framework operates in the media (but we note some modification by the government in 2002 and 2004). The broadcasting authority RTÜK's decisions to penalise broadcasters on fairly vague grounds have been criticised at home and abroad as censorship that encroaches upon free speech. The imprecise underlying reasons given include:

- violating the national and moral values of the community and Turkish family structure' (RTÜK Law Art. 4/e);
- obscenity (ibid. 4/t);
- impairing the physical, mental, and moral development of young people and children;
- not undermining the state and its independence and the indisputable unity of the country with its people, and
- not undermining the ideals and reforms of Atatürk.

The broadcasting law was amended in May 2002, with the result that in the event of violation of the broadcasting standards listed in the Radio and Television Law, RTÜK has now been empowered to limit suspensions to individual programmes rather than the entire TV or radio channel. The Turkish Press Act, which was substantially amended in 2004, is generally credited by professional journalists as marking an important improvement regarding the regulation of the press. The Commissioner has also welcomed the fact that amendments have included provisions concerning the protection of journalists' sources. However, he was still concerned that the Act did not include any strong public interest clause for the protection of journalists. (Report 2011, para. 31)[9]

Broadcasters object that the Council's interpretation of the law continues to be extremely rigid and subjective, imposing disproportionate sanctions whose effects can be anti-democratic. They further claim

[9] The Commissioner's Report expresses the following reservations regarding Turkey's media landscape generally: *"The Commissioner notes that large media conglomerations dominate the majority of both print and broadcasting media. Practically all the major commercial channels and newspapers belong to these holdings, some of which also have very large interests in other sectors (industry, finance, telecommunications, tourism). In addition, distribution of print media seems to be a quasi-duopoly in the hands of Doğan Group's Yay-Sat and Turkuvaz Group's Turkuvaz Dağıtım Pazarlama."* (ibid. para. 68)*The editorial independence of newspapers and broadcasting media concerning the affairs of the conglomerations they belong to is often called into question in Turkish media, and the Commissioner has noted that a great degree of suspicion exists in this respect among journalists and media experts. The Commissioner considers that this media landscape can potentially intensify the chilling effect of certain actions of politicians and the administration, and requires a particular degree of vigilance and restraint on their part*." (ibid. para. 69)

that the impartiality and objectivity of the media regulator is severely compromised by the excessively political system of appointments to the Council itself at the discretion of the government. The MEDIADEM report on the implementation of media policies (September 2012) notes particular concern over the removal of independence from supposedly autonomous bodies in Turkey including the RTÜK (executive decree N649 of 14 August 2011). The selection and appointment processes for members of these bodies are not transparent and seem to be subject to political bargaining rather than to open public discourse. On the positive side, we noted some recent *de facto* acknowledgment of the Kurdish language and associated rights through national radio and television having introduced channels in Kurdish, even if Kurds might claim that editorial policy of the Turkish state bodies is still a seriously limiting factor.

The OSI reports from 2005 concerning television in European countries recommend that *"the Turkish Radio and Television Corporation (TRT) should take steps to redefine its public service in the commercial broadcasting era. This should include the initiation of a forum with the participation of relevant agents to this end."* As for the independence of public television *"the Government should reinstate TRT's autonomy, to ensure independence from the Government in financial, administrative and editorial matters".* Very similar recommendations are reiterated in 2012 in the MEDIADEM report on the implementation of media policies (September 2012) in which particular worries are expressed as to the abolition of the independence of independent bodies in Turkey including RTUK (executive decree N649 of 14 August 2011). The selection and appointment of members of these bodies are not transparent processes and subject to political bargaining instead of open public debate.

**The Turkish Radio and Television Corporation**

The public broadcaster TRT has 11 national television channels: TRT 1 (general), TRT 2 (culture and art), TRT 3 (youth channel with sports and music programmes and live broadcasts from the Turkish National Grand Assembly at specific hours), TRT 4 (education), TRT Müzik (wide range of music from traditional Turkish music to jazz). TRT has also a regional channel TRT-GAP for the south eastern region of Turkey, and two international channels TRT-TÜRK for Europe, USA and Australia, and TRT-AVAZ for the Balkans, Central Asia and Caucasus. In January 2009, as a part of the new democratisation process initiated by the government, Turkey's first full time Kurdish channel, TRT 6, was launched.

### (d) Journalistic ethics, self-censorship and the civil society response

Media development in Turkey regarding the use of the new communication technologies (the Internet in particular) for free expression and interaction can have negative implications on journalism in general and, more pointedly, on democratic debate. There are serious doubts as to the objectivity, independence and trustworthiness of journalists and generally about the quality of their publications, working under conditions that can threaten their independence. With civil society being disorganised and unevenly distributed throughout the country, free journalism being thwarted in its pursuit of independent professional contribution to public debate, the overall media culture being largely passive and disengaged, it is too soon to be looking for novel forms of engagement, transparency and accountability to be developing in Turkey. Reports on Turkey (along with Croatia, Greece and Italy) within the MEDIADEM project underline the importance of broad participation in the policy-making process, not only of politicians and industry, but also of civil society organisations, academics, journalists, trade unions and citizens. Addressing this concern may require not only modifications to the legislative process but also greater involvement and co-ordination among the various interest groups themselves.

Whilst all the main national newspapers and TV channels have web editions that are updated throughout the day (some of them also in English) and numerous news portals and Internet magazines are mushrooming on the net, it would be hard to claim convincingly that there is 'alternative' news making.[10]

[10] *"The Commissioner remains concerned, however, that the conditions underlying the very high number of judgments, delivered for more than a decade, by the European Court of Human Rights against Turkey in this field have not been effectively addressed to date by the Turkish authorities and continue to represent a constant, serious threat to freedom of expression in Turkey. The recent waves of arrests of journalists have particularly highlighted the reality of this risk."* (ibid. para. 76)

Due to the heavy costs of maintaining correspondents, most news is 'copy-pasted' from the dominant news agencies and the traditional media. Only a very few of the online media actually employ professional journalists.

Attempts to promote journalistic ethics and responsibility are set out in two documents: the *Declaration of Rights and Responsibilities* by the Turkish Journalists Association (1998) and the *Code of Professional Ethics of the Press* by the Turkish Press Council (1989). A voluntary ombudsman mechanism was introduced by the broadcasting authority RTÜK in 2006. This was introduced first in the national Television stations and then extended to the local media. Some daily newspapers (e.g. *Milliyet, Sabah, Hürriyet, Vatan, Yeni Şafak, Akşam* and *Zaman)* also have ombudsmen. However this self-regulatory mechanism remains somewhat ambivalent, given that these ombudsmen are employees of the media institutions themselves rather than being independent.

Another positive example of civil society's contribution to freedom of expression is the activity of BIA, a non-for-profit organisation that monitors and reports on violations of freedom of expression though following the newspaper coverage of human rights, women's issues (including the public debate on abortion), children's rights and the functioning of the media in respect of media ethics. Its news and information network which has an English version Bianet provides alternative daily coverage of issues that are not reflected in the mainstream media, especially concerning human rights, gender and children's rights and minority issues. Other examples of initiatives by individuals that promote democratic values in society would include the Open Radio project and Iz TV.[11]

### (e) The Internet

Turkey has become notorious for its reputation in blocking sites without public explanation. State prosecutors and the Telecommunication Agency (TIB) have the required authority from the government to conduct this arbitrary blocking of popular Internet sites. The European Court of Human Rights has ruled against Turkey in some cases (2012) for banning sites and restricting freedom of expression.[12] Furthermore, the idea was promulgated of developing a state sponsored Turkish search engine, launched by the Information and Communication Technologies Authority (BTK) geared to 'Turkish sensitivities.' This is widely perceived as a 'voluntary' gateway that could easily be turned into a tool for censorship. Filters are deployed in schools and internet cafés.

The Turkish government blocks more than 6,000 internet sites. While the exclusion of pornographic sites is naturally uncontentious, the total number blocked also includes ones dealing with pro-Kurdish issues, with Darwin's Theory of Evolution and, previously, gay sites and others believed to contravene intellectual property rights. *Youtube* was banned for two years until 2010 because of content that was judged to treat the memory of Atatürk with insufficient respect. *Facebook* contentiously cooperates with the government. At the same time however, a worrying level of hate speech and incitement to hatred is being directed at minority groups through certain websites that seem to remain unchallenged by the responsible administrative bodies, which can result in hindering normal online communication between communities.

Good practice examples in Turkey can seem random and appear to be outweighed by state initiatives that disguise interference in media matters. For example, an initiative for the 'safe use' of the Internet launched by Turkey's Information Technologies and Communications Authority (BTK) was initially planned for its launch in August 2011. Due however to strong reactions both within the country and abroad, its

[11] Speaking about media freedoms in Turkey, the Secretary-General of the Council of Europe (press release 31 January 2013) criticised the jailing of journalists, but noted the government's resolve to address the problem, especially by making sure that its laws do not infringe on the freedom of expression.

[12] Preventing access to internet sites is a major problem in Turkey. These difficulties arise not only out of restrictive interpretations of the relevant legislation but also from gaps in the legislation. See for example the European Court's judgment in the case of Ahmet Yildirim (delivered on 18/12/2012, not yet final). In this judgment the Court considered that there was no strict legal framework regulating the scope of preventing access to certain websites. According to the Court, preventing access to Google sites by virtue of Law no. 5651 did not fulfil the requirement of 'foreseeability' under Article 10 of the Convention. See more detail on this case at Appendix C.3.

introduction was postponed for three months for submission to public consultation. The initial concept required Internet users to install a software filtering device on their computers in order to protect them (particularly minors), from 'objectionable' content.

The 2010 Report of the OSCE Representative on Freedom of the Media in Turkey and Internet Censorship (by Dr. Yaman Akdeniz) is even more critical about the Internet situation in Turkey. A year before the controversies about *YouTube* and other platforms had broken out in Turkey, Dr. Akdeniz had asserted a principled position that the arbitrary and unaccountable (i.e. non-transparent) blocking of websites was perilous for freedom of expression, pluralism of the media and the free flow of information. The report admonishes the government authorities and policy makers that it is essential to draw a clear-cut distinction between content that may be judged potentially harmful to children and any other content designed for adults. This calls for precise guidance criteria for the imposition of blocking and filtering measures, together with published procedures for legal appeal to be adopted.

A very similar line is also taken by the OSCE's comprehensive report *Freedom of Expression on the Internet – A Study of Legal Provisions and Practices Related to Freedom of Expression, the Free Flow of Information and Media Pluralism on the Internet in the OSCE Participating States*. With regard to Turkey again, Dr. Akdeniz particularly stresses the practice of the courts in Turkey "to issue permanent injunctions to block websites with regard to personal disputes such as defamation" which is considered unacceptable from the perspective of the exercise of freedom of expression in the new media environment (see further at Appendix C). According to recent information, the government has ruled that music and film downloaded from the Internet cannot be construed as individual criminal activity, but sanctions will be applied for reproduction or distribution via the internet while work proceeds on the new legislation to prevent the unauthorised distribution of cultural products.

We received a general summary report in 2011 regarding cultural rights in the case law of the European Court of Human Rights from its Research and Library Division. This provides a selection of the Court's main jurisprudence in the context of cultural rights. Although neither the Convention nor the Court explicitly recognise the '*right to culture*' or the right to take part in cultural life (unlike other international treaties) the Court's case law does give interesting examples of how some rights that come under the notion of '*cultural rights*' in a broad sense can be protected under core civil rights, such as the *'right to respect'* for private and family life (Article 8 of the Convention), the *'right to freedom'* of expression (Article 10) and the *'right to education'* (Article 2 of Protocol No. 1).

The Court has underlined the importance of *artistic* expression in the context of the right to freedom of expression (Article 10). Generally, it has applied a high level of protection when it has dealt with artistic works such as novels, poetry and painting. Artistic works afford the opportunity to take part in the exchange of cultural, political and social information and ideas of all kinds, which is essential for a democratic society. When assessing the character of some of the expressions contained in artistic work which might justify the interference of the State, the Court has taken into account the limited impact of the form of artistic expression at stake (especially novels or poetry, compared to, say, film), which generally appeals to a relatively narrow public by comparison with the mass media.

Different areas of the Court's case law deal with cultural rights, covering issues such as artistic expression, access to culture, cultural identity, linguistic rights, education, cultural and natural heritage, historical truth and academic freedom. These areas are often interconnected and it is sometimes difficult to separate one from another, especially as regards the rights inferred from freedom of expression. The report drew to our attention the most important recent case-law in the selected areas, stressing that *'freedom of thought, conscience and religion'* (guaranteed by Article 9 of the Convention) is a very important right for minorities in maintaining and preserving their identity, along with the *'right to seek historical truth'.* The Court holds this to be an integral part of freedom of expression (protected by Article 10) to seek historical truth – although naturally it is not its role to arbitrate on the underlying historical issues, which are part of a continuing debate between historians that shapes opinion as to the events which took place and their interpretation. Under Article 10 of the Convention, the Court has underlined the importance of academic

freedom, which '*comprises the academics' freedom to express their opinion freely about the institution or system in which they work, and freedom to distribute knowledge and truth without restriction*".[13]

## (7.1.4) Cultural Diversity

'Diversity' is a term that in contemporary usage is being employed in a variety of ways in differing contexts, often causing confusion in understanding. The senses in which we mean it here cover a general framework that includes multiculturalism, cultural rights and social cohesion (i.e. diversity within the country) as well as an open and balanced exchange of cultural goods and services (cultural diversity between and amongst different countries). Both are very important for Turkey. This is acknowledged at various places in the National Report and we were made very aware in the course of our visits that there is a high sensitivity and concern about these issues. Nevertheless, it seems to us that cultural policy in Turkey does not really deal with it in any systematic or coherent way.

The 1954 European Cultural Convention rests upon a traditional understanding of culture which was prevalent at the time when it was signed by all members of the Council of Europe. This focused quite narrowly on the artistic and intellectual heritage of Europe, and the need to safeguard, promote and share it. Article 2 of the Convention introduces notions of intangible and linguistic heritage: *Each contracting party shall, insofar as may be possible... endeavour to promote the study of its language or languages, history and civilisation in the territory of the other Contracting Parties and grant facilities to the nationals of those Parties to pursue such studies in its territory.* This original and fairly narrow definition has increasingly given way to a much broader understanding of culture that includes 'all of the values that give human beings their reasons for living and doing' (Bilan50:_EN, p.14). The ideas of 'cultural democracy', cultural development and the universal right of all to cultural expression (as stated in Article 27 of the United Nations Universal Declaration of Human Rights, 1948) are now regarded as cornerstones of cultural policy-making that are closely entwined with the Council of Europe's human rights principles. Safeguarding cultural diversity and protecting and facilitating its expression, and enhancing intercultural dialogue and conflict prevention are therefore important issues not just *between* member states, but also within them individually. A similar understanding of culture is reflected in the recent 2005 UNESCO Convention on Cultural Diversity that Turkey is still in the process of ratifying. There is no definition of racial discrimination in Turkish Law (ECRI Report 2011).

Minority cultural rights, despite recent reforming improvements, remain a contentious issue in Turkey. This relates both to the rights of minority religious groups (including Alevis as a Muslim minority) and to ethnic minorities, whose continuing existence exceeds the 'official minorities' recognised under the Treaty of Lausanne – most contentiously in respect of Kurds in the wake of long-lasting violent struggles and terrorist activities[14]. While Turkey has certainly made some significant progress towards shifting its stance on inclusive policies that value cultural diversity over recent years (Kaya 2010), there are still significant barriers that obstruct the positive recognition of the country's rich cultural diversity as a resource for celebration and development. We were interested to hear former Minister Günay express the view that (in relation to the post-1980 coup d'état era) that "previous monopoly administrations denied the existence of certain groups, but that time has now passed... establishing pluralistic concepts for all cultures. We are now

[13] See for example the judgement in the case of *Sorguç v. Turkey*, no. 17089/03 (ECHR 2009) where a university lecturer had been ordered to pay damages for having, at a scientific conference, distributed a document criticising the procedures for recruiting and promoting assistant lecturers, and where the Court found a violation of Article 10. The importance of academic freedom has also been stressed in relation to the seizure of a book that reproduced a doctoral thesis on the 'star' phenomenon (ordered by a court on the grounds that it infringed the *'personality rights'* of a very well-known pop singer (see *Sapan v. Turkey*, no. 44102/04, 8 June 2010). The case of *Cox v. Turkey* (no. 2933/03, 20 May 2010) addresses a new aspect of academic freedom of expression, namely that of a foreign university lecturer and its consequences for leave to enter and remain within a Contracting State. The applicant (an American lecturer) had taught on several occasions in Turkish universities and expressed opinions on Kurdish and Armenian questions. She was banned from re-entering Turkey on the grounds that her presence would undermine '*national security*'. The Court found a violation of Article 10 of the Convention.

[14] While the Treaty of Lausanne was in process of being drawn up in 1923, there was pressure for the inclusion of all minorities (including Kurds, Circassians and Arabs) in the treaty terms, but Turkey resisted any recognised status for non-Turkish Muslims, and challenged variant identity claims through the Constitution stating that all citizens of the new country were 'Turks' – as opposed to 'citizens of the Republic of Turkey' as earlier working drafts had expressed it. Only Greeks, Armenian Christians and Jews were specified in the final text as formally acknowledged minorities.

all in this together – though of course not everyone agrees. We expect EU support to sustain and extend this."

Significant disparities continue to exist between the legal situations of minority groups in Turkey – in particular between citizens recognised under Turkish law as belonging to non-Muslim minorities covered by the Treaty of Lausanne (i.e. Armenians, Greeks and Jews) and other minority groups that do not benefit from the provisions of the Treaty. Nevertheless we note that some real progress is being made and is independently acknowledged, for example, as follows:

> *"The authorities have taken welcome steps towards addressing the tensions existing in Turkish society around the situation of the Kurds. In 2009, the government announced a new 'democratic initiative' aimed at addressing the unresolved issues with respect to Kurds in Turkey through peaceful methods. The authorities have since approved the opening of a university-level Living Language Institute at which Kurdish and other languages of minority groups can be taught. These initiatives have helped to begin building a greater willingness and openness in Turkish society to discuss issues of concern to persons belonging to minority groups. Steps have also been taken to improve dialogue with the Alevi and Roma communities."*
>
> European Commission against Racism and Intolerance Report (Council of Europe – CRI [2011]5)

So far as the Kurdish situation is concerned, the declaration of a ceasefire with the Turkish state by the Kurdish separatist PKK in March 2013 is a hopeful sign that the AKP government's attempts to deal peacefully with its internal Kurdish issue within a 'disarmament-amnesty-reform' framework may be helping create the conditions for resolving 30 years of conflict. If this process succeeds, then both Kurds and Turks are likely to benefit long-term. Nevertheless, given that cultural diversity cannot flourish without freedom of expression and respect for human rights, several problems identified in the Report of the CoE Commissioner for Human Rights after his visit to Turkey in October 2011 still constitute obstacles for cultural development and policy (Hammarberg 2012). These include (amongst others) the criminalisation of demands for mother-tongue education in Kurdish and the persecution of journalists under a wide remit of anti-terror legislation. Under Article 301 of the Penal Code, the public use by officials of the Kurdish language still lays them open to prosecution.

The following points are 'noted with regret' in the CLRAE's 2011 Report on the local and regional democracy in Turkey, in which action is urged to:

> (e) pursue the Government's Democratic Initiative, and in this context to implement Congress Recommendation 229 (2007), namely *to permit municipal councils to use languages other than Turkish in providing public services and to reform the Municipality Law to allow mayors and municipal councils to take "political" decisions without fear of proceedings being taken against them;*
>
> (j) take steps to sign and ratify the Framework Convention for the Protection of National Minorities (CETS No.157);
>
> (k) take steps to sign and ratify the European Charter for Regional or Minority Languages (CETS No.148).

The positive rhetoric that we heard about diversity and transparency (from Governorships in particular) was consistent and universal in all our formally-convened meetings in Turkey. Almost every discussion we had in the course of our visits sought to emphasise how multicultural, tolerant etc. that particular city (or Province) was. However, the gap between rhetoric and reality seemed to vary in practice. So far as most of the universities to address us were concerned, this often seemed to amount mainly to indications about external networks with other universities abroad, often facilitated through EU-supported programme connections, rather than anything 'internal'. In broader terms, the discussions we had around acceptance

of 'the other' in Mardin, Diyarbakir and Trabzon were different in character and tone, while clearly reflecting their own local realities.

**Mardin Governorship and City**

We found Mardin, quite close to the borders with Syria and Iraq, to be a multicultural city where different communities seemed to live together without noticeable conflict. The area has long been a bridge between Turkey, the Arabic Middle-East and Iran. There is an obvious, open spirit of multiculturalism that is promoted by the local communities and authorities. The different religious feasts (Turkish, Muslim, Syriac Christian etc.) tend to provide a general community pretext for celebration, evidencing the common shared values of this 'rainbow' city which has been multicultural for centuries, and where no one group is particularly prioritised over others.

When we asked about possible tensions or conflict in the city, the Mayor was candid about the challenges but assured us that so far as the organisation of cultural life was concerned:
*"We don't have serious problems – though maybe some challenges. Especially after the 1980s there was a migration from the villages which created tension between the rural and urban population and their respective ways of life. We do try to help these people adapt, through special programmes for inclusion in the suburbs. This is an important issue."*

We were also impressed by the vision and energy of young activists working for NGOs, tackling the more 'marginal' areas and emphasising the needs of young people and children in particular:

"*Last year we organized youth exchange programmes (30 people from Europe), and we toured around the villages. This year we are planning to turn it into a festival (three weeks in June) with street performers and circus groups, music, theatre, street art, dancers etc. due to come. We will have volunteers from around the world to help us, and we will spread the work in the surrounding districts and the city centre."*

The University provided an interesting example of sharing commitment. A progressive management with a vision and accompanying strategy was contributing to the development of the community (*"it is an aim of the university to contribute to the new social image of the city")*. Some attempt is being made to open the University's horizons by inviting foreign visiting professors and students as well as students from other parts of Turkey.

Another encouraging example is the *Mardin Biennale* which started two years ago, inviting international artists to highlight the multiculturalism of the city, and deliberately aims to be held in public spaces to include and involve the younger generation of the city with visual arts and musical events. From the Symposium/Workshops for visual artists (European and others) and the *Mardin International Youth and Children Theatre Festival* (again an event held in public spaces) one can identify that there is an awareness and systematic effort to promote social inclusion and cultural activities in public spaces. Other events include Talks on Culture and Music, music courses, *Poets in Mardin*, street activities, photography courses, Women's Day activities, and fashion events (with a school for women to help promote their economic independence). The majority of the activities presented to us during our Mardin visit were also particularly targeted at children and young people.

We were interested to learn that initially the Festival had been established and handled though the Governor's office, with support from the regional institution (South-East Region Project) but later on other stakeholders had joined the organisation (including NGOs, hotels and restaurants, local companies) and all contributed to this project that they believe in, delivering additional sponsorship for it. It was also encouraging to note that, according to what we were told, the local media were 80% positive and supportive while less than 20% exhibited negative attitudes towards cultural activities.

The often politically-charged feelings surrounding debate on minority issues notwithstanding, we were able over the course of our Review period to note several significant attempts by the government to secure the approval and implementation of measures that would provide a stronger sense of 'belonging' to groups of

citizens who might have felt traditionally marginalised, and without any meaningful stake in society. The General Council of Higher Education Board (YÖK) agreed in December 2011 to endorse the University of Tunceli's proposal to set up Zaza and Kurdish language departments. This will enable the university to offer a four-year university degree course. During the period of this Review there were also government-led initiatives leading to some liberalisation of local newspapers, local broadcasting, limited education reforms and a significant Roma 'Opening'.

**Minority Language and Literacy issues**

From 17 September 2012, the start of the new school year, Turkish schools offered optional Kurdish (i.e. Zaza or Kurmanci) language classes for the pupils of the fifth to eighth grade for the first time in the history of the Republic. This seems to signify a liberalisation of policy away from compulsory assimilation for a significant minority, recognising that trying to give the whole population a constructive stake in Turkish society may call for a new approach. Although it will not satisfy the demands of many people of Kurdish origin, it does represent a positive move on the road to social inclusion. The flight to the cities in Eastern Turkey over the recent troubled period has increased the problems of inter-generational communication within extended families, which this reform seems to recognise.

It should also be mentioned that (from 1992 onwards) broadcasting and publishing in 'minority' languages has been legitimised - albeit only at local levels - including radio, TV and documentary transmission and newspapers. The issue of minority 'representation' is still contentious however, in that the national and international filters for news and current affairs are almost all in Ankara, which controls output.

We were encouraged in the Literature chapter of the *National Report* to find parallel references to developments in literacy and language right across Turkey, particularly the mention of goals having been set to monitor progress and achievement. These seem to be having some success. We have also been interested to learn of government-sponsored moves to accelerate internet literacy and access through a massive programme of providing free computer equipment and training.

### (7.1.5) The relationship between state provision and the emerging independent sector

In conversation with former Minister of Culture and Tourism, Ertuğrul Günay, we understood his view to be that his role consisted of "Protecting and developing policies to improve the practice and understanding of culture in Turkey. It is not the Ministry's role to provide."

It is apparent that over the past ten years, maybe even for longer, Turkey's contemporary arts provision has often flourished independently of – rather than because of – 'official' policy that has largely consisted of the continued funding of state cultural enterprises directly operated by or through the Ministry and/or governorships. The context for the independent sector has been a policy vacuum within which there has been little or no meaningful dialogue between 'the state' and 'the arts' or what one might expect by way of public social critique through artistic expression. This in part probably explains some of the misunderstandings and underachievement of Istanbul 2010, notwithstanding the very considerable state resources invested in the initiative.

The presentations we were given by the various Ministry (MoCT) Departments in Ankara in November 2009 mostly focused on what we would regard as state institutions engaged in presenting and promoting 'western' canons of 'great art' and the like. It was difficult to obtain much of an active sense of activity or engagement at the local level by ordinary citizens. Nevertheless, from the evidence we saw in Mardin, Diyarbakir, Trabzon and Izmir there is clearly a flourishing and varied local cultural life that manages to exist independently without state (or sometimes even municipal) resources and largely without access to regular or structured grant aid programmes. Partly via recent legislative changes, independent and privately-funded individuals and organisations have taken a lead in spreading participation and, in the major cities,

giving the lead in introducing the Turkish public to the more contemporary art forms and modes of expression. This situation is distinctly different from that obtaining in many other countries, where a substantial amount of the more experimental (and therefore risky, financially speaking) artistic work is underwritten by the public authorities or by specialist arts councils.

The sponsorship-led approach apparent in this trend seems to demonstrate that significant cultural activity may be being promoted for reasons beyond the purely commercial, or be primarily driven by pure marketing or 'public relations' considerations. Even if this is an obvious factor of the underlying logic of large scale commercial or wealthy family foundation cultural investments, there is still a degree of inbuilt cultural and social commitment in some of these significant initiatives. However, one of the dangers in this apparent, albeit unconscious, division of support between the state and the private sector is that certain types of activity and art forms will be more favoured than others, while the opportunities created across Turkey as a whole will vary hugely depending on the degree of prosperity at the local level. Identifying and making good these gaps in provision is what visionary organisations such as Anadolu Kültür have set out to do in locations such as Kars and Diyarbakir. Interventions by NGOs and independent agents are important in the broader cultural policy context, not least since the market forces operating so strongly within Turkey today are very much a dominant policy feature of the government in power.

## (7.2) Museums and Heritage: systems, conservation and 'valorisation'

Much of the current practice and aspiration that we encountered during the visits seemed to conform well to modern international and professional norms and standards. This was also our impression from the museums we saw and the archaeologists and curators we met in Ankara and Istanbul, all of whom shared an urgent desire to improve their practice and public offer, albeit within constrained resources. Many of these people were internationally well-connected and more than familiar with how other countries operate and what the expected standards now are. While there may still be major issues regarding UNESCO World Heritage Sites, outmoded museum display rules and conservation standards in general, there is a context for dealing with matters rationally even if it can sometimes appear needlessly complicated and uncoordinated. The issues that seemed to us to be of most concern are less of a professional nature than about structures and governance affecting the professionals.

Rescue archaeology is a necessarily massive and growing phenomenon – with Yenikapi (Istanbul) 2004-11 and the Ilisu Dam construction (1998 onwards) as the most notable international headline items. There are also the major Baku-Tbisi-Ceyhan (near Adana) (2002-07) and the Caspian to Mediterranean pipelines – the latter being 1,768 kilometres long within Turkey. The Turkish authorities, as a wholly understandable consequence of previous foreign engagement and the legacy of 19th Century 'collectors' and looters, have been driven to a somewhat defensive attitude and belief that everything must be closely monitored by a member of MoCT staff (applied to both Turkish and foreign excavations). However there are signs that in response to new international trends in archaeological protection, this approach is changing in Turkey too.

Any country as archaeologically rich as Turkey is always liable to be at the mercy of unauthorised and opportunistic local digging and looting. There is no formal legal framework for 'private' archaeology, which appears to be regarded as a threat rather than an opportunity for much-needed (properly authorised or controlled) additional help. Giving authority to permit rescue archaeology is exclusively assigned to museums, which are themselves seriously understaffed. Administrative divisions in the structural organisation of archaeology and heritage, and institutional fragmentation can in addition have the dangerous, if unintended, consequence of hindering the rapid response that may sometimes be urgently required. Dozens of institutions are involved in listing and protection, while hundreds more are active in research. But there seems to be no clear relationship between these activities and public access, which can be equally complicated.

The 98 Museum Directorates and 34 affiliated 'Regional Conservation Councils' (supervised by a national 'Conservation Council') are charged with major, but somewhat passive responsibilities in regulation and quality control. The Museum Directorates have only very limited autonomy, with no independent budgets or decision-making powers. Any earned income goes straight to Dösim - the commercial arm of the Ministry - which collects all the revenues and has the authority to reallocate resources to other activities within the Ministry's total competence (Law 2252). Since 2005 new intermediate bodies (KUDEBs) have been created, which is a welcome step towards increasing provincial and local involvement. Nevertheless, as these are yet more separate, parallel bodies, it fails to provide the required overall coherence or simplify the means of resolving problems as they arise. Meanwhile religious monuments (Seljuk and Ottoman), palaces and parliamentary buildings, military heritage (and any heritage that happens to fall within border or security zones) are all under yet different and separate forms of supervision and control. This duplication and potential for conflict (or inertia) in conservation and management of the heritage seems wasteful and unhelpful.

The limited autonomy of peripheral branches of the MoCT (e.g. the Museum Directorates) leads not only to highly bureaucratised systems in terms of their hierarchies, procedures and constraints that have to be followed but also to some ambiguity about who does what (or should be involved or consulted) with consequential problems concerning responsibilities and accountability. Furthermore, archaeologists, conservators and museologists appear to be isolated from each other in terms of both academic discipline and professional practice. There is surely a need for a more structured and integrated approach? UNESCO and ICOMOS are encouraging the adoption of urban planning tools such as master planning which would probably be helpful in the medium-term.

Türsab is a not-for-profit organization established by Turkish law in 1972. Membership is mandatory for Turkish tour operators, who are predominantly focused on 'sun, sea and sand' tourism. Türsab has however become increasingly engaged with cultural heritage from the 1990s onwards, and also provides some redistributed revenue for infrastructure at cultural heritage sites and for archaeological conservation.

Turkey's control of its vast heritage relies on the following listings and management structures:

- 9,772 conservation sites
- 85,000+ listed buildings and monuments
- 34 Regional Conservation Councils
- 12 Inspectorate/Survey Directorates
- 2 Conservation Councils for 'renewal' areas

Of the total number of listed sites, 80% are archaeological, 12% natural. Once a heritage property has been identified as 'requiring protection' under the law, the state automatically assumes responsibility for its conservation. Some sites are at particular risk through being overexploited (e.g. Ephesus) while many others remain relatively unknown and are not much visited. Only about 130 interpreted sites are actually open to the public, and many important collections are in store. As the National Report correctly states *"The fact that the number of immovable cultural assets in Turkey is very high sometimes leads to insufficient allocation of funds for their protection and maintenance."*

The over-concentration of visitors in just a few key sites means that most tourists' experience of Turkey's heritage is extremely limited, with a heavy emphasis on Istanbul and Hellenistic and Roman Classical sites. The separation of historical periods (pre-Islamic and Islamic) into different institutions makes any holistic presentation of Turkey's heritage to visitors impossible. Contemporary art museums are, for the most part, private which means that the average tourist visitor to Turkish museums and sites may remain unaware of the existence of a vibrant contemporary art scene and, perhaps even more curiously, of the country's unique Ottoman heritage. Byzantine, Seljuk and Ottoman heritage seems underpromoted compared to Graeco-Roman sites.

Museum programming is regulated by Ankara, with 'heritage' institutions – by far the largest group – still required to exhibit artefacts in chronological order wherever possible (Regulation 18531). As a result, the galleries of many museums reflect old-fashioned culture-historical approaches that may not be suitable for the desired increase in and social spread of visitors or younger age-groups. Museums also lack temporary exhibition spaces**.** As with the major sites, there is a serious problem of overcrowding. Over six million visits (almost half of the national total) and 49% of ticket-sales income derive from Istanbul alone, while the top six provinces account for 83% of visitors and 94% of ticket revenues. In contrast, 16 of Turkey's 81 provinces have no heritage museum at all.[15]

Recently there has been an increase in the creation and opening of private museums and art galleries. These have grown from 93 in 2002 to 157 by 2011. This expansion goes hand in hand with a rise in local aspiration to make use of the heritage in competitive city branding and promotion, which also seems to link to heritage restoration as part of the development plan for tourism. The EU has made considerable additional sums of money available for heritage restoration. (We noted Mardin's ambitious aim and plans to restore the historic city for eventual submission as a candidate for UNESCO's World Heritage List). The heritage and tourism data and trends demonstrate that this is a field where substantial progress is being made, often with notable local initiative and drive. This is clearly important to 'peripheral' cities/areas not traditionally on the main tourist routes (such as Mardin and Trabzon, for example).

**Müzekart – and the Museum Pass İstanbul**

The **Müzekart** can be purchased and used by Turkish citizens for TL30 [approx. €13]. It provides unlimited access to the museums and archaeological sites managed by the Ministry of Culture and Tourism for a period of one year (also available to citizens of Northern Cyprus, foreign students enrolled in associate bachelor's and master's degree programmes in higher education institutions in Turkey, and students who are enrolled in universities in Northern Cyprus affiliated with the Council of Higher Education (Turkey) on production of university identity cards). The evidence is beginning to show that this new card is helping deliver a sizeable increase in domestic Turkish visits to sites and museums, as well as helping to increase revenue and eliminate fraud in ticketing.

The **Istanbul Pass** available for tourists to purchase offers 72-hours' valid access to the main historical and cultural treasures of İstanbul from the start time of the first museum visit - *without having to queue.* The pass can be bought either online in advance for delivery within Turkey upon arrival, or else at several major sites and museums in the city. The cost is 72 TL [approx. €31]. Additional benefits offered to card-holders include reduced price admission to certain of the city's élite private museums (e.g. Rahmi M Koç Museum, Sakip Sabanci Museum and Turvak Cinema-Theatre Museum) together with discounts in museum shops and at certain arts and entertainment venues in the city.

This recent introduction is welcome and effective. Heritage museums in Turkey received 12.5 million visits in 2008, generating TL 64.5 million in ticket sales income. The massive concentration of attractions in the city of Istanbul naturally produced difficulties in handling over six million visitors each year efficiently, accounting for 49% of the national total income in 2009. Visitor attractions in the 'top' six Provinces of Turkey account for 83% of the visitor total and 94% of ticket revenue.

The Ministry has presided over certain major reforms recently (2009/10) in a rational attempt to modernise and streamline systems of control and management that were no longer seen as properly fit for purpose. Although the initial results are only now able to be evaluated, it is worth detailing what is involved.

[15] According to information received for last year (2012), the MoCT's General Directorate of Monuments and Museums has reported the latest data for visitor numbers as: Haghia Sophia 3,345,347 visitors followed by the Topkapi Palace Museum, with Ephesus taking the third place with 3,334,925 visitors. Total visitor numbers for all museums and historical sites in Turkey in 2012 was 28,781,308 – which no doubt includes some people who will have been to more than one site or museum. 955 attractions on offer nationally generated a total revenue of TL280,206,000. - (source http://bilgikpy.com/konular/haber-arsivi/ January 25, 2013)

**Reforms in heritage management and control**

Two contrasting waves of outsourcing reforms in museums and heritage can be identified:

(1) the national contract for electronic ticket sales for sites and museums (Türsab) and the Istanbul Archaeology Museum development project;

(2) the national contract for sales outlets at sites and museums (awarded to Bilkent/BKG)

These important reforms, initially resisted by some staff, have now proceeded and seem to be having success. Stimulated by the need for greater efficiency of operation and counteracting suspected loss of income, their aim is to provide an increase in the revenue that is desperately needed for maintaining the heritage. Shops in museums and at archaeological sites were losing money, while outmoded systems, poor staff training and insecure ticketing processes were leading to loss of admission income and even fraud (counterfeit tickets).

Much public and press comment has characterised this as 'privatisation' *(özelleşme)*, without properly distinguishing between different possible modes of operation: *outsourcing* (externalization of services), *devolution* (transferring responsibilities from central to local government), *managerialisation* (modern reform of public administration itself), and *true privatisation* (the sale of cultural property to private owners). Though Minister of Culture and Tourism Ertuğrul Günay has referred to the process in the Türsab/Ticket Gates contract as "the model used in Europe" (Turizm Güncel 2010), what we seem to have is a Turkish-evolved model that combines the flexibility of private sector procurement with a strong and continuing central overview from Ankara – precluding any decentralisation of responsibility (and which therefore does not address the need for growth in capacity at the local level). It is the centre (Dösim within the MoCT) and not individual museums/sites that runs the tender, that benefits from any revenue sharing, and controls the implementation of the outsourcing contract. The contracts offer a 'portfolio of sites' (a mixed combination of more and less profitable ones) with the successful contractors serving as a sort of clearing house between rich and poor museums and sites. The contract is also vertically separated out, outsourcing only *one* activity (*either* the gifts shops *or* the ticketing function). Control of implementation is strictly kept in the hands of the centre (Dösim).

Since these contracts are, strictly speaking, 'commercial' this is not a transparent process. It is therefore difficult to assess exactly what the trade-offs and profit element may be. It seems there is an obligation on the contractor to reinvest a proportion of the income for heritage purposes – via Dösim. The sales outlets contract, which has been awarded to a new spin-off operation of Bilkent is very large indeed and must involve a massive investment for the upgrades needed. It was sensibly put through an initial trial year (about 50 shops and 30 coffee shops). This proved to be successful – in the teeth of some local opposition, particularly in the Aegean coastal region.

The indications are that these reforms are having a good effect and are managing to increase income substantially and eliminate fraud. The rise in revenue may also partially be ascribed to the introduction of the Müzekart nationally. There are additional benefits in that the contract for shops is quite specific about sourcing craft and sales items locally whenever possible (no cheap Chinese made imports permitted). The Ministry now has instant access to much improved visitor data and trends for management and future policy purposes. Positive aspects would include its being an efficient use of a resource scarce at the national level: managerial know-how and organisational capabilities. Using a single vendor is a means of accelerating capacity building with minimal investment by the state. On the more critical side, this reform has created a number of large, non-competing monopolies that are not openly accountable, and which might lack incentives in future tender competitions. There are moreover few incentives for BKG and Türsab to collaborate in developing the value and attractiveness of individual sites they jointly may operate. Above all, in our view, this approach seems to freeze any further opportunity for any increase in local autonomy

until at least 2017. The concept of museum and site autonomy seems to be 'off the radar' politically in Turkey for the time being. [16]

## (7.3) The Performing and Contemporary Visual Arts

> *"In the last decade there has been an explosion in the arts and culture in Turkey. Culture and the Arts provide an introduction to the country's array of museums and contemporary arts venues, as well as the variety of performing arts on offer. Explore Turkish literature and cinema; and there is a section on Turkish food, one of the major cuisines of the world"*
>
> (MoCT website)

The above no doubt provides a fair impression of the lively contemporary arts scene in Turkey today. Turkish film and literature are internationally celebrated, popular and esteemed, often achieving prestigious awards. The contemporary visual art scene in Istanbul in particular puts it on the 'global map' for important events and initiatives. The 'explosion' that the Ministry's quotation refers to is very much the product of individual and organisational initiative within the mixed economy – which highlights once again the issue of the government's *direct* role as a provider (through the MoCT) in contrast, or in conjunction with, its crucial capacity as enabler to make it as easy as possible to channel energy and resources into activity for the general public benefit across the whole country.

The impression we gained about the absence of overall strategy in cultural policy in our meetings with governorships and municipalities was echoed in our conversations and meetings with creative artists and performers. We deal with aspects of this under specific headings (notably at 7.1.1 concerning the 'status of the artist'). Within the rapidly changing economic environment for the arts we think there is an urgent government need to clarify the situation and circumstances for the dynamic 'independent' sector, which is we suspect in great measure what the MoCT's website refers to. As a clear-cut example of the positive and negative sides of this issue, we cite Garaj Istanbul *as an excellent example. Although small in size and unimpressive externally, this venue is internationally extremely well networked and respected in the professional performing arts world. Yet it has no public funding and is obliged to compete for audience with much more securely established institutions. Sustainability of important independent initiatives within the cultural offer of the whole city is a key issue – and the risk of professional 'burnout' which is ever-present.*

**Garaj Istanbul**

Garaj is a good example of the dynamic independent professional performance spaces to have been created in Istanbul in recent years. Operating in an underground former garage space in Istanbul's Cihangir residential district of Beyoğlu since January 2007, Garaj offers a programme of high quality contemporary theatre, dance, music and literature. The venue is a flexible 'mobile' space with an approved maximum licensed capacity of 150, and is open to the general public for six days every week. Sometimes there may be more than one event per day.

The programme is a judicious mix of self-generated productions plus local, Turkish national and foreign international touring. Garaj is internationally respected and linked into a number of external performing arts networks. It has no public funding, although it acknowledges some useful assistance and materials from private donors for the initial space conversion, and help from the municipality over infrastructure and licencing requirements. In order to try and ensure its longer-term sustainability and development, Garaj has more recently initiated a membership strategy and managed to secure some working capital worth around €80,000 per year from sponsors (originally as a two-year agreement). Cashflow can be a serious problem, given the lack of any 'core' funding of the operation and competition with publicly funded state institutions in the city, and confusion from the tax agency about legal reforms giving some concessionary status and tax remissions (over which the municipality gave useful advice) has also been an issue.

[16] Some of this analysis relies on detailed research work undertaken by the University of Bologna, which is gratefully acknowledged and fully referenced in Appendix D (Bonini Baraldi, Shoup and Zan, 2012)

The mixed programme gives important opportunities to support and tour new work by young directors and choreographers, but also some more traditional repertoire with a contemporary approach. The regular audience tends to consist largely of young adults and students, and notably of educated women in the approximate 30-40 age group.

## (7.4) Reading – Libraries, Books and Publishing

It was clear from information provided in Ankara that reading and library provision are regarded by the government as extremely important, with improving literacy standards and the digitisation of libraries as key strategies in the country's social and economic development. One particular aspect of this is increasing the opportunities for girls and young women to fulfil their potential – and it is encouraging that the latest (December 2012) EU Commission Monitoring Report confirms positive progress in this area – where there are, unsurprisingly, huge differences across the country. Our impression was that Turkish people have generally shown great interest in education and reading. Libraries were established after 1930 to spread culture and literacy across the country. More recently it is mainly students, women and older people who are making regular use of libraries. In the more remote areas people go to libraries (or use other public spaces) to access the Internet. Access to library book stock assumes differing levels of importance in Eastern Turkey - where the population is increasingly young - compared with Western Turkey and the Aegean Region - where the rise in the proportion of retired people is a growing phenomenon. Library usage in Istanbul seems quite low in relation to the size of the population.

Libraries nowadays are not merely places for reading or borrowing books but also serve as arts centres for all kinds of cultural activity. There are 55 mobile libraries for reaching the remoter areas, and they also have an important function for making books accessible to people with disabilities. The current strategy is for the central state gradually to withdraw from its direct operation of libraries and to delegate to other organisations. Local government will make the decisions in future about the opening of new libraries (although in our meetings in Turkey we gathered there were still some unresolved differences with the centre about permitted book choices and the 'index' which we discuss elsewhere. It seems that the practice is continuing of stock being centrally selected - with some additional local choices permitted). With over twenty library laws currently in force, some people suggested that the libraries felt unnecessarily over-regulated. We identified an issue around the difficulty that libraries have in purchasing expensive foreign language texts.

All public libraries in Turkey are to be integrated in a single automated system which started to be implemented in 2010. Internet access centres are available in over 100 public libraries. The e-library system project is an educational project using the potential of the new information technology. The National Library of Turkey (*Milli Kütüphane* established in Ankara in 1948) offers an on-line catalogue on its website and it is also possible to make on-line searches for articles in the bibliography. The Turkish Bibliographical Institute, coming under the National Library compiles the National Bibliography of Turkey and a bibliography of articles published in Turkish journals. The records and journals from the Ottoman era (in Arabic script) that form part of the holdings of the National Library have been digitised. The Suleymaniye Library was the first to start digitising manuscripts in 2001.

The National Library is the first Turkish institute to be included in Europe's digital library project, *Europeana*, based in the Netherlands' National Library and partly funded by the EU (the project started in 2008, aiming to integrate the databases of cultural institutes and libraries from around Europe). Millions of important documents, books, films, art and museum objects and archival records that have been digitised throughout Europe are now accessible through this internet portal This is also significant for Turkey's promotion abroad. Over 27,000 manuscripts and 10,000 magazines from the digital collection of the National Library are accessible through the database.

The National Library's collection consists of around 3 million units of which approximately 27,000 are manuscripts and rare books, 56,000 are books in Arabic script and around 212,000 additional items (maps,

musical scores, posters etc.). The legal deposit requirement ensures that the National Library receives a copy of every book published in Turkey and, in addition, it collects material published about Turkey abroad. The National Library moved in 1983 to a spacious new building which includes an exhibition hall and various multifunctional rooms. It offers a microfilm-archive, the Atatürk Documentation Centre, a collection of film posters, paintings and an online-collection of 'talking books' for the visually impaired. The building also houses a data processing centre, a print works with bindery, photo and microfilm production laboratory.

Book publishing is a flourishing business in Turkey and people continue to buy books in substantial numbers for private use and retention. Writers such as Orhan Pamuk and Elif Şafak have become renowned celebrities, and winning the highest profile international writers' awards. Over the past fifteen years Turkish publishing has expanded at a remarkable rate, enabling the state to withdraw from having the significant role it once had.

> *"There are more books being published in Turkey than ever before, and in my view, Istanbul's vibrant book trade at last represents its rich and layered history. This strange, rich, and extraordinary history is with us here in Frankfurt this year, as are our finest writers and publishers. When young writers coming from Turkey to Frankfurt see how large the world publishing industry is, I can well imagine that they will feel as empty and useless as I did. But when Turkey's young writers turn in on themselves to find the inner voices that will turn them into interesting writers, they will no longer need to succumb to dark thoughts like, 'No one would be interested in a Turkish writer anyway!' May the Frankfurt Book Fair bring hope and happiness to us all."*
>
> Extract from Orhan Pamuk's opening speech at the Frankfurt Book Fair 2008, 14th October 2008

The MoCT retains a limited role in publishing a small number of texts felt to be important, but which private commercial publishing houses would be unlikely to risk producing. The Ministry in coming to decisions about what should be published applies the following criteria: decisions are taken by a committee, and the subject matter is mainly academic (e.g. PhD theses) and books that deal with culture, or might be prestigious volumes that promote Turkish culture. There is also a limited budget allocated for financing the publication of books in languages other than Turkish. This seems to be an area that is relatively free of restrictive laws although regulations are, of course, implemented.

Commercial Book Fairs and literary festivals are increasingly popular events in Turkey and dynamic enterprises such as Kalem (see immediately below) are taking a leading role in Turkey and at international book fairs abroad, promoting Turkish literature and the increasing volume of important new creative writing from the Turkish Diaspora abroad (and from Germany in particular). The Ministry operates a translation grants project to help disseminate Turkish literature abroad, and has been attending international book fairs since 1989.

There is a very impressive number of small private enterprise publishing houses which has resulted in a very rich availability of translated literature in Turkey.

**Kalem Publishers**

An energetic and successful private, commercial publishing house and literary agency founded by Nermin Mollaoğlu in Istanbul 2005. It now represents more than fifty renowned Turkish authors (among them some of the most prominent and established writers of contemporary Turkish literature as well as more classical masters like Ahmet Hamdi Tanpinar, and writers from the Turkish diaspora).

Kalem's search for emerging voices and perseverance in encouraging and supporting new talent goes hand in hand with its respect for the roots of Turkish Literary tradition. The Kalem Literary Agency by 2012 had already concluded over 600 contracts, representing and disseminating Turkish literature abroad in 36 foreign languages. While Kalem's main focus is on fiction – ranging from high-quality literary work to commercial titles with mass-market appeal – their list also includes non-fiction titles. Besides representing

Turkish language rights, Kalem also acts as a subsidiary agent for foreign publishers and literary agencies within the Turkish market.

Kalem has also, since 2009, organised Turkey's only international literary festival. The ITlF-Istanbul Tanpinar Literature Festival has helped create space that ensures the cooperation of Turkish authors and publishers with foreign publishers, editors, translators and authors. In Istanbul, Kalem has established a series of public readings at the atmospheric Palace Hotel on the shore of the Bosphorus, branded as the Çıragan Readings. These events regularly attract large audiences. They also arrange and promote translation workshops and organised a tour of Balkan countries 'to open new doors for Turkish literature'. Kalem is at the forefront of raising the national and international profile of Turkish literature.

## (7.5) The Creative industries

The importance and potential of the creative industries is now globally fully recognised as an expanding opportunity for state governments, and the European Union is increasingly identifying it as an area of economic activity that is one of Europe's current enterprise success stories. This is highly relevant to Turkey too – and we think ways need to be devised for 'official' cultural policy to take it more into account. This is not always easy to draw together and implement, since the activity is much diffused throughout the productive economy, and with rather small units capable of surprising success and effects. Governments that have identified the economic and employment potential are now devising policy instruments that offer targeted support at all levels of government. In Turkey's case the creative industries significantly contribute both to the promotion of the country abroad and to creating new employment opportunities – although we would have to state that the city of Istanbul is nationally very much in the lead so far as these developments are concerned.

This is well described and analysed in a publication from Istanbul Bilgi University Press, produced as a background survey for *Istanbul 2010* (*Cultural Economy Compendium Istanbul 2010*, by Asu Aksoy and Zeynep Enlil, respectively of Bilgi and Yildiz Universities). The authors comment that:

*"There is as yet no specific document or study with an explicit focus on cultural policy per se produced by the* (sc. metropolitan) *local authority in Istanbul. Actions in the cultural field are usually listed in the strategic plans of local authorities without any overarching vision. This is unlike many other cities in the world where the vision for cultural action is defined specifically."*

We note an encouraging, very recent initiative from the Istanbul Development Agency for Businesses. This is its *Financial Assistance Programme for Development of Creative industries* (setting a February 2013 deadline for initial applications). This 'Year 2012 Call for Proposals' provided a detailed Application Guide, recognising the scope of this sector to be supported through the programme framework as including advertising, architecture, crafts, art and antiquities (painting, sculpture and other fine arts, etc.), design, fashion, film, music, performing arts (ballet, dance, drama, musical, theatre, opera, costume design, stage design, choreography etc.), publishing (books, magazines, newspapers, digital content etc., publishing), television and radio (not including Information and Communication Technologies apart from the 'content' dimensions), computer and video games. The programme is offering financial assistance to projects in the range of TL200,000–400,000.

Some of the professional disciplines specified in the comprehensive listing above come well within the remit of the MoCT and its regular programmes of provision and assistance. Others will seem very much more peripheral, although we would add that we had a strong sense from several universities we encountered in the course of governorship meetings (notably in Izmir and Mardin) that contemporary design is a booming business and is rightly receiving a lot of attention. To illustrate further the importance of aspects of the creative economy for Turkey and its image abroad, we offer the examples from the fashion industry and TV production.

Istanbul Fashion Week

The annual Istanbul Fashion Week is now an established event in the global fashion calendar – particularly important for young designers and the emerging and expanding Islamic fashion industry in Turkey, that is now finding creative links with certain celebrated international designers. Since the history and development of textiles in Turkey have well established roots in the distant past, this burgeoning sector is both traditional and progressive in a very characteristic way. At the massive 'ready-to-wear' end of the textile market, Turkey is a major manufacturer and exporter (competing globally for export share with India and China). Design quality is an important element of this enterprising sector, with large-scale implications for the stability of the economy of the country as a whole.

Popular Turkish TV 'soap operas'

The rise of international interest in Turkish soap operas on TV (*Muhtesem Yüzyil, Yabancı Damat, Aşk-I Memnu*, *Muhtesem Yüzyil*) is a fascinating current phenomenon. These have grown extremely popular in Balkan countries, the Caucasus and in the Middle East in particular. The TV series aired abroad enable foreigners to become acquainted with Turkey's people, their lifestyle and traditions (to which they may be able to relate). Kazakhstan accounts for the largest number of Turkish TV soap opera series purchased, followed by Bulgaria. Referring to the economic potential, Turkey's Copyrights and Cinema Director General, Abdurrahman Celik, has commented "In recent years, state institutions have realised this and decided to support this sector, achieving great results." To date Turkey has sold 70 soap operas to 39 countries (Kazakhstan 42, Bulgaria 27, Azerbaijan 23, Macedonia 17, and Greece 8. Romania and Bosnia Herzegovina have not so far shown any interest). According to analysts of the TV sector, the asking price for Turkish series has increased, with a single episode that used to command US $30 to $50 now costing anything from US $ 500 to $20,000, depending on the title and year of production.

The sale of TV series abroad has also had some knock-on effect on tourism in Turkey, as well as becoming an object for sociological study - with parents naming new-born children after characters in the series! Commentators have observed that there is an increase in foreign tourists to the country with agencies starting to offer tours that take in the sets of soap opera productions, and which may also include meeting members of the cast. Turkish TV series like *Gümüş*, *Binbir Gece*, *Yabancı Damat*, *Yaprak Dökümü* and *Annem* have become hugely popular on Bulgarian television in recent years (Bulgaria's Channel 1, incidentally, also has substantial regular ratings for the news transmitted in Turkish). By direct comparison with the popular and low-cost Latin American series which Bulgarian and other national TV channel operators have broadcast in the past, these Turkish drama programmes seem to be attracting up to 50% higher viewer numbers (quite possibly because the Turkish family values portrayed, and the blend of contemporary and traditional, is much closer to their current everyday realities than those of a Roman Catholic dominated social structure).

## (7.6) The Media and Audio-Visual (Cinema and Film)

Turkey's media system is highly centralised. The major issue concerning the mainstream media is its concentration of ownership in the hands of a very few cross-media groups (analysts report that 70 % of the media – including national newspapers, radio and TV channels – are owned by conglomerates which have significant financial interests extending to banking and finance, construction, the automotive industry and tourism). They are therefore easily able to forge alliances of self-interest with the country's powerful political and economic players such as the military, religious communities, bureaucratic elites and the government, thus exhibiting a fusion of property and interests. As a by-product there is a prevailing dominance of nationalist rhetoric and a degree of journalistic vulnerability in the face of established power, as well as censorship and widespread, if unquantifiable, self-censorship (see also discussion at 7.1.3(c) and (d) above).

This picture of a powerful national media landscape is in sharp contrast to that of weak regional and local media that suffer from financial disadvantage and often struggle to survive. Independent reports against this backdrop suggest that overall media performance is nationalistic and biased, while genuinely independent journalism is rare and risky (as also acknowledged by the European Human Rights

Commissioner[17]). In addition to the external pressures, the media also suffer from a common internal 'culture' problem, the hegemony of editors-in-chief who work to the broad agendas of their media owners. The rights of young journalists and correspondents vis-à-vis editors are not protected. The monopoly 'business' profile of the media as shown by the ownership patterns, inevitably raises doubts as to the objectivity and independence of the journalists and the quality of journalism in Turkey both inside and outside the country.

The public broadcaster TRT has 11 national television channels: TRT 1 (general), TRT 2 (culture and art), TRT 3 (youth channel with sports and music programmes and live broadcasts from the Turkish Parliament at specific hours), TRT 4 (education), TRT Müzik (a wide range of music from traditional Turkish music to jazz). TRT has also a regional channel TRT-GAP for the South Eastern region of Turkey, and two international channels TRT-TÜRK for Europe, the USA and Australia, and TRT-AVAZ for the Balkans, Central Asia and Caucasus. In January 2009, as a part of the new democratisation process initiated by the government, Turkey's first full time Kurdish channel, TRT 6 was launched.

The OSI (Open Society Institute) reports from 2005 on television in European countries recommends that "the Turkish Radio and Television Corporation (TRT) should take steps to redefine its public service in the commercial broadcasting era. This should include the initiation of a forum with the participation of relevant agents to this end." As for the independence of public television it asserts that "the Government should reinstate TRT's autonomy to ensure independence from the Government in financial, administrative and editorial matters".

In answer to our enquiries of the regulator and monitor of state and independent channels (The Supreme Board of radio and TV) we were told that the existence of a free market makes it extremely difficult to control content, even if they wished to do so. Reforms from the 1990s had shifted the focus from a highly regulated sector to greater diversity of independent regulators and self-regulation. The number of channels had increased from five to 26 terrestrial channel frequencies, with the number of digital possibilities rising to around 100. This freer environment would allow for more open choices in a strong domestic market (e.g. for music). For trans-border transmission, Turkey has been following the EU rules and regulations.

Film production seems to be a buoyant sector, with fairly high visibility both nationally and internationally. With modern digital technology, the cost of production and editing has decreased dramatically, necessitating the introduction of new legislation as well as highlighting difficult copyright and intellectual property issues that need to be clarified and regulated. 55 'local' films were released in 2012, shown to an audience of almost 19,750,000 people around Turkey and earning almost TL 173 million at the box office (Source KPY, January 1, 2013). There has been an eight-fold increase in the number of Turkish film releases since only 2002 (70 films in 2011) and the audience has increased more than ten times in the last two decades.

The trade unions in film, we heard by contrast, are weak and fragmented. Since the old 1970s mainstream B-movie industry faded out, cheaper cost of production and quality content have become more important considerations. In Diyarbakir we were told that training in film-making was a very recent innovation for Kurdish speakers – and that technical terms were having to be created, as they did not even exist in the language (with the technology having bypassed it). The Turkish Diaspora has played a part in contributing support for film-makers, not least to the recent success of 'serious' films that are attracting international attention and awards.

Cinema ownership is mostly in private Turkish hands, while the distribution chains are much more international, but still under obligations to distribute Turkish films. 'Art house' cinema seems to be in rather

[17] *Freedom of expression and media freedom in Turkey* – Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe (op. cit.). See in particular Section 50 concerning self-censorship, Section 51 on threats and attacks on journalists (notably the murders of Hrant Dink in 2007 and of Cihan Hayırsevener in 2009) and Sections 68-73 on the difficult conditions for investigative journalism.

poor shape (for example there are only three such screens for the whole of Istanbul). The cinethèques were closed down in the 1970s for largely political reasons. Expansion of television, the proliferation of video and now DVD have naturally all taken their toll of cinema's popularity and profitability at different times.

With local cinema provision in Turkey being predominantly in the hands of private entrepreneurs, we were not surprised to discover evidence of what we had heard about serious gaps in the basic infrastructure and local deprivations. Ministry officials have acknowledged to us that they are fully aware of imbalances around the country that need to be addressed as a strategic national concern. While the number of multiplexes in concentrated urban areas has recently increased this is, unsurprisingly, almost entirely driven by the economics of the market. (We heard in Mardin, for example, that the city had been reduced to having only two private screenings every month - three local cinemas had been obliged to close as a consequence of the rise of video. Diyarbakir's largest surviving operational cinema space only had 100 seats.).

On the Way to School – documentary film by Orhan Eskiköy & Özgür Doğan (2008): Filmed in Şanlıurfa, this noted semi-documentary film is about one year in the life of a young newly-qualified primary school teacher in a remote village in Eastern Turkey. The children don't speak any Turkish, the teacher doesn't speak any Kurdish – and comes across almost as an exile in his native country. The film movingly illustrates the communication problems, emphasising the isolation of the teacher within a different community and culture, albeit under the authority of the state.

The film chronicles one school year (from September 2007 until the teacher's departure for summer break in June 2008), during which period, the teacher and local people slowly begin to get to know and understand each other. The work succeeded in reaching fifth place in box office receipts for Turkish made films, and won at least 18 awards at festivals and competitions, four of these within Turkey itself (including 'Best Film' at the 46th Antalya Film Festival in 2009) and 'Best Middle Eastern Documentary' at the Abu Dhabi Festival that year. It received honours at festivals as far afield as Boston, London and Edinburgh. The film's sensitively told story corresponds to evidence we heard in our visit to Diyarbakir municipality about communication difficulties between communities and across the generation gap, particularly between grandparents and grandchildren who had become urban migrants. Some funding for making the film was provided by Anadolu Kültür.

## (7.7) 'The Istanbul Factor' and Istanbul 2010

It would be impossible to report on any review of cultural policy in Turkey without making special mention of the 'Istanbul factor'. Besides its status as one of the world's great historical and cultural cities, Istanbul and its surrounding Marmara Region account for over 25% of Turkey's population, achieving visitor numbers (in 2009) of at least 7.5 million (slightly fewer in 2010). Internal migration from parts of rural Turkey has led to a surge in the city's population (now over 13.6 million) in the past few decades, making it home to over 20% of the Turkish total and generating 22% of the country's GDP (and approximately 40% of its tax revenues).

Quite apart from the city's tourism status arising out of its unique history, heritage and spectacular location it is today a major and growing force in the creative industries. Istanbul accounts for nearly 50% of all visits to museums in Turkey and well over 30% of arts performances and a much higher percentage - some would claim at least 50% - in contemporary work. We met a reliable professional who believed that if you take the national picture of *significant* work artistically in Turkey, up to 90% would be in Istanbul, with the remainder only to be found in much smaller amounts in Ankara and Izmir, with Eskisehir, Diyarbakir and Antalya showing some signs of innovative programming.

The city's contemporary culture is attracting increasing international attention (the Istanbul Biennale, originating in 1987, is now well established in the global visual arts calendar) while the number of people making a living from engagement in the creative sector is growing quite rapidly. The dynamic young

population and the increasing wealth of the city as a whole are obviously considerable assets to Istanbul as Turkey's cultural leader and pioneer.

The municipality of Istanbul and its partner stakeholders are aiming to spread access to, and participation in, culture – with the usual current modern governmental 'implicit' policy aims and by-products of improving social cohesion and fostering economic and regeneration benefits for the city and its region. Nevertheless, the metropolis with its extremely mixed population and wide territorial spread seems to be experiencing difficult challenges in achieving these aims. Cultural consumption is comparatively low for such a vibrant global city, and for a conurbation of its size, it has surprisingly few purpose-built arts venues (with the long-running opera house dispute only very recently resolved). Whilst the well-respected and internationally known 'private' performing arts, visual art and museum initiatives are impressive and successful in their own terms, the city as a whole lacks any 'joined-up' or coherent cultural strategy, as was somewhat cruelly exposed during the 2010 European Capital of Culture festival and its processes. Public investment has tended to be concentrated on heritage restoration and on the state institutions.

The prestigious nomination for *European Cultural Capital 2010* was originally largely secured through the coordinated efforts and lobbying of the very vibrant independent cultural sector in the city. It was designed to be a model of cooperation between national government, local government, civil society and the cultural sector at a time when Istanbul's rising claim to be an important international hub was well on the way to becoming an accepted global reality. This 'bridge' between Europe and Asia was now a destination in its own right. But although the initial 'vision' was clear, it proved extremely difficult to get the various 'official' authorities and the city's artistic community together with shared and agreed priorities and ways of proceeding. An open call to the universities met with a very poor response while many NGOs proved only lukewarm. The reaction from the 39 municipalities was more positive, but many had differing ideas about how best to present the bid against a background of 'common misinformation' about Turkey abroad.

A hybrid, semi-independent legal entity was set up to run *Istanbul 2010* – involving business, NGOs, the city, its local municipalities and central government. A special levy on the price of petrol was legally approved to help pay for the year's initiative. The financial aspects turned out to be something of a bureaucratic nightmare, and there is a strong feeling in retrospect that the balance of interests was misjudged (government representation so dominant that the creative impetus was neutralised, certainly demotivated, with high profile resignations from the Board). Nevertheless, it should be noted here that 2010 should not be dismissed as not having left any positive legacy behind. It did provide some cultural management training for public officials in the city's municipalities for the first time, and contributed to restoration, conservation and documentation efforts. Bilgi University has a cultural management programme which may be regarded as an indirect outcome of the Istanbul 2010 experience. It is now also appreciated that there should have been some agreed evaluation base for comparison with 2008 to monitor attitudinal changes. This is perceived as something of a wasted opportunity, as well as there being no lasting 'edifice' from the year.

There were the customary conflicts that tend to surface in individual 'European Cultural Capitals' between 'high' artistic levels aimed at for both the artistic and international marketing aspirations, and local authorities wanting to see a greater focus on local/community/neighbourhood level activity. Above all, there has been general disappointment that despite the 'City of art and culture' label, the year's activities ended up as very heritage-focused. Functions that did not find an easy fit with the municipal authorities' vision of the tourist economy were marginalised, which meant that the opportunity to bring the different stakeholders together was lost while a fairly standard model of urban improvement and development was imposed from above (with controversial issues like the Sulukule redevelopment damagingly gaining the international press headlines, and the positively attractive contemporary social realities of Beyoğlu etc. being largely ignored).

The city of Istanbul continues to lack much of the basic cultural infrastructure one might expect in 2013 while politicians of all parties locally seem to show insufficient interest in pursuing any coherent cultural strategy, with the long-standing dispute about the future of The Atatürk Cultural Centre ('Atatürk Kültür

Merkezi', closed in 2008) having dragged on for too long. The Centre, located on Taksim Square at the heart of the modern, European area of Istanbul, is the only building capable of staging opera and ballet in the city. The AKP government made an attempt to demolish it, arguing from the position that the city needs a new opera house and a new cultural centre 'of symbolic value and exquisite beauty that we can be proud of', as the mayor of Istanbul Metropolitan Municipality has expressed it. In order to be able to carry out this project swiftly and under central authority, the government tried to annex an article to the law passed to regulate the foundation of the Istanbul 2010 European Capital of Culture Agency (the original draft article included the government's proposal to demolish the Cultural Centre but major controversy ensued). The Minister of Culture and Tourism in 2012, Ertuğrul Günay, was finally able to agree a renovation package timescale with Sabanci Holding thanks to their commitment of TL30 million to the project.

In this civic vacuum, dynamic operators with vision - small-scale and individuals, as well as longer-established NGOs - have taken the initiative to help provide and sustain the city's vibrant contemporary cultural life, but not within any stable, structured or coherent public policy context that would particularly assist its continuity or further development. Much of the credit for Istanbul's current reputation for cultural innovation is due to the vision and cumulative persistence for forty years of the Istanbul Foundation for Culture and Arts.

**İstanbul Kültür Sanat Vakfı (İKSV)**

The Istanbul Foundation for Culture and Arts (İKSV) is an NGO founded in 1973 with original goals of offering the finest examples of cultural and artistic production from around the world and introducing innovative work to Istanbul audiences. Additional aims include presenting Turkey's cultural and artistic wealth to the world and transforming Istanbul into a major centre within the international culture and arts community.

IKSV has an elected Board and an appointed general manager (the very experienced and internationally recognised Görgün Taner). Seven arts directors are responsible for the various festivals and administrative departments. The current number of full time staff is around 75, while the Foundation also employs part-time and seasonal staff according to varying demand. The annual budget is approximately €14 million (cash and in kind). The main funding sources are sponsors and ticket income from events, supplemented by government, international funds and individual donors. There is no ISKV endowment – though with there is a 10-year funding agreement with Koç – which is as close to sustainable funding as they get.

IKSV's important major 'objective' is to create the means for promoting and featuring, in an international context, not only the cultural heritages of Turkish society but also those of other societies in the world. This open sharing of inspiration and creativity in the arts, and amongst artists, aims to lead people of distinct cultural backgrounds towards a better mutual understanding and contribute to world peace by creating a sense of global awareness through the arts. More specifically, the foundation seeks to:

* make Istanbul one of the world's foremost capitals of culture and the arts;

* create a continuous interaction between the national and the universal

and between traditional and contemporary values via culture and the arts;

* contribute actively to the development of cultural policies.

In addition to organising festivals, biennials and events in Turkey and abroad, the Foundation works in the conservation of traditional arts and cultural heritage, and in encouraging and facilitating artistic production in diverse disciplines.

# (8) The importance and key role of tourism

## (a) The irresistible economic imperative of tourism

For perfectly understandable reasons, tourism *per se* is a somewhat marginal topic in the in National Report – but we found that it brooked large in our formal meetings across the country, particularly with the governorships. Tourism in Turkey is a huge economic factor. This is only natural, given the country's great heritage, climate and coastline. Turkey has become one of the world's most popular tourism destinations thanks to its natural attractions, unique historical and archaeological sites, improving tourism infrastructure and strong tradition of hospitality. Between 2002 and 2010 Turkey has advanced from a world ranking for tourist arrivals of seventeenth place to seventh (and by 2012 to ninth place in the value of its tourism receipts – worth over US $23 billion). During 2011 Turkey welcomed almost 31.4 million visitors. 28.5 million visits (domestic and foreign) were made that year to museums and historic sites - almost a fourfold increase over the preceding ten years.

The OECD confirms that tourism is one of the most dynamic and fastest developing economic sectors in Turkey, with 2010 tourism receipts accounting directly for 2.8% of GDP (or 17.3% of its export share). Adding in the indirect effects, it is estimated that tourism contributes at least 3.6% of GDP in total. According to Deloitte's *World Economic Forum* Report on Travel & Tourism Competitiveness (2010), Turkish tourism in 2009, when combined with the travel sector, generated TL 95.3 billion of economic activity (approximately 10.2% of Turkey's GDP) with employment for approximately 1.7 million people (7.2% of total employment). Turkey's national Statistical Institute (TSI) has recently reported that tourism revenues in 2012 increased by 1.8% compared to the previous year (the breakdown ascribes 77.9% of that 'foreign' income to spending by foreign visitors, and the remaining 22.1% obtained from Turkish citizens residing abroad).

Turkey aims to be in the top five global 'tourism brands' by 2020. Planned and managed growth to that end is detailed in the *Tourism Development Strategy*. The industry has been one of the most important drivers of Turkey's economic development over recent decades by reducing unemployment, raising national GDP and improving the country's balance of payments. Tourist revenue provides a fairly stable source of foreign currency earnings, backed up by economic tourism development policies that should ensure it increases in the long-term. Furthermore, tourism already features as a vitally important issue in the 2023 centenary strategy. The implications of this rapid, and continuing, growth and spread of tourism on the environment, natural, archaeological and built heritage are extremely significant. The risk of uneven development as an undesirable consequence of tourism development is foreshadowed in the Strategy.

## (b) Promotion, targets and possible practical implications

Active promotion is taking place in 83 foreign countries, with the three nations in the lead for foreign visitors - (1) Germany, (2) Russian Federation (plus Ukraine) and (3) the UK - accounting for 36% of the total international arrivals to Turkey. Even only a very superficial understanding of these particular markets would demonstrate that low hotel costs, sold cheaply for mass summer tourism, contribute to an overall increase in the number of tourists rather than in per capita spend. 60% of tourists to Turkey visit through organised packages. We have already recorded our concerns about the disconnection between package tourists and local culture.

The Tourism Strategy sets targets to take action to increase the actual revenues from tourism. It also envisages action for expanding seasonal diversification – e.g. to include health and thermal, winter sports, mountain excursions, cruising, expo/conferences and golf, but – interestingly – *not* 'culture' or cultural tourism. Culture as such does not seem to feature in the 2023 roadmap for development of the tourism sector, or indeed in any secure sense beyond 2014. It is our view that this cannot and should not be ignored. After all, economic development directly affects the social fabric, the balance between (and

maintenance of) traditional and more modern, community based and commercial culture. The conflicts that this raises are already very visible in the country's large cities and those regions where rapid tourism development bears a large responsibility for the degradation, or even destruction, of much local infrastructure. The current concentrations of tourism are on the Aegean and Mediterranean coastal strips, often with a brief Istanbul visit included within packages (Antalya and Istanbul account for around 60% of the national total). The frequency pattern is as follows:

1. Antalya
2. Istanbul
3. Muğla (the south-west of the Aegean Region)
4. Izmir
5. Aydin
6. Other

There are three main, but linked, reasons for this consideration of tourism in our Review. Firstly, culture and heritage are nationally located in government Ministry terms within the same department. This raises questions about the relationships and opportunities in cross-fertilisation (or the absence of them) between these two complementary policy responsibilities. Is it simply an administrative marriage of convenience, or a genuine partnership? Pressure on the Classical Greek and Hellenistic sites covered by the above area list, and how those sites are managed, conserved and exploited is an obvious consequence. The key prehistoric sites in Eastern Turkey are similarly vulnerable, but more for reasons of their own archaeological fragility and specialised interest, and they do not yet risk quite the same potential mass tourism volumes that seaside package holidays produce.

Secondly, the sheer force of the economic argument means that 'Culture' and 'Tourism' are somewhat unequal partners within the Ministry. The wear and tear on the most popular heritage sites brings a clear conservation, 'quality of experience' and management cost. Greater sensitivity to these dangers has in the past decade led to certain improvements and restrictions at vulnerable natural sites that were being over-exploited (e.g. Pamukkale and Cappadocia). How is this responsibility shared and paid for? With heritage identified as a vital magnet for an increase in tourism, its protection and conservation are now higher on the agenda for action than seems previously to have been the case. We are concerned that this could unintentionally be to the disadvantage of the 'Culture' share of the Ministry's budget, simply in terms of the political priority and pressures on available money and other finite resources.

Third, tourism in its broadest sense has very important implications for the image and reputation of any country – which is nothing if not a 'cultural' matter of great national importance. This is not simply a question of high profile attractions but is at least as much about the life and values of whichever country one is considering. So far as foreign tourists are concerned, every native citizen encountered (assuming that personal contact even exists) is to some extent an ambassador. The texture of daily life and how the whole range of government policies come together to create the 'cultural' context and value is an abiding impression that the intelligent visitor takes away and promulgates. We have the feeling that there is a need for some inclusion of this in the forward strategies for 2023. Tourism development is already quite strongly located amongst the objectives – but not the arts and culture.

## (c) brand image and external projection of Turkey and its people

Tourism (beyond mere destination marketing and the selling of mass vacation packages) has a vital, but much less discussed or fully understood, secondary function. It offers one of the few available means for enhancing a country's overall 'brand image' to the rest of the world in *practical* terms. It is often the 'loudest voice' in communicating a country and its values externally, and is a covert manifestation of cultural diplomacy (for good or ill). This is even more powerful in the age of the internet, social networking and abundant cheap travel than the deliberate and more measured traditional initiatives of Foreign Ministries and foreign cultural institutes.

The Turkish tourism sector has massive budgets and extremely experienced marketing staff. The very volume and persistence of this strong 'voice' can, over many years, have the effect of drowning out other economic, political, industrial and cultural voices, unintentionally creating a cumulatively false, 'soft' and leisure-orientated national brand image that may conflict with the honest – and changing – internal realities, misrepresenting and distorting the personal narratives of the hosts as informal advocates. Foreign tourists and local people profiting from tourism, as mentioned above, have an unfortunate habit worldwide of reinforcing negative (or at least often undesirable) stereotypes of mutual exploitation. Although tourism can pose threats to the sustainability or 'authenticity' of the local community, it can at the same time also lead on to very positive effects (not least in closed societies or more remote areas). The danger is that a large proportion of tourists spend most of their time insulated in a sun, sand and sea 'bubble' that never brings them into real contact with local life or people, other than the hard-pressed and low paid service staff in hotels.

Nations in the process of emerging need to create self-sustaining myths to build coherent identities. Turkey is a country that *par excellence* had to invent and 'brand' itself within its new borders after the end of the First World War. When political upheavals take place, nations also often try to reinvent themselves. However, all countries need to have learned how to 'be themselves' before they can consolidate national reputation and fully benefit from that as an asset. External perceptions (even if false or lacking in adequate understanding) can rarely be successfully changed through communications alone, nor can a nation's image be built solely through communications. There are significant differences between public diplomacy and nation branding. One of these is that the first has a mainly political motive and is driven by international relations and culture, while another has more overtly economic objectives, with its image driven by marketing considerations.

It is the country's people - its tourism and heritage attractions, its music and art, its other cultural products, its sport, its companies and their products and services, its investment and employment opportunities, its public transport systems - that provides the true basis for external perception. These are a nation's 'multiple stakeholders' on which the country's reputation is made and retained or lost, requiring consistency and reliability in the messages transmitted. It is futile to try to 'brand' a country in terms of its government systems but in isolation from all its 'other' stakeholders. Both national 'branding' and 'soft power' approaches may lead to agendas that generate productive results in the short-term, but it needs more considered approaches aimed at representing a coherent view of the culture of a country to convey a better understanding with other nations and world regions.

> *"Marketing communications can be an excellent tool for selling vacations and other products and services, but not for manipulating cultural precepts like national image."*
>
> [Simon Anholt - Competitive Identity: the new brand management for nations, cities and regions – Palgrave Macmillan, 2007)]

> *"Overall, because branding is about creating and sustaining trust it means delivering on promises. The best and most successful brands are completely coherent. Every aspect of what they do, and what they are, reinforces everything else.... You do not change people's perceptions of a country with advertising. You change people's perceptions by finding the truth, finding an idea that embraces that truth and putting it through everything they do."*
>
> [Wally Olins, 2007]

It is largely the explosion of mass tourism since 1985 that has contributed impressively to the regaining of prestige abroad for Turkey (around 10 million foreign tourists visited the country last year). As it is, Europeans in general and Germans in particular (several hundred thousand a year, exceeding one million at the beginning of the 1990s) who go every year to Turkey are, as a result of visits, beginning to shift many of the clichés and false ideas on Turkish people that have been prevalent. However, it has also regrettably to be observed that today the recurring subjects of human rights and the ongoing Kurdish question have had some effect on the increasing capital of sympathy that Turkey had begun to enjoy in Europe.

Culture and Tourism have been linked together in their current form within the same Ministry of central government since 2003 (Law 4848). The Ministry of Culture was first established in 1973 and merged with the Ministry of Tourism in 2003. Tourism, quite apart from its crucial and massively positive role in Turkey's buoyant economy, is central to how the Turkish nation projects itself and its values to the rest of the world. The *Tourism Development Strategy* is imprecise on most of the 'cultural' detail whilst nevertheless setting down clear targets for sustainable development in terms of geography and spread. If 'culture' – as appears to us to be the case – is the subordinate partner in the Ministry's concerns, this Review could help create a positive opportunity to raise its profile nationally and help provide a more progressive image of the country, backed up by the conditions to which the ambitious and far-sighted Tourism Strategy aspire.

- Marketing communications alone can never change a country's image
- Destination branding on its own cannot change a nation's image
- No single national stakeholder has control over all the factors that affect a country's reputation
- A country inherits the majority of its strongest assets (people, history, culture, heritage, landscape)
- Changing a country's image can take many years (sometimes generations)
- Crude marketing is a blunt instrument for conveying the true image of a country

*[UNWTO Handbook – adapted 2009]*

# (9) Promoting Turkish Culture Abroad: international cultural cooperation

## (a) Cooperation with international institutions: UNESCO, CoE and EU

Turkey is an active international partner with the above global and regional institutions, and reference to them has been made throughout this report at relevant points.[18] UNESCO is particularly important with respect of heritage conservation, intangible heritage and cultural diversity. Eleven Turkish sites are inscribed on the World Heritage list (nine of those archaeological or architectural ranging from Neolithic to Ottoman times, two mixed/natural) and there are 37 others currently submitted and on the tentative list. Turkey has been a very active promoter of the UNESCO Convention on the Safeguarding of Intangible heritage and has ten items inscribed on the Representative List of the Intangible Cultural heritage of humanity, such as the Semah Alevi-Bektasi ritual, the Mesir Macunu festival of Manisa and the Novruz festival. Turkey began the ratification process for the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions in 2008/09 but has not yet completed it. Although the Cabinet in August 2011 approved ratification for tabling in the Parliament by the end of the year, this has not yet happened.

We have discussed in some detail the implications of reviews and judgements from the European Human Rights Commissioner and European Court of Human Rights, and of the CLRAE, which we believe have implications for culture and the delivery of policy both nationally and locally.

The European Landscape Convention was signed on 20 October 2000 by Turkey and approved by the General Assembly of the Parliament, with rule 4881, on 16 June 2003. From then to 2011, the international and national focal point of the Convention was the Ministry of Environment and Forestry, followed by the Ministry of Forestry and Water Affairs. Located within this Ministry, the General Directorate of National Parks and Conservation of Nature, Vulnerable Areas Department, Landscape Conservation Unit is responsible for implementing the European Landscape Convention. At the same time, the Ministry of Culture and Tourism, the Ministry of Food, Agriculture and Livestock and the Ministry of Environment and Urbanisation study topics related to the landscape.

During our meetings in the course of our review we learned a considerable amount about constructive engagement with programmes of the European Union, notably in Higher Education. We also met in Istanbul with staff of Turkey's EU 'Cultural Contact Point' on two separate occasions and would commend their positive efforts to try and bring about greater success in Turkish involvement in the EU's cultural programmes (as remarked earlier). The European Commission's 2012 Progress Report on Turkish Accession process with regard to culture specifically observes the following:

> *Little progress is to be reported in the area of culture. Despite the efforts undertaken by the Cultural Contact Point, Turkey's participation in the EU's Culture programme remains relatively low. The Ministry of Culture and Tourism extended the Tax Incentives for Cultural Investments and Enterprises Law to provide tax exemption for the Culture Programme and co-financing for organisations or sponsorships. At the same time, ineffective or late protection of cultural heritage, as demonstrated by cases in Göreme, İznik and Istanbul, has raised concerns.*

## (b) Bilateral and multilateral cultural cooperation

During our visits we were encouraged to hear from local authorities, individual artists and arts organisations about their very active international networking. Many of these initiatives took the form of

[18] Council of Europe Secretary-General Thorbjørn Jagland ahead of his recent visit to Turkey welcomed the ongoing talks on the long-standing Kurdish issue, but warned that there are always extremists who wish to keep the conflict alive and can very often kill a peace process. He added that he was glad that provocations of this kind have so far failed to derail the talks (press release 31 January 2013)

either exchange projects or festivals and they clearly attest to a productive two-way process that is of considerable local value (e.g. in Mardin, Trabzon, Izmir and Istanbul). We were however also made aware that implementing and sustaining such initiatives was often dependent on rather fragile financial assistance, through processes that were vague and on timescales that could be detrimental to the commitments on which successful international partnerships rely. There is also an issue over continuity and sustainability for annual or biennial events (such as the Black Sea Theatre Festival) and, we think, on the need for sponsorship possibilities to be further developed. The situation for some of the major individual cultural operators in Istanbul is rather different since, with their high national and often international profiles, they find it more possible to access funding sources for exchange and cooperation projects.
In Ankara we had an interesting and informative visit to the headquarters of Turksoy (see below), an organisation sponsored by the Turkish authorities and Turkic Republics in Central Asia that focuses on their common linguistic and cultural roots, heritage and traditions linked to contemporary work.

**TURKSOY**

The impetus for the creation of Turksoy emerged out of the collapse of the Soviet Union and the rapid rise of cultural globalisation after 1990. Under the USSR, Turkey's borders to the East had been closed. Having identified the risk of erosion of the values of all peoples of Turkic origin and in order to protect, sustain as a living force and transfer this rich cultural tradition and heritage, the Culture Ministers of five newly independent five Turkic republics (Azerbaijan, Kazakhstan, Kirgizstan, Uzbekistan, and Turkmenistan) together with the Republic of Turkey gathered in Istanbul to plan how to maintain and strengthen the existing common cultural links and to facilitate increased co-operation in the sphere of culture. The Protocol was signed in late 1992 in Istanbul, with the detailed initial agreement following (July 1993 in Alma-Ata) on Principles for activities and the permanent establishment of Turksoy.

Today, one finds Turks across a vast area from the plains of Siberia to the mountains of the Balkans, in Chinese Turkestan, in northern India, in the Caucasus, in Iran, in Iraq and, of course, in Turkey itself. They represent a population of over 150 million with Turksoy claiming to be the 'UNESCO of the Turkish World' and at least in principle with a remit as an agent and facilitator of cultural continuity from the Great Wall of China to the Balkans. From the Ghaznavids in Afghanistan (10th century) to the Seljuks (11th century), Ottomans (13th century), and the Great Moguls (16th century) the cultural influence is massive.

While the origins may appear to be predominantly historical, the common language and cultural roots, beliefs and value systems are also forward-looking, with a mission to transfer the memory and traditions on to young people as a grounded alternative to commercialised globalisation. Regular activity includes festivals, conferences and seminars, exhibitions and tours of performing arts together with diverse exchange and social activity involving visual artists, writers and musicians.

The administrative headquarters are in Ankara, in a new building provided by the Turkish government. The official written language of Turksoy's communications is Turkish. There are now 14 national members and/or associated territories.

## (c) The Turkish Diaspora

During the 1950s the first substantial departures of Turkish migrant workers to the west took place, to Germany in particular which at the time badly needed manpower (The UK by then already had a sizeable Turkish Cypriot community – predominantly in London, now estimated at over 300,000). The majority of essentially modest Anatolian farmers who ventured abroad did not know the language of their host country, and initially lived in the expectation of a quick return home, after saving enough money. Within Europe, France, The Netherlands and Austria all have substantial populations of Turkish migrants; Germany on recent estimates has 1.6 million. The issue of 'cultural representation' and unfair stereotyping of migrants in their 'host' countries' media outlets is important. There is also the question (to which the answer may depend on length of residency and continuity of families) of cultural centres abroad which are

primarily designed for particular minority or immigrant groups to communicate and preserve their specific cultural identity – rather than aiming to share that culture as widely as possible with the 'host community', thereby increasing understanding.

The Turkish artist Nevin Aladağ (born in Van, 1972) who lives and works in Germany and has a German passport, expresses her identity as follows:

> *My life in Germany has moulded me. But an immigrant doesn't easily become a German in this country. Not even when you are born here.... My experiences are those of a minority, but also partly of assimilation into the majority. The sum of my experiences and my decisions makes me into who I am and what I am becoming. I am Turkish, Kurdish and German. But most of all I am a human being who refuses to be pigeonholed.*
>
> [Alter Ego, Amsterdam University Press 2004]

Contemporary Turkish writing, music and film-making is being enriched by the work of second- and third-generation Turks living abroad and dealing with the same kind of mixed identities within extended families commented upon by Nevin Aladağ above. Some of this high quality writing is finding ready commercial publication in Turkey (by enterprises such as Kalem) and in 'host' countries. Music and film find enthusiastic audiences in both Turkey and the countries of residence as well. Joseph Nye has observed that "a fascinating use of the Internet to wield soft power can be found in the politics of diaspora communities.... The Internet has been a godsend to such populations because it enables large numbers of geographically isolated people with a shared history to organise into large virtual communities." (Nye, 2004 p. 92). This seems to correspond to the way in which, under the influence of globalisation, intermingling and easier travel, younger people have a shared generational identity that rivals other markers of identity (which may, from places of origin as in the case quoted above, be very mixed). Geography and nationalism alone are not the most powerful determinants that they used to be.

Germany maintains particularly intensive cultural relations with Turkey. On the 50th anniversary of the German-Turkish Recruitment Agreement of 1961, the exchange of artists was further deepened. Since 2006, the Ernst Reuter Initiative (ERI) has facilitated a joint educational framework, for example the German-Turkish University in Istanbul. In the Istanbul district of Tarabya, the Federal Government has built a cultural academy in the grounds of the historic summer residence of the German ambassador. Through a grant programme, young artists are afforded space and time to live and work interculturally. Similar programmes are also sponsored at regional level: for example, the NRW Cultural Foundation in cooperation with the City of Cologne and the Brunswick School of Art maintains the *Atelier Galata* in Istanbul.

## (d) The image from abroad: external perceptions and 'authenticity'

The *Tourism Development Strategy* in its introduction observes that Turks have been and to some extent still are "the victims of widespread Western ignorance and prejudice". Clichés that are hard to uproot usually refer to the complex and conflicting past rather than looking to a progressive present. Turkey continues to have an ambiguous relationship with the West, and more particularly with Europe. Over centuries this relationship seemed to incorporate envy and resentment, fascination and fear, mostly on a basis of prejudice where logical approaches to problems had failed. Love, hatred, exclusion, affection, fear, fascination etc. became inextricably involved over the centuries, leading today to a situation in which the image of Turkey's people in the collective memory of Westerners remains confused and opaque - a continuing unfortunate effect of the Western *Orientalism* tradition. A negative image of the Turks probably reached its ultimate phase in the West in the aftermath of the First World War, with a collective memory terribly marked by previous centuries of prejudice, ignorance, trade rivalry and armed conflict.

It is not surprising that many Turkish people may still harbour feelings of being the victims of a certain Occidental 'hypocrisy' which, moreover, may play into the hands of Islamist movements that are opposed

to Turkey's further integration into Europe. This may well be compounded – certainly as seen from the East of the country - by the Western tendency to misread Istanbul and the coastal Aegean and Mediterranean tourist resorts for the land of Turkey as a whole. It may be an overused cliché to describe Turkey as 'the bridge between Europe and Asia' – even though Istanbul actually *is* the only world city to span two continents – but from Eastern Turkey its largest city can indeed seem to be almost on a different planet.

The legacy of 18th and 19th Century *Orientalism* is probably largely responsible for many of the unhelpful stereotypes that persist and continue to be given currency by lazy journalists and editors who lack knowledge and imagination – belly-dancing, *döner kebabı,* nargiles, kilim sellers and other phenomena that may indeed be part of 'intangible heritage' but do not convey the country's remarkable geographical, historical or population diversity. When countries undergo significant change, it can take quite a long time for residual, damaging stereotypes to disappear. Branding works when it projects and reinforces a changing reality – but it can be counter-productive if it is not rooted in authenticity. Compulsion or imposition tends not to work, because identity emerges from a multiplicity of sources and messages. The changes work incrementally – not usually dramatically – and the new national and corporate myths need to reflect reality with sufficient accuracy to be believed. This underlines the value of genuine local contact, something that is perhaps too often ignored or denied in package tourism where visitors may spend all or most of their time isolated in hotels with other foreign tourists.

While the official government policy does not appear overtly to recognise the cultural and creative industries as an important resource for the promotion of Turkey abroad, especially for 're-branding' the country, these activities and products do greatly contribute to the changing perception of Turkey beyond its borders. One might also mention here celebrated Turkish writers, living and working both in Turkey itself and abroad, Turkish films, fashion and also, as an interesting recent phenomenon, Turkish soap-operas which are widely distributed in South-Eastern Europe, the Caucasus and the Middle-East (there is now even a specialised Turkish 'soap opera' brand of tourism emerging, that includes visits to the film sets and meetings with some of the actors).

There have been several state initiatives in Turkey aiming to promote culture and cultural cooperation. For instance, there are the Turkish Cultural Centres established by the Ministry of Foreign Affairs as state initiatives, functioning in accordance with Regulations on Turkish Cultural Centres (1986) and under the Law on the Establishment and Functioning of the Ministry of Foreign Affairs of the Republic of Turkey. According to the Ministry, these centres have been established "with a view to promoting Turkish culture, language and art and in order to contribute to bilateral relations between Turkey and other countries, as well as to help Turkish citizens in their adaptation to the country in which they live." Turkish Cultural Centres have been located in cities abroad including Berlin, Hanover, Cologne, Frankfurt, Almaty, Ashkhabad, Sarajevo, Tehran, Amman, Baghdad, Jerusalem and Damascus. In 2007, in addition to these Centres, the Yunus Emre Foundation was established, with the aim of introducing Turkish culture, society and language to the outside world. The network of organisations aims particularly to reconnect the Turkish diaspora with its homeland through cultural and social programs, with a growing emphasis on the Turkish language and 'Turkology'. The Foundation was established as a state foundation in 2007 with its headquarters in Ankara. Article 1 of the relevant Law identifies the purpose of the Act as the following:

> *"The purpose of this Act is to introduce Turkey, its cultural heritage, the Turkish language, culture and art, and enhance Turkey's friendship with other countries, increase cultural exchange, in that regard to present domestic and foreign information and documents on Turkey to the benefit of the world, to serve those who wish to receive an education in the fields of Turkish language, culture and arts, to establish a YunusEmre Research Institution in Turkey and a Yunus Emre Cultural Centre abroad…."*
>
> [Law 5653, Article 1]

The Prime Minister, Recep Tayyip Erdoğan, has drawn attention to Turkey's responsibilities towards the Middle East region arising out of its historical ties, stating that:

> *"Turkey is facing the West, but Turkey never turns her back on the East. We cannot be indifferent to countries with whom we have lived for thousands of years. We cannot abandon our brothers to their fate."*
>
> [Daily Sabah, 08.04.2010, http://www.sabah.com.tr)]

The chairman of the Yunus Emre Foundation Board of Trustees is Turkey's Minister of Foreign Affairs, Ahmet Davutoğlu. Increasingly important perceptions of 'soft power' are apparent in his statement that: *"foreign policy is not carried out solely with diplomacy but also with cultural, economic and trade networks".* He further argues that the mission of the Yunus Emre Institute is related to Turkish foreign policy's strategic dimension and popularisation of the Turkish language, protection of Turkish cultural heritage, and the dissemination of Turkish culture to the outside world to *"enable us to place our historical-cultural richness in our current strategy."*

# (10) Building on Strengths: Concluding Remarks and Issues for Future Consideration

Koca Mimar Sinan's unparalleled Ottoman architectural masterpieces perfectly combine form and function. Nothing can be removed without damaging a function or vital architectural or engineered (and earthquake resistant) feature that is integral to the whole building. Sinan never repeated any design – he was always trying out new variations and improvements. Turkey's cultural policy system today is, by contrast, a complicated construction, many of whose vital elements have grown or been added on at different times and under differing political, social or economic imperatives. This Review, freely and formally entered into by the Turkish government in 2008, provides a rare opportunity to make an assessment of how safe and fit for future purpose in a changing world the framework and its separate parts are.

It was probably inevitable that Turkey today as a constitutionally democratic country would, under the changing national, regional and global circumstances reach a point of interrogating and seeking to redefine the relationship with its inherited and established national legacy and systems. Atatürk's secularism intended the state to defend the citizen's free will and/or religious belief. Despite its orientation towards Western rationalism and scientific and technological advances, the fundamental right that allowed citizens to choose and practise their religion was never denied. On March 1st 1924, Atatürk declared to the national assembly, *"the religion of Islam will be elevated if it ceases to be a political instrument, as had been the case in the past."* The current intense debate concerning readjustments between religious and secular Turks over their common shared inheritance is going through an important transitional phase. The Prime Minister, Recep Tayyip Erdoğan, has himself referred to certain reforming practices as *"symbols of change and transformation"* while others choose to see this as a more radical break with established tradition and practice. Many of the government's reform efforts are challenging Turkey's conservative and wholly secular administrative traditions. Turkey's increasingly free-market relationships seem to provide the state with a different kind of legitimacy (particularly in its two largest cities) in the neo-liberal era. The conjunction of Turkey's centralised state power with the externally-driven neo-liberal economic agenda is extremely significant.

Our overall impression from more than four years of reviewing and thinking seriously about cultural policy in Turkey is that government policy and society are changing at a faster pace than the framework and administrative systems that exist to enable and regulate activity. A large proportion of the National Report almost seems to imply that national cultural policy and the maintenance of the structures that the state has evolved for culture are to some extent the same thing. This means that at a time when more questions are being asked to justify the allocation of national taxpayers' resources to one area of activity rather than another in the public sector, the short-term preservation of the status quo can seem like a justifiable and defensible priority. It might indeed be so – but without setting this in any broader strategic context, how could one be certain?

As there seems to be no coherent stated policy (or at least future strategy) for culture as a whole, this puts the public systems with their fairly static annual budgets under considerable pressure as they try to deal with the inherited infrastructure and ways of managing it in a changing world in which the boundaries are shifting and the definitions, processes and expectations are increasingly fluid. Is the current system, and the conditioning that goes with it, able constructively to embrace the new and growing forms of social, creative and economic activity that are rooted in aspects of culture, and to see this changing landscape as a positive opportunity rather than a threat to maintaining the important inheritance of state cultural provision within finite budgetary limits?

Central government, local administrations, civil society, culture professionals and the paying (or participating) public need to be able to join together and share on a more equal basis their aspirations for the next ten years or so – which will take us to the threshold of the 2023 centenary of the foundation of the Republic. Follow-up to this Council of Europe Review might provide a catalyst for an open public dialogue that might help locate culture, its sustainability and development, more strongly in the 2023 Strategy as an issue of major importance in the workings of civil society and democracy. Although the remit of the Ministry of Culture and Tourism is quite broad, many of the vital sectors of activity that it

deals with have crucial links with other Ministries and external stakeholders (such as local government, the 'third' and private sectors) which are not yet sufficiently developed – and seem to us to call for a more coherent policy framework.

We recognise that many of these concerns are part of much larger issues that are beyond our remit or capability. Nevertheless we feel obliged to point out where we think we have managed to identify 'lateral' or related issues that we think do, or might, have a significant bearing on cultural policy and constructive progress within a confusing and rapidly changing environment. This can range from what we might regard as inappropriate (or out-of-date practices) in some areas, and at another extreme, correctly identified reforms that are moving so fast that other opportunities may be being missed (as with the 'privatising' changes in heritage management bypassing the urgent need for *local* capacity building in the public sector). But we would also recognise that there may be cases where long-standing and more 'traditional' practice could still be the best and most effective way of providing cultural experiences and participation in the more remote and rural areas of the country. This may change as the reach of information technology that the government is promoting takes greater effect, a question that no doubt will be kept under review.

So far as our specific and narrower concerns with artistic creation and promotion are concerned, we would reiterate how impressed we were with the energy, imagination and dedication that we encountered wherever we travelled – from Mardin to Trabzon to Istanbul. Within the broader European and regional contexts, an increasing amount of this work is engaging with partners and collaborators based outside Turkey. This seems to emphasise to us the gap that exists between the majority of the relatively secure state-sponsored and funded institutions and activity and the small-scale independent cultural projects by artists, performers and entrepreneurial curators and programmers in the independent sector, especially the rising younger generation. These people need to be able to engage openly and constructively in line with evolving contemporary practice that should be recognised as a key part of the future. We noted that the officials responsible for operating the EU Cultural Contact Point for Turkey had clearly discovered this for themselves and probably correctly identified it as a problem for the country as a whole.

We conclude our observations with a set of open questions and issues, some of which are very general, others quite specific.

## (a) General and lateral issues affecting cultural policy

(1) The National Report, detailed as it is, did not set out any overarching national strategy for culture and its provision across Turkey. At a time of rapid change and economic uncertainty, it is surely important to try and secure 'culture' within the broader policy and economic perspective. It is excellent that heritage, as a key element in tourism, seems already to be reflected in the strategy for the 2023 Centenary of the Republic and beyond. However, that profile of heritage as an issue in itself implies questions about other aspects of culture and the arts. What is the remit and strategic purpose of any Ministry of Culture and Tourism in 2013? And how do the arts and cultural expressions locate within the Ministry's major tourism-driven strategy for the future?

(2) We heard from former Minister Ertuğrul Günay in 2009 that he believed his Department's main task was *"to protect and develop policies to improve the understanding of culture in Turkey."* He – significantly – added *"it is **not** the Ministry's role to provide."* This is a pragmatic and contemporary statement of the general trend for government oversight of culture increasingly to take a holistic view of the remit, and taking democratic responsibility for a role as moderniser and enabler, in preference to the older one of direct provider and controller. It would also give appropriate emphasis to local government and 'third sector' activity and potential. The provision of culture in the modern world is a complicated mixture of public institutions, commercial enterprise and 'third' sector activity. The professional artists, creators and performers increasingly do not work in one 'sector' alone, but in a much more open and varied environment. The important role of the state is therefore to act so far as possible to ensure that this broad cultural environment is healthy and to facilitate the linkages between the various parts to create the

maximum public benefit, having regard to the fact that some elements of provision may be commercial and highly profitable while others may only be able to continue to exist with public subsidy. Can these differences and contemporary developments be better accommodated within the existing structures and processes?

(3) It follows from the above that as we look to 2023 and the changing landscape for culture, the Ministry might benefit from broadening its range of partners and allies in support of what it is doing. We have discussed this in our section on 'transversal' and cross-cutting dimensions of culture, and where we have touched upon the scope of some remit for culture in legislation that may have no overt cultural purpose or intent. Legislation is a means to an end, not an end in itself, and the Ministry's national vantage point will be increasingly important for cultural provision at all levels in this regard. From the experience of our visits, we think this also would apply to rural areas (as we saw in Maçka) where local cultural activities and quality of life may not seem to be an overtly cultural issue, but more about social inclusion and community development, having a stake in society and some capacity to draw on budgets of other stakeholders. Socio-political goals of cultural policy can be perfectly valid, but are there transversal possibilities currently being unintentionally denied, or under-valued, because of the government's departmental structures themselves being insufficiently permeable or cooperative?

(4) The situation and structures as they have developed over decades in Turkey makes this task complicated. The EU Accession process is adding further layers at the local and regional levels to what is already a diverse mixture of democratic, appointed, executive and non-executive bodies. The key urgent need seems to us to be for a streamlined and improved relationship between Ankara and the local structures. We became very aware of some people's negative reaction to terms such as 'decentralisation', 'delegation of powers' or 'deconcentration', but the big issue is surely not about perceptions of meaning or definition, but about clarity and coherence on the ground to improve cooperation and eliminate unnecessary conflict and duplication, thereby ensuring the most efficient and cost-effective uses of public money and resources?

(5) We had constructive discussion in several meetings with NGO and 'third sector' activists operating at local level. We also gathered that there is currently a strong government wish to promote the strength of this sector. This range of stakeholders in cultural policy is actually very broad – however legally defined in a more restricted sense. In practical terms (from the arts provision perspective) we may be referring here simply to local cooperation, initiative and desire for inclusion and participation to the large-scale provision of foundations and the sponsorship arms of commercial bodies. Within the current climate, some of these foundation initiatives may turn out to be rather more stable than public provision through the Ministry itself. The issue is how to strengthen this 'third sector' and to recognise and value the energy and commitment of these diverse funders and stakeholders. How can the state better acknowledge their role and sustainability while, in parallel, not undermining or hindering capacity building at the municipal level, which clearly requires strengthening?

(6) Freedom of expression, we were not surprised to find, is regarded as a major cultural issue in addition to its obvious democratic resonances. It is key to dealing progressively with the difficult practical problems that the Turkish Republic has faced with regard to 'diversity', and some wider expectations of it, since its creation. The arrival of the Internet, as we have discussed, has both complicated and clarified the issue through putting the focus onto how best to permit and encourage (rather than try to restrict, control and limit people's ability to organise) informed debate. Over the period of this Review we have welcomed initiatives by the government to institute reforms to open up more constructive dialogue and inclusion, for example for the Roma, and for speakers of Kurdish languages. The incomplete ratification process in relation to the 2005 UNESCO Convention is perhaps an indication of continuing difficulties. However, joining this international intergovernmental cooperation platform could certainly be fruitful and beneficial for Turkey's interest in developing its cultural governance within a multi-stakeholder perspective. In the light of other reforms in progress, might it be feasible to complete the ratification?

## (b) Sector specific issues for consideration

(7) 'Status of the artist'. We believe that the seemingly blurred professional status of creative and performing artists in Turkey is an important issue that needs to be urgently addressed, requiring research by a study-group (or a commissioned survey) to offer comprehensive information about the current status and position of artists in Turkey, perhaps to be published showing a range of international examples for comparison. We are still unclear whether it is even possible for artists and other cultural professionals to have a career and make a living without becoming a state employee – although the rise of the cultural industries, the economic potential of creative economy and innovative use of the Internet is surely challenging the old-established paradigms and models. There may be relevant legal and financial implications to be followed up as a result of a through look at this issue?

(8) At a variety of levels we were struck by what we think is a need for capacity building in the cultural sector and for a more active encouragement of partnerships. This was confirmed in some of our discussions with independent witnesses. While we know that high level professional training is available in cultural management knowledge and skills (e.g. at Bilgi University) and in specific aspects of the heritage, we suspect there may be an important missing role of central government in fostering this general need for operational improvement. There seems to be a gap and mismatch between state institutions and NGOs, and an urgent requirement to empower local government by ensuring their capacity in this area is enhanced to carry out functions that are legally within their remit. Concern has been expressed that the largely progressive IAM/Türsab reform in heritage management nevertheless further reinforces the dominant Turkish administrative model, allocating only a very minor role to local institutions compared with that of the agencies of the central state (Dösim and MoCT) in defining and administering contracts, allocating income etc. Can ways be found to increase the levels of professional trust and competence at the local level?

(9) As a more identifiable consequence of the lack of overall strategy we have mentioned above, we became aware in our visits of some imbalances in the infrastructure for the arts and culture. On the one hand there could seem to be a degree of duplication in very similar facilities being provided by both the governorship and the municipality (irrespective of how programming these spaces is funded) whereas in others (notably in Mardin and Diyarbakir) cinema provision seems to be wholly inadequate in relation to public demand and the commercial opportunity. This may be an example of something that the Ministry would regard as wholly commercial, and therefore not within its remit to intervene, but it appears to show the need for an overall strategic grasp of the differing planning and cultural needs across the country, taking account of the fact that the stakeholders making the key interventions might be from the private or public sectors. In parallel, the Internet (as in Canada *par excellence* with its vast territory) may provide the most effective way of delivering some cultural services to the more remote areas – at which point the freedom of expression issue, once again, arises.

(10) Given the dynamic condition of the Turkish economy, we found it surprising that we could only identify such limited evidence of what is nowadays fairly mainstream practice in arts sponsorship, particularly for events like festivals with some international profile. (The large Istanbul and Ankara institutions sponsored by banks or industrial conglomerates, often with powerful family connections, are in a separate category of their own.) We are unsure whether this is a consequence of legal or administrative disincentives, or simply to down to insufficiently developed or promulgated experience. Either way, we think this could be considered to advantage by the authorities concerned. We have also noted in our observations on heritage that those responsible for it could do more to improve constructive and more inclusive management of their relationships, which would provide better opportunities at the local level for institutions to access private funds. Can progress in this area – where there seem to be no legal obstacles – be encouraged to accelerate benefit to the sector?

(11) We have recorded that we were impressed with the amount of local cultural activity in evidence in the places we visited. To participate actively would usually involve membership of some kind, but access did not seem to be restricted. Participation in, and enjoyment of, local cultural events often seemed to be either free or low cost. Library access is free – and this is important for Internet access in the more remote areas. Citizenship education at schools now being mandatory, one might also expect people asserting their

rights in social access and participation as a way into culture to increase. There is a commendable current expansion of e-library access possibilities. We observed that, taken as a whole, participation in Istanbul is surprisingly low for a city of its comparable size but there may well be particular local factors in play there. Allied to the broad issue of access and opportunity to participate fully in a wide range of arts activities are two particular issues mentioned above – dedicated and usable spaces and the capacity of artists/performers who are 'freelance' to be able to earn enough to live on in the free market economy. The role of women may be particularly important in this regard. How can the reality of what seems to be taking place on the ground be incorporated into public systems to ensure that the natural progression is not discouraged?

(12) The position of local arts and culture within the long term aspirations for tourism development is a matter of concern that maybe needs to be identified and explored with a view to protecting and promoting it. With the government objective of Turkey moving into the top five global destinations, the force of this as an economic driver of development surely further stresses the need to monitor and review progress for its effects on culture for local people (and for tourists to be encouraged as potential audience or spectators)? The new guidelines for sales items at museum and heritage sites' shops are helpfully beneficial for local cultural production opportunities: similar thinking concerning the possible impacts on other aspects of live culture locally would be a logical parallel process. This seems to call for (a) some redefinition of relationships and (b) an active review of the *Tourism Strategy* to include local culture and diversification in addition to what is already acknowledged to some extent concerning heritage fragility and the risk of over-exploitation. Some newly emerging forms of tourism could have an unfortunate effect of divorcing visitors from local culture even more than is currently the case. Are there additional opportunities for positive linkages locally that could to be profiled in the national strategy to make more of an under-explored opportunity?

(13) We appreciate the openness and willingness of the Turkish authorities to engage in constructive discussion with the international team of examiners. We would further encourage the Ministry and local authorities to envisage some follow-up activity to this report – particularly to open up debates within Turkey where representatives from the cultural sector will be able to reflect on our findings and proposals. A structured follow-up to the National Report and our Review could contribute to helping identify strategic directions for the development of the Turkish cultural policy beyond 2014 and towards 2023.

## (c) Possible improvements of a technical nature

(14) We think there is a national issue that requires consideration from the top down concerning the coherence, transparency and public accountability for grant-aid processes. From the evidence we heard it seems there is a strong general desire for much clearer information about funding opportunities, their procedures and results. This includes clear announcements about funding programmes at all levels:

- Sums available, criteria and timescales for application;
- Detailed information about the methods of assessment;
- Open information about how assessors are selected and by whom;
- Public statements at the end of each application 'round' listing the successful and unsuccessful applicants;
- Evaluation after funded projects have been carried out to disseminate good practice, and to demonstrate the optimum accountable use of public money.

Our impression was that such available grant schemes as there are tend to be geared to limited one-off 'projects'. There is consequently a widespread absence of sources of possible regular funding that an independent sector might be able to draw on in order to provide for sustainable cultural activity for a local community year on year. Might this common perception be changed for the better through the state providing a lead by clarifying what is available?

(15) Despite our regular enquiries across the country, we were unable to identify who carried (or at least accepted) the responsibility for strategy and planning for culture at the local and provincial levels. Municipalities seem to be articulating a real desire for some coherence and the possibility of sustainability in the arts and culture in their areas of responsibility. The lack of policy priority nationally (other than in certain aspects of heritage, particularly when allied to tourism) and the legal limitations on raising income at municipal level seem to mean that everyone from the local authorities themselves to their own cultural institutions and independent practitioners are having to deal with constant uncertainty. Sustainability of initiatives and the possibility of new developments appear currently to be lost in a policy and funding vacuum between governorship and municipalities. Is it not likely that coherent local strategy and plans, taking account of the various legitimate partners' concerns (artistic, social, economic, employment, and other stakeholders) might rapidly provide a means of improving local confidence and dynamism for the benefit of the local population?

(16) We commented early in this Report that we have not come across any definition that the Party in government uses for 'culture' and have made it clear that we think that some comprehensive, overarching strategy is needed. As an Appendix we offer a précis of the *Compendium of Cultural Policies* headings – on which the MoCT has already done some preparatory work. This provides a helpful summary of topics under which current information might be collected, reflecting some of the transversal themes that are as relevant to Turkey today - as to any other country. The ability to develop a meaningful overall picture of culture and its creative, social and economic aspects will need some reliable and current data. Once some basis has been established, it should then be possible to make a much clearer evaluation than now seems possible of the efficiency and effectiveness of state institutions, and how well the policy is working in practice. At the highest level, one might expect that a Parliamentary Standing Committee on Culture and the Media would in any case have an interest in checking this from time to time in terms of their public accountability role. We were surprised that in the National Report we only came across mention of one target (for literacy) that was being regularly monitored to ensure progress. At a directly practical level, financial and other relevant data would allow for the annual accounts for individual public institutions to be reported and compared, thereby identifying best practice. (This would also offer an opportunity to explain and justify why providing particular services may have a different cost in different areas of the country where the geography and circumstances will vary. It should not be seen as a threat that risks reducing everything down dangerously to some purely financial value – heritage, tangible and intangible, for example has value for society as a whole that could never be expressed in monetary terms).

# APPENDICES

## A. People met and consulted etc.

**First Visit and immediate follow up (November/December 2009)**

Ankara

Cemil Karaman (Foreign Ministry) 2 November 2009
Onur Gözet (MoCT)
Representatives of other DGs/Ministerial units of MoCT

- Libraries & Publications
- Investments & Establishments
- General Research & Training
- Promotion & Information
- National Library

Cafer Uskül MP (Grand Assembly on Human Rights)
Meeting at Foreign Ministry with representatives of other Ministries/units: 3 November 2009

- Education
- Statistics Institute
- Radio & TV
- DG Family and Social Research
- DG Press, Media and Information

Hon Ertugrul Günay (The Minister)
DG State Opera and Ballet
DG Fine Arts
DG Museums & Heritage
DG Cinema and Copyright
DG Theatre
Altindağ Municipality (Mayor)
Lunch meeting with representatives of NGOs/Voluntary Sector
Academy of Sciences (TüBA) 4 November 2009
Bilkent University
National Anatolian Museum
Koc Museum
Türksoy

Istanbul

Provincial DG for Culture (EU Culture Contact Point) 5 November 2009
Istanbul Municipality (Protection of Cultural Heritage Directorate)
Bilgi University
Istanbul 2010 (ECOC)
Osman Kavala (Anadolü Kültür)
Garaj Istanbul
Istanbul Modern
Sabanci Museum
Dinner with tourism etc representatives
Lunch meeting at Topkapi – journalists, media people -
Dinner meeting – artists, architects, foreign institutes

| | Institution etc. | Title | Name | Surname | Subject | Date |
|---|---|---|---|---|---|---|
| 1 | Bilgi University, Faculty of Communications | Coordinator for International Projects | Asu | AKSOY | Meeting | 5 November 2009 |
| 2 | Koç University Archeology and History of Art | Assoc. Professor | Gül | PULHAN | Meeting | 05 November 09 |
| 3 | Europe Culture Association | President | Mahir | NAMUR | Meeting | 05 November 09 |
| 4 | Bilgi University, Faculty of Communications | Assoc. Professor | Serhan | ADA | Meeting | 05 November 09 |
| 5 | Bilgi University, Faculty of Communications | Professor vice-chancellor | Şule | ÖZMEN | Meeting | 05 November 09 |
| 6 | Mimar Sinan University | Prof. | T. Melih | GÖRGÜN | Meeting | 05 November 09 |
| 7 | Yıldız Technical University, Faculty of Architecture | Assoc. Professor | Zeynep | ENLİL | Meeting | 05 November 09 |
| 8 | TURSAB (Association of Travel Agents) | Secretary General of Board | Günnur | ÖZALP | Lunch | 05 November 09 |
| 9 | TÜROFED Turkish Hoteliers Association) | Director of Federation | Mesut | AKÇA | Lunch | 05 November 09 |
| 10 | ICVB (Istanbul Visitors Convention Bureau) | | Özen | DALLI | Lunch | 05 November 09 |
| 11 | İstanbul2010 | Tourism Promotion Director | Özgül | ÖZKAN YAVUZ | Lunch | 05 November 09 |
| 12 | TUREB (Federation of Turkish Tourist Guide Association) | President | Şerif | YENEN | Lunch | 05 November 09 |
| 13 | TUROB (Tourism and Hoteliers Investment Assoc.) | President | Timur | BAYINDIR | Lunch | 05 November 09 |
| 14 | Turkey Publishers Union | President | Çetin | TÜZÜNER | Meeting | 06 November 09 |
| 15 | PEN Türkiye | Head of the Committee of Writers in Jail | Halil İbrahim | ÖZCAN | Meeting | 06 November 09 |
| 16 | Writers Union of Turkey | | İrfan | ÇALIŞAN | Meeting | 06 November 09 |

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|---|---|---|---|---|---|---|
| 17 | Metis Publishers | | Müge | GÜRSOY SOKMEN | Meeting | 06 November 09 |
| 18 | Union of Press and Publishing, Profil Publishers | | Münir | ÜSTÜN | Meeting | 06 November 09 |
| 19 | Doğan Holding (Hürriyet) | | Nuri M. | ÇOLAKOĞLU | Meeting | 06 November 09 |
| 20 | Açık Radyo | Executive Director | Ömer | MADRA | Meeting | 06 November 09 |
| 21 | Yapı Kredi Publishers | Executive Director | Raşit | ÇAVAŞ | Meeting | 06 November 09 |
| 22 | İş Bankası Publishing | | Rengin | KARAN | Meeting | 06 November 09 |
| 23 | Yapı Kredi Publishing | Foreign Relations | Sevi | SÖNMEZ | Meeting | 06 November 09 |
| 24 | | Fashion Designer | Atıl | KUTOĞLU | Meeting | 06 November 09 |
| 25 | IKSV (Istanbul Foundation for Culture and Arts) | Author | Atilla | DORSAY | Meeting | 06 November 09 |
| 26 | Cultural Awareness Foundation | Director | Barış | ALTAN | Meeting | 06 November 09 |
| 27 | Cafer Bozkurt Mimarlık Ltd. Şti. | Architect | Cafer | BOZKURT | Meeting | 06 November 09 |
| 28 | British Council | Director of Artistic Group, İstanbul | David | CODLING | Meeting | 06 November 09 |
| 29 | SE-SAM (Association of Professional Film Producers) | President | R. Yılmaz | ATADENİZ | Meeting | 06 November 09 |
| 30 | Bilgi University | | Asu | AKSOY | | December 09 |
| 31 | Bilgi University | | H Ayça | İNCE | | December 09 |
| 32 | ISKV | | Gorgün | TANER | | December 09 |
| 33 | Kalem Publishers | | Nermin | MOLLAOĞLU | | December 09 |
| 34 | Kalem Publishers | | Ayser | ALI | | December 09 |

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|---|---|---|---|---|---|---|
| 35 | Kalem Publishers | | Mehmet | DEMIRTAS | | December 09 |
| 35 | Independent film production | | Prof. Zuhal | ULUSOY | | December 09 |
| 37 | | Film critic | Vecdi | SAYAR | | December 09 |
| 38 | | Design expert | Dr Yüksel | DEMIR | | December 09 |
| 39 | | İndependent cultural policy expert | Kevin | ROBINS | | December 09 |
| 40 | Istanbul 2010 | | Yeşim | YALMAN | | December 09 |
| 41 | Istanbul Theatre Festival | | Dikmen | UCANER | | December 09 |
| 42 | Garanti Bank | Curator | Vasif | KORTUN | | December 09 |
| 43 | Anadolü Kultur | | Osman | KAVALA | | December 09 |
| 44 | EU Accession unit | | Füsun | CICEOĞLU | | December 09 |
| 45 | EU Cultural Contact Point | | Hakan | TANRIOVER | | December 09 |
| 46 | EU Cultural Contact Point | | Hale | URAL | | December 09 |

**Second Visit (April 2012)**

MARDIN
Governorship and Provincial government representatives and invitees, including University.
Municipality meeting: the Mayor, officials and invited representatives from cultural and youth organisations, artists, religious minorities and civil society organisations and NGOs.

DIYARBAKIR
Governorship and Provincial government representatives and invitees: organisations and NGOs active in the cultural field, education and Higher Education, Development Agency.
Municipality meeting: Hon. Deputy Mayor, Head of Cultural Services, officials, representatives from cultural, film and civil society organisations.

IZMIR
Hon. Vice-Governor and Provincial government representatives and invitees: Expo 2020, Aegean Region Chamber of Commerce, Higher Education, tourism and travel, museum and arts organisations and NGOs, including minorities.
Municipality meeting: Deputy Mayor and city officials, community leaders, Izmir City Federation, cinema and film festivals, art galleries (Biennale) and arts centre representatives, independent theatre production, music and dance, Goethe Institute.

EFES – SELÇUK
District Governor, Hon. Ayhan Boyaçi and representatives from tourism, museums and archaeology sectors.
Visit to House of the Virgin Mary and site of Ancient Ephesus and Museum.

TRABZON

Hon. Governor convened meeting – including senior Provincial officials, representatives from Higher Education (University Vice-Rector) and NGOs. Presentations from Directorate of Culture – traditional arts and crafts, opera, dance, State Theatre, cinema and tourism, Association of Women Artists.
Municipality meeting: Hon. Deputy Mayor, senior city officials, representatives of arts, photography, education, the media and civil society NGOs.

MAÇKA

Hon. Mayor and Head of Musicology (Technical University – traditional music). isit to women's traditional and contemporary craft workshop and Sumela Orthodox Monastery.

# B. The Compendium of Cultural Policies as a possible framework for developing strategy

The Compendium of Cultural Policies and Trends in Europe, a continually updated online information system, initiated and supported by the Council of Europe, provides nine standard entry headings as guidance for countries to provide much of the required background information, with a certain amount of additional analysis and some attempt at self-evaluation of the current strengths and weaknesses. Full entries for 42 European countries are currently published and updated annually.

Turkey had submitted an early draft entry by 2008 but this has not yet been revised, finalised or formally submitted. The main headings – many of which correspond to sections of the Turkish National Report – have for some while been as follows:

1. **Historical perspective: cultural policies and instruments**
2. **Competence, decision-making and administration/management**
3. **General objectives and principles for cultural policy**
4. **current issues re-cultural policy development/debate**
5. **Main legal provisions in the field**
6. **Financing of culture**
7. **Cultural institutions and new partnerships**
8. **Support for creativity and participation**
9. **Sources and useful links**

More recently, individual country entries have been analysed to take account of the 'Transversal Themes' that are an increasing reality for cultural policy and its implementation. This provides integrated information on cross-cutting, transversal issues of importance to cultural policy makers and analysts. Issues covered in the Compendium's 'Themes' section include:

- **Cultural diversity**
- **Intercultural dialogue (including the Intercultural Cities Index)**
- **Status of artists**
- **International cultural co-operation and mobility**
- **Section on cultural rights and ethics (since 2011)**
- **Section on Access and Participation (since the end of 2012)**

The section of the Compendium dealing with 'cultural rights and ethics' has a more detailed specification to define its content, noting that 'in international discourse, cultural rights are seen as part of civil rights relating mainly to:

- **freedom of expression;**
- **the right to and responsibility for cultural heritage;**

- **the right to free practice of art and culture and to creative work:**
- **the right to protect the intellectual and material benefits accruing from scientific, literary and artistic production;**
- **the right to participate in cultural life and right to equally accessible and available cultural, library and information and leisure services;**
- **the right to choose one's own culture;**
- **the right to the development and protection of culture;**
- **respect for culture and its autonomy and for cultural identity.**

A discussion paper (*How to Talk about the Cultural Sector in Turkey* by Deniz Ünsal, *LabforCulture*, 2006) explores contemporary perceptions of the 'cultural sector' and its operation in Turkey. The text highlights a number of broad thematic issues that help to pinpoint aspects of particular current importance to the Turkish authorities and society generally that we recognise from our own enquiries and research. The key lateral issues are identified as:

1. **Rapid urban growth**
2. **Democratic acceleration**
3. **Civil society development**
4. **Globalisation effects**
5. **Historical/political structures and practices that form the context**
6. **Definition and understanding of the 'cultural sector' itself.**

This is supplemented by a more 'sector-specific' identification of negative or countervailing factors affecting the cultural sector and which are suggested as requiring urgent consideration and attention.

# C. Judgments of European Court of Human Rights concerning freedom of expression in Turkey: commentary and information from the Commissioner and his office

Judgments of European Court of Human Rights concerning freedom of expression in Turkey: commentary and information from the Commissioner and his office.

Independent supporting information is appended on relevant freedom of expression issues. This provides summaries of a number of recent (and current) examples of European Court of Human Rights judgements on cases that have a particular bearing on freedom of thought and expression in the media and academic worlds. These relate mainly to three particular issues which arose in the course raised in the course of work on, and visits to, Turkey in connection with this Review – (1) the 1915 Armenian issue, (2) Kurdish separatism and (3) matters relating to internet freedom and the blocking of Google websites (including YouTube - the ban on which was lifted in October 2010 after two years of imposition).

In a group of thirteen cases concerning Turkey the applicants had all been convicted and sentenced to terms of imprisonment and/or been fined after publishing statements or making public declarations linked to the situation in south east Turkey - the Kurdish issue in particular. The charges included disseminating separatist propaganda and encouraging violence against the state. The Court had to consider whether the expressions in question really did involve some threat to society - in which a wide margin of appreciation would have operated in the Government's favour. However, if the Court failed to find a sufficient connection between the actual words used and a real possibility of violence ensuing, the protection offered by the Convention to political speech would prevail.

Having examined the facts and all the known circumstances, the Court took the view that the statements in the majority of the cases that were before it did not – despite the aggressive language sometimes employed – amount to incitement to violence or armed revolt. The conclusion of the Court was that in

eleven of the thirteen cases the State's intervention had been disproportionate and that there had therefore been a breach of Article 10. In two of the cases, on the other hand, the expressions used (including a reference to "the fascist Turkish Army" and the "hired killers of imperialism") were found by the Court to suggest an appeal for bloody revenge by inciting base emotions and intensifying embedded prejudices that had already manifested themselves in deadly violence. This amounted to 'hate speech' and the 'glorification of violence', and the interference complained of (in this instance accompanied by a comparatively modest fine) was found to be proportionate to the legitimate aim pursued.

## (1) Freedom of academic thought and artistic expression

**(a)** ***Case of Altuğ Taner Akçam v. Turkey (no. 27520/07), judgment 25 October 2011***

In this case the European Court of Human Rights unanimously held that there had been a violation of Article 10 – Freedom of Expression. This case is an example of freedom of academic thought and liberal mind being an essential aspect of the freedom of speech in society. In addition, it illustrates the general feeling towards the Armenian 'genocide'.

The applicant, Altuğ Taner Akçam, is a Turkish and German national (born 1953) who lives in Ankara. A professor of history, he researches and publishes extensively on the historical events of 1915 concerning the Armenian population within the Ottoman Empire. The Republic of Turkey, one of the successor states to the Ottoman Empire, does not recognise the word 'genocide' as an accurate description of the historical events.

Declaring the Armenian issue as 'genocide' is considered by some (especially extremist or ultranationalist groups) as a denigration of 'Turkishness' (*Türklük*), which is a criminal offence punishable under Article 301 of the Turkish Penal Code by a term of imprisonment ranging from six months to three years. Amendments have been introduced following a number of quite recent controversial cases, with criminal investigations brought against such prominent Turkish writers and journalists as Elif Şafak, Orhan Pamuk and Hrant Dink for their opinions on the Armenian issue. Notably, Hrant Dink, the editor of *AGOS*, a bilingual Turkish-Armenian newspaper, was convicted in October 2005 under Article 301 for denigrating 'Turkishness'.It was widely believed that because of the stigma attached to his criminal conviction, Mr Dink became the target of extremists resulting in his being shot dead in January 2007. The three major changes introduced to the text were: to replace 'Turkishness' and 'Republic' with 'Turkish Nation' and 'State of the Republic of Turkey'; to reduce the maximum length of imprisonment to be imposed on those found guilty under Article 301; and, most recently in 2008, to add a security clause – namely that any investigation into the alleged offence of denigrating 'Turkishness' would first have to be authorised by the Minister of Justice.

On 6 October 2006 Professor Akçam published an editorial opinion in *AGOS* criticising the prosecution of Hrant Dink. Following that, three criminal complaints were filed against him by extremists under Article 301, alleging that he had denigrated 'Turkishness'. Following the first complaint, he was summoned to the local public prosecutor's office to submit a statement in his defence. The prosecutor in charge of the investigation subsequently decided not to prosecute on the ground that Professor Akçam's views were protected under Article 10 of the European Convention. The investigations into the other two complaints were also terminated with decisions not to prosecute.

The Government contended that it was unlikely that Mr Taner Akçam was at any risk of future prosecution on account of the recent safeguards introduced to Article 301, notably the fact that authorisation was now needed from the Ministry of Justice to launch an investigation. Between May 2008 (when this amendment was introduced) and November 2009, the Ministry of Justice received 1,025 requests for authorisations to bring criminal proceedings under Article 301, and granted such authorisation in 80 cases (about 8% of the total requests). Furthermore, Professor Akçam had not been prevented from carrying out his research; on the contrary, he had even been given access to the State Archives. His books on the subject are also widely available in Turkey.

According to Professor Akçam, however, the percentage of prior authorisations granted by the Ministry of Justice was much higher, and these cases mainly concerned the prosecution of journalists in freedom of expression cases. He submitted statistics from the Media Monitoring Desk of the Independent Communications Network for the period from July to September 2008 according to which a total of 116 people, 77 of whom were journalists, were prosecuted in 73 freedom of expression cases.

Professor Akçam further claimed that the criminal complaints filed against him for his views had turned into a campaign of harassment, with the media presenting him as a 'traitor' and 'German spy'. He had also received hate mail including insults and death threats. He further alleged that the tangible fear of prosecution had not only cast a shadow over his professional activities – he had effectively stopped writing on the Armenian issue in June 2007 when he brought his application to this Court – but had also caused him considerable stress and anxiety.

Relying on Article 10 (Freedom of Expression), Professor Akçam alleged that the Government could not guarantee that he would not face investigation and prosecution in the future for his views on the Armenian issue. He further alleged that, despite the amendment to Article 301 in May 2008 and reassurances from the Government, legal proceedings against those affirming the Armenian 'genocide' had continued unabated. Moreover, the Government's policy on the Armenian issue had not in essence been changed and could not therefore be predicted with any certainty in the future.

The Court found that there had been an 'interference' with Taner Akçam's right to freedom of expression. The criminal investigation launched against him, and the Turkish criminal courts' standpoint on the Armenian issue in their application of Article 301 of the Criminal Code (any criticism of the official line on the issue in effect being sanctioned), as well as the public campaign against him, confirmed that there was a considerable risk of prosecution faced by persons who expressed 'unfavourable' opinions on the subject and indicated that the threat hanging over Professor Akçam was indeed real. The measures adopted to provide safeguards against arbitrary or unjustified prosecutions under Article 301 had not been sufficient. The statistical data provided by the Government showed that there were still a significant number of investigations, and Akçam had alleged that this number was even higher. Nor did the Government explain the subject matter or the nature of the cases in which the Ministry of Justice granted authorisation for such investigations. Moreover, the Court agreed with Thomas Hammarberg, Human Rights Commissioner of the Council of Europe, in his report which stated that a system of prior authorisation by the Ministry of Justice in each individual case was not a lasting solution which could replace the integration of the relevant Convention standards into the Turkish legal system and practice.

Furthermore, in the Court's opinion, while the legislator's aim of protecting and preserving values and State institutions from public denigration could be accepted to a certain extent, the wording of Article 301 of the Penal Code, as interpreted by the judiciary, was too wide and vague and did not enable individuals to regulate their conduct or to foresee the consequences of their acts. Despite the replacement of the term "Turkishness" by "the Turkish Nation", there was no apparent change in the interpretation of these concepts. For example, in the 2010 case *Dink v. Turkey,* the Court criticised the Court of Cassation for understanding these concepts in the same way as previously. Thus Article 301 constituted a continuing threat to the exercise of the right to freedom of expression.

**(b)** ***Case of Yalçin Küçük v. Turkey (no. 71353/01) judgment of 22 April 2008***
***(incitement to hatred and hostility, separatist propaganda, membership of armed group, terrorism, interview on TV, no incitement to violence or armed resistance)***

The case of Yalçin Küçük belongs to the same group of decisions concerning academic freedom. It is instructive about the official attitude towards another contentious issue – the Kurdish question. Once more the European Court of Human Rights found a breach of freedom of expression by the Turkish authorities. Yalçın Küçük, a university professor and a writer, was prosecuted on account of various speeches he had given and articles written by him concerning the Kurdish question. In 1999, the Ankara State Security Court found him guilty of inciting hatred and hostility, of expressing separatist propaganda and of belonging to an armed group (art. 312.2 and art. 168.2 of the Criminal Code and art. 8 of the Antiterrorism Act no. 3713). He

was also convicted of assisting an armed group (art. 169 Criminal Code) on the basis of an interview for Med-TV in which Küçük had welcomed the PKK-leader Abdullah Öcalan as 'Mr President' and had invited him to make a statement about the Kurdish question.

Küçük had to undergo a prison sentence of six years and six months and was ordered to pay a fine of EUR 1,300. Relying on Article 6.1 and Article 10 of the European Convention on Human Rights, he complained that the proceedings had been unfair and that his right to freedom of expression had been breached.

The European Court in its judgment of 22 April 2008 considered that the grounds adopted by the Turkish courts could not be regarded in themselves as sufficient to justify interference with Küçük's right to freedom of expression. While certain comments in the offending articles and speeches sought to justify separatism, which thus made them hostile in tone, taken as a whole they did not, however, advocate the use of violence, armed resistance or an uprising and did not constitute 'hate speech', which, in the Court's view, was the essential factor to be taken into consideration. One speech by Küçük, however, contained a sentence that might be construed as an incitement to violence and therefore could not invoke the protection guaranteed by Article 10 of the Convention.

The European Court, referring to the nature and the severity of the sanctions, found that Küçük's conviction as a whole had been disproportionate to the aims pursued and, accordingly, was not 'necessary in a democratic society'. The Court especially referred to the severity of the sentence of imprisonment for six years and six months. The Court held, unanimously, that there had been a violation of Article 10 and that it did not need to examine the complaints submitted under Article 6 of the Convention. It awarded Küçük EUR 3,000 in respect of non-pecuniary damage.

(c) Freedom of academic expression protected by Article 10 also entails procedural safeguards for professors and lecturers. In *Lombardi Vallauri v. Italy* (no. 39128/05, ECHR 2009), the Council of the Law Faculty of the *Sacro Cuore* Catholic University of Milan refused to consider a job application by a lecturer who had taught philosophy of law there for more than twenty years on annual renewable contracts, on the ground that the Congregation for Catholic Education (a body of the Holy See) had not given its approval and instead had simply noted that certain statements by the applicant were "*clearly at variance with Catholic doctrine*". The Court observed that the Faculty Council had not informed the applicant, or made an assessment, of the extent to which the allegedly unorthodox opinions he was accused of holding were reflected in his teaching activities, or of how they might, as a result, affect the university's interest in providing an education based on its own religious beliefs. Furthermore, the administrative courts had limited their examination of the legitimacy of the impugned decision to the fact that the Faculty Council had noted the existence of a decision by the Congregation, thereby refusing to call into question the non-disclosure of the applicant's allegedly unorthodox opinions, and also omitted to consider the fact that the lecturer's ignorance of the reasons for his dismissal itself precluded any possibility of adversarial proceedings. Therefore, the Court concluded that the university's interest in providing an education based on Catholic doctrine could not extend so far as to impair the very essence of the procedural safeguards inherent in Article 10.

**(c) *Case of Akdaş v. Turkey (No. 41056/04) 16 February 2010***
***Judgment by the European Court of Human Rights (Second Section),***

The applicant in this case, Rahmi Akdaş is a publisher, residing in Bandirma, Turkey. In 1999 he published the Turkish translation of the erotic novel "Les onze mille verges" by the French writer Guillaume Apollinaire ("The Eleven Thousand Rods", "On Bir Bin Kırbaç" in Turkish). The novel contains graphic descriptions of scenes of sexual intercourse, including various practices such as sadomasochism, vampirism and paedophilia. Akdaş was convicted under the Criminal Code for publishing obscene or immoral material liable to arouse and exploit sexual desire among the population. The publisher argued that the book was a work of fiction, using literary techniques such as exaggeration or metaphor and that the post face to the edition in question was written by specialists in literary analysis. He added that the book did not contain any violent overtones and that the humorous and exaggerated nature of the text was more likely to extinguish sexual desire.
The criminal court of Istanbul ((Istanbul Asliye Ceza Mahkemesi) ordered the seizure and destruction of all copies of the book and Akdaş was given a "severe" fine of EUR 1,100, a fine that may be converted into

days of imprisonment. In a final judgment of 11 March 2004, the Court of Cassation quashed the part of the judgment concerning the order to destroy copies of the book in view of a 2003 legislative amendment. It upheld the remainder of the judgment. Akdaş paid the fine in full in November 2004.

Relying on Article 10, Akdaş complained about this conviction and about the seizure of the book. Before the European Court it was not disputed that there had been an interference with Akdaş' freedom of expression, that the interference had been prescribed by law and that it had pursued a legitimate aim, namely the protection of morals. The Court however found the interference not necessary in a democratic society. The Court reiterated that those who promoted artistic works also had "duties and responsibilities", the scope of which depended on the situation and the means used. As the requirements of morals vary from time to time and from place to place, even within the same State, the national authorities are supposed to be in a better position than the international judge to give an opinion on the exact content of those requirements, as well as on the "necessity" of a "restriction" intended to satisfy them.

Nevertheless, the Court had regard in the present case to the fact that more then a century had elapsed since the book had first been published in France (in 1907), to its publication in various languages in a large number of countries and to the recognition it had gained through publication in the prestigious "La Pléiade" series. Acknowledgment of the cultural, historical and religious particularities of the Council of Europe's member states could not go so far as to prevent public access in a particular language, in this instance Turkish, to a work belonging to the European literary heritage. Accordingly, the application of the legislation in force at the time of the events had not been intended to satisfy a pressing social need. In addition, the heavy fine imposed and the seizure of copies of the book had not been proportionate to the legitimate aim pursued and had thus not been necessary in a democratic society, within the meaning of Article 10. For that reason, the Court found a violation of Akdaş' right to freedom of expression.

*[Above summary adapted from: Dirk Voorhoof; Ghent University (Belgium) & Copenhagen University (Denmark) & Member of the Flemish Regulator for the Media]*

## (2) Positive obligation of states

The Court has held that although the essential object of many provisions of the Convention is to protect the individual against arbitrary interference by public authorities, there may in addition be *positive* obligations inherent in an effective respect of the rights concerned. Genuine, effective exercise of certain freedoms does not depend merely on the State's duty *not* to interfere, but may indeed require positive measures of protection even in the sphere of relations between individuals. A positive obligation may also arise under Article 10. This is because the Court recalls the key importance of freedom of expression as one of the preconditions for a functioning democracy and that states must ensure that private individuals can effectively exercise the right of communication between themselves.

The Court has particularly stressed that States are required to create a favourable environment for participation in public debate by all the persons concerned, enabling them to express their opinions and ideas without fear (see *Dink v. Turkey*, § 137). The concept of positive obligation assumes greater importance in relation to any violence or threats of violence directed by private persons against other private persons, such as the press, exercising free speech (e.g. see *Özgür Gündem v. Turkey*, §§ 42-43).

Thus in *Özgür Gündem v. Turkey* (case no. 23144/93, §§ 42-43, ECHR 2000-III) the Turkish State was found to be under a positive obligation under Article 10 to take investigative and protective measures where the pro-PKK newspaper and its journalists and staff had been the victims of a campaign of violence and intimidation. The authorities were aware that *Özgür Gündem*, and persons associated with it, had been subject to a series of violent acts and that the applicants feared that they were being targeted deliberately in efforts to prevent the publication and distribution of the newspaper. However, the vast majority of the petitions and requests for protection submitted by the newspaper or its staff remained unanswered.

In greater detail in *Dink v. Turkey*, (no. 2668/07 and others, § 137, 14 September 2010) the Turkish state was also found to be in violation of Article 10 and the principles of a free press. Hrant Dink, a Turkish journalist of Armenian origin, was publication director and editor-in- chief of *Agos*, a bilingual Turkish-Armenian weekly newspaper published in Istanbul. Between November 2003 and February 2004 Dink published eight articles in Agos in which he expressed his views on the identity of Turkish citizens of Armenian origin. He was prosecuted following a criminal complaint lodged by an extremist group of individuals and convicted under Article 301 for his opinion on the Armenian issue, that is, for denigrating Turkishness. In the eyes of the public, particularly ultranationalist groups, Dink's prosecution and conviction was evidence that he was an individual who insulted all persons of Turkish origin. As a result of this perception or stigma attached to him he was later murdered by an extreme nationalist.

The Court stressed that States were required to create a favourable environment for participation in public debate by all the persons concerned, enabling them to express their opinions and ideas without fear. In a case like the present one, the State must not just refrain from any interference with the individual's freedom of expression, but was also under a '*positive obligation*' to protect his or her right to freedom of expression against attack, including by private individuals. In view of its findings concerning the authorities' failure to protect Hrant Dink against the attack by members of an extreme nationalist group and concerning the guilty verdict handed down in the absence of a '*pressing social need*', the Court concluded that Turkey's '*positive obligations*' with regard to Hrant Dink's freedom of expression had not been complied with. There had therefore been a violation of Article 10.

## (3) Internet freedom and the blocking of Google sites

A recent judgment related to Internet freedom enlarges the scope of protection of freedom of expression. In the Chamber judgment in a case on 18 December 2012 ( which is not yet final) the European Court of Human Rights unanimously held that there had been a violation of Article 10 of the European Convention on Human Rights.

The case concerned a court decision to block access to Google sites, which hosted an Internet site whose owner was facing criminal proceedings for insulting the memory of Atatürk. As a result of the decision, access to *all* other sites hosted by the service was blocked. The applicant, Ahmet Yıldırım, is a Turkish national (born 1983) living in Istanbul. The TİB stated that this was the only technical means of blocking the offending site, as its owner lived abroad, and therefore had blocked all access to Google Sites so that Mr Yıldırım was unable to access his own site. All his subsequent attempts to remedy the situation were unsuccessful because of the blocking order issued by the court.

In a letter sent to the Court in April 2012 Mr Yıldırım stated that he was still unable to access his own website even though, as far as he was aware, the criminal proceedings against the owner of the other site had been discontinued because it was impossible to determine the identity and address of the accused, who lived abroad. Article 10 guaranteed freedom of expression to 'everyone' and applied not only to information content but also to the means of disseminating it.

The Court observed that the blocking of access to the applicant's website had resulted from an order by the Denizli Criminal Court in the context of criminal proceedings against the owner of another site who was accused of insulting the memory of Atatürk. The court had initially ordered the blocking of that site alone. However, the administrative authority responsible for implementing the order (the TİB) had sought an order from the court for the blocking of all access to Google Sites, which hosted not only the offending site but also the applicant's site. The court had granted the request, finding that the only way of blocking the site in question was to bar access to Google Sites as a whole.

Although neither Google Sites nor Mr Yıldırım's own site were concerned in the above- mentioned proceedings, the TİB made it technically impossible to access any of those sites, in order to implement the measure ordered by the Denizli Criminal Court.

The Court accepted that this was not a blanket ban but rather a restriction on Internet access. However, the limited effect of the restriction did not lessen its significance, particularly as the Internet had now become one of the principal means of exercising the right to freedom of expression and information. The measure in question therefore amounted to interference by the public authorities with the applicant's right to freedom of expression. Such interference would breach Article 10 unless it was prescribed by law, pursued one or more legitimate aims and was necessary in a democratic society to achieve such aims. The Court reiterated that a restriction on access to a source of information was only compatible with the Convention if a strict legal framework was in place regulating the scope of a ban and affording the guarantee of judicial review to prevent possible abuses.

## (4) Turkey takes second place in ECHR violation cases in 2012

[extract from 2 January 2013 / *TODAY'S ZAMAN*, İSTANBUL]

Turkey was the country against which the second-highest number of cases of violations of the European Convention on Human Rights (ECHR) was filed in 2012, an ntvmsnbc.com report said on Wednesday.

There are almost 18,000 cases currently ongoing against Turkey, making it the country against which the second-highest number of cases has been filed. Turkey follows Russia, which has nearly 30,000 cases filed against it. The cases filed against Russia last year constitute 22 percent of the total caseload of the European Court of Human Rights, while the cases filed against Turkey last year constitute more than 13 percent of the ECHR caseload. Russia and Turkey were followed by Italy, Ukraine, Serbia, Romania, Bulgaria, Moldova, Poland and the UK, respectively.

The total number of cases filed against Turkey in 2011 was 15,950. The ECHR announced its judgments on 174 cases against Turkey in 2011 and ruled against Turkey in 159 of them. Turkey was the country with the highest number of violations of the ECHR in 2011, the third year in succession.

The ECHR (drafted in 1950) placed Turkey under the jurisdiction of the European Court. Although Turkey in 1990 recognised the compulsory jurisdiction of the court, it has still not ratified some of the protocols of the convention despite having signed them.

Turkey is likely to adopt a law that will establish a commission to review ongoing cases against Turkey at the ECHR and decide whether to offer compensation to the plaintiffs in an attempt to decrease the number of cases before the court. Justice Minister Sadullah Ergin in November explained the details of the proposal. He said that as of December 2011, the court had fined Turkey 2,404 times, finding it guilty of having violated a number of provisions of the ECHR since 1959, the year the country acknowledged the right of individual applicants to file cases with the European court. This makes Turkey the most frequently fined country by the European court, followed by Italy and Russia, the minister said. He said 493 of the rulings against Turkey were made due to lengthy trial periods, adding that exceeding a reasonable period in the judicial process is the main reason behind the frequency of the rulings against Turkey.

## (5) Further references (including relevant ECHR judgements and CLRAE Reviews)

1. Ruken, Baris. 2010. *Media landscape – Turkey.* European Journalism centre http://www.ejc.net/media_landscape/article/turkey/ (25.7.2012)

2. OSI reports Television Across Europe: Regulation, Policy, and Independence
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3. MEDIADEM 2012 http://www.mediadem.eliamep.gr/wp-content/uploads/2012/09/2nd-MEDIADEM-Policy-Brief.pdf (1.02.2013)

4. Report of the OSCE Representative on Freedom of the Media on Turkey and Internet Censorship prepared by Assoc. Prof. Dr. Yman Akdeniz 2010 https://docs.google.com/viewer?a=v&q=cache:GmY2R0VIPf4J:www.osce.org/fom/41091+&hl=bg&gl=bg&pid=bl&srcid=ADGEESjVUgGfwFmovEqZTMWBrbL4EuajhHcmyQMDEO8P_m_l8vmhXM8AdBL0ZvKoweg7UeLVtmh7K2P7i4W0xzWbt7vs0ErHWhpKMLUOdASGuzDBRJuZrPECbw-uoqyAsFeTho2gli&sig=AHIEtbSLEjVTk393xLhDI-4Sto57BT0L8A (25.7.2012)

5. OSCE Report Freedom of Expression on the Internet. A Study of Legal Provisions and Practices Related to Freedom of Expression, the Free Flow of Information and Media Pluralism on the Internet in the OSCE Participating States http://www.osce.org/fom/80723 (25.7.2012).

CLRAE 20th SESSION *Local and regional democracy in Turkey* CG(20)6 [1 March 2011] https://wcd.coe.int/ViewDoc.jsp?id=1754625&Site=Congress

*Administration of justice and protection of human rights in Turkey*: Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe following his visit to Turkey from 10 to 14 October 2011 (Strasbourg, 10 January 2012 CommDH(2012)2)

## (6) Relevant European Court of Human Rights cases, grouped by type

The most important group of ECHR cases consulted concern judgements referring mainly to statements made against 'the indivisible unity of the state' - category 1 below. This group includes two important judgments in which the Court held that Turkey should revise Article 6 (paras. 2 and 5) of the Anti-terrorism Law. The grouped cases demonstrate:

(1) The applicants' convictions by state security courts following the publication of articles, drawings and books, or the preparation of communications addressed to a public audience. There are two important classes of judgment in this group:

(a) automatic convictions by virtue of Article 6 § 2 of the Anti-Terrorism Law on account of publication of statements made by terrorist organisations (the European Court highlighted the structural nature of the problem and held that Turkey should revise this article (case of Gözel and Özer); and

(b) the practice of banning *future* publications on the basis of Article 6. 5 of the Anti-terrorism law (in the case of Ürper and Others the European Court highlighted the structural nature of the problem and held that Turkey should revise this Article; it was abrogated on 5 July 2012 with the adoption of 3rd Reform Package).

(2) Warnings and licence suspensions imposed on certain broadcasting companies by the Turkish broadcasting authority on account of defamation and incitement to violence and to separatism (5 cases).

(3) Cases concerning convictions imposed for having published statements that were considered to constitute incitement to abstention from compulsory military service (8 cases).

(4) Cases concerning seizure of books (3 cases).

(5) Cases concerning civil defamation proceedings (7 cases) and criminal defamation proceedings (1 case) mainly initiated by public figures (politicians, ministers or mayors).

The Committee of Ministers is also supervising the execution of 8 cases which raise specific issues such as seizure of written material (e.g. books, leaflets and newspapers) and criminal defamation proceedings.

## (7) Relevant extracts from the July 2011 Report of Human Rights Commissioner, Thomas Hammarberg *Freedom of expression and media freedom in Turkey*

**Summary**

**"**However, in view of the very large number of judgments of the European Court of Human Rights ('the Court'), for more than a decade, finding violations by Turkey of the right to freedom of expression, he remains concerned by the fact that Turkey has not yet taken all necessary measures to effectively prevent similar violations. He considers that the reported increase in criminal proceedings and arrests involving journalists in Turkey are the result of a failure to effectively address to date the underlying causes identified notably in the judgments of the Court.

**I. Impact of the Turkish Constitution and statutory legislation on freedom of expression**

The Commissioner welcomes recent changes to the Turkish Constitution, which are likely to have a positive effect on freedom of expression and media freedom. He considers, however, that the letter and spirit of the 1982 Constitution continue to lie at the very heart of the origins of the serious, long-standing dysfunctions identified in this report. He encourages the Turkish authorities to reflect on and address these issues in the framework of the planned constitutional reform, in close consultation with all political parties and civil society. (Summary)

**Media legislation and regulatory authorities**

49. The Commissioner is deeply concerned about the decision of the prosecutors and courts to seize copies of an unpublished manuscript, which has serious chilling effects on freedom of expression, of the press and of publication. He is also very concerned about the information provided by the lawyers of Nedim Şener and Ahmet Şık, according to which the interrogation by the police and the competent prosecutor concerned exclusively their journalistic activity and sources.

**III b. Internet censorship**

60. Access to websites by Turkish Internet users may be blocked in accordance with Act No. 5651, entitled "Regulation of Publications on the Internet and Suppression of Crimes Committed by means of Such Publications", commonly known as the "Internet Act of Turkey".

**III c. Concerns about the media landscape in Turkey**

77. The Commissioner considers that the effective implementation of these judgments requires amendments of the letter and spirit of the Turkish Constitution, statutory legislation and the judicial system in order to ensure effective respect and protection of pluralism and freedom of expression and that any restrictions to freedom of expression correspond to the strict proportionality provided for by the ECHR.

**(Conclusions) The need to ensure Turkish prosecutors and courts' effective compliance with ECHR standards**

100. In the Commissioner's opinion the problems relating to freedom of expression and freedom of the media in Turkey can only be resolved if the judges and courts at all levels, and in particular the supreme courts, take full account of ECHR standards and embed them in their decisions concerning possible restrictions of freedom of expression.

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