

STRATEGY FOR INCREASING TRANSPARENCY AND STRENGTHENING THE STRUGGLE AGAINST CORRUPTION (2010-2014)

1. INTRODUCTION

Corruption, which can be defined as the use of public power and resources or job, authority or resources in private institutions against the interest of community for private interests, prevents competition, slows down economic growth, decreasing direct foreign capital inflow, increasing poverty by disturbing income distribution, having a negative effect on mandatory public investments like education, health, security by wasting public resources, damaging the trust in public institutions, administrators and justice system and causing moral breakdown in the society.

Strategies including predetermined measures and activities are important for increasing transparency and ensuring success in the struggle against corruption. In this way it is possible to come to a resolution with more determination and more efficiently by determining the primary areas in the struggle against corruption. Besides, struggle against corruption is not a seasonal effort; it is a body of actions that requires continuity according to the developments in economic and social life.

In scope of this vision, "Strategy for Increasing Transparency and Struggle against Corruption" is developed. While preparing Strategy for Increasing Transparency and Struggle against Corruption (the Strategy) we have benefited from 58th, 59th and 60th Government Programmes, Grand National Assembly of Turkey Commission for Investigation of Corruption, Ninth Development Plan, Turkish National Programme Regarding the Undertaking of European Union Acquis and various international institutions' evaluations about our country. Furthermore, ministries, public institutions and organizations, non-governmental organizations and related international institutions' opinions were received.

2. MAIN REGULATIONS REGARDING INCREASING TRANSPARENCY AND STRUGGLE AGAINST CORRUPTION THAT WERE REALIZED DURING THE LAST FEW YEARS

Main regulations that were realized in our country in order to increase transparency and prevent corruption are listed below:

a) Public Procurement Law #4734 which includes all institutions that use public resources and ensures openness and competition in procurement, and ensures that complaints are investigated in order to increase transparency in public procurement system, use resources more efficiently and effectively and produce more public service with less resources.

b) Direct Foreign Investments Law #4875 which was prepared with investors needs and expectations in mind, and which gives clear messages to the investor as a reflection of our country's egalitarian and liberal approach to international investors, and which has the characteristics of a legal guide that shows the rights and obligations that the investors have in scope of different regulations, in order to encourage direct foreign capital, comply with international standards in the definition of investment and investor and increase direct foreign investments.

c) Law of Right to Information #4982, in order to ensure that everyone has a right to information and public institutions and organizations and vocational organizations with public

institution characteristics are obligated to procure all information and documents, with the exceptions stated in the law, taking necessary administrative and technical measures for resolving information acquisition appeals efficiently, fast and accurately, and make it easy for media bodies and persons to reach public information more easily.

d) Law of Public Finance Management and Control #5018, in order to create internal control and inspection mechanism that comply with international standards and produce reliable and periodical financial data in terms of financial transparency by ensuring necessary flexibility in expenses and presentation of all public income and expenses in the budget.

e) Law Concerning Associations' and Foundations' Relations with Public Institutions and Organizations #5072, in order to end practices that adversely effect the social order and displease society, and make effective use of public resources by re-regulating foundations', which are established to support public institutions and organizations, public services and public officials, relations with public institutions and organizations.

f) Law Concerning the Establishment of State Employees Board of Ethics and Amendments of Certain Laws #5176, in order to determine the principles and standards of ethical behaviors that public officials must comply with like transparency, neutrality, honesty, accountability, keeping public interest at heart and investigating complaints related to public officials who behave contrary to these principles by State Employees Board of Ethics and announcement of these investigations to the public.

g) Press Law #5187 in order to ensure that opinions and news circulate quickly and extensively, and creating an aware public by democratizing press and creating a free press order.

h) Metropolitan Municipality Law #5216, Special Provincial Administration Law #5302, Local Administration Units Law #5355 and Municipality Law #5393, in order to increase institutional capacities of local administrations, strengthen decentralization and democracy by ensuring attendance and transparency.

i) Turkish Penal Code #5237, which was prepared with international agreements in mind and which re-regulates the safety measures that will be enforced to private law entities and income seizure as an effective sanction that will prevent bribe, extortion, embezzlement and laundering illicit assets which can be committed by public officials and regulates lapse of time terms.

j) Law of Associations #5253 and Law of Foundations #5737, in order to simplify association processes and controls and remove the limitations on the right to establish an association or foundation and activities thereof to strengthen civil society.

k) Criminal Court Law #5271, which brings new safety measures and regulations like arrest, search, right and receivable seizure, with the decision of judge, or when it is inconvenient to delay public prosecutor, wiretapping telecommunications, monitoring with technical equipments and forming special aggravated felony courts to struggle against crimes committed with force and threat in scope of an organized activity.

l) Banking Law #5411, which sets forth severe sanction for the banks and finance institutions which prevents the system, destroys or modifies data and conducts unreal accounting, in order to ensure trust and stability in financial market, that credit system forks effectively and to protect the rights and interests of account owners.

m) Law of Social Security Institution #5502, which sets out the management of social security system, procedures and principals regarding its operation, financing and compensation methods and active attendance of related social parties in decision processes, combines Three different old Social Security Systems (Emekli Sandığı, Bağ-Kur and Sosyal Sigortalar Kurumu) ends repeated retirement and ownership of right.

n) Social Security and General Health Insurance Law #5510, which sets out social security rights and obligations, determines information sharing procedures between Social Security Institution and banks in the scope of struggle against unrecorded employment, gives Social Security Institution authority serve on the electronic medium in the broadest sense and also makes it mandatory to pay employee salaries via the banks, thus ensures recorded salaries.

o) Law of Prevention of Laundering #5549 and Law of Struggle Against Smuggling #5607 which were prepared considering local requirements as well as international regulations and which was prepared for strengthening the collaboration with financial market in the struggle against crime, establishing a strong data system, thus reaching to crime and criminal trough financial information, effectively monitoring compliance to obligations and being in line with international developments.

m) Law of Amendment to Petroleum Market Law #5576 in order to ensure healthy operation of petroleum market, prevent unfair competition arising from petroleum smuggling, ensuring fair competition and product reliability and to fight petroleum smuggling more effectively.

n) Law of Amendment to Turkish Criminal Law and Some Other Laws # 5918, removing requirement of permission of Ministry of Justice for someone to be tried for bribe in a foreign country to fulfill her international obligations in scope of struggle against corruption, broadening the scope of purchasing or accepting an object of crime and laundering and to making it possible to fine a private law entity in case this entity or a representative thereof commits fraud, conspire to rig bids on tender, bribe, laundering, embezzlement, smuggling, crimes related to smuggled petroleum and financing terrorism

In addition to the legal regulations, international marker practice which is put into effect in the scope of struggle against international fuel smuggling, practices in scope of the e-Government programme, works regarding prevention of laundering, other works in line with transparency in public administration, simplification of legislation, decreasing the paperwork of administrative duties, works related to betterment of investment environment for local and foreign investors, Prime Ministry Communication Center (BİMER) which accepts and follows complaints and requests of citizens from all over the country have contributed to the prevention of corruption and increasing transparency.

Furthermore, Legal Reform Strategy and Struggle against Unrecorded Economy Strategy, which were prepared in a way that will directly contribute to strengthen the struggle against corruption and which were accepted are began to practice. As a result of globalization and development of information technologies, it is a fact that the concept of crime took a form that transcends the borders of countries and it is getting harder to struggle against crimes and corruption. In this scope, sharing country experiences, legal and technical collaboration have great importance.

In this scope our country approved;

a) The Council of Europe Private Law Convention on Corruption in 2003,

- b) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions in 2003,
- c) United Nations Convention against Transnational Crime in 2003
- d) Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism in 2004,
- e) The Council of Europe Crime Law Convention on Corruption in 2004,
- f) Convention on Taking of Evidence Abroad in Civil or Commercial Matters in 2004,
- g) United Nations Convention against Corruption in 2006,

Furthermore, our country has become a member of The Council of Europe's Group of States against Corruption in 2004.

As a result of aforementioned regulations, works and practices regarding international co-operation, it is seen that our country showed important improvements in struggle against corruption and that this improvement is seen in the works of international institutions that carry out evaluations related to corruption. For example, in Transparency International's Corruption Perceptions Index our country was in the 77th place with 3.1 points among 133 countries in 2003, in 2009 we have risen to 61st place among 180 countries with 4.4 points.

The ground we have gained shows the importance of political determination and appropriation, however, crime's and criminal's dynamic and ever changing profile implies that we have to maintain the same dynamism and determination in the struggle against corruption.

3. THE PURPOSE OF THE STRATEGY

The purpose of this strategy is to develop a more just, accountable, transparent and reliable administrative mentality that continues the reforms which are carried out since 2002, by removing factors that prevent transparency and feed corruption while keeping advancing and changing conditions in mind.

4. FUNDAMENTAL COMPONENTS OF THE STRATEGY

The Fundamental components of the Strategy that will be realized between the years 2010-2014 are gathered under 3 main titles as the measures for;

- A) Prevention,
- B) Applying Sanction
- C) Increasing Public Awareness

In order to realize some of the measures set forth under these titles and given below, changes in Constitution and other regulations will be necessary. Activity Table regarding these measures is included in the Appendix of the Strategy

A) Preventive Measures

In relation to removing the factors that feed corruption by increasing transparency, accountability, effective inspection and institutional capacity it is foreseen that following measures are to be taken:

- a) Development of applications regarding openness and transparency in the financing of political parties and election campaigns, and enabling inspection thereof,
- b) Conclusion of the works regarding political ethics,

- c) Conclusion of the works regarding the establishment of Public Inspection Institution (Ombudsman),
- d) Concluding the works regarding the law of general administrative procedure,
- e) Concluding the enactment process of the New Court of Accounts Law,
- f) Revising provisions of the Law of Declaration of Property, Struggle against Corruption and Bribe #3628 regarding declaration of property and other practices,
- g) Revision of legal regulations and effective practice regarding the jobs that cannot be occupied by people, who leave public service,
- h) Concluding the works regarding state secrets and trade secrets,
- i) Revision of the public procurement system,
- j) Increasing transparency and accountability of zoning, authorization, etc. processes of local administrations,
- k) Revising the efficiency of control mechanisms of local administrations over their subsidiaries,
- l) Determining the ethical principles and developing follow-up mechanisms for the people who are elected for local administration,
- m) Strengthening the capacities of inspection units,
- n) Deducing risk areas that open for corruption from inspection reports and taking necessary measures,
- o) Determining different ethical polices for each occupational group in public administration and preventing conflict of interest with the guidance of State Employees Board of Ethics,
- p) Increasing transparency and preventing corruption in private sector organizations,
- q) Increasing accountability and preventing corruption in non-governmental organizations,
- r) Determining risk areas with the use of created databases about public officials who were subject to disciplinary action in State Personnel Administration with the rulings regarding corruption crimes,

B) Measures for Applying Sanction

In relation to improving investigation, prosecution and penalization by increasing transparency, ensuring coordination between the institutions that work against corruption and removing some limitations it is foreseen that following measures are to be taken:

- a) Revising permission system in investigations related to public officials,
- b) Making regulations regarding protection of the people who inform authorities about the corruption crimes in public institutions and organizations and in private sector and non-governmental organizations,
- c) Ensuring efficient collaboration, knowledge sharing and coordination between the units that work against corruption,

C) Measures for Increasing Public Awareness

In relation to increasing public awareness it is foreseen that following measures are to be taken:

- a) Informing citizens regarding the rights they are given to them by the law and administrative regulations, and authorities they can appeal to, in case they face an unfair practice,
- b) Conducting regular corruption detection surveys,
- c) Treating the subject of honesty in the curriculum of Ministry of National Education,
- d) Supporting Social Activities which include the theme of struggle with corruption and clean society,
- e) Ensuring that subjects regarding honesty are included in television and radio broadcasts by the Supreme Board of Radio and Television,

- f) Strengthening the role of media organs in the struggle against corruption,
- g) Organizing seminars, working groups and conferences in order to make the public opinion, the non-governmental organizations and the public officials adopt the fundamental methods and principles created according to the strategy,

5. REALIZATION OF THE STRATEGY

In order to realize the Strategy "Commission for Increasing Transparency and Struggle against Corruption in Turkey (Commission)" and "Increasing Transparency and Struggle against Corruption in Turkey Execution Committee (Execution Committee)" was founded pursuant to Prime Ministry Circular 2009/19 which was published in Official Gazette #27423 05.12.2009. Prime Ministry Inspection Board is appointed with the task of providing technical support and secretariat service for the Commission and Committee. In this context, the Commission will gather at least twice a year in order to ensure efficiency and coordination in reaching the goals set out.

With attendance of relevant non-governmental organizations, in three months Execution Committee shall prepare a detailed action plan according to the measures in the Strategy that also shows what is to be done and responsible people. Execution Committee will convene at least four times a year.

Execution Committee will also consider the works that are being carried out on other subjects such as legal reform works, e-Government applications, recording unrecorded economy, organized crime and illicit money laundering.

6. CONCLUSION

This Strategy is prepared to increase institutional capacity against corruption, which adversely affects the social life, corrodes moral values, severely damages citizen's trust in public institutions, and to increase transparency.

With the realization of the measures of the Strategy the purpose is to develop a more just, accountable, transparent and reliable administrative mentality and preventing inclination to corruption crimes through increased awareness about corruption, thus increasing the effectiveness of the system.

In the last few years important steps were taken towards increasing transparency and struggle against corruption, with the realization of the measures set out in the Strategy, these efforts will be taken one step further. Realizing the measures set out in the Strategy will also contribute to the improvement of the welfare of all sections of the community.

APPENDIX

ACTIVITY TABLE

00		PRELIMINARY WORKS
	01	Determining detailed action plan with working procedures and principles
	01	Determining working procedures and principles of Execution Committee and Work Groups
	02	Preparing and acceptance of detailed action plan
01		PREVENTIVE MEASURES
	01	Development of applications regarding openness and transparency in the financing of political parties and election campaigns, and enabling inspection thereof
	01	Creating the Work Group
	02	Creating a report of necessary regulations and delivering it to Executive Committee
	03	Sending Execution Committee's suggestion regarding the report to related authorities
	04	Carrying out necessary works in line with the suggestion
	02	Conclusion of the works regarding political ethics
	03	Conclusion of the works regarding the establishment of Public Inspection Institution (Ombudsman)
	04	Concluding the works regarding the law of general administrative procedure
	05	Concluding the enactment process of the New Court of Accounts Law,
	06	Revising provisions of the Law of Declaration of Property, Struggle Against Corruption and Bribe #3628 regarding declaration of property and other practices.
	01	Creating a work group for determining faults and problems regarding practice
	02	Creating a report of necessary regulations and delivering it to Executive Committee
	03	Sending Execution Committee's suggestion regarding the report to related authorities
	04	Carrying out necessary works in line with the suggestion
	07	Revision of legal regulations and effective practice regarding the jobs that cannot be occupied by people who leave public service
	01	Creating a work group for determining faults and problems regarding practice
	02	Creating a report of necessary regulations and delivering it to Executive Committee
	03	Presenting Execution Committee's suggestion regarding the report to related authorities
	04	Carrying out necessary works in line with the suggestion
	08	Concluding the works regarding state secrets and trade secrets
	09	Revision of the public procurement system
	01	Creating a work group for determining faults and problems regarding practice
	02	Creating a report of necessary regulations and delivering it to Executive Committee
	03	Sending Execution Committee's suggestion regarding the report to related authorities
	04	Carrying out necessary works in line with the suggestion
	10	Increasing transparency and accountability of zoning, authorization, etc. processes of local administrations,
	01	Creating a work group for determining faults and problems regarding practice
	02	Creating a report of necessary regulations and delivering it to Executive

		Committee
	03	Sending Execution Committee's suggestion regarding the report to related authorities
	04	Carrying out necessary works in line with the suggestion
11		Revising the efficiency of control mechanisms of local administrations over their subsidiaries
	01	Creating a work group for determining faults and problems regarding practice
	02	Creating a report of necessary regulations and delivering it to Executive Committee
	03	Sending Execution Committee's suggestion regarding the report to related authorities
	04	Carrying out necessary works in line with the suggestion
12		Determining the ethical principles and developing follow-up mechanisms for the people who are elected for local administration
	01	Ascertaining general principles that will be followed by the State Employees Board of Ethics while determining the ethical principles
	02	Determining ethical principles in accordance with these general principles
	03	Publishing ethical principles with appropriate opinion of State Employees Board of Ethics and taking necessary measures for practice efficiency.
13		Strengthening the capacities of inspection units
	01	Creating a work group in order to ensure that inspection personnel are able to reach available public databases (title, vehicle, bank, tax, etc.)
	02	Creating a work group for determining faults and problems regarding practice
	03	Creating inspection standards for public
	04	Creating a report of necessary regulations and delivering it to Executive Committee
	05	Sending Execution Committee's suggestion regarding the report to related authorities
	06	Carrying out necessary works in line with the suggestion
14		Deducing risk areas that open for corruption from inspection reports and taking necessary measures
	01	Creating a work group for determining faults and problems regarding practice
	02	Creating a report of necessary regulations and delivering it to Executive Committee
	03	Sending Execution Committee's suggestion regarding the report to related authorities
	04	Carrying out necessary works in line with the suggestion
15		Determining different ethical polices for each occupational group in public administration and preventing conflict of interest with the guidance of State Employees Board of Ethics
	01	Ascertaining general principles that will be followed by the State Employees Board of Ethics while determining the professional ethical principles
	02	Appointing work groups for determining professional ethical principles and drafting professional ethics.
	03	Creating a report of necessary regulations and delivering it to Executive Committee
	04	Publishing ethical principles with appropriate opinion of State Employees Board of Ethics and taking necessary measures for practice efficiency.
16		Increasing transparency and preventing corruption in private sector organizations
	01	Creating a work group in to determine risky areas within the scope of faults in practice, problems and cavities in the regulation

	02	Creating a report of necessary regulations and delivering it to Executive Committee
	03	Sending Execution Committee's suggestion regarding the report to related authorities
	04	Carrying out necessary works in line with the suggestion
17		Increasing accountability and preventing corruption in non-governmental organizations
	01	Creating a work group in to determine risky areas within the scope of faults in practice, problems and cavities in the regulation
	02	Creating a report of necessary regulations and delivering it to Executive Committee
	03	Imposing non-governmental organizations an obligation to reveal their inspection and finance information to public
	04	Sending Execution Committee's suggestion regarding the report to related authorities
	05	Carrying out necessary works in line with the suggestion
18		Determining risk areas with the use of created databases about public officials who were subject to disciplinary action in State Personnel Administration with the rulings regarding corruption crimes
	01	Creating statistics about corruption crimes with the use of Criminal Record database
	02	Determining risk areas by analyzing the information on the investigation and prosecution of corruption crimes in relevant databases.
	03	Putting the database created in State Personnel Administration in practice so that it includes all public officials and making use of this database by all public institutions,
02		MEASURES FOR ENFORCEMENT
01		Revising permission system in investigations related to public officials
	01	Creating a work group in order to conduct necessary inspection and research regarding this subject
	02	Creating a report of necessary regulations and delivering it to Executive Committee
	03	Sending Execution Committee's suggestion regarding the report to related authorities
	04	Carrying out necessary works in line with the suggestion
02		Making regulations regarding protection of the people who inform authorities about the corruption crimes in public institutions and organizations and in private sector and non-governmental organizations
	01	Creating a work group in order to conduct necessary inspection and research regarding this subject
	02	Creating a report of necessary regulations and delivering it to Executive Committee
	03	Sending Execution Committee's suggestion regarding the report to related authorities
	04	Carrying out necessary works in line with the suggestion
03		Ensuring efficient collaboration, knowledge sharing and coordination between the units that work against corruption
	01	Creating a work group in order to conduct necessary inspection and research regarding this subject
	02	Creating a report of necessary regulations and delivering it to Executive Committee
	03	Sending Execution Committee's suggestion regarding the report to related authorities
	04	Carrying out necessary works in line with the suggestion
03		MEASURES FOR INCREASING SOCIAL AWARENESS
01		Informing citizens regarding the rights they are given to them by the law and administrative regulations, and authorities they can appeal to, in case they face an unfair practice.

	01	Creating a work group in order to conduct necessary inspection and research regarding this subject
	02	Creating a report of necessary regulations and delivering it to Executive Committee
	03	Sending Execution Committee's suggestion regarding the report to related authorities
	04	Carrying out necessary works in line with the suggestion
	02	Conducting regular corruption detection surveys
	03	Treating the subject of honesty in the curriculum of Ministry of National Education
	04	Supporting Social Activities which include the theme of struggle with corruption and clean society
	05	Ensuring that subjects regarding honesty are included in television and radio broadcasts by the Supreme Board of Radio and Television
	06	Strengthening the role of media organs in the struggle against corruption
	07	Organizing seminars, working groups and conferences in order to make the public opinion, the non-governmental organizations and the public officials adopt the fundamental methods and principles created according to the strategy

COROLLARY

Effective struggle against corruption is designated as one of primary areas in 58th Government Emergency Action Plan, 58th, 59th and 60th Government programmes and Ninth Development Plan.

In order to realize the Strategy "Commission for Increasing Transparency and Struggle against Corruption in Turkey (Commission)" and "Increasing Transparency and Struggle against Corruption in Turkey Execution Committee (Execution Committee)" was founded pursuant to Prime Ministry Circular 2009/19 which was published in Official Gazette #27423 05.12.2009. Prime Ministry Inspection Board is appointed with the task of providing technical support and secretariat service for the Commission and Committee. In this context, the Commission will gather at least twice a year in order to ensure efficiency and coordination in reaching the goals set out.

Making use of strategies including predetermined measures and activities are important for increasing transparency and ensuring success in the struggle against corruption. In this way it is possible to come to a resolution with more determination and more efficiently by determining the primary areas in the struggle against corruption.

While preparing the Strategy we have benefited from 58th, 59th and 60th Government Programmes, Grand National Assembly of Turkey Commission for Investigation of Corruption, Ninth Development Plan, Turkish National Programme Regarding the Undertaking of European Union Acquis and various international institutions' evaluations about our country, furthermore, we received the opinions of ministries, public institutions and organizations, non-governmental organizations and relevant international institutions.

With the Strategy, Turkish National Programme Regarding the Undertaking of European Union Acquis, 5th article of United Nations Convention Against Corruption, "Struggle Against Corruption" sections in the 23rd book titled "Justice and Fundamental Rights" of 2008 and 2009 development reports that were prepared by the European Union, The Council of Europe's Group of States against Corruption (GRECO)'s advice to "prepare a strategy to struggle against corruption" will be returned. In the last few years important steps were taken towards increasing transparency and struggle against corruption, with the realization of the measures set out in the Strategy, these efforts will be taken one step further. Realizing

the measures set out in the Strategy will also contribute to the improvement of the welfare of all sections of the community.