

BACKGROUND REVIEW TO CORRUPTION REPORT



Ethics for the Prevention of Corruption in Turkey



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The overall objective of TYEC is to contribute to the prevention of corruption in Turkey in accordance with European and other international standards through the implementation and extension of the code of conduct, and the development of anti-corruption measures.

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1. INTRODUCTION

This report provides the background context to Output 8 and 9 (on the basis of the original project specification; the Outputs are now merged in the revised specification) as follows:

Output 8:	The effectiveness of codes of conduct and other anti-corruption measures in Turkey will have been evaluated. Recommendations for future prevention strategies are made and coordinated to promote ethics with other anti-corruption measures in Turkey.
Activity 8.1	Carry out system studies evaluating the effectiveness of anti-corruption measures implemented in recent years, including criminal law measures, the public information act, the Code of Ethics
Activity 8.2	Submission of Proposals on specific Anti-corruption measures based on the Study Outcomes
Activity 8.3	Develop proposals for improved management, coordination and monitoring of anti-corruption strategies in Turkey
Output 9:	Coordination of measures to promote ethics with other anti-corruption measures in Turkey ensured
Activity 9.2	Develop proposals for improved management, coordination and monitoring of anti-corruption strategies in Turkey

The (revised) Output 8 will involve the System Studies report (Activity 8.1) and the report on the anti-corruption strategy for Turkey (Activity 8.2 and Activity 8.3; Activity 9.2). The report on the anti-corruption strategy for Turkey will draw on the System Studies report, material prepared for Outputs 6 and this Background Review.

The Background Review provides context by considering various academic, practitioner and media (English-language) sources, including work for this project, on corruption in Turkey before assessing past and current initiatives to address corruption.

The Background Review is structured as follows:

- 2. Corruption: Perceptions and Surveys:** this section considers material relating to perceptions and assessments of corruption
- 3. Civil Society:** this section looks at those civil society organisations involved in anti-corruption activities.
- 4. Academic Reviews:** this section draws together academic material on laws, procedures and institutions relating to corruption.
- 5. External Reviews:** this section summarises the various reviews of corruption in Turkey by external agencies, such as GRECO.
- 6. Turkey – Anti-Corruption Initiatives:** this section covers the various anti-corruption plans that have taken place in the past decade.
- 7. References**
- 8. ANNEX: conflict-of-interest review**

The next section considers material on perceptions and surveys of corruption.

2. CORRUPTION: PERCEPTIONS and SURVEYS

2.1 Internal Surveys and Sources

2.1.1 Cases

What is the factual evidence of corruption? There is no central database of cases, either in relation to criminal investigations or disciplinary cases. There is a limited amount of media and other material on government ministers charged with corruption (all of whom were either acquitted or whose case was ruled to be out of time). In terms of police investigations, some data from the Istanbul Police department Financial Crimes Division and the Police Department of Anti-Smuggling and Organised Crime (KOM) suggests, for the former, about 30 investigations a year leading to proceedings against an average of 160 public officials a year, and, for the latter, 55 investigations leading to over 1000 being considered for prosecution (Sarlak and Bali 2008). Occasionally details of cases appear in academic publications (see, for example, Green, 2005; Meyer, 1997; Aliriza and Baran, 1998).

Most of the material appears regularly in the media, both print and TV. In 2008 and 2009, for example, there were allegations of government interference in the appointment of university rectors and in the decision-making processes of independent public agencies, as well as arrests of university staff on procurement corruption, the arrest of 120 local government employees on charges of corruption, and formal censure of public officials for breaches of standards of conduct. The campaigns for the March 2009 local elections was regularly attacked for the allocation of municipality and governorate resources for party-political purposes:

‘One might argue that democracy was served by the hard-fought campaigns that revealed many an eyebrow-raising allegation related to public tenders, nepotism and slush funds to cronies in virtually all the large cities in Turkey. But it is the very “nationalization” of local politics that makes it unlikely that the lingering problems of corruption will be dealt with at the ballot box. One party urged voters to “think big”. That would be fine, if it were not for the fact that this deprives voters of the inclination to think of small things, like alleged corruption in something called “asphalt consultancy”. This will also be the election long remembered for a spate of arrogant vote-buying. The passing out of subsidized coal in urban centers, and the distribution of free refrigerators and washing machines in rural areas, added to the cynicism of a cynical election’ (*Turkish Daily News*, 30 March 2009).

For a summary of a range of allegations against national governments see the Civil Transparency Movement Association’s *Anti-corruption Update of Turkey* (2006), Global Integrity’s *Corruption Timeline* (2004), Global Integrity’s *Corruption Notebook* (2004) and *Reporter’s Notebook* (2007 and 2008), *Economist*, 18 September 2008.

2.1.2 Public Opinion

There is a limited amount of internal public opinion surveys on corruption and associated areas. The main surveys were conducted by the Turkish Economic and Social Studies Foundation (TESEV) as follows:

- Household View on the Causes of Corruption in Turkey and Suggested Preventive Measures, was completed in 2001. This study aimed to account for the views and

experiences of citizens about corruption, tried to understand its effects on society and suggested methods with which to combat the problem;

- Business View on the Causes of Corruption in Turkey and Suggested Preventive Measures which was concluded in 2002, intended to ascertain the levels and nature of corruption that arose from relations between the private sector and central bureaucracy and local administrations;
- Society's View of Public Administration, Public Services and Reform which was completed in 2004. The goal of the study was to present the comparative performances of central and local administrations from the viewpoint of residents living in cities in order to contribute to the ongoing restructuring efforts of the public administration in Turkey.

From the first survey corruption was ranked third, after the cost of living and unemployment, as the most important problem facing Turkey. The most dishonest groups were perceived as the Land Registry, tax, customs, officials, traffic police, and MPs.

The type of bribe-giving was divided into bribes for legitimate services and bribes to be exempted from legitimate authority. Thus courts, schools, the land registry and hospitals fell in the first category (with hospitals and the land Registry the worst offenders) and tax, non-traffic police, customs and traffic police falling into the latter category (with the customs and traffic police the worst offenders). In terms of the percent of those asked as to whether they paid a bribe as a service user, 23% did in relation to the traffic police, 20% in relation to customs, 13% in relation to non-traffic police, 12% in relation to schools and 11% in relation to the Land Registry. In nearly all cases the payment was requested rather than being offered without a request. Only in a few cases – mainly involving the Land Registry, local government and the courts - were intermediaries used to offer or make payments. The size of the payment varied from about 15YTL to traffic police to 80YTL for non-traffic police. The more significant bribes went to customs and the courts.

The only other surveys which have raised the issue of corruption are:

- a 2007 survey by a consultancy company KONDA which stated that corruption was the biggest agenda item for the electorate, irrespective of which party, after that of poverty (Sarлак and Bali, 2008a).
- a draft academic study presented to a Social Science conference in Izmir in 2008 (Şahin *et al*, 2008) which concluded that 'public health professionals' level of perceived corruption is high and the most likely common form of corruption is perceived as patronage. The patronage concerned political appointment to health sector posts, the use of state resources to advance the interests of those in the sector in return for electoral support, favouring relatives and payments by pharmaceutical companies. Most 'at risk' appeared to be hospital senior management and medical professionals.

2.2 External: Corruption-associated Indicators

There are a number of surveys by international organisations and NGOs on corruption and associated areas. These latter are relevant in terms of those areas or activities that are considered indicators of potential corruption, from the size of the informal economy (and thus the amount of undisclosed funds that be involved in corrupt payments or party funding) to the level of press freedom (and thus the capacity of the media to report on corruption). This section presents a selection of available data as follows:

2.2.1 Informal Economy

Rank/104	Country	% devoted to informal economy. Weighted average: 33%
#53	Venezuela	33.6%
#54	Croatia	33.4%
#55	Albania	33.4%
#56	Botswana	33.4%
#57	Cameroon	32.8%
#58	Turkey	32.1%
#59	Dominican Republic	32.1%
#60	Malaysia	31.1%
#61	Lithuania	30.3%
#62	Mexico	30.1%
#63	Serbia and Montenegro	29.1%

Compilation: NationMaster.com. Source: World Bank

2.2.2 Civil and Political Liberties

Rank/140	Country	6=best; 0=worst. Weighted average: 3.3.
#87	Morocco	2.5
#88	Zambia	2.5
#89	Gabon	2.5
#90	Guinea-Bissau	2.5
#91	Kuwait	2.5
#92	Turkey	2.5
#93	Bosnia and Herzegovina	2.5
#94	Togo	2
#95	Congo, Democratic Republic of the	2
#96	Ethiopia	2
#97	Russia	2

Compilation: NationMaster.com. Source: Freedom House

2.2.3 Policy Uncertainty

Rank/92	Country	100=best; 0=worst. Weighted average: 24.4.	Latest Year
#25	Sri Lanka	34 %	2004 ...
#26	Bosnia and Herzegovina	33.33 %	2005 ...
#27	China	32.87 %	2003 ...
#28	Kyrgyzstan	32.18 %	2005 ...
#29	Moldova	32.16 %	2005 ...
#30	Turkey	31.12 %	2005 ...
#31	Lesotho	31.08 %	2003 ...
#32	Ukraine	31.02 %	2005 ...
#33	Senegal	30.53 %	2003 ...
#34	Bolivia	30.32 %	2006 ...
#35	Philippines	29.51 %	2003 ...

Compilation: NationMaster.com. Source: World Development Indicators

2.2.4 % of managers surveyed ranking corruption as a major business constraint by country

Rank/95	Country	100%=worst. Weighted average: 22.9%.	Latest Year
#42	Mexico	17.84 %	2006 ...
#43	Guyana	17.79 %	2004 ...
#44	Croatia	17.45 %	2005 ...
#45	Morocco	16.94 %	2004 ...
#46	Sri Lanka	16.89 %	2004 ...
#47	Turkey	16.73 %	2005 ...
#48	South Africa	16.09 %	2003 ...
#49	Russia	15.37 %	2005 ...
#50	Poland	15.03 %	2005 ...
#51	Paraguay	14.84 %	2006 ...
#52	Armenia	14.5 %	2005 ...

Compilation: NationMaster.com. Source: World Development Indicators

2.2.5 Democracy ranking

Topics	Range (1= best)	Ranking
<u>World Democracy Audit overall ranking</u>	1-150	57
<u>Political Rights</u>	1-7	3
<u>Civil Liberties</u>	1-7	3
<u>Press Freedom</u>	0-150	71
<u>Corruption</u>	0-145	49

Source: World Democracy Audit

2.2.6 Freedom Ranking

Political Rights (2008)	Civil Liberties (2007)	Status (2008)
3	3	Partly Free

Source: Freedom House

2.3 External: Corruption Indicators

Of corruption rankings, the most well-known is the Transparency International CPI (Corruption Perception Index). Compiled annually by Transparency International, the CPI is constructed from various surveys and opinion polls. While it robustly defends its methodology, and its data collation and manipulation, the CPI is increasingly subject to criticism for the limited number of data sets used, the comparability of different data sets and their use to 'rank' countries, and the people covered by the surveys themselves. On the other hand, it has some uses in terms of, using the same data sets, of plotting changes across time and it acknowledges itself that the CPI should be used as a publicity measurement rather than a methodology on which to base policy.

2.3.1 TI-CPI Rankings

RANK	COUNTRY	2001 SCORE	SURVEYS USED	STANDARD DEVIATION	HIGH-LOW RANGE
54	Egypt	3.6	7	1.5	1.2 - 6.2
	El Salvador	3.6	5	0.9	2.0 - 4.3
	Turkey	3.6	9	0.8	2.0 - 4.5
57	Argentina	3.5	9	0.6	2.9 - 4.4
	China	3.5	10	0.4	2.7 - 3.9
RANK	COUNTRY	2008 SCORE	SURVEYS USED	CONFIDENCE RANGE	
58	Lithuania	4,6	8	4.1 - 5.2	
58	Poland	4,6	8	4.0 - 5.2	
58	Turkey	4,6	7	4.1 - 5.1	
61	Namibia	4,5	6	3.8 - 5.1	
62	Croatia	4,4	8	4.0 - 4.8	

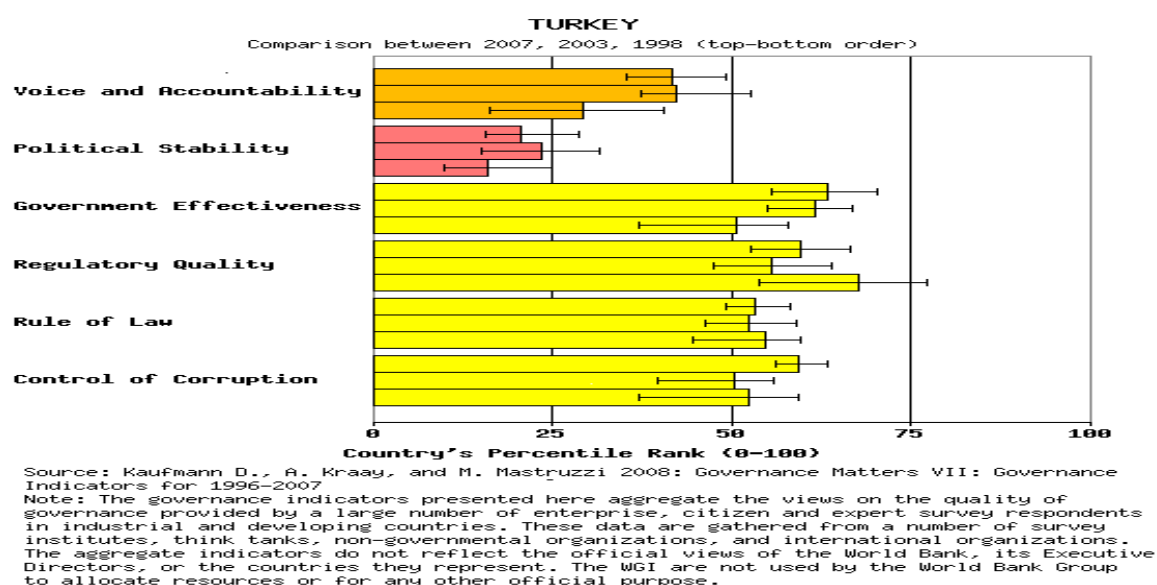
Source: Transparency International

2.3.2 WBI Governance Rating

The World Bank Institute also uses a number of the same data sets (and thus is subject to a number of the same reservations about their relevance and uses) to develop its Governance Indicators. There are six:

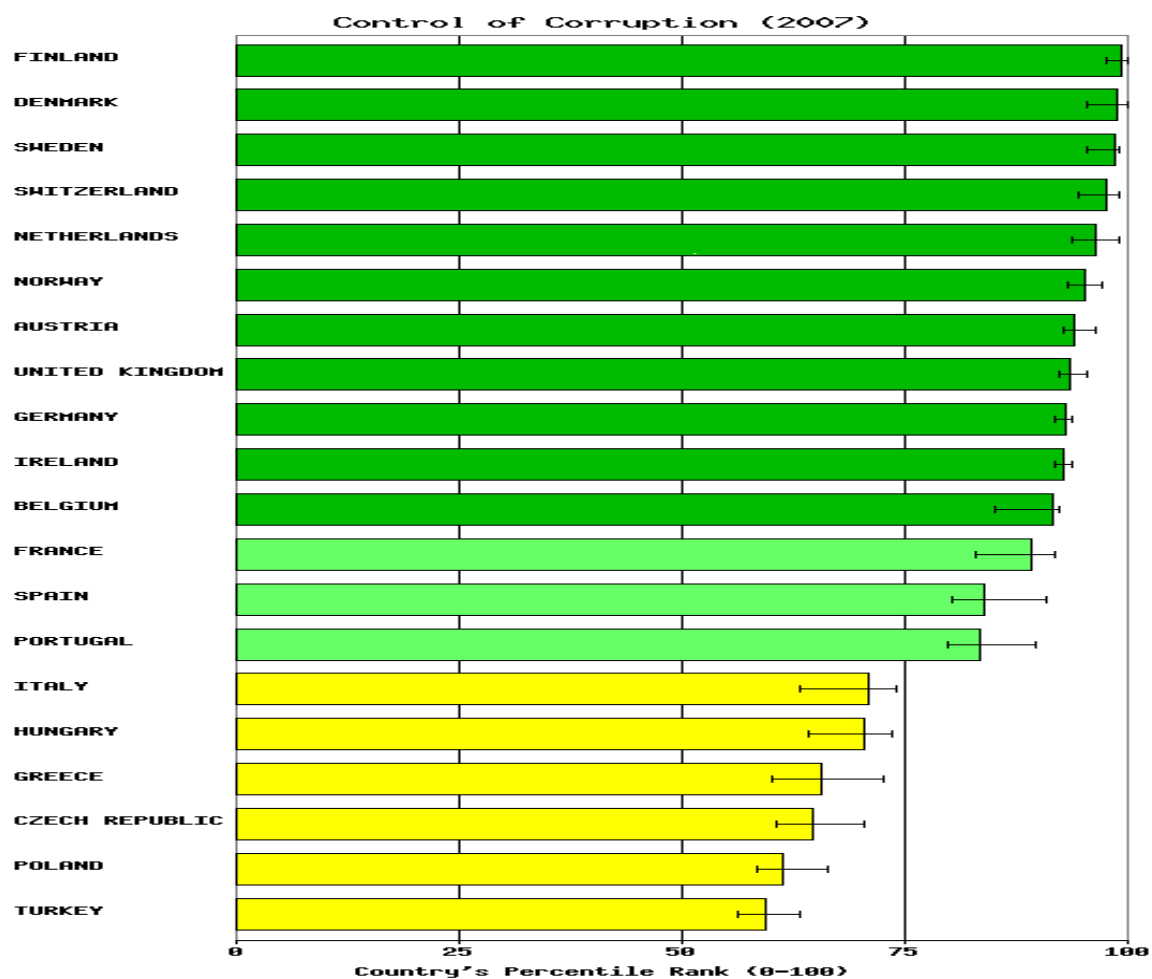
1. *voice and external accountability* (that is, the government's preparedness to be externally accountable through their own country's citizen feedback and democratic institutions, and a competitive press, thus including elements of restraint on the state);
2. *political stability and lack of violence, crime, and terrorism*;
3. *government effectiveness* (including quality of policymaking, bureaucracy, and public service delivery);
4. *lack of regulatory burden*;
5. *rule of law* (protection of property rights, judiciary independence, and so on, thus including elements of law and order); and,
6. *control of corruption*.

The table below gives the following results over a 9-year period:



If corruption is chosen as the variable and Turkey is measured against those countries who are both OECD and Council of Europe members then the data for indicator 6 is as follows:

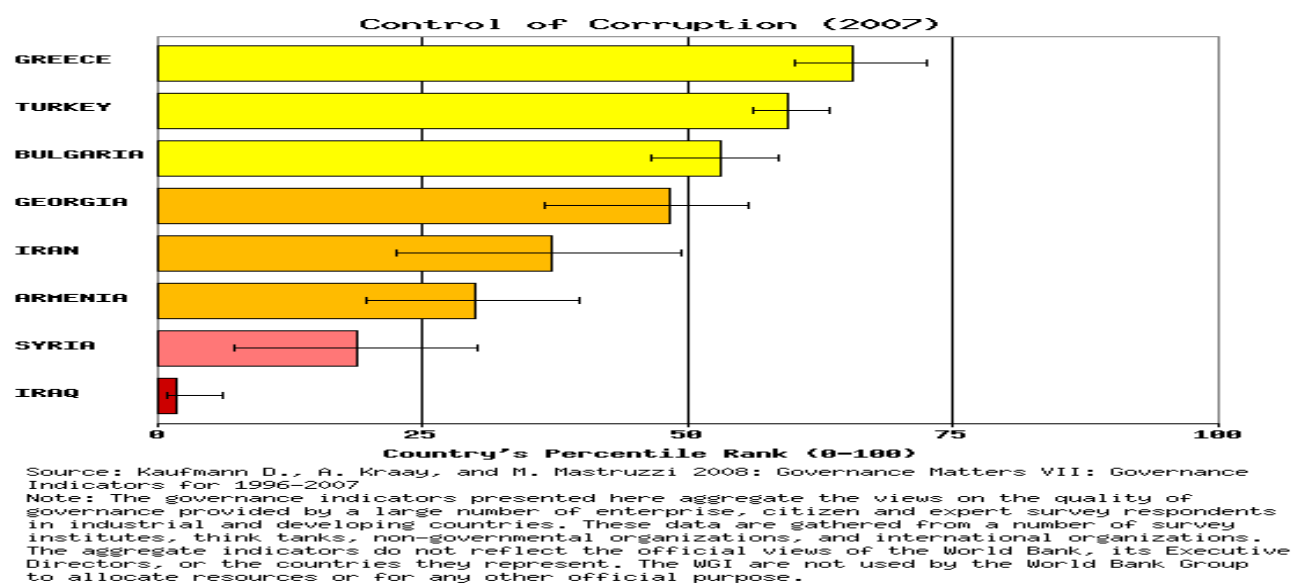
2.3.3 WBI Governance 'Control of Corruption' Ranking I



Source: Kaufmann D., A. Kraay, and M. Mastruzzi 2008: Governance Matters VII: Governance Indicators for 1996-2007
 Note: The governance indicators presented here aggregate the views on the quality of governance provided by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. These data are gathered from a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The aggregate indicators do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent. The WGI are not used by the World Bank Group to allocate resources or for any other official purpose.

In relation to the other categories, Turkey also comes last, scoring particularly poorly on Political Stability and Voice and Accountability. By way of contrast, it performs better than all but one of its geographic neighbours:

2.3.4 WBI Governance 'Control of Corruption' Ranking II



The final major survey is by Global Integrity (see 2.4.3 for methodology). Its 2007 'Integrity Score' card gave Turkey an overall score of 72 (Moderate). By 2008 it had dropped to a score of 69 (a score it shared with Indonesia, Kenya, PNG, Peru and Russia) and classed as 'weak'. The make-up of the ranking is given in Table 2.3.5.

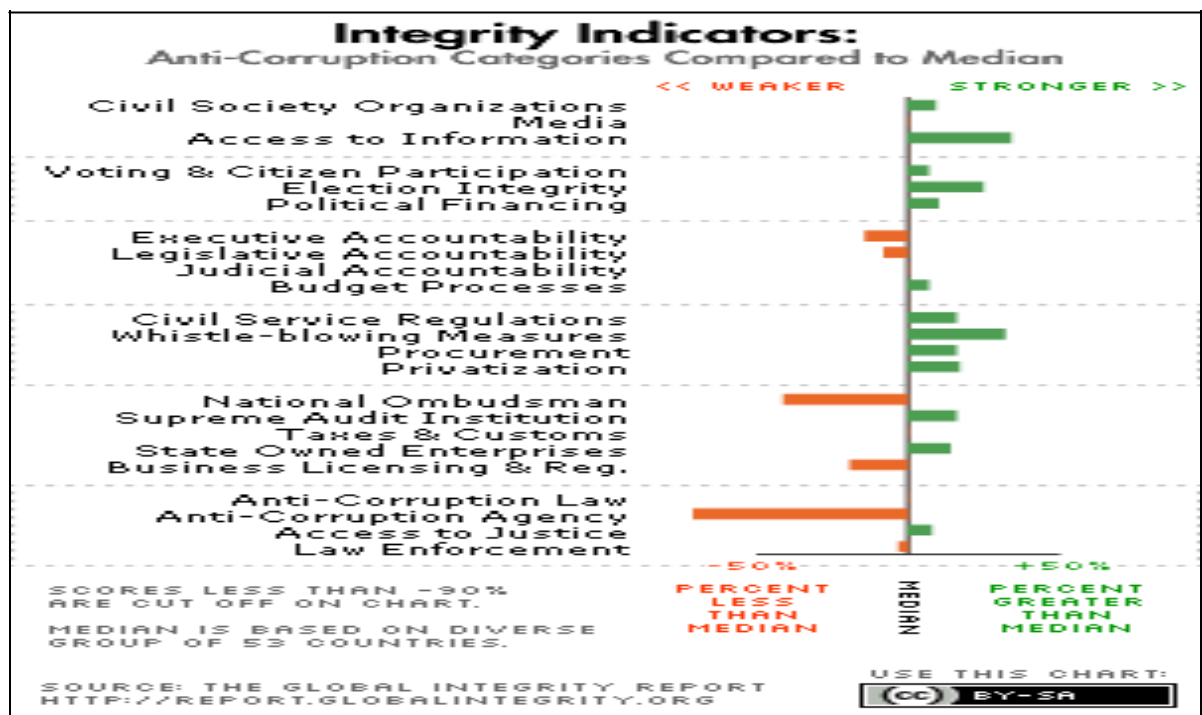
2.3.5 Global Integrity Ranking I

Category I	Civil Society, Public Information and Media	84	Strong
I-1	Civil Society Organizations	93	Very Strong
I-2	Media	71	Moderate
I-3	Public Access to Information	88	Strong
Category II	Elections	74	Moderate
II-1	Voting & Citizen Participation	96	Very Strong
II-2	Election Integrity	99	Very Strong
II-3	Political Financing	27	Very Weak
Category III	Government Accountability	51	Very Weak
III-1	Executive Accountability	47	Very Weak
III-2	Legislative Accountability	49	Very Weak
III-3	Judicial Accountability	44	Very Weak
III-4	Budget Processes	65	Weak
Category IV	Administration and Civil Service	68	Weak
IV-1	Civil Service Regulations	49	Very Weak
IV-2	Whistle-blowing Measures	50	Very Weak
IV-3	Procurement	88	Strong
IV-4	Privatization	84	Strong
Category V	Oversight and Regulation	73	Moderate
V-1	National Ombudsman	44	Very Weak

V-2	Supreme Audit Institution	88	Strong
V-3	Taxes and Customs	79	Moderate
V-4	State-Owned Enterprises	80	Moderate
V-5	Business Licensing and Regulation	73	Moderate
Category VI	Anti-Corruption and Rule of Law	67	Weak
VI-1	Anti-Corruption Law	100	Very Strong
VI-2	Anti-Corruption Agency	26	Very Weak
VI-3	Rule of Law	80	Strong
VI-4	Law Enforcement	60	Weak

In overall comparative terms its weakness/strengths were proposed in 2007 as follows:

2.3.6 Global Integrity Ranking II



In terms of citizen perception there are two external surveys. The first (2.3.7) looks at corruption's impact on different sectors and institutions in Turkey:

2.3.7 Public Perceptions of Corruption

To what extent do you perceive the following sectors in this country / territory to be affected by corruption? (1: not all corrupt, 5: extremely corrupt)	Political Parties/Parliament	Legislature	Business/Private Sector	Media	The Military	NGOs	Religious Bodies	Education System	Legal System/Judiciary	Medical Services	Police	Registry and Permit Services	Utilities	Tax Revenue Authorities
Turkey	3.7	3.6	4.0	3.7	3.4	3.7	3.4	4.0	3.8	4.0	4.0	3.9	4.0	4.1

Source: http://www.transparency.org/policy_research/surveys_indices/gcb/2007

The second (2.3.8) looks at trust (in terms of %) in institutions as follows:

2.3.8 Public Perceptions of Trust

Institutions	2002	2003	2004	2005	2006	2007	2008
Military	81	82	89	88	NA	84	82
Police	NA	69	69	73	NA	69	64
Religious Institutions	68	NA	77	73	NA	64	NA
Parliament	NA	63	76	72	38	64	47
Justice	67	65	65	69	48	63	60
Government	47	66	80	72	35	63	47
Television	46	NA	47	50	NA	32	25
Radio	NA	NA	50	45	NA	31	28
Trade Union	NA	NA	38	38	NA	28	NA
Press	16	17	34	25	22	23	23
Political Parties	NA	NA	24	38	NA	23	18
Civil Service	NA	18	NA	NA	NA	NA	NA

Source: http://ec.europa.eu/public_opinion/index_en.htm

If the two tables are compared by ranking there is no direct correlation (other than it is possible to have trust in a corrupt institution but whether that is because corruption ensures the right response for the payer or those questioned in the second survey had not experienced corruption is not known):

2.3.9 Comparing Institutions and Trust

	Trust 2007	Perception of Corruption Impact (1=best)
Military	84	1=
Police	69	9
Religious Institutions	64	1=
Parliament	64	3
Justice	63	8
Government	63	-
Television	32	4=
Radio	31	4=
Trade Union	28	-
Press	23	4=
Political Parties	23	4=
Civil Service	NA	-

Finally in terms of the TI Bribe Payers Index Turkey ranks 27 out of 30 exporting countries in 2006, which means that, along with Taiwan, Russia, China, and India its companies are more likely to offer bribes or undocumented extra payments when doing business abroad and more likely to do so in lesser developing countries.

2.4 Qualitative Surveys

There are a number of surveys that address corruption primarily from a qualitative or descriptive basis. The methodologies of the three main surveys are noted below; two have undertaken surveys of Turkey.

2.4.1 The National Integrity System (NIS)

The NIS is a set of objectives which, supported by key strategies or approaches (elements), are delivered by or through key institutions, sectors or specific activities (the pillars) developed by Jeremy Pope at Transparency International [TI]. Collectively, the NIS is proposed as a comprehensive and holistic approach because of the failure of past efforts from a number of causes: the inability of any single individual or agency to address the extent of corruption; the absence of top-level commitment; overly-ambitious programmes; piecemeal and uncoordinated reform; over-reliance on the laws as the vehicle for reform; lack of focus or uneven application of reforms; lack of sustainable institutional mechanisms. (see Pope 1997, 2000; Doig and McIvor, 2003).

The NIS has an institutional bias in the pillars: political will; civil society, public awareness, public participation; Parliament; public service; "watchdog" agencies; rule of law and the judiciary; ombudsmen; attorney-general; auditor-general; public procurement and good financial arrangements; media; private sector; international context. Overall, many of the pillars were weakened in terms of an inability to implement, or to adhere to, the rules and practices that would enhance their effectiveness and develop their capacity and capability to work within an NIS. Thus there should be core rules/practices that seek to corruption-proof each pillar by addressing both their internal integrity and the external effectiveness, and add to the overall effectiveness of other pillars. Pillars are not necessarily of equal strength but the overall impact can be achieved through over-compensation by certain pillars (for example, a pro-active anti-corruption agency offsetting weak investigative journalism). The role of pillars is also enhanced by vertical accountability – such as elections used to hold the Executive and Legislature to account and horizontal accountability – pillars coordinating and cooperating in relation to their work.

No NIS study has been undertaken for Turkey.

2.4.2 The OECD Integrity Framework

The OECD propose a process-driven framework (OECD. (undated)). There are five strategic goals in its Integrity Infrastructure: setting standards (codes, conflict-of-interest legislation, etc); guidance (training, communications, etc., toward an integrity culture); monitoring (financial management controls, internal audit, whistleblowing, ombudsman, parliamentary committees, court of audit, etc); enforcement (disciplinary rules, investigations and prosecutions); and integrity in management (merit-based selection, promotion, etc., performance indicators, etc). Corruption resistance is developed through mapping areas of risk and vulnerability, reinforced with specific measures such as guidelines, controls, background checks and rotation of staff, etc. Both take place within 'supportive public management and governance conditions'. These include: pro-integrity and anti-corruption measures such as policies, transparency and accountability; wider public governance and management contexts where there are identified drivers to enhance corruption resistance and support integrity; involvement of stakeholders (such as the media, private sector and the public) through education, awareness and direct involvement); means to assess the impact of the implementation of reform (through data collection, measurement of the impact of integrity programmes, and the integration of data with policy cycles).

A number of overview and specific studies have been undertaken in Turkey (OECD 2005, 2006 and 2008).

2.4.3 Global Integrity (GI)

The GI approach has four elements: *Country Facts* drawn from a variety of publicly-available sources to provide basic political and economic background information on every country assessed; *Corruption Timelines* of significant corruption-related events at the national level based on English-language international and national media sources; *the Reporter's Notebook*, an analysis of the culture of corruption and state of governance in a particular country and *the Integrity Scorecard* which carries a limited amount of factual information and interpretation (the formal position and reality) prepared and scored by an in-country researcher. The latter is based on the TI NIS questionnaire; it is peer-reviewed and the comments carried on the website alongside the scorecard information.

Three studies have been undertaken for Turkey: 2008, 2007 and 2004.

2.4.4 Comparing Surveys

Of the three approaches above, both the OECD and Global Integrity have undertaken qualitative surveys, although the latter then scores the findings (see 2.3.5).

Overall the two surveys note:

Turkey has low levels of government transparency and accountability. The public cannot access government officials' asset disclosure forms and sensitive judicial decisions are at times carried out on a selective basis: "The government especially does not apply the decisions of the Council of State (the high administrative court) in relation to privatization, land planning, and restitution...." Since the most recent elections, there has been more "indirect" pressure on media outlets to identify as either for or against the ruling party, changing the character of the national press to be "a means of personal assault, conviction and favoritism." Voter participation is high, which may be a result of a unique election law that allows the district election board to fine citizens for not voting. A culture of whistle-blowing does not exist in Turkey and the national ombudsman was forced to halt its activity following a court ruling. (Global Integrity, 2008).

No major reforms in the institutional capacity and legal instruments to protect the public integrity system have been recorded during the two-year assessment period, except to some extent in the aggravation of certain corruption-related penalties in the Criminal Code. Strengthening the institutional capacity of the state as a whole to control and curb corruption should be a permanent policy. The salaries of the judiciary have been increased, which is a positive measure. Improvements in reducing corruption are noticeable in certain areas of the administration, while in others no changes are to be seen, whereas corruption has grown and continues to be a matter of concern. Political corruption is still a major problem. The country could perhaps make better use of its assets to improve the co-ordination of anticorruption efforts by managing more effectively the existing professional inspection bodies. Turkey needs to fully implement the UNCAC and the OECD Convention (OECD-SIGMA, 2008).

Where the surveys differ is on the accuracy and interpretation of the information available to them. Thus the Global Integrity front page to the 2008 report states that 'the national ombudsman was forced to halt its activity following a court ruling'. This statement is inaccurate and does not reflect the information in the text. This notes that the Constitutional

Court blocked the law to set up the Ombudsman, not stop its activities. On the other hand, the information in the text is mis-written to suggest that 'The Ombudsman's office is not effective because it has been suspended since 2006'. In relation to procurement, the 2008 Global Integrity report notes:

51g: In law, unsuccessful bidders can instigate an official review of procurement decisions.	Score: YES NO ?
	Comments: There is no provision that enables unsuccessful bidders to appeal for administrative review. However, they may appeal to an administrative court if they find any violation of the law.

The 2008 OECD-SIGMA report on procurement, however, notes the opposite:

5.2 Review of complaints

The Public Procurement Law (PPL) establishes a three-tier system of reviewing complaints lodged by disappointed suppliers:

- In the first stage, the complaint is submitted to and then reviewed by the contracting entity itself.*
- A complainant who is dissatisfied with the decision of the contracting authority may appeal this decision to the PPA, and the decision on this appeal is made by the Public Procurement Board (PPB).*
- The final decision on the appeal made by the PPB is then subject to the jurisdiction of the regular courts.*

The review procedure is launched with the lodging of a complaint. The complaint may be submitted by any contractor, supplier or service provider who claims to have suffered damage.

In relation to its overview of the anti-corruption area, the Global Integrity Report scores vary:

		2004		2007		2008	
Category VI	Anti-Corruption and Rule of Law	55	Very Weak	64	Weak	67	Weak
VI-1	Anti-Corruption Law	63	Weak	100	Very Strong	100	Very Strong
VI-2	Anti-Corruption Agency	49	Very Weak	20	Very Weak	26	Very Weak
VI-3	Rule of Law	78	Moderate	78	Moderate	80	Strong
VI-4	Law Enforcement	32	Very Weak	58	Very Weak	60	Weak

The 2008 Global Integrity report goes on to suggest that, while there is no anti-corruption agency, 'several agencies have an anti-corruption mandate including the Financial Crimes Investigation Board and the Coordination Board for Combating Financial Crimes'. This information is also inaccurate. The 2008 scoring mechanism goes on to give Turkey a 'weak' score for not having an anti-corruption agency because there is no mechanism to acknowledge alternative approaches. In scoring Turkey low for not having an anti-corruption agency, the Global Integrity approach also differs from the 2008 OECD-SIGMA evaluation

which suggests that 'more co-ordination does not necessarily mean the creation of a new, all-powerful anti-corruption body on the preventive side. In terms of prevention policies, perhaps it would be better to promote the institutionalisation of a public integrity framework in such a way that would make a plurality of administrative bodies, inspectorates, and management settings feel responsible for attaining a corruption-free public life. On the repressive side, it might be useful, as has been demonstrated in other countries, to establish a specialised anti-corruption prosecution office with a nationwide jurisdiction'. On the other hand, the OECD-SIGMA report also claims that 'on the occasion of multi-disciplinary investigations, trained working teams are set up, with members delegated from various specialised inspection bodies. The frequency of joint operations in the fight against corruption has increased, which is a positive step.' It is unclear what was the evidence the OECD-SIGMA evaluators used to make such a claim and whether it refers to specific anti-corruption work.

2.5 SUMMARY

Overall, the qualitative material in surveys on Turkey suffer from the same problems as the quantitative surveys – such as the absence of robust evidence-based statements, contradictions in information and its interpretation – and not necessarily provide the basis for grounded discussions on the causes of corruption and relevant reforms that such surveys should provide.

The rigidity of the categories and the interpretation of the data is unhelpful. Scoring Turkey as 'very weak' in the Global Integrity ranking for not having an anti-corruption agency (category VI-2) not only makes assumptions about the absolute necessity of having such an agency but also does not allow for scoring for alternative means to deliver the same *outcomes* as those associated with having an anti-corruption agency. More generally, the TI CPI accepts that it is a composite of perception indicators, although argues a relevance to any assessment of real levels of corruption (see Lambsdorff, 2000, 2002). The World Bank Institute governance indicators are also defended rigorously in terms of their uniformity, validity, and comparability, despite the fact that the datasets are often specific and partial. On the other hand, such data, while offering the means to rank countries and to draw attention to specific issues – such as media freedom or state 'capture' of parts of the state by sectional or business interests - are often snap-shot indicators rather than an analytical tool to unpick causes and consequences. A number of them are either too broad or too dependant on limited information that may result in inaccurate categorisation or differing interpretation. Any comparison of the various quantitative governance components used by the World Bank with the TI CPI and other corruption-associated indicators (such as those relating to freedom of the media) show both convergence and divergence in how those indicators rank specific countries.

Further, even those involved in devising and publishing quantitative indicators accept their lack of country-specific relevance: 'we recognise that there are limitations to what can be achieved with this kind of cross-country, highly aggregated data. This type of data cannot substitute for in-depth, country specific governance diagnostics as a basis for policy advice' (Kaufmann and Kraay, 2004, p302). Similarly Zoido and Chavis note: 'one of the main criticisms made of perception indices...is that they do not reflect the actual situation in a country...cross-country measures of corruption are often criticised on the grounds that assigning a single score for an entire country is, at best, simplistic' (Zoido and Chavis, 2004, p277). Kaufmann (the lead author of the WBI governance indicators) himself suggested that 'even the best cross-country governance indicators remain imprecise and say little about the specific institutional failures that bring about weak governance in a particular setting. The real challenge lies in working with countries to empirically diagnose, identify, and address these failures at the national, subnational, and corporate levels and in understanding the key linkages between them' (Kaufmann, Kraay, and Zoido-Lobaton, 2000).

Drawing substantive conclusions from country surveys, rankings or indicators, as well as seeking an understanding of the *causes* as well as the solutions for corruption, therefore, should be treated circumspectly.

Nevertheless, the overall *impression* is that corruption is a pervasive presence in Turkey and that the survey material suggests common ground as to which institutions are involved (a 2002 TUSAID survey suggested that respondents believed corruption was common in the public sector. Traffic police, customs, tax offices, title deed offices, police, local government, hospitals and the courts were, in descending order, considered to be the most corrupt). Corruption is freely reported in the media and used as an election platform; unfortunately it does not appear to influence voter choice. Indeed, it is suggested that 2002 'the new and credible competitors on the scene that is AKP and CHP also saw nothing much to gain in using corruption in the campaigns. They paid lip service to it but nothing further came out of that. It was clear at the time that the country was headed towards a single party government so it really did not make much sense to blame either one of the credible competitors for not talking enough about corruption since when either one came to power alone this could alienate the all powerful single party government' (Aydın and Çarkoğlu, 2005, p45). In later elections, in constituencies where allegations are raised, the incumbent appears to have increased his or her share of the vote (see Sarlak and Bali 2008). Further the identifiable trajectory, insofar as one can be detected, is not positive: a newspaper survey in 2009 suggested that nearly 50% felt the government was not 'fighting corruption effectively'. Overall, the survey material appears to underline internal concerns and the need for reform:

'All target groups believe that corruption is widespread in Turkey and consider it an integral part and a special form of a general degradation. Corruption was described as dirty, ugly and immoral, while corruptive acts were described as a disgrace and scandal. Such expressions as honest politics and clean society turn out to be the common wishes of the target groups. Perceptions of the two cases throughout two different periods of time indicate that both the corruption problem and efforts to solve said problem were considered more and more important. As to the second case, all target groups including those possessing power to make reforms agreed that what was needed was a large-scale reform movement, and although not defined, a paradigm shift. The study conducted up to this point reveals that all target audience groups concur with the opinion that corruption is one of the leading obstacles in Turkey, maintaining a consensus on the leading causes and consequences of such improprieties. All target groups shared the same conclusion that the starting point of the spread of corruption is the public sector' (Sarlak and Bali, 2007).

One of the issues that emerges from this section is that, if there is such a public concern about corruption, how mobilised and effective is civil society to propose reform. This considered in the next section.

3. CIVIL SOCIETY

3.1 Introduction

While civil society is relatively well-developed, it is not reflected in numerous (and active) civil society organisations (CSO) or non-governmental associations (NGO) addressing corruption. Members of society tend to work as individuals – including complaining about corruption - rather than collectively form advocacy organisations with more general anti-corruption objectives.

There are a small number of associations set up to address corruption in some form or another but tend to have very small active memberships (usually less than 10). The Turkish Transparency International chapter – the Civil Transparency Movement Association (TSHD; www.saydamlik.org), set up in 1996 ‘to following up on developments in public transparency in our country and in other countries and study political, economic, administrative and moral counter-measures and increase public awareness’ – is effectively moribund (its last output was a news digest in 2006).

3.2 Relevant Associations

What work is undertaken on corruption is done by Research Institutes of which three are worth noting:

- **TEDMER (the Ethical Values Foundation of Turkey):** an NGO which specialises in business ethics. Its claims were that it would launch an Ethics Barometer, provide ethics training, undertake research, organise an annual Ethics Summit, give Ethical Conduct awards to key decision makers, etc within the framework of the Ethics Summit, etc. It undertakes ethics training but has not undertaken any of its other proposals.
- **TEPAV (the Economic Policy Research Foundation of Turkey):** is a research think-tank funded by the Union of Chambers of Turkey (TOBB). Its work in this area has been restricted to business, and EU accession foreign policy. It has published 2 conference papers on corruption.
- **TESEV (the Turkish Economic and Social Studies Foundation):** is an independent think-tank, analyzing social, political and economic policy issues TESEV organizes regular seminars and conferences, and publishes material, in relation to its 3 programme areas: democratization, foreign policy, and good governance. Work has covered Islam and democracy, combating corruption, state reform, and transparency and accountability. TESEV has also claimed to be developing a civil society coalition to monitor corruption. The Civil Society Platform for Monitoring Corruption was proposed to consist of several NGOs. The Chair of TESEV had stated that ‘corruption is an issue which has the potential to transform the concept of civil society in Turkey. Through the mobilization of NGOs, the perception of civil society in Turkey will change, and the numerous scattered NGOs will unite into a qualitatively different civil society, ready to focus on other issues Turkey needs to deal with to fully integrate into the values and implement the standards of the western world’. This does not appear to have happened.

3.3 Summary

There is little evidence of organized civil society activity in relation to corruption, and little evidence of what would initiate such activity on a mass or sustainable basis. Most of the work is undertaken by research institutes.

Further, Recommendation ii of GRECO is:

the establishment of a body with the responsibility of overseeing the implementation of national anti-corruption strategies as well as proposing new strategies against corruption. Such a body should represent public institutions as well as civil society and be given the necessary level of independence in its monitoring function.

Given the weak associative strength and traditions of civil society, suggesting a significant role for civil society should be qualified with a clear understanding of what civil society means – and its representative influence - in a Turkish context.

If civil society does not have a significant role in calling for anti-corruption reform, then the next section looks at what the literature says about existing laws, institutions and procedures, as well as if (and why) they have also failed to address the concerns about corruption or initiate reform.

4. ACADEMIC REVIEWS

The amount of English-language material is limited. What there is often focuses on two areas: the legal and institutional components of Turkey's anti-corruption environment and that environment in terms of EU accession.

4.1 Turkey: Laws, Institutions, and Issues

4.1.1 Institutions

According to Omurgonsulen (2009) the Turkish legal and institutional framework may in general terms be divided into three areas. 'legislative control'; 'judicial control' and 'administrative control'.

Legislative control, which is especially crucial for political corruption, is exercised by the Parliament or National Assembly (*TBMM/TGNA*), the Parliamentary Commission for Petitions (*TBMM Dilekçe Komisyonu* – which receives petitions from the public, most of which are sent to the relevant public institution for a response) and the Parliamentary Commission for Human Rights (*TBMM İnsan Hakları İnceleme Komisyonu* – dealing with human rights abuses and can investigate individual cases). In terms of judicial control, there is not any specialist court for the judicial supervision of corruption in Turkey except in relation to parliamentary censure of ministers.

The legal proceedings about corruption cases are, however, carried out by both the constitutional higher courts and judicial, administrative and military courts. Corruption cases within the framework of the Penal Code are in the jurisdiction of the courts of justice. The High Court of Appeal (*Yargıtay*) is the last instance for reviewing decisions and adjustments given by courts of justice and which are not referred by law to the other judicial authority (the Constitution, Art. 154). The Constitutional Court deals with any matter where a law, decree or action may be considered to have breached the Constitution; the Constitutional Court may also set itself up as a special High Court or Tribunal to deal with, among other issues, cases involving ministers and corruption when a National Assembly Commission report is recommended by the National Assembly to continue with a legal investigation (see Art. 148).

Administrative control is addressed through internal and external controls. Inspection Boards in the Office of the Prime Ministry and in every ministry and autonomous public bodies play a significant role in terms of internal control in Turkey; internal audit has only recently been introduced (in 2008). External control is carried out by certain expert public bodies authorised in specific areas or issues such as the Audit Court (*Sayıştay* – the State Audit), the State Supervisory Council (*Devlet Denetleme Kurulu* – which has powers to undertake any audit or inspection required by the President), the Higher Supervisory Board of the Prime Ministry (*Başbakanlık Yüksek Denetleme Kurulu* – KIT, inspecting designated state organisations and reporting to the National Assembly where there is a KIT Commission), the Banking Regulation and Supervision Agency (*Bankacılık Düzenleme ve Denetleme Kurumu* - banking inspection), the Public Procurement Authority (*Kamu İhale Kurumu*), the Examination Board for Financial Crimes (*Mali Suçlar Araştırma Kurulu* - MASAK) and the Council of Ethics for Public Service (*Kamu Gövlileri Etik Kurulu/ CEPS*).

The Audit Court is one of the higher courts in Turkey. This constitutional institution is charged with auditing, on behalf of the Turkish Parliament, all the accounts relating to the revenue, expenditure and property of government departments financed by the general and subsidiary budgets, with taking final decisions on the acts and accounts of the responsible officials, and with exercising the functions required of it by law in matters of inquiry, auditing and

judgement (see the Constitution, Art. 160; and the Law on the Audit Court dated 1967 and numbered 832).

The State Supervisory Council (*Devlet Denetleme Kurulu*) is attached to the Office of the Presidency of the Republic (*Cumhurbaşkanlığı*). This constitutional supervisory institution is established with particular powers for performing and developing the regular and efficient functioning of the administration and its observance of law. It is empowered to conduct upon the request of the President of the Republic inquiries and inspections of all public departments except the armed forces and judicial organs (see the Constitution, Art. 108; and the Law concerning the Establishment of the State Supervisory Council dated 1981 and numbered 2443).

The Higher Supervisory Board of the Prime Ministry (*Başbakanlık Yüksek Denetleme Kurulu*) has the power to monitor and supervise state economic enterprises, social security institutions, and certain organisations which were subject to the supervision of the Board by their specific laws in terms of economic, financial, and legal matters. It is also empowered to conduct inquiries upon the request of the Prime Minister. Although the main duty of the Board is the supervision of the performance of economic public organisations, all illegal issues that emerge in the course of inspections and investigations are passed by the Office of the Prime Ministry (*Başbakanlık*) to the administrative and judicial authorities concerned (see the Decree having the force of law dated 1983 and numbered 72).

It should be, however, pointed out that institutions mentioned above, except CEPS, are not deliberately established for preventing and combating corruption and monitoring issues of public service ethics. Their general impact has little or no systematic or effective basis. For example, the supervisory reports of the State Supervisory Council are neither made public and nor are its findings mandatory against public organisations (it is up to the organisation concerned to start any investigation into those public officials noted in the report).

With the Law concerning the foundation of the Council of Ethics for the Public Service dated 2004 and numbered 5176, a specialised agency – the Council of Ethics for Public Service - for supervising the ethical conduct of designated levels of public officials was established for the first time in Turkey. The Council was commissioned and authorised to determine the principles of ethical behaviour – it drafted a Regulation (Regulation on the Principles of Ethical Behaviour of the Public Officials and Application Procedures; effective from 2005 and numbered 25785) which is applicable to all public officials. The Council performs the necessary investigation and research on the basis of allegations of violation of the regulation for those public officials who come within its Terms of Reference (or inform the relevant authorities of other categories of public official, or the prosecutor if the violation involves a possible criminal offence). Its only sanction is to publish in the Official Gazette the name of any public official of any proven violation. The Council may also undertake studies to establish the ethical culture within the public sector and to support the studies to be performed in this regard (Art. 3). The Council is also authorised to examine, when necessary, the declarations of assets of public servants (Art. 8).

4.1.2 Domestic Legislation

The most important items of the Turkish national legislation for securing ethical conduct and combating corruption are as follows:

Law	Year	Number	Contents
The Constitution	1982		General principles –impartiality, financial liability, etc
The Public Officials' Law (the CSL) (<i>Devlet Memurları Kanunu</i>)	1965	657	Covers: respect to impartiality, equality, the rule of law, democracy and human rights, impartiality, declaration of assets, restrictions on releasing information and making statement through the press about public affairs, proper use of official documents, materials and instruments, declaration of assets, prohibition against engaging in trade and other profit-making activities, prohibition against accepting gifts or obtaining benefits, prohibition against obtaining benefits from an enterprise under his/her control, prohibition against revealing secret information. Sanctions – warning, reprimand, salary increase delay, fine, dismissal
The Turkish Penal Code (<i>Türk Ceza Kanunu</i>)	2004	5237	bribing as providing a benefit to a public official for the performance or omission of an act contrary to the requisites of the duties of the official. Also covers embezzlement, misconduct in office, misuse of authority, misappropriation, etc. Sanctions include fines, imprisonment (with enhanced sentences for certain categories), suspension, debarment from holding public office, etc Undue influence – securing an undue benefit by claiming influence over or friendship with public officials or claiming an act or decision will be done - an offence (Art. 158) Money laundering – transfer abroad, disguise or conceal - an offence (Art. 282)
The Law for Financial Disclosure and Combating Bribery and Corruption (<i>Mal Bildiriminde Bulunulması, Rüşvet ve Yolsuzluklarla Mücadele Kanunu</i>)	1990 Amended 2003 2004	3628 5020 5176	Defines who declares, what types of assets, source of assets, and assets of family members. Defines gift receipt. Appeal case allows judges to review assets of a public official charged with corruption
The Law concerning Prohibited Activities of Former Public Servants (<i>Kamu Görevlilerinden Ayrılanların Yapamayacakları İşler Hakkında Kanun</i>)	1981	2531	The law requires a three year restriction for those who resign from their former public duties to take up any work that may involve any department in which they served during the last two years before their resignation
The Laws about the Prevention of Money Laundering (<i>Karaparanın Önlenmesine Dair Kanun</i>)	1996 2006	4208 5549	Sets up MASAK and regulated sector, and role of MASAK in issuing communiqués on customer identification, suspicious transaction reporting, assignment of compliance officer, training and internal auditing. Revises regulated sector and terrorist finance reporting
The Law concerning the Trials of Public officials and Other Public Servants (<i>Memurlar ve Diğer Kamu Görevlilerinin Yargılanması Hakkında Kanun</i>)	1999	4483	See below

Law	Year	Number	Contents
The Public Procurement Law (<i>Kamu İhale Kanunu</i>); The Public Procurement Contracts Law (<i>Kamu İhale Sözleşmeleri Kanunu</i>)	2002	4734 4735	Set criteria for public procurement and the Public Procurement Authority Brings together procedures and regulations for different types of tenders; defines contract and contract variation restrictions
The Law about Public Financial Management and Control (<i>Kamu Mali Yönetimi ve Kontrol Kanunu</i>)	2003	5018/5436	Part of EU harmonisation. Addresses structure and functioning of public financial management, preparation and implementation of public administration budgets, financial control, accounting and reporting of financial transactions. Introduces concepts of managerial accountability/responsibility, financial management and control, internal audit, central harmonisation units
The Law about the Right of Access to Information (<i>Bilgi Edinme Hakkı Kanunu</i>)	2003	4982	The law allows the public to request information from government agencies. It provides for the withholding of confidential private information, and the review of disputed information requests by a Board, as well as a right to sue. Appeals of withholdings are to the Board of Review of the Access to Information. Its jurisdiction was originally limited to cases relating to national security and state economic interests but the law was amended in November 2005 to allow appeals in all cases. The Law on the Right to Information was amended in 2006 to enable citizens to dispute all decisions of state agencies regarding denials of requests for information.
Amending Certain Laws for the Prevention of Bribing Foreign Public Officials in International Commercial Transactions	2003	4782	to offer, promise or give any advantage, whether directly or through intermediaries, to the selected or appointed officials or officers of the foreign public authorities and institutions that perform a legislative or administrative or judicial duty, or the officials who perform a duty of an international nature, in order that such official or officer act or refrain from acting or to obtain or retain business in the conduct of international business shall also constitute the crime of bribery.
The Law concerning the Foundation of the Council of Ethics for the Public Service (<i>Kamu Görevlileri Etik Kurulu Kurulması Hakkında Kanun</i>)	2004	5176	See above
By-Law concerning the Principles of Ethical Behaviour of the Public Servants (<i>Kamu Görevlileri Etik Davranış İlkeleri Yönetmeliği</i>)	2005		Covers: public service consciousness in performing a duty, consciousness of serving the community, compliance with the service standards, commitment to the objective and mission of public agency, integrity and impartiality, respectability and confidence, decency and respect, avoiding conflict of interest, prohibition against the misuse of duty and authority for deriving benefits, prohibition of receiving gifts or deriving benefits, the proper use of public properties and resources, avoiding extravagance and waste, declaration of assets. Includes right of access to asset declarations of specified officials during investigations

Sources: GRECO; Global Integrity; Privacy International

The law applies to bribery within or external to Turkey. It may be mitigated if the payer informs the authorities prior to any investigation; similarly the recipient may avoid prosecution if he or she hands over the entire amount to the authorities. The definition of a public official is broad.

4.1.3 International Conventions

A number of international conventions have been signed by governments of Turkey. A number have resulted in reform to domestic legislation as follows:

International Conventions	Ratified	Contents	Translated into domestic Legislation
OECD Convention of 1997 on Combating the Bribery of Foreign Public Officials in International Business Transactions	2000	requires the signatories to criminalize bribing foreign public officials	2003/Law 4782
1997 Council of Europe Civil Law Convention on Corruption	2003	covers the measures to be taken at national and international levels, and deals with issues of compensation for damage, liability (including State liability for acts of corruption committed by public officials), validity of contracts, protection of employees who report corruption, and the clarity and accuracy of accounts and audits	Signed 2003; ratified 2003. Not translated into domestic law
1998 Council of Europe Criminal Law Convention on Corruption	2004	covers the bribery of domestic and foreign public officials; bribery in the private sector and money-laundering of proceeds from corruption	Signed 2001; ratified 2004. Part-translated into domestic law
The Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime	2004	aims to facilitate international co-operation in investigating crimes and tracking, seizing and confiscating the proceeds thereof. It therefore envisages investigative assistance between states, provisional measures such as freezing of bank accounts and seizure of property; and measures to confiscate the proceeds of crime, such as enforcement by a state of a confiscation order of another state. The Convention requires the contracting parties to criminalize the laundering of the proceeds of crime as well as to confiscate instrumentalities and unlawfully acquired proceeds.	Partial – 2006/Law 5549
United Nations Convention against Corruption	2006	Detailed preventative, criminal, proceeds of crime and asset recovery requirements	Signed 2003; ratified 2006. Not translated into domestic law

4.2 Issues

4.2.1 Laws

Omurgonsulen (2009) draws attention to the one significant legal issue relating to public officials – the guarantee provided in the investigation of offences committed by public officials in relation with their duties. There are three possibilities in the application of criminal investigation about public officials who commit crimes:

- Firstly, if public officials commit ordinary crimes or offences, which are not covered by the Law numbered 4483¹ and some special laws such as the Law 3628 (asset declaration), they will be subject to the general principles of criminal investigation. It means that there is no difference between public officials and ordinary citizens in terms of investigation due to such ordinary crimes or offences;
- Secondly, according to some special laws such as the Law for Financial Disclosure and Combating Bribery and Corruption dated 1990 and numbered 3628, the Law numbered 4483 is not applied to the investigation of crimes and offences taken place in this Laws. Public prosecutors can start investigation about public officials who commit these crimes and offences without having any permission from any administrative authority. Here the Law numbered 3628 is quite important because it brings a special investigation procedure for offences and crimes described in this Law (e.g. unjust enrichment, untrue declaration of financial assets) and for many kinds of corruption (e.g. extortion, peculation, embezzlement, bribery, smuggling, fraudulent act in public contract and procurement, revealing the secrets of the State);
- Thirdly, and most importantly, both the 1982 Constitution (Art. 129), the CSL (Art. 24) and the Law concerning the Trials of Public officials and Other Public Servants dated 1999 and numbered 4483 aim to protect public officials against any sort of claims about their duties and to subject them to a special criminal investigation procedure in the cases of crimes and offences committed because of their duties. Public officials cannot be subject to criminal investigation, except in some cases, without the permission of administrative authorities concerned. These constitutional and legal provisions are actually an extension of the principle of security of tenure prescribed in the 1982 Constitution (Arts. 128 and 129) and the CSL (Art. 18)).

4.2.2 Institutions

There are a number of articles which discuss issues relating to the formal legal and institutional framework. Thus Acar and Emek (2008) look at Turkey in terms of a variant of the National Integrity System by focussing on the pillars (see 2.4.1). It looks at political parties, the judiciary, inspection boards, legislation and international cooperation against corruption. It notes that 'the controllability of government authorities is insufficient in part because of the current immunity regime and the lack of transparency on asset declaration', the problems with the impartial and effective provision of justice, and issues over the capacity and functionality of the Inspection Boards, while noting some recent developments, such as the introduction of the Freedom of Information law, the signing of various international instruments, and the establishment of the Council of Ethics for Public Service. Overall they note:

- the lack of a clear and comprehensive understanding and strategizing on the part of governments regarding the issues, actors, and policies involved in building a clean government in Turkey... more importantly, relying exclusively or heavily on 'reactive' policies and actions, without paying due attention to developing 'proactive' policies and programs, would diminish the effectiveness of anti-corruption drives in the long run;
- the interaction between the state and powerful interest groups, such as business lobbies and media conglomerates have not been high on the governments' anti-corruption agenda;

¹ The Temporary Law dated 1913 on this subject was long seen as the main obstacle to the transparent and ethical administration in Turkey. The possibility of evasion of public officials from investigations and trials through the permission system even in the cases of serious corruption and human rights violations was severely criticised by civil society institutions and international organisations as well some jurists and academics. With the Law numbered 4483, the permission system has, in principle, been kept but it has been modestly changed by taking such criticisms into consideration to a certain extent. The scope of the system has been narrowed in terms of persons, and crimes and offences subject to the Law; and the administrative investigation process has been shortened.

- The existence of an overly polarized electorate and overly politicized public bureaucracies do not help building and sustaining a united front against corruption in the country;
- the recurrent granting of amnesties by different governments to the convicted, including those involved in cases of corruption;
- The pressures, priorities and policies originating from outside the country, might also create an atmosphere in which authentic institutions and resources of the country might be undervalued and underutilized in the fight against corruption.

Among the usual suggestions for reform – political commitment, etc – the article also suggests, where the need for a single lead agency is not considered, it is important to address what they term ‘connectedness’ in its broadest sense so as to include the links between the issues and problems (e.g., a comprehensive approach needed to adequately grasp the root causes of corruption), as well as ‘bridges between the main players and parties’.

This point is also made by Michael who states that, ‘in Turkey, a number of executive bodies deal with anti-corruption including the Prime Minister’s Inspection Board, Ministry of Finance Inspection Board, Ministry of Justice, Ministry of Interior, State Planning Office and the State Supervision Institute in the President’s Office. However, none of these has been given a definitive leadership role and the relationship between these entities is ambiguous’ (Michael, 2004). A 2004 report by the Division for Public Administration and Development Management, Department of Economic and Social Affairs, United Nations (UNDESA, undated) also notes that ‘the fragmented structure of public administration with different institutions subject to different laws and unclear delineations of duties and responsibilities, as well as insufficient co-ordination and communication between public institutions and lengthy processing times for administrative procedures greatly impact on the ability of the government to prevent and control corruption’ (p15).

Another article (Omurgonulsen, 2008) asks - why does corruption have still a widespread effect on the Turkish polity? Why are such legal and institutional instruments and mechanisms not enough to establish an ethical administration in Turkey? Is there any serious deficiency in the application of legal-administrative rules and sanctions and the operation of institutions due to some cultural factors in spite of recent attempts and improvements? It suggests that ‘socio-political traditions’ (a collectivist culture based on solidarity and traditional spoils culture), ‘administrative traditions’ (e.g. patronage in entering the public service, gift giving and taking, and keeping business relations with the government department after retirement), ‘legal uncertainties’ (e.g. lack of definition of secret information or lack of regulation in the case of morally or ideologically repugnant order) are significant obstacles in the enforcement of legal-administrative instruments in practice. These are compounded by the application of new management practices and procedures onto existing administrative cultures without assessment, adaptation and a realigned control environment.

Omurgonulsen and Oktem (2008) also note a number of interconnected trends within the public sector, including political penetration of the administrative and judicial arenas, economic liberalisation favouring economic elites close to government and a collectivist and networked culture in the public sector – all serve to reinforce rather than evolve the enduring concept of the ‘unquestionable state’². The material does suggest the pervasive potential for the political penetration and dominance, and leads to the possibility where ‘Turkey, through an act of democracy ended up with an ineffective, politicised, and de-institutionalised bureaucracy, which started to experience erosion of its professional norms and values. This

² The centralised and hierarchical state derives from traditional Ottoman approach to the roles of a public official which very much reflected a system focussed on the requirements of the state in which ‘Emir’ is an order, ‘Amir’ is the order-giver and ‘Memur’ is the order obeyer.

enabled the political elite to distribute jobs at the disposal of the public sector to cronies and clientele, on the basis of political loyalty and support. Few ministries protected themselves from the excesses of the practices of populist patronage' (Kalaycıoğlu, 2003).

This has been specifically noted among regulatory bodies:

One such sign consists of the intent of the government to subdue the independent regulatory boards, which were established during the previous government's reign to deal with the financial crisis in Turkey. The main reason those regulatory bodies were established was to hinder politicians from influencing the state owned banks and the banking system, which was identified as a major source of political corruption in Turkey. The initial move by the AKP government met with criticisms of the IMF, press, media, and some interest groups. The government backed down. However, the AKP government has already revealed its intention to meddle into the affairs of the independent regulatory boards, which indicates that, so far as patron-client relations are concerned, the AKP means business as usual (Kalaycıoğlu, 2003; see Sezen, (2007).

The dominance of the Executive has important implications, given the nature of the Turkish public sector and its strong cultural values focused on:

'protecting the interests of the State...one of the official duties of public officials. Every kind of activities which are done in the name of protecting the interests of the State, even if it is a crime or offence, might be seen, not legally but morally right. Also, some other cultural values encourage the concealment of crimes or offences committed in the name of the State. A Turkish proverb clearly defines the collectivist mentality of the Turkish people on this manner: a broken arm should remain inside the sleeve (*kol kırılır yen içinde kalır*) (Omurgonsulen and Oktem (2008, p21).

This issue also affects the impact of externally-driven demands for reform. As Acar and Emek (2008) note:

'if the main priorities and policies concerning building a clean government are exclusively or heavily determined by the actors outside of Turkey, then, a sentiment among local 'fraud-fighters' would grow regarding the undue influence of the foreigners, undermining their decades-old struggles and strategies, as well as power and priorities. A set of criticisms will begin gaining currency among different segments of the society (The criticisms range from 'they don't know the peculiarities of the context' to 'they are trying to undermine the power and legitimacy of the Turkish central government'. It is in such a climate that 'hidden intentions and agendas' of the reformers, as well as of international and domestic actors supporting them are also be subjected to a permanent questioning). Whether the critiques are right in what they say or do is less relevant here. What we are trying to point out is that those who want to contribute to the efforts aiming at building clean government in Turkey must take into account the many facets of the issue as well as many faces of the opposing sentiments, and must develop and implement effective communication strategies and appropriate tools to deal with them properly. The pressures, priorities and policies originating from outside the country, might also create an atmosphere in which authentic institutions and resources of the country might be undervalued and underutilized in the fight against corruption (pp195-196).

Similarly Berkman (2007) notes that one of the difficulties in implementing ethics training could be that 'officials may find it unnecessary or even insulting to be told that they need to learn more about it' (p59). The related issue here is, of course, the pressure from the EU as part of the accession process to reform the public sector.

4.3 Turkey: EU Accession

In relation to the question of organisational culture a number of articles consider the influence of the Ottoman legacy on perceptions of the value and intentions of external influences (Johnson, 2008), the tensions over the EU accession process (Patterson, (2008), and the levels (or absence of) pluralist and democratic development (Onen, 2008). In particular the nature of the current political context is noted in which the ruling party is accused of using 'its pro-European rhetoric and pro-business attitude as instrument to achieve its political goals...from a secular to a religious state' (Korab-Karpowicz, 2008). In relation to institutional development, articles also mention the effect of democratisation on particularistic politics and on the impact of politics on the state. Thus:

'the popular image of Turkish democracy has been tilted toward an understanding that democracy allows people greater access to the resources of the State through the help of political parties. The elections provide the nexus of exchange between the electorate and the political authorities. Such an opportunity to influence, or exchange of votes for services and benefits from the state budget, make the game of democratic politics attractive to the masses. They fare well under the rules of multi-party competition that give them wide opportunities to swap patrons for more effective procurement of services from all levels of government. As a result there is widespread support for competitive, multi-party politics exists in Turkey, with democracy thriving through these patron-client relations' (Kalaycioğlu, 2003).

This concern is echoed in the UNDESA (undated) report which suggested:

The centralist nature of public administration is not only a tradition which has been inherited from the Ottoman period, it has also been developed and enhanced by Republican administrations during the consolidation of the nation state. This centralist structure is also furthered by the democratic representative system within the multi-party system since 1946. Members of Parliament are elected on a provincial base according to population of the province. Members of Parliament set up their ties through their parties' local leaders in their constituency. Therefore, they play an intermediary role between local demands and central decisions, resources that can be aligned to meet local needs. Consequently the deputies prefer to solve local problems through the resources of central government instead of adopting local solutions. One of the results of this centralist tendency is the unfairness in revenue sharing between central and local administrations. The bureaucratic structure also supports this taking and giving with politicians to preserve its powerful position. This is as a major obstacle towards decentralization. This centralist nature of the government eventually results in the weakness of local administrations. Since local needs cannot be satisfied by the local authorities all attention turns to the central government (p17).

What is noticeable is the recognition of the persuasive nature of potential EU accession has had on Turkey and the speed with which the government has been able to address new reform - *where* it wishes to act:

The Treaty of the European Union (article 6) foresees the existence of smoothly performing institutions of democracy, rule of law, which uphold human rights and protection of minorities. The institutional characteristics of the political regime in Turkey seem to be one major obstacle toward progress in establishing the Copenhagen criteria in Turkey. They are relatively easy to deal with, and the Turkish political elite has shown remarkable speed with which they can move to rectify and amend the laws and the 1982 Constitution of Turkey to meet the requirements of the Copenhagen Criteria (Kalaycioğlu, 2003).

If EU accession is an issue, therefore, so is the need to address corruption and whether the reform initiatives to date are superficial or substantive:

Regardless of Turkish levels of corruption, if Turkey wants to join the EU, one of the main obligations Turkey will face is compliance with the Copenhagen Criteria. The Criteria was established by the 1993 Copenhagen European Council and established the accession countries' mandate to reduce corruption. The Criteria requires institutions guaranteeing democracy [and] the rule of law and policies which help secure a functioning market economy. More specific guidance for these countries is given by the *acquis communautaire* which requires the adoption of a number of international conventions making bribery a civil and/or criminal offense in domestic legislation. On paper, Turkey looks well poised to meet the Criteria by having adopted a number of conventions by organisations with largely European membership. The Turkish parliament has already ratified the Council of Europe Civil Law Convention on Corruption. Such ratification has allowed Turkey to become a member in the Group of States against Corruption which monitors compliance with European anti-corruption standards. In 2000, Turkey signed on to the OECD's Convention on the Bribery of Foreign Officials in International Business Transactions. Turkey has also engaged in a number of more concrete measures aimed at fighting corruption. A parliamentary anticorruption committee has issued a long report (1,200 pages!) and started investigations into a number of high level improprieties. In January 2004, a working group was brought together to assist the parliamentary committee in charge of the Action Plan on Enhancing Transparency and Good Governance in the Public Sector. The working group consists of employees from the Prime Ministry Inspection Board, the Ministry of Justice, Ministry of Interior, Finance, the Treasury and the State Planning Organization. Skeptics see the announcement of such anti-corruption efforts as a whitewash – non-credible commitments to avoid tackling corruption. Despite Turkey's adoption of international conventions, the data suggest little has changed (Michael, 2004).

4.4 Summary

The literature suggests that Turkey has a range of laws and institutions but a common theme is the absence of information-sharing, coordination, cooperation, and joined-up working. Another issue is the nature of the public state, and organizational culture, as well as the particularistic nature of party politics and the dominance of the Executive. Michael's argument that Turkey lacks political will, a comprehensive approach, an active civil society, deregulation, an institutional locus for anti-corruption work, a large programme of anti-corruption training, and support from international organisations, as well as needing a national anti-corruption strategy, suggests a range of issues to be addressed. These are all issues that are also addressed by the number of external reviews (including those related to the accession process) in the next section.

5. EXTERNAL REVIEWS

External reviews in recent years have noted both the areas of concern that require attention and those areas where progress is being made, particularly in relation to EU accession.

5.1 OECD SIGMA

The SIGMA report on the Elements of a Public Integrity System (2006) noted that corruption and favouritism was associated with the functioning of politics, at both local and central government levels. It stated that corruption scandals that occurred during the period of the report were conducive to significant developments, such as more awareness and sensibility of civil society to political corruption as a problem to be solved and a response of the government through the elaboration of a relatively structured anti-corruption strategy in the 9th Reform Package.

Specifically, the SIGMA report suggested that the impact of the EU on Turkey had been noticeable in terms of seeking more transparency since accession negotiations were opened at the end of 2005. It noted that the EU accession process provided Turkey with a case for developing better governance and pursuing a long-term anti-corruption policy that had clear political support.

In terms of areas of concern and recommendations the report stated:

1. Except in some areas, such as asset declaration and the financing of political parties, there is overall a sufficient legal basis for fighting corruption.
2. The government attempted to disband some inspectorates in 2003, but the President vetoed this decision. The government appears decided to implement a coherent anti-corruption strategy and to better co-ordinate all of the administrative institutions holding responsibilities in this area.
3. At the present time, as indicated in the 2005 Sigma assessment, corruption is mainly present in some areas such as public procurement, customs, traffic police and energy.
4. Corruption, and favouritism have been associated with to the functioning of politics, which is at both local and central government levels. This situation makes the reform efforts towards a well-organised system of public procurement at local and central levels of government necessary, together with a transparent system of asset declaration for political personalities and a closely monitored system of financing political parties and elections.
5. Corruption scandals that occurred during the period under review were conducive to significant developments, such as more awareness and sensibility of civil society to political corruption as a problem to be solved and a response of the government through the elaboration of a relatively structured anti-corruption strategy in the 9th Reform Package.
6. The impact of the EU on Turkey has been noticeable in terms of seeking more transparency since accession negotiations were opened at the end of 2005. The management of EU pre-accession funds requires a higher degree of transparency and accountability as well as the implementation of a sound strategy to fight corruption. Indeed, the EU provides Turkey with a case for developing better governance and pursuing a long-term anti-corruption policy that has clear political support.

Specifically the report prioritised concerns over party finance and election expenditure, parliamentary immunity, asset disclosure, poor consistency of pro-integrity policies, poor coordination and cooperation of internal controls and audit functions, low citizen awareness and a political and public sector that did not reflect transparency and accountability. The report called for a range of initiatives – the role of Parliament and Inspection Boards to address corruption (the report did not endorse a single new agency), and a comprehensive strategy that addressed civil society, judicial independence, public sector reforms, simplification of administrative procedures and legally-binding codes of conduct.

In 2008 its follow-up assessment (SIGMA, 2008) reported that ‘no significant achievement was recorded during the assessment period’ in relation to anti-corruption projects and initiatives between 2006 and 2008:

None of these projects has reached fruition, possibly because anti-corruption policies were crowded out of the political agenda of the government by other political issues. For the period under review (September 2006 – May 2008), no progress can be recorded in strengthening the legal framework and institutional set-up to fight against corruption, except for the formal ratification of the UN Convention against Corruption (UNCAC), which Turkey signed on 11 August 2006 (published in the *Official Journal* of 2 October 2006). Soon after the publication of the 9th Reform Package, the government’s policies shifted away from the original goals. Today, the anti-corruption policies seriously lack ownership. Effectively, the fight against corruption, which was a major policy plank in the 2002 elections, was not given a significant place in the July 2007 elections and now seems to be absent from the policy agenda, in spite of its inclusion in the 2007 EU Accession Partnership. **Corruption has nevertheless continued to be a matter of concern.** (*emphasis in original*)

5.2 IMF

While the 2006 IMF review (IMF, (2006) was primarily about an assessment of fiscal transparency practices in Turkey against the requirements of the IMF Code of Good Practices on Fiscal Transparency, it did note a number of issues:

- The number of financial and non-financial enterprises (including three large state banks, which account for 36 percent of banking system assets, and 41 percent of deposits, and a number in manufacturing, mining, energy, agriculture, transportation and communications, and petroleum) to which government appoints the Boards and over whose activities the ‘government exercises a significant influence on how state enterprises are run’;
- İller Bank is a government agency that provides municipalities with financial and technical support for infrastructure development. However, some of its operations are not transparent and there is scope for interference;
- The taxation framework has improved, but remains complex and subject to significant discretion...(with) significant discretion in administering the tax system: the complexity often leads taxpayers to request comments from the tax authorities. These private notices are not legally binding, can become the de facto interpretation of the law for the case in hand, but do not create precedent (consistency is not assured)...and the recurrent use of tax and social security amnesties: some 37 tax amnesties have been carried out since the founding of the modern Turkish state, creating major uncertainty and disincentives about de facto tax obligations and payment requirements;
- Public servants are subject to a code of behavior, but some important gaps exist. The Civil Service Law (#657) defines standards of conduct for public officials, and the more recent Law on Establishing the Public Officials Ethical Board (#5176) has just recently

established an ethical board and commission in each line agency charged with promulgating a code of conduct to employees. This includes provisions against accepting resources (mirroring the provisions in the PFMCL) and against favoring former public servants. Disciplinary committees in ministries are to follow up complaints from the public, and the Ethics Board is to publish any decision against a public official (although the system is new and has not yet been tested). The Finance Inspectors Board in the MOF has for many years performed an anti-corruption function, and it focuses on severe and important corruption cases. A key weakness in the code of behavior is the ability of some former public officials, in particular tax auditors, to immediately upon resigning their position, represent clients in dealing with their former agency (Law 2531 in general limits the jobs which former public officials can undertake, but it is superseded in the case of former tax auditors by the Chartered Accountants Law (#3568)).

5.3 European Union

The Council Decision of 23 January 2006 on the principles, priorities and conditions contained in the Accession Partnership with Turkey (COUNCIL DECISION of 23 January 2006 on the principles, priorities and conditions contained in the Accession Partnership with Turkey (2006/35/EC) indicated that, with regard to the anti-corruption policy:

- the government fully commit at all levels to the fight against corruption, including by strengthening all institutions involved, as well as coordination between them;
- ensure implementation of the Regulation on Principles of Ethical Behaviour for Public Officials and extend its provisions to elected officials, judiciary, academics and military personnel; and
- limit the scope of parliamentary immunity in line with European practice.

The 2007 EC Progress Report on Turkey which noted that a number of issues remained to be addressed, including:

- effective parliamentary oversight over public expenditure;
- the extensive immunities granted to parliamentarians and public officials;
- improved legislation and transparency on political party and election campaign financing;
- the extension of the code of ethical principles to parliamentarians, academics, the military or the judiciary; and
- progress on the development of an anti-corruption strategy.

Overall, the assessment noted that corruption was widespread and there had been limited progress in the fight against corruption (Commission Staff Working Document, 2007).

The Council Decision of 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with Turkey (COUNCIL DECISION of 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with Turkey (2006/157/EC) proposed the following areas for reform:

- *Public administration*
 - Pursue reform of public administration and personnel policy in order to ensure greater efficiency, accountability and transparency;
 - strengthen local administrations by reforming the central administration, devolving powers to local administrations and providing them with adequate resources;
 - implement legislation aimed at establishing a fully operational Ombudsman system;
 - adopt and implement legislation on the Court of Auditors.
- *Anti-corruption policy*
 - Develop a comprehensive anti-corruption strategy, including the fight against high-level corruption, and a central body to oversee and monitor its implementation,

- including through establishing statistical data. Improve coordination between all institutions involved;
- ensure implementation of the Regulation on Principles of Ethical Behaviour for Public officials and extend its provisions to elected officials, judiciary, academics and military personnel;
- limit the immunities granted to politicians and public officials in line with European best practices and improve legislation on transparency in political party and election campaign financing.

The European Commission (Commission Staff Working Document, 2008) provided an overall comprehensive assessment in 2008 as follows:

- Corruption incidents, involving in particular real estate agencies, local government and universities, were frequently reported by the media...There has been no progress on limiting the immunity of Members of Parliament and there is no legislation in place on election campaign financing. The European Court of Human Rights noted in a ruling that that no objective criteria had been set to define the conditions under which immunity could be lifted. No progress has been made regarding new legislation on the Court of Auditors. There has been no progress on strengthening Parliamentary oversight over public expenditure.
- Limited progress can be reported on anti-corruption. Turkey has implemented one third of the recommendations made in GRECO's 2005 joint first and second round evaluation report. The Ministerial Committee for enhancing transparency and improving good governance is continuing to monitor anti-corruption measures. Corruption incidents, involving in particular real estate agencies, local government and universities, were frequently reported by the media. As a result, law enforcement agencies have conducted a series of high-profile corruption investigations in various agencies.
- Financial relations between political parties and the media raise questions. The system of auditing political parties is not considered adequate.
- Ethical principles for Members of Parliament and other groups of public officials, such as academics, the military or the judiciary, are lacking. Certain groups of public officials, such as academics, under-secretaries and governors, continue to benefit from a system of administrative authorisation for corruption prosecution.
- Several of GRECO's most important recommendations have not been addressed, such as the recommendation to entrust a body involving civil society with the responsibility of overseeing implementation of national anti-corruption strategies and of proposing new strategies.
- No progress has been made regarding new legislation on the Court of Auditors, nor on strengthening parliamentary oversight over public expenditure.
- Concerning transparency in public administration, increasing use has been made of the right of access to information. According to official statistics, a total of 939 920 requests for information have been submitted by citizens. Public agencies responded positively to 93% of them. Both citizens' requests for information and the number of those requests public agencies responded to positively have increased since last year. However, in the assessment of the real impact of the relevant legislation account should be taken of the fact that the system is relatively new and that the board of access to information does not check the reliability of these statistics. Another 554 cases in which requests for information were denied have been referred to the judiciary.
- Turkey has been criticised by the OECD for its record on implementation of the OECD anti-bribery convention concerning the liability of legal persons, its inadequate

awareness-raising activities and its dismissal of investigation of foreign bribery cases allegedly involving Turkish companies.

- Stronger coordination between the relevant government institutions is of key importance.

Overall, the assessment noted that ‘while Turkey had made efforts to ensure practical implementation of the existing anti-corruption legislation, *inter alia* by enhancing training on corruption detection and investigation for law enforcement officers, establishing guidelines on seizure and confiscation and developing systems for monitoring the impact of anti-corruption measures, the overall assessment was that there had been limited progress in the area of *anti-corruption* with corruption remaining a widespread issue. There had been limited progress towards strengthening the legal framework and institutional set-up to fight corruption. The continuing absence of a comprehensive anti-corruption strategy, action plan and coordination mechanism was seen as a cause for continuing concern. Turkey needs to develop a track record of investigations, prosecutions and indictments of allegations of corruption’.

5.4 CoE GRECO

Of particular relevance have been the GRECO review and the Turkish government’s response. In relation to the 2008 GRECO evaluation (see also GRECO, 2006) the GRECO report noted not only its Recommendations, the government’s response and GRECO comments as follows:

Recommendation i. GRECO recommended to develop systems for monitoring the impact of anti-corruption measures for the various sectors concerned.

The authorities of Turkey report on the setting up of a joint project on Ethics for the Prevention of Corruption in Turkey by the Council of Ethics with the assistance of the Council of Europe and the European Union, to be implemented during the period 2007-2009 and which, *inter alia*, provides for the elaboration of studies to evaluate the effectiveness of anti-corruption measures implemented in recent years – e.g. legislative measures regarding the Penal Code, the Law on Access to Information and the Code of Ethics – and the preparation of proposals for improved management, coordination and monitoring of anti-corruption strategies in Turkey. Moreover, the authorities indicate that the Ministerial Commission for Enhancing Transparency in Turkey and Improving Good Governance has prepared a monitoring report on anti-corruption policies of the 58th and 59th Governments as well as on legislative and administrative practices for eliminating corruption and enhancing transparency, which includes *inter alia* a list of activities carried out and targets reached, activities to be undertaken in line with the national development plans and strategy documents as well as unfulfilled obligations arising from international agreements and conventions.

GRECO takes note of the information provided with regard to the Ministerial Commission’s monitoring report on anti-corruption policies of the 58th and 59th Governments, including a list of activities carried out and targets met. GRECO recalls that the recommendation aimed more specifically at the development of systems to monitor the efficiency of anti-corruption measures, but the information submitted by the authorities suggests that the Ministerial Commission’s report might constitute a useful basis for further fully-fledged monitoring. In this respect, GRECO acknowledges that the elaboration of studies to evaluate the effectiveness of anti-corruption measures implemented in recent years is said to be one of the main components of the joint project on Ethics for the Prevention of Corruption in Turkey. GRECO welcomes the international support provided to the project and, as it is still at an initial stage, encourages the authorities to vigorously pursue their efforts in this area.

GRECO concludes that recommendation i has been dealt with in a satisfactory manner.

Recommendation ii. GRECO recommended to entrust a body with the responsibility of overseeing the implementation of national anti-corruption strategies as well as proposing new strategies against corruption. Such a body should represent public institutions as well as civil society and be given the necessary level of independence in its monitoring function.

The authorities state that the Ministerial Commission for Enhancing Transparency in Turkey and Improving Good Governance has been given, by Prime Ministerial Circular (No.2006/32), the additional tasks of coordination with international organisations and establishing general principles for anti-corruption measures. The same Commission was restructured following the elections of 22 July 2007 and is now headed by the Minister of the Interior. The authorities state that the Commission has proved to be a useful instrument for steering public authorities' promotion of anti-fraud and anti-corruption policies and for providing them as well as the Government with technical guidance. They further make reference to cooperation between law enforcement agencies, coordination of inter-ministerial investigations by the Prime Ministry Inspection Board, cooperation of Government agencies in money laundering cases via an advisory council and to the role of Parliament in investigating corruption and fraud cases by means of investigation committees.

GRECO acknowledges the existence of various State bodies and forms of cooperation aimed at improving the fight against corruption. That said, the recent Ministerial Commission, now headed by the Minister of the Interior, is yet another example of the strong influence of the State and, in particular, of law enforcement in anti-corruption efforts in Turkey. However, the recommendation aimed at the establishment of an oversight body, with the involvement of civil society and with some degree of independence from the Government. The task of such a body should not be confused with the coordination of repressive measures carried out by the law enforcement agencies.

GRECO concludes that recommendation ii has not been implemented.

Recommendation iii. GRECO recommended to establish or assign a specialised unit with investigative powers in cases of corruption, for the sharing of information between law enforcement agencies and to provide advice to law enforcement agencies on preventive and investigative measures.

The authorities report on records to be kept by the Police, Gendarmerie and Coast Guard units as well as on the sharing of information – which can also be accessed online – relating to those records which concern persons deprived of certain rights (e.g. debarment from public services), stolen and missing motor vehicles, fire arms or documents for identification. They further refer to daily Public Order Meetings in the provinces, headed by the Governor and with the participation of the Provincial Chief of Police, the Gendarmerie Commander and the Chief Public Prosecutor, for mutual information sharing, including on corruption cases. Moreover, they mention an increase of strategic and operational cooperation between Police, Gendarmerie, Customs and Coast Guard units which have conducted 36 joint investigations in the area of corruption and financial crimes during the last four years, as well as the possibility to establish, in complex corruption cases, temporary Inter-Agency Task Forces (ITF) under the supervision of the public prosecutor, including representatives of judicial investigative bodies and regulatory/supervisory administrative authorities. Finally, the authorities report on the establishment of the Turkish National Bureau under the General Directorate of the Turkish National Police (Interpol Europol Siren Department), in order to enhance, at national level, the cooperation between the law enforcement authorities in respect of international crimes.

GRECO takes note of the information provided with regard to the sharing of information and cooperation of law enforcement bodies. Whereas some of the measures reported were used already before the adoption of the Evaluation report, some others appear to be new and to go in the right direction, such as mutual information sharing. However, the reason for this recommendation was the lack of a specialised unit with investigative powers for corruption cases. GRECO notes that the recently established Turkish National Bureau is apparently not a specialised unit with investigative powers in cases of corruption and that the setting up of such a specialised unit has thus not been reported yet.

GRECO concludes that recommendation iii has not been implemented.

Recommendation iv. GRECO recommended to enhance/establish co-ordinated training on corruption detection and investigation for all law enforcement officers specialised in corruption cases.

The authorities mention various courses relating to the fight against corruption which are offered by the Police Academy Faculty of Security Sciences, as well as several conferences about The Fight Against Corruption in Turkey and the Role of the Police which were organised during the period May-June 2007 with a total number of 3,812 participants. Moreover, they make reference to training activities for law enforcement officials, which were provided by the National Police and included, inter alia, training of 953 officials (of the Ministry of Justice, the Under-Secretariat for Customs, the Financial Crimes Investigation Board MASAK – the Turkish FIU, the Gendarmerie and the General Directorate for Security) in the framework of the Project on Strengthening The Fight Against Money Laundering, Financial Sources of Crime and Financing Terrorism during the period April 2005-April 2007, training of 650 officials of all law enforcement units in the framework of the Project on Strengthening the Fight Against Organized Crime during the period March 2004-November 2005, Specialisation Training on Fighting Against Fraudulent Acts for 77 officials of the Department of Anti Smuggling and Organised Crime of the National Police (KOM), Specialisation Training on the Fight Against Qualified Fraud and Corruption for 74 officials of the KOM and periodical Interpol Training Courses (the last held in April 2007) on combating international crime, including money laundering and corruption, with the participation of representatives from several ministries, national central and local police departments, Gendarmerie, customs and the coast guard.

GRECO notes that extensive training activities for officials of the different law enforcement bodies, including aspects of the fight against corruption, have been reported. GRECO encourages the authorities to continue the organisation of such training, to focus more specifically on corruption detection and investigation and to strengthen the co-ordinated training between the Police and Gendarmerie in this area.

GRECO concludes that recommendation iv has been implemented satisfactorily.

Recommendation v. GRECO recommended to further enhance the independence of judges vis-à-vis the Ministry of Justice, concerning their supervision and appointment.

The authorities report that the number of members of the Oral Examination Board has been increased to seven by the addition of two representatives of the Executive Board of the Justice Academy (members of the Council of State and of the Court of Cassation) and that the role of the oral examination in the assessment of the eligibility of candidate judges and prosecutors has been reduced to 30%. They further indicate that the composition of the Supreme Council of Judges and Prosecutors which is responsible for the appointment and promotion of all judges, has not changed. Moreover, they stress that the supervision of judges is still carried out by the Judicial

Inspection Board of the Ministry of Justice, but that some procedures have changed: according to the Regulation on the Judicial Inspection Board of 27 January 2007, the Ministry of Justice judiciary inspectors now have to prepare their reports on the basis of standardised forms using numerical marks (1 to 100), they have to support evaluations graded with low or average by evidence, and judges have the right to consult inspection records, which are considered to be information notes in the meaning of the Law on the Right of Access to Information (Article 95), and to challenge the recommendations of the inspectors (Article 87). The authorities add that since 2006, evaluation sheets – which are not conclusive, the final evaluation being carried by the Supreme Council of Judges and Prosecutors – can be subject to administrative judicial review.

GRECO takes note of the information provided. Although it would appear that minor adjustments to the procedures for the examination of candidate judges and prosecutors as well as some procedural safeguards with regard to the supervision and appraisal of judges have been introduced, GRECO sees no real progress concerning the principal issue of the independence of judges vis-à-vis the executive power, i.e. the Ministry of Justice, in relation to their appointment and supervision which are still tightly linked to the Ministry of Justice.

GRECO concludes that recommendation v has not been implemented.

Recommendation vi. GRECO recommended to further promote the full establishment of the Justice Academy as an exclusive training institution for judges and prosecutors and to enhance their on-going training on specialised topics such as economics and finances relevant to the prosecution and adjudication of corruption offences.

The authorities report that the move to new premises in 2005, the allocation of a budget of 5,503,000 TRL/ca. 2,696,470 EUR in 2006, 7,822,000 TRL/ca. 3,832,780 EUR in 2007 and 8,757,000 TRL/ca. 4,290,930 EUR in 2008 as well as a number of recently enacted regulations have made it possible to further develop the activities of the Justice Academy which has organised, since 2005, 11 symposiums in the framework of the project Modernisation of Justice and Penal Reform with 800 participating judges and prosecutors; has launched a cooperation programme with Utrecht University on Internalisation of Human Rights Standards and Strengthening of Local Capacity for candidate judges (244 out of 440 candidates have been trained so far), judges and prosecutors; and has begun to focus increasingly on in-house training activities (planned number of participating judges and prosecutors: 850 in 2007; 1,650 in 2008; 1700 in 2009). The authorities further indicate, with regard to training on specialised topics, that 737 candidate judges and prosecutors attended conferences on money laundering, smuggling, corruption, seizure and confiscation as part of their pre-service training during the period June 2006-February 2007, that, in addition, candidates are trained on crimes against the reliability and functioning of public administration such as corruption or money laundering, and that specific in-house training courses are planned in the long term training programme 2007-2009 (e.g. 5 day courses for 80 judges and prosecutors on corruption, money laundering and smuggling; 5 day courses for 120 judges and prosecutors on crimes regarding bank law and international payment systems; 5 day courses for 100 judges and prosecutors on special investigation techniques).

GRECO welcomes the reported increase in training activities for judges and prosecutors provided by the Justice Academy. GRECO understands that further progress can be expected in the future as regards the organisation of more training, in particular on specialised topics such as economics and finances relevant to the prosecution and adjudication of corruption offences.

GRECO concludes that recommendation vi has been dealt with in a satisfactory manner.

Recommendation vii. GRECO recommended to reconsider the system of immunities of members of Parliament in such a way as to establish specific and objective criteria to be applied when deciding on requests for the lifting of immunities and to ensure that decisions concerning immunity are free from political considerations and are based on the merits of the request submitted by the prosecutor.

The authorities indicate that the recommendation was submitted to the recently elected Parliament (July 2007) and it is expected that this issue will be dealt with by Parliament either in the framework of the constitutional reform or separately.

In the absence of any further information on this matter, GRECO can only conclude that recommendation vii has not been implemented.

Recommendation viii. GRECO recommended to analyse the effects of the administrative authorisation for prosecution on the effectiveness of the criminal proceedings and to consider reforming the system of preliminary administrative investigation and administrative authorisation for prosecution, in order to reduce the categories of public officials who de facto benefit from immunities from criminal proceedings.

The authorities report that in order to analyse the effects of the administrative authorisation for prosecution on the effectiveness of the criminal proceedings and to consider reforming the system of preliminary administrative investigation and administrative authorisation for prosecution, a working group consisting of representatives of the Directorate General for Legislation, International Law and Foreign Relations, Criminal Affairs, Judicial Records and Statistics of the Ministry of Justice, a Deputy Chief Public Prosecutor responsible for crimes committed by public servants and a Chief Inspector of the Prime Ministry Inspection Board has been set up. They state that the working group has analysed data collected from the Directorate General for Judicial Records and Statistics of the Ministry of Justice and the Public Prosecutor Office of Ankara and that it has submitted a report to the Directorate General for Legislation of the Ministry of Justice and to the Prime Ministry Inspection Board for further evaluation, in view of possible reform projects.

GRECO takes note of the reported analysis of the effects of the administrative authorisation for prosecution on the effectiveness of the criminal proceedings. However, no concrete consideration seems to have been given yet to reforming the system of preliminary administrative investigation and administrative authorisation for prosecution.

GRECO concludes that recommendation viii has been partly implemented.

Recommendation ix. GRECO recommended to establish guidelines and thorough training for the officials, who apply the new rules on confiscation and seizure (law enforcement, prosecutors and judges), and to collect detailed information on the use, and failure to use, confiscation and interim measures in order to be able to assess how the system operates in practice.

The authorities report that a detailed guideline on the Principles and procedures of laundering and seizure of proceeds of crime investigations was sent to all central and provincial police units on 27 April 2007. Moreover, they indicate that guiding principles regarding seizure and confiscation were elaborated during a seminar for judges, prosecutors and members of law enforcement authorities and the financial intelligence unit in July 2007 and made available on the web page of the Ministry of Justice. They add that further indications as regards the execution of seizure and confiscation,

including cases of international judicial cooperation, are contained in ministerial circulars.

Regarding training activities, the authorities indicate that 953 officials from all law enforcement units and members of the Ministry of Justice were trained on seizure and confiscation of criminal proceeds between April 2005 and April 2007 in the framework of a European Union Twinning Project on the Fight Against Money Laundering, Financial Sources of Crime and Financing Terrorism. They furthermore report that the Ministry of Justice organised a number of training activities, in particular, training on the new Criminal Code and the new Code of Criminal Procedure including the new rules on confiscation and seizure for all prosecutors and judges (during the period January 2005-December 2006); 3 seminars on the investigation and prosecution techniques with regard to the confiscation of assets, with the participation of judges, prosecutors and law enforcement units (in February and March 2006, in cooperation with the United States Embassy); a seminar on the Methods and Practices in the Fight Against Corruption in which the provisions of the United Nations Convention Against Corruption and the domestic practices were discussed by Turkish and American experts as well as 30 judges and prosecutors (in May 2007, in cooperation with the United States Embassy); a training seminar on Search, Seizure and Confiscation Measures in the Fight Against Corruption with the participation of 40 judges and prosecutors as well as members of law enforcement authorities and the financial intelligence unit (in July 2007), a seminar on Seizure and Confiscation of the Proceeds of Crime for judges and prosecutors dealing specifically with organised crime as well as with seizure and confiscation (in October 2007); and a workshop on combating terrorism, money laundering and financing of terrorism, including the topic forfeiting the assets deriving from crimes, with the participation of 63 judges and prosecutors (in February 2008). Finally, the authorities state that statistical forms for the collection of data on the use of confiscation and interim measures from the UYAP (National Judiciary Information System) database were prepared by the Ministry of Justice and that a working group was established within the Ministry, including members of the Directorates General for International Law and Foreign Affairs, Penal Affairs and Legislation, in order to assess – on the basis of the collected data – how the system operates in practice.

GRECO takes note of the information provided and concludes that recommendation ix has been implemented satisfactorily.

Recommendation x. GRECO recommended to implement guidelines at central level for all public administrations as to the fees to be charged when information is requested under the Law on Right to Access to Information.

The authorities report that a guideline at central level for all public administrations as to the fees to be charged when information is requested under the Law on Right to Access to Information is contained in the Ministry of Finance's General Communication on the Fee for Access to Information and Documentation of 1 March 2006.² They indicate that this communication includes a schedule of fees as well as principles and procedures for implementation. It is laid down, for example, that the first ten pages of written or printed information are free of charge (postage included), that a fee must be in proportion with the expenses related to examination, research, act of writing, copying, post and other cost elements and outlay, incurred by access to information or documentation and must not exceed the cost amount and that an explanation of the reasons for and the elements of the fee have to accompany the fee notice. Finally, the authorities indicate that according to the schedule of fees, in principle, written and printed information and documentation held by institutions and agencies and of which the printing is allowed, are currently provided for a fee of 0.5 TRL/ca. 0.25 EUR for black-and-white printing, scanning or copying and a fee of 1 TRL/ca. 0.49 EUR for colour printing, scanning or copying for each page after the first ten pages ; for expenses incurred by research and review, other cost elements and outlay, an additional amount, which must currently not exceed 5 TRL/ca. 2.45 EUR per page or

100 TRL/ca. 49 EUR in total, is to be determined by the administrative body concerned. By contrast, information and documentation sent by electronic mail is free of charge, except for the expenses incurred by review, research, printing, scanning, copying and other cost elements.

GRECO takes note of the information provided and concludes that recommendation x has been implemented satisfactorily.

Recommendation xi. GRECO recommended to strengthen the independence of the Board of Review of Access to Information; that it be given a dedicated budget and dedicated staff sufficient for it to undertake its role in hearing and determining appeals and to act as the authoritative source of advice and guidance to public bodies in their application of the Law on Right to Access to Information. The exact content of the Communication was not available to GRECO at the time of the adoption of the Evaluation report.

The authorities report that with a view to strengthening the independence of the Board of Review of Access to Information, preparations were made to provide a dedicated budget to the Board, within the budget of the Prime Ministry Head of Public Affairs. They further indicate that expert staff of the Board's secretariat has been increased from three to six and has been mandated to deal specifically with affairs concerning the Board of Review of Access.

GRECO takes note of the information that the secretariat of the Board of Review of Access to Information has been reinforced and that preparations were made to provide the Board with a dedicated budget. GRECO notes, however, that a budget has not yet been allocated to the Board and that no further measures to strengthen its independence have been reported.

GRECO concludes that recommendation xi has been partly implemented.

Recommendation xii. GRECO recommended to provide the Ethics Council with sufficient independence, providing it with an appropriate budget and staff that would enable it to promote and promulgate the new codes of ethics throughout the public administration; to properly investigate complaints made against senior officials and undertake proactive studies into particular areas of concern in respect of ethical behaviour and corruption in the public administration.

The authorities indicate that the staff of the Ethics Council's secretariat has been increased from five to ten members (six experts, four administrative officers) and that according to Law No. 5176/2, expenditure for transportation, per diems, attendance fees and other needs of the Ethics Council are provided from the budget of the General Directorate of Personnel and Principles of the Prime Ministry.

GRECO is pleased to learn that the secretariat of the Ethics Council has been reinforced. However, it is still closely dependant on the Government, from where it gets its funding. No measures to provide the Ethics Council with sufficient independence and with an appropriate regular budget which would enable it, in particular, to properly investigate complaints made against senior officials and to undertake proactive studies, have been reported. Further efforts are clearly required to meet the purpose of the recommendation.

GRECO concludes that recommendation xii has been partly implemented.

Recommendation xiii. GRECO recommended to develop training material to be used in the training of all public officials on the new Code of Ethics and anti-corruption policies and to require all ministries and civil service bodies to include this training as part of their curriculum; it should be ensured that it forms

a core part of the induction training for new public officials as well as in the in-service training.

The authorities indicate that according to the Regulation on the Principles of Ethical Behavior of the Public Officials and Application Procedures and Essentials, public officials of all levels should be informed about the principles of ethical behavior and the deriving responsibilities as part of the employment rules (article 24), and managers should ensure that these principles are integrated in the induction and in-service training programmes for public officials (article 25). Furthermore, they report that the project Ethics for the Prevention of Corruption in Turkey, which aims at promoting a culture of ethics in Turkey, is planned to be implemented during the period 2007-2009 with financial support from the European Union (1.5 million EUR). This project will include training for public servants and managers of central and local bodies, information about ethical principles to be included in decision-making processes, analysis of other countries' ethical practices, preparation of a training module and training of trainers. Finally, the authorities make reference to a draft circular of the Prime Ministry aiming at, inter alia, training of public officials on Professional Ethics Principles to be provided by public institutions.

GRECO takes note of the information submitted with regard to the legal requirement of providing training on ethical principles to public officials, to the preparation of a project for its implementation in practice called Ethics for the Prevention of Corruption in Turkey and to a draft circular of the Prime Ministry aiming at training of public officials in this area. However, the abovementioned project is yet to be implemented and actual training activities for all public officials on the Code of Ethics along the lines set out in the recommendation have apparently not been undertaken.

GRECO concludes that recommendation xiii has been partly implemented.

Recommendation xiv. GRECO recommended to consider reforming the system of Inspection Boards – in the light of the on-going overall reforms of public administration and of a more specialised law enforcement system.

The authorities report that on the basis of the Law on Public Financial Management and Control of 2003 (Law No. 5018), the Internal Audit Coordination Board (IACB) was established in order to fill the gaps in the system of audit processes and to ensure effective communication with other control bodies. To this end, the IACB was entrusted with determining audit and reporting standards and codes of ethics, preparing and developing audit guidelines, developing risk assessment methods, organising training programmes for internal auditors, helping overcome disagreements between internal auditors and heads of administrative bodies, evaluating and consolidating administrations' internal audit reports, submitting them as an annual report to the Minister of Finance and making them public and, finally, developing a quality assurance and improvement programme and evaluating its implementation. The authorities claim that the Law No. 5018, along with other recent constitutional and legal amendments, also strengthened the external audit in line with INTOSAI standards and to this end, provided the Court of Accounts (TCA) with additional powers and audit capacities and suggested a close collaboration between internal and external audit mechanisms. The authorities indicate that the implementation of the aforementioned amendments is still under way and needs to be fine-tuned with the existing inspection boards in order to minimise gaps in the control structure, prevent overlapping and ensure effective co-existence of the different control bodies. However, several meetings of the IACB and the major inspection boards have already helped identify problematic areas to be resolved by means of more frequent common meetings.

GRECO takes note of the information provided which only deals with reforms to improve the systems for auditing public administration. However, the main concern of the recommendation clearly was the reform of the Inspection Boards, in particular

regarding the roles of other public administrative bodies (such as audit agencies) and of law enforcement in investigating corruption. Nothing has been reported in this respect.

GRECO concludes that recommendation xiv has not been implemented.

Recommendation xv. GRECO recommended to give high priority to the establishment of an Ombudsman institution, independent from the Executive, with a wide mandate to deal with complaints from the public concerning maladministration; and to provide for an awareness campaign throughout Turkey once relevant legislation is adopted.

The authorities report that the establishment of an Ombudsman was planned on the basis of the Law on the Ombudsman (Law No. 5548) which had already been published in the Official Gazette (No. 26318) and entered into force on 13 December 2006. However, the President of Turkey brought the Law before the Constitutional Court which decided on 27 October 2006 to suspend the implementation of the temporary 1st article providing An Ombudsman Institution is established through the election of the Head and at least five members of the Ombudsman Institution. The law, therefore, remains suspended until decision on the merits by the Constitutional Court.

GRECO notes that the Law on the Ombudsman has been adopted and that the recommendation aiming at the establishment of an Ombudsman institution has thus been taken seriously. However, as the law has been suspended by the Constitutional Court, **GRECO can only conclude at this stage that recommendation xv has been partly implemented.**

Recommendation xvi. GRECO recommended to introduce guidelines and training on reporting of corruption and the proper handling of reports as well as to ensure that public officials who report suspicions of corruption in good faith (whistleblowers) are protected.

The authorities report that a law on protection of witnesses and victims, whose life, physical integrity or property – or those of certain relatives specified in the law – appear to be in serious danger, has been adopted and will enter into force in June 2008. They indicate that this protection, which is only foreseen for certain types of offences, would be compulsory in cases where witnesses play an important role in criminal proceedings, and that in accordance with article 3 of the law, witness protection measures are foreseen for bribery offences which are committed by a criminal organisation. The authorities further recall that under article 18 of the Law on Asset Declaration and the Fight Against Corruption and Bribery (Law No. 3628), the identity of whistleblowers must not be revealed without their consent.

GRECO notes that a law on witness protection has been adopted. However, no guidelines or training on reporting of corruption and the proper handling of reports have apparently been provided for, neither is there any indication that the issue of specific whistleblower protection has been addressed, beyond the right to anonymity which was already granted to whistleblowers at the time of the adoption of the Evaluation report.

GRECO concludes that recommendation xvi has not been implemented.

Recommendation xvii. GRECO recommended to establish statistics on the use of disciplinary proceedings and sanctions in public administration.

The authorities report on the project to establish a single and centralised database for key information on public officials and to present it to the relevant institutions (PER-NET). This project, which will be implemented under the responsibility of the State Personnel Presidency, has been designed to guarantee transparency, participation, accountability and free access to information, as well as a balanced distribution of

personnel and fast decision-making within the public sector. The authorities state that the integration of statistical data regarding disciplinary measures into the centralised database is currently under consideration. In order to accelerate this process, the State Personnel Presidency submitted a draft circular aimed at collecting statistics regarding disciplinary measures to the Office of the Prime Minister. The authorities specify that some statistical data on this issue already exists within the ministries concerned.

GRECO takes note of the information provided on the existing statistical data at ministry level concerning disciplinary sanctions and on the project to establish a single centralised database for public officials, as well as on the consideration which is given to the possible integration of data regarding disciplinary measures into this project. GRECO encourages the authorities to persist in their efforts in order to establish comprehensive statistics on the use of disciplinary proceedings and sanctions in public administration and to integrate them into the centralised database for public officials.

GRECO concludes that recommendation xvii has been partly implemented.

Recommendation xviii. GRECO recommended to take appropriate measures in order to facilitate access to registration information on the various forms of legal persons.

The authorities report that the establishment of a central registration system of legal persons is part of an action plan to implement the Information Society Strategy of 11 July 2006 as adopted by the High Planning Council, aiming at integrating information on companies, associations, cooperatives and other legal entities by allotting a single number to an entity, which will be used by commercial registries, banks, the tax administration and other governmental bodies for transactions relating to the entity. They indicate that the implementation of this project, under the authority of the Ministry of Industry and Trade, is in its final phase and will be followed, once the necessary legal and organisational infrastructures and pilot applications are established, by the introduction of online company transactions, a single point information portal, the integration of business procedures into the electronic environment and company statistics systems. The authorities add that it is planned to provide a legal basis for the establishment of a central registration system accessible online through the draft Commercial Code (article 24) which is currently on the agenda of Parliament.

GRECO notes the information provided with regard to the project to establish a central registration system of legal persons. GRECO takes the view that once the planned measures, including the single point information portal and companies statistics systems, have been implemented, they could well be regarded as appropriate measures to facilitate access to registration information on the various forms of legal persons.

GRECO concludes that recommendation xviii has been partly implemented.

Recommendation xix. GRECO recommended to ensure that the provisions of the Criminal Code on the application of security measures in relation to legal persons fully comply with the standards of the Criminal Law Convention on Corruption (ETS173) concerning the liability of legal persons.

The authorities claim that so far, there have been no difficulties in applying security measures in relation to legal persons as provided by the Criminal Code which entered into force on 1 June 2005. They further report that the Directorate General of Legislation of the Ministry of Justice has reached the conclusion that the relevant provisions of the Criminal Code are largely compliant with the standards established by the Criminal Law Convention on Corruption, but that consultations on how to fully comply with the recommendation were still continuing. They indicate that to this end, a working group was established within the Ministry of Justice in January 2008 in order to

determine and make the necessary legislative amendments in line with GRECO, FATF and OECD review processes.

GRECO notes that the Ministry of Justice has taken into consideration recommendation xix and that, after analysing the relevant provisions of the Criminal Code, consultations are currently under way on how to fully comply with the standards of the Criminal Law Convention on Corruption concerning legal persons. However, no concrete steps to ensure full compliance with these standards as described in the Evaluation report, paragraph 226, have apparently been taken yet.

GRECO concludes that recommendation xix has been partly implemented.

Recommendation xx. GRECO recommended to establish special guidelines and training for the tax authorities concerning the detection of corruption offences and the effective fulfillment of reporting obligations.

The authorities state that the OECD Bribery Awareness Handbook For Tax Examiners has been distributed to tax examiners and serves as a guide for the in-service training programmes for tax examiners. Moreover, they report on the elaboration of a handbook establishing Specific Guidelines for Tax Authorities concerning the Detection of Corruption Offences and the Fulfillment of Reporting Obligations, by the Department of Revenue Controllers of the Ministry of Finance, in cooperation with the Ministry of Justice, after taking opinions from the Finance Board of Inspectors and the Board of Tax Inspectors. The authorities specify that these guidelines were sent, in March 2008, to the human resource units concerned and included in the 2008 in-service training programme.

GRECO takes note of the reported distribution and use of the Bribery Awareness Handbook For Tax Examiners for training programmes and of the elaboration of a handbook establishing guidelines for the tax authorities concerning the detection of corruption offences and the fulfillment of reporting obligations. GRECO notes that these guidelines were included in the 2008 in-service training programme and encourages the authorities to pursue their efforts and to provide further specific training for tax authorities in this area.

GRECO concludes that recommendation xx has been implemented satisfactorily.

Recommendation xxi. GRECO recommended to take adequate measures, including of a legal/regulatory nature, in order to involve accountants and auditors in the policies aimed at detecting/reporting money laundering offences.

The authorities report that the system for combating money laundering and terrorist financing was revised by the Financial Crimes Investigation Board (MASAK) taking into consideration national and international requirements, including GRECO's recommendation. They indicate that according to article 4 of the Regulation on Measures Regarding the Prevention of Laundering Proceeds of Crime and Financing of Terrorism which was published in the Official Gazette on 9 January 2008, certified accountants, certified public accountants and sworn-in certified public accountants are obliged to report suspicious transactions with regard to money laundering and terrorist financing offences. The authorities add that pursuant to article 17 of the Regulation Regarding the Investigation of Laundering Offences which came into force on 4 August 2007, examiners (Finance Inspectors, Tax Inspectors, Customs Inspectors, Revenue Controllers, Sworn-in Bank Auditors, Treasury Controllers, Experts of the Banking Regulation and Supervision Agency and of the Capital Markets Board who carry out money laundering examinations on behalf of MASAK) have to report serious suspicions and indications about money laundering or terrorist financing, which they encounter while exercising their duties, to MASAK via their administrative units.

GRECO welcomes that the reported legislative reforms of the system for combating money laundering and terrorist financing took account of the recommendation and introduced the obligation on a wide range of accountants and examiners, inter alia tax examiners and bank auditors, to report suspicious transactions in connection with money laundering and terrorist financing offences.

GRECO concludes that recommendation xxi has been implemented satisfactorily.

In terms of its overall assessment, the GRECO report noted that:

In view of the above, GRECO concludes that Turkey has implemented satisfactorily or dealt with in a satisfactory manner one third of the recommendations contained in the Joint First and Second Round Evaluation Report.

The recommendations were noted as follows:

- Recommendations iv, ix, x, xx and xxi have been implemented satisfactorily;
- Recommendations i and vi have been dealt with in a satisfactory manner;
- Recommendations viii, xi, xii, xiii, xv, xvii, xviii and xix have been partly implemented;
- Recommendations ii, iii, v, vii, xiv and xvi have not been implemented.

The report concluded:

Turkey has made efforts to ensure the practical implementation of existing anti-corruption legislation by, inter alia, enhancing training activities on corruption detection and investigation for law enforcement officers, establishing guidelines regarding seizure and confiscation and developing systems for monitoring the impact of anti-corruption measures. In addition, further measures promoting the fight against corruption are currently under preparation, including the provision of statistics on the use of disciplinary measures in public administration and the development of a central registration system of legal persons. Consideration is also being given to reducing the categories of public officials who de facto benefit from immunities from criminal proceedings. However, it appears that Turkey could do much more in order to address GRECO's recommendations. GRECO is particularly concerned that several recommendations of principal importance have not yet been addressed, such as the recommendation to entrust an oversight body, involving the civil society, with the responsibility of overseeing the implementation of national anti-corruption strategies as well as proposing new strategies. Another area of crucial importance which remains to be addressed is that of the independence of the judiciary which is still, despite minor adjustments, closely linked to the executive power i.e. the Ministry of Justice. Moreover, the recommendation to consider reforming the system of Inspection Boards has not been dealt with. GRECO urges the authorities to persist in their efforts to make sure that the outstanding recommendations are dealt with in an expeditious manner. GRECO invites the Head of the Turkish delegation to submit additional information regarding the implementation of recommendations ii, iii, v, vii, viii, xi, xii, xiii, xiv, xv, xvi, xvii, xviii and xix by 31 October 2009.

In November 2008, the EC itself (Commission of the European Communities, 2008) stated that:

Turkey has implemented one third of the recommendations made in GRECO's 2005 joint first and second round evaluation report. It has made efforts to ensure practical implementation of the existing anti-corruption legislation, inter alia by enhancing training on corruption detection and investigation for law enforcement officers, establishing guidelines on seizure and confiscation and developing systems for monitoring the impact of anti-corruption measures. However, the Government failed to prepare a

comprehensive anti-corruption strategy. Policy making in this field has not received adequate political support. Furthermore, several of GRECO's most important recommendations have not been addressed, such as the recommendation to entrust an oversight body, involving civil society, with the responsibility of overseeing implementation of national anti-corruption strategies and of proposing new strategies.

...There has been no progress on limiting the immunity of Members of Parliament and there is no legislation in place on election campaign financing. The European Court of Human Rights noted in a ruling that that no objective criteria had been set to define the conditions under which immunity could be lifted.

...No progress has been made regarding new legislation on the Court of Auditors. There has been no progress on strengthening Parliamentary oversight over public expenditure. Overall, there has been limited progress in the area of anti-corruption. Corruption remains a widespread issue. There has been limited progress towards strengthening the legal framework and institutional set-up to fight corruption. The continuing absence of an overall strategy, action plan and coordination mechanism is a cause for continuing concern in this area. Turkey needs to develop a track record of investigations, prosecutions and indictments of allegations of corruption.

Overall, the report stated that:

Limited progress can be reported on **anti-corruption**. Turkey has implemented one third of the recommendations made in GRECO's 2005 joint first and second round evaluation report. The Ministerial Committee for enhancing transparency and improving good governance is continuing to monitor anti-corruption measures. Corruption incidents, involving in particular real estate agencies, local government and universities, were frequently reported by the media.

As a result, law enforcement agencies have conducted a series of high-profile corruption investigations in various agencies. As regards Members of Parliament and political parties, there is no legislation in place on election campaign financing. There has been no development on limiting the broad scope of parliamentary immunity. The European Court of Human Rights noted in a ruling that no objective criteria had been set to define the conditions under which immunity could be lifted. Financial relations between political parties and the media raise questions. The system of auditing political parties is not considered adequate. Ethical principles for Members of Parliament and other groups of public officials, such as academics, the military or the judiciary, are lacking. Certain groups of public officials, such as academics, under-secretaries and governors, continue to benefit from a system of administrative authorisation for corruption prosecution. Several of GRECO's most important recommendations have not been addressed, such as the recommendation to entrust a body involving civil society with the responsibility of overseeing implementation of national anti-corruption strategies and of proposing new strategies. No progress has been made regarding new legislation on the Court of Auditors, nor on strengthening parliamentary oversight over public expenditure. Concerning transparency in public administration, increasing use has been made of the right of access to information... Turkey has been criticised by the OECD for its record on implementation of the OECD antibribery convention concerning the liability of legal persons, its inadequate awareness-raising activities and its dismissal of investigation of foreign bribery cases allegedly involving Turkish companies. Stronger coordination between the relevant government institutions is of key importance.

5.5 Summary

The various reviews raise many of the same concerns as the previous section, including parliamentary immunity, asset disclosure, poor consistency of pro-integrity policies, poor coordination and cooperation of internal controls and audit functions, low citizen awareness and a political and public sector that did not reflect transparency and accountability. Generally they note the slow or non-existent reform progress and the continuing problem with governmental corruption and patronage. One related issue is also noticeable. Many of the reviews (and evaluations of current projects) only have a basic understanding of the laws, institutions and reform process and there is some concern about the role of the reviews for institutions who should be acting as 'intelligent customers'.

The question of detailed local knowledge, acceptance at face value of statements made to the evaluators, the absence of evidence-based findings and a lack of understanding of the workings of Turkish political and administrative institutions, laws and procedures and how they work raise issues about the authority of some of the reviews and evaluations. Further, in terms of recommendations, some seek to judge Turkey against requirements that fail to take account of major cultural and political issues, some appear based on a pre-determined template, and many lack any understanding of prioritisation, sequencing, timing, resourcing and achievability.

The next section discusses the various reform initiatives and compares their progress or implementation.

6. TURKEY – INTERNAL ANTI-CORRUPTION INITIATIVES

This section discusses the three previous anti-corruption initiatives; one involves the Legislature following the early 2000s scandals and two involve the current government in previous sessions. There is also one current anti-corruption initiative involving the current government.

6.1 The Legislature

The Parliamentary Inquiry Commission on Corruption (*TBMM Yolsuzlukları Araştırma Komisyonu*) was set up in early 2003. It set up 5 sub-commissions with a number of areas for inquiry (these included: definitions; finance, trade and customs; energy, procurement, transportation, local government; health, social security and privatisation; ministries, NGOs, etc). It used a number of experts and wrote to 'the Presidency, Prime Ministry, Court of Auditors and, Ministries to which the inspection units of the State are affiliated, leaders of the 18 political parties participating in the last general elections; NGOs, press members, associations fighting against the corruption, consumer associations, former chairpersons of the commissions established in TGNA, former deputies, some former judiciary members who are closely interested in the subject and requested them to forward any information and documents if available regarding the corruption acts of the last 5 years, together with their recommendations and opinions' (it had a 50% response rate).

The Commission submitted its report that covered both sectors and cases; for example in relation to social security and privatisation it noted that:

- Social Insurance Institution (SSK) could not properly digitalize the information which was basic for putting somebody on a retirement salary. As a result of this, some inappropriate and improper applications are made, such as repetition, surplus payment, paying to non-right holder. This problem of the SSK is the problem of the whole social security system (retirement fund, Bağ-Kur, SSK, various funds) of our country in general. There is no application such as data sharing and joint data pool use among Social Insurance Institutions;
- In the applications for binding the debts to the re-payment plan, it has been observed that the demands of the receivers to reschedule their debts are not based on concrete reasons, that the Administrator has not scrutinized elaborately the paying capability of the receiver and represented those rescheduling demands to the High Board of Privatization without conducting a research and objective assessment or the decision of rescheduling has been taken ex officio by the High Board of Privatization...the fact that some rescheduling decisions are taken ex officio by the High Board of Privatization encourages the investors to apply directly to the High Board of Privatization, in other words, it encourages the politicization of the post-privatization processes.

The report containing number of reform proposals was submitted to the Presidency of the Grand National Assembly in mid-2003. The proposals included: amendments in various laws and requests for the parliamentary investigations for two former prime ministers and a number of former ministers and criminal proceedings for a number of present and former senior bureaucrats who were mainly in charge of the management of economy during the 2001-2002 economic crisis. In 2004, the Grand National Assembly voted to authorise the High Tribunal (*Yüce Divan*) to try four former ministers.

The report noted that in relation to the roles of the Legislature, a number of anti-corruption inquiries had been initiated in previous sessions but usually did not finish their work by the end of the parliamentary session and that:

'Motions for Parliamentary Investigation and Interpellation were mostly rejected by the majority governments and coalition governments. In other words, the mechanism of Parliamentary Investigation was not used as an instrument of inspection unless the ruling party allowed it and it became the subject of political bargains and maneuvers'.

It did propose a permanent parliamentary commission (and consideration of an independent inspection agency to undertake inspections for parliament), along with the establishment of the Ombudsman, Code of Conduct, the role of NGOs, an enhanced role for Inspection Boards (with the possibility of an independent status, common approach, and performance and risk-based inspections), media campaigns to raise public awareness, specialist prosecutors, legislative reform (eg, to banking secrecy, parliamentary immunity, procurement, approval before the investigation of public officials, post-retirement activities, gift-giving, and asset disclosure), quicker judicial processes and use of asset confiscation.

6.2 Previous Government Initiatives

The 57th Government Programme included an intention to address corruption, although this was very much under pressure from the World Bank and the IMF after the 1999-2000 financial crisis:

The World Bank much more seriously than IMF was also pushing anti-corruption reform to show that loans obtained from the international funding agencies are being used properly and that the overall business environment in Turkey does not allow for serious state capture creating favours for some groups in the competition with one another and thus creating inefficiencies in the process. However, despite these pressures nearly nothing was accomplished when the economic crisis necessitated a new economic policy regime... It seems like the crisis administration at the time did not want to muddy the waters by going into corruption scandals that can only disrupt business morale and break trust relationships between the private and the public sectors (Aydın and Çarkoğlu, 2005, p45)

A Guidance Committee composed of representatives from Prime Ministry Inspection Board Presidency, Undersecretariat of Treasury, Ministry of Interior, Financial Crimes Investigation Board of Ministry of Finance was established by the Prime Ministry in 2001. In addition a working group was established in order to support the work of the Committee. A Prime Ministry Circular (2001/38) was issued in July 2001 and opinions of the state institutions in respect to effective public management and anti-corruption within their areas of jurisdiction were requested.

A Working Group was established with the participation of specialists from the World Bank. In this study, opinions and contributions of 30 members (from Undersecretariat of Customs, General Directorate of National Security Force, General Directorate of Local Administrations under Ministry of Interior Affairs, Title and Cadastre General Directorate) were obtained. Various meetings were conducted under the umbrella of the Guidance Committee and Working Group with the participation of representatives of professional chambers, press-publication companies, non-governmental organizations, Small and Medium Scale Enterprises, lecturers in universities, public administrators, in order to create the Strategy for Increasing Transparency and Establishing Effective Public Administration, and to ensure the active participation of the various organizations. Reports were received from some professional chambers (TOBB, ATO, ASO etc). An international conference was organized in September 2001, with wide participation, on the subject of improving transparency and effective public administration in Turkey. The outcomes of this conference were also used in drafting an anti-corruption plan.

As a consequence Council of Ministers issued an Action Plan in January 2002 – Increasing Transparency in Turkey and Enhancing Good Governance in Public Sector (2002/3). It covered the following:

Area	Activity
Public service delivery	standards, citizen rights, required documentation and links between discretionary power and objective criteria
Regulation of Public Agencies and Foundations	restrict transfers of assets to, and the employment and payment of public officials, by Foundations
Personnel	job specifications, criteria for promotion and salary adjustments, code of conduct
Access to Information and transparency	Draft legislation and procedures
Healthcare	Integrated approach; objective criteria for free care; more transparency for registration and access to services; incentives for flexible delivery
Inspection and Audit	Inspection and audit standards; PMIB coordination; Inspection law; specific staff allocation for public sector
Judiciary	Specialised courts for quicker delivery
Money laundering	Amend law to include corruption in predicate offences; set up database in MASAK, linked to other databases
Party and campaign finance	Amend law on amounts to be disclosed; set up website for disclosures
Financial Disclosure statements	Set new minimum limits; mandatory audit and public access
Local government	Support devolution; performance audit

The various activities were all to be completed by December 2004. In the same month another circular set up the Ministerial Commission for Enhancing Transparency and Improving Good Governance (2002/56), supported by a Technical Commission (public officials from various ministries headed by the PMIB) to provide the secretariat to the Ministerial Commission.

The 58th government campaigned in part on an anti-corruption platform and its Emergency Action Plan was announced after winning the election. This was intended to provide a 'roadmap whose milestones will be followed by politicians, bureaucrats and the concerned sections of the society. The institutions responsible for its application are certain. It is a dynamic text which can be updated according to the needs which may arise during the application process'.

It covered the following:

Area	Activity
Ratification of the Criminal Law Convention on the Corruption and Civil Law Convention on the Corruption	
Penalties concerning corruption and irregularity.	Amendments on the Turkish Criminal Law and other relevant legislation; the penalties concerning corruption and irregularity shall gain deterring nature.
The fields where public officials are not allowed to work shall be expanded and applied very effectively.	Amendment on the law; this application will be made transparent and applied more effectively for the prevention of public power which causes corruption and social pollution following the expiration of the duty.
Financing of the politics shall be given a transparent nature.	Law amendment; opinions of the political parties shall be obtained and financing resources and limits shall be set clearly and the sanctions for failures shall be made harder.

Area	Activity
The concept of confidential information shall be re-defined in legislation.	Legislation shall be amended on the basis of the expertise report to re-define concepts such as commercial confidentiality, banking secret, military confidentiality, etc. – except for national security.
A dialogue shall be developed among government-public administration-judiciary-media and civil society in terms of non-corruption efforts.	Given that anti-corruption requires cooperation between the politics and the public, cooperation will be provided with all concerned parties in the whole society and the society should be encouraged to fight against corruption through meetings, reports and campaign
The justification of the law shall include the benefits and costs to be brought by the law.	In the draft laws and proposals to be submitted to the Turkish Grand National Assembly, benefits and costs to be brought by the law shall be specified and regulation shall be made accordingly. Under this framework, overall justifications shall be published in the Official Gazette along with the laws.

The reforms were to be implemented within 12 months.

In April 2006 the 9th Reform package was announced by the government. The proposals included changes to the law and procedures for public procurement, asset declaration, and the financing of election campaigns and political parties as well as draft laws on the Ombudsman and the Court of Accounts. On August 2007 another circular (2007/23) appointed the Minister of the Interior as head of the Ministerial Commission for Enhancing Transparency and Improving Good Governance.

6.3 The 2008 Anti-Corruption Plan

In December 2008 the PMIB issued a draft strategy - covering preventative, coercive and awareness measures - as follows:

Areas	Activities
The finance of political parties will be transparent and accountable	A commission will be set up to evaluate and report on the current situation and research international experiences; ministerial commission will discuss the report and if approved send it to the Ministry of Justice who will prepare a draft law and send to the Prime Ministry to review, submit to the cabinet and afterwards to the parliament.
The terms of 'secret' and 'confidentiality' in different laws will be reviewed, the secret and confidentiality provisions that lessen the efficiency of fight against corruption will be revised and necessary changes will be made	Determination of laws that include terms of 'secret' and 'confidentiality' will be made; a report evaluating whether to limit the scope of laws having terms on 'secret' and 'confidentiality' will be prepared and submitted to the Ministerial Commission who will discuss the report and if approved send it to the Ministry of Justice to draft a law and submit it to the Prime Ministry for action as above.
The provisions for the responsibilities of public officials who either quit or retire from the public service will be widened and these provisions will be effectively controlled	Law no 2531 on the jobs that can be done by public officials who leave the office, its implementation and challenges faced in implementation will be reviewed. Ministry of Justice will prepare the draft law and submit it to the Prime Ministry for action as above. A Prime Ministry Degree will be issued to launch commissions in each agency to evaluate the allegations regarding the breach of Law no 2531.
Under the supervision of Ethics Council of Public Officials, the separate and unique ethic principles for each public institutions will be determined, such as the ethic principles for officials of Central Bank of Republic of Turkey	Ethics Council of Public Officials will determine the general principles in developing separate ethic principles and declare it to the all public institutions. Each institution will set up a commission responsible to develop code of ethics of that institution. Code of Ethics prepared by above mentioned commission and approved by the chief bureaucrat of that institutions will be submitted to the Council of Ethics of Public Officials for review and, when approved, published and distributed to the employees.

Areas	Activities
Necessary legal changes and/or amendments for this specific duties of Prime Ministry Inspection Board which is responsible for coordination of national strategy for fight against corruption will be made	Article 20 of the Law no.3056 will be analyzed. Terms that are insufficient due to the duties assigned to Prime Ministry Inspection Board in the Anti-Corruption Strategy will be determined and a draft law that will meet the need will be prepared and submitted to the Ministerial Commission to discuss the report and if approved send it to the Prime Ministry for action as above.
Measures will be taken to make employment in the public administration hard for those convicted of corruption and to ban doing any kind of business with public administration of those individuals and corporations charged with corruption	Current regulations and their implementations will be reviewed, a report on the measures that should be taken will be drafted and submitted to the Ministerial Commission to supervise the implementation of the recommendations made in the report. A computer program will be developed to follow the restriction decisions about the individuals/corporations that are convicted of corruption.
The Law No:3628 titled Asset Declaration and Fight against Bribery and Corruption will be reviewed and making asset declaration transparent and effectively controlled will be achieved ³	Problems and deficiencies in the implementation of current law will be determined and a report on these will be prepared, to be evaluated by the Ministerial Committee and the draft law will be prepared and submitted to the Prime Ministry for action as above.
The transparency and accountability of local governments will be achieved and institutional capacity of them will be increased	A commission to review the current legislation and research international experiences will be set up and this commission will prepare a report for evaluation by the Ministerial Commission and supervise the implementation of approved recommendations. With the amendment on the law changes in the development plans on public facilities will become more transparent and corporations in which municipal administration have shares will be banned from joining tenders of municipalities.
Administrative, financial and technical capacity of bodies dealing with corruption will be increased	Needs of anti corruption bodies (Inspection Boards, Law Enforcement Units and Judiciary) will be determined and measures will be taken to meet the determined necessities.
A disciplinary database within the public administration will be set up	A database where the disciplinary sanctions are recorded will be set up. Data that are recorded will be analyzed regularly and statistical information will be disseminated and shared with the public.
The rapid and effective exchange of information among the institutions via information technology will be achieved	Anti-corruption bodies will be given access to the databases of financial agencies such as Ministry of Finance, Undersecretary of Treasury, Undersecretary of Trade, Central Bank and other public banks.
Single window for providing public service will be introduced	Necessary measures to serve the citizens from one desk will be taken by those central and local government bodies which provide direct services to the public.
Corruption crimes defined under different laws will be gathered into one booklet and this will be distributed to the related individuals and institutions	A commission composed of anti-corruption experts will be set up to gather corruption crimes defined in different laws in one booklet, example cases and court decisions will be also mentioned in this booklet. Printed versions of these booklets will be distributed to the employees of anti-corruption bodies, political parties and NGOs.
Necessary measures for increasing collaboration and information sharing among the judicial, administrative and law enforcement agencies for the investigations of corruption cases will be taken	A commission composed of experts from related agencies will be set up to prepare a report on what should be done to improve cooperation and information sharing. Necessary regulations will be made according to the recommendations made in the report.
The permission system for investigations of public officials will be reviewed	Laws that require permission from administrative bodies to prosecute in addition to the Law no. 4483 will be specified. A commission composed of representatives from related agencies, Prime Ministry Inspection Board and Ministry of Justice will evaluate these laws and determine the aspects which hinder anti-corruption efforts. Preparations to abolish the aspects of those laws that hinder anti-corruption efforts will be made.

³ Despite the existence of a law on disclosure, this issue appears on a number of agendas as a continuing matter of concern. The Annex contains a 2008 review conducted for PUMA/World Bank as a side activity of the project.

Areas	Activities
The specialization of law enforcement agencies for corruption cases will be increased	Corruption will be added to the curriculum of Police Academy. Employees of law enforcement units will be given training on corruption. Employees of law enforcement units will be enabled to exchange information and experience with their counterparts in other countries.
The efficient tax collection system with preventing black market will be achieved	Cooperation and information sharing among tax auditing bodies will be enhanced. Administrative, technical and financial capacity of tax agencies will be increased.
The protection of persons who inform the public administration of the corruption cases will be protected and the legal and administrative infrastructure for awarding those persons whose notifications are confirmed will be achieved	A commission to analyze other country experiences and determine necessary steps that should be taken will be established. The report of the commission will be evaluated by the Ministry of Justice who will prepare a draft law to be submitted to the Prime Ministry as above.
Subjects of corruption will be added to the curriculums of elementary and high schools by the Ministry of National Education	Anti-corruption will be added to the curriculum of the elementary and high schools after the completion of the necessary work. Social activities and projects on anti-corruption and clean society will be encouraged.
By TV and radio broadcast, seminars and conferences, citizens will be informed about their rights given by legal and other administrative regulations and how, where and when they report if they are asked for illegal requests	A Project entitled My Rights will be prepared by the representatives of related agencies and submitted to the European Commission.
The handbook for fight against corruption will be prepared and put onto the websites of relevant institutions	A booklet including the definition, types, negative effects on economic and social life, tackling methods of corruption will be prepared and distributed to the public and also uploaded to the web sites to the related public, private and NGOs.
International Anti-corruption Day on December 9 will be celebrated with various activities	On the International Anti-corruption Day, Several awards will be given to those who helped to enlighten an important corruption case that year. Some activities will be held to raise the awareness of public on the importance of involvement of ordinary citizens in the fight against corruption.
Regular corruption survey will be conducted or commissioned by the Turkish Statistical Institution and the results of these surveys will be shared with public	A questionnaire to measure the corruption perception of citizens will be prepared. The survey will be conducted or commissioned. Survey results will be analyzed and specific strategies in the areas where corruption appears to be high will be developed. Survey results will be shared with the public

All these activities would be completed by December 2011.

6.4 Summary

There have been a number of anti-corruption initiatives, including the Plan currently under consideration. Most cover the same areas that are mentioned in sections 4. and 5. Most have not been implemented or, where implemented, have resulted in legal or institutional reform. Thus while outputs may have been achieved, there are concerns about the outcomes and impacts in terms of anti-corruption activity (although, as noted in the Summary of the previous section, the GRECO assessment may be inaccurate in some of *its* findings).

In addition to drawing on the System Studies report, material prepared for Outputs 6 and this Background Review, the report on the anti-corruption strategy for Turkey will address not only legal and institutional reform, as well as map the progress and delivery of the recommendations from the various initiatives, but will also consider issues relating to connectedness, prioritisation, sequencing, timing, resourcing, achievability and measurement toward a realistic and realisable anti-corruption strategy.

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Turkey Public Accountability Questionnaire 2008

Asset Declaration (AD)

Criteria	Provision	Summary
Legal framework		
Laws regulating AD	<p><u>Law 3628 on Declaration of Properties in Fighting Corruption and Bribes, adopted 19 April 1990</u> <u>Mal Bildiriminde Bulunulması, Rüşvet Ve Yolsuzluklarla Mücadele Kanunu, Kanun Numarası 3628, Kabul Tarihi 19 April 1990</u></p> <p><u>Regulation on Asset Declaration, adopted 10 August 1990 (90/748)</u> <u>Mal Bildiriminde Bulunulması Hakkında Yönetmelik Karar Numarası 90, Bakanlar Kurulu Kararının Tarihi 10 August 1990</u></p> <p><u>Regulation 25785 on the Principles of Ethical Behavior of the Public Officials and Application Procedures and Essentials, adopted 13 April 2005</u> <u>Kamu Görevlileri Etik Davranış İlkeleri ile Başvuru Usul Ve Esasları Hakkında Yönetmelik, No: 25785, Resmi Gazete Tarihi: 13/04/2005</u></p> <p><u>The Constitution of Turkey, adopted 1982</u></p>	<p>Article 71 of the 1982 constitution requires legislation for the declaration of assets for all elected and appointed officials in public service.</p> <p>The requirement is delivered through Law 3628 on Declaration of Properties in Fighting Corruption and Bribes (1990). The associated Regulation repeats and expands on the legal requirements and provides the pro-forma declaration document.</p> <p>(A related Law (2004/5176) which establishes the Council of Ethics for Public Service and its associated Regulation (2005/25785) which sets out Principles of Ethical Behaviour for Public Officials includes a requirement (Article 22) that public officials should declare their assets as stated in law 3628. the Regulation applies to all designated appointed public officials; the Council is responsible for applying the Regulation to public officials at the rank of General manager or equivalent, and above (but not elected officials, as laid down by Article 2). Law 3628 is the basis for asset declaration).</p> <p>Turkey is a parliamentary representative democratic republic, with a Prime Minister as the head of government and a President as the head of state. Ministers are not required to be Members of Parliament.</p>
Prior legislation	<p>Law 2871 on Declaration of Properties, adopted 9 August 1982 and Law 1609 on Provisions of Inspections and Trial of Officials, adopted 15 May 1930.</p>	All prior laws regulating asset disclosure have been repealed by Law 3628.
Constitutional requirement	<p><u>Constitution (1982)</u> Article 71</p>	The Constitution (1982) requires legislation to govern asset disclosure for all public officials.
Coverage of Public Officials		
Coverage of officials is explicit	<p>Yes</p> <p><u>Law 3628 (1990)</u> Article 2 <u>Kanun No. 3628 (1990)</u> <u>Madde 2</u></p>	Coverage of public officials is explicit in Law 3628.
Minimum coverage requirement		
Head(s) of State	<p><u>Law 3628 (1990)</u> Article 2a <u>Kanun No. 3628 (1990)</u> <u>Madde 2</u></p>	The head of state is required to file asset declarations according to Law 3628.

Ministers/Cabinet members	<u>Law 3628 (1990)</u> Article 2a <u>Kanun No. 3628 (1990)</u> Madde 2	Ministers are required to file asset declarations according to Law 3628
Members of Parliament (MPs)	<u>Law 3628 (1990)</u> Article 2a <u>Kanun No. 3628 (1990)</u> Madde 2	MPs are required to file asset declarations according to Law 3628.
Public Officials	<u>Law 3628 (1990)</u> Article 2d <u>Kanun No. 3628 (1990)</u> Madde 2	Public Officials are required to file asset declarations according to Law 3628.
Spouses and children	<u>Law 3628 (1990)</u> Article 5 <u>Regulation (1990)</u> Article 4 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 4	Primary filers are obligated to include in their declaration form information on the assets, liabilities and income of their spouse and children. In addition, spouses are required to declare their assets separately from primary filers.
Avoids excessive coverage	No	Coverage is excessive because a very large number of public officials (and their spouses) are required to declare their assets according to Law 3628.
Declarations content		
Head(s) of State		
Standardized filing form exists	Yes Property Declaration Form attached to <u>Regulation (1990)</u> <u>Mal Bildirimi, Bakanlar Kurulu Kararı No. 90 (1990)</u>	A standardized form is included in the annex to the Regulation (1990).
Assets, liabilities and income items covered are explicitly defined	Yes <u>Law 3628 (1990)</u> <u>Kanun No. 3628 (1990)</u> <u>Regulation (1990)</u> <u>Bakanlar Kurulu Kararı No. 90 (1990)</u>	Assets, liabilities and income items are defined as categories in Law 3628 (1990) and Regulation (1990).
Meets minimum coverage requirements		No amounts are defined but categories are (eg, paintings and animals are noted as examples of assets)
Assets		
Real estate	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), the head of state is required to disclose immovable property.
Movable assets	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), the head of state is required to disclose gold and jewelry, vehicles, and rights.

Cash	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), the head of state is required to disclose money, shares and debentures.
Liabilities		
Loans and Debts	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), the head of state is required to disclose obligations.
Income		
Earned income	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	according to law 3628 (1990) and regulation (1990), the head of state is required to disclose revenues (interpreted as money is actually in the bank account at the time of declaration rather than annual income).
Unearned income	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), the head of state is required to disclose revenues and receivables (interpreted as money is actually in the bank account at the time of declaration rather than annual income)..
Ministers/Cabinet members		
Standardized filing form exists	Yes Property Declaration Form attached to <u>Regulation (1990)</u> <u>Mal Bildirimi, Bakanlar Kurulu Kararı No. 90 (1990)</u>	A standardized form is included in the annex to Regulation (1990).
Assets, liabilities and income items covered are explicitly defined	Yes <u>Law 3628 (1990)</u> <u>Kanun No. 3628 (1990)</u> <u>Regulation (1990)</u> <u>Bakanlar Kurulu Kararı No. 90 (1990)</u>	Assets, liabilities and income items are defined as categories in Law 3628 (1990) and Regulation (1990).
Meets minimum coverage requirements		No amounts are defined but categories are (with an explanation part that notes, for examples, that paintings and animals should be declared assets)
Assets		
Real estate	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90</u>	According to Law 3628 (1990) and Regulation (1990), Ministers are required to disclose immovable property.

	(1990) Madde 8	
Movable assets	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), Ministers are required to disclose gold and jewelry, vehicles, and rights.
Cash	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), Ministers are required to disclose money, shares and debentures.
Liabilities		
Loans and Debts	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), Ministers are required to disclose obligations.
Income		
Earned income	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), Ministers are required to disclose revenues (interpreted as money is actually in the bank account at the time of declaration rather than annual income).
Unearned income	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), Ministers are required to disclose revenues and receiveables (interpreted as money is actually in the bank account at the time of declaration rather than annual income).
Members of Parliament (MPs)		
Standardized filing form exists	Yes Property Declaration Form attached to <u>Regulation (1990)</u> <u>Mal Bildirimi, Bakanlar Kurulu Kararı No. 90 (1990)</u>	A standardized form is included in the annex to Regulation (1990).
Assets, liabilities and income items covered are explicitly defined	Yes <u>Law 3628 (1990)</u> <u>Kanun No. 3628 (1990)</u> <u>Regulation (1990)</u> <u>Bakanlar Kurulu Kararı No. 90 (1990)</u>	Assets, liabilities and income items are defined as categories in Law 3628 (1990) and Regulation (1990).
Meets minimum coverage		

requirements		
Assets		
Real estate	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), MPs are required to disclose immovable property.
Movable assets	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), MPs are required to disclose gold and jewelry, vehicles, and rights.
Cash	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), MPs are required to disclose money, shares and debentures.
Liabilities		
Loans and Debts	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), MPs are required to disclose obligations.
Income		
Earned income	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), MPs are required to disclose revenues (interpreted as money is actually in the bank account at the time of declaration rather than annual income).
Unearned income	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), MPs are required to disclose revenues and receiveables (interpreted as money is actually in the bank account at the time of declaration rather than annual income).
Public Officials		
Standardized filing form exists	Yes Property Declaration Form attached to <u>Regulation (1990)</u> <u>Mal Bildirimi</u> , <u>Bakanlar Kurulu</u>	A standardized form is included in the annex to Regulation (1990).

	<u>Kararı No. 90 (1990)</u>	
Assets, liabilities and income items covered are explicitly defined	Yes <u>Law 3628 (1990)</u> <u>Kanun No. 3628 (1990)</u> <u>Regulation (1990)</u> <u>Bakanlar Kurulu Kararı No. 90 (1990)</u>	Assets, liabilities and income items are explicitly defined in Law 3628 (1990) and Regulation (1990).
Meets minimum coverage requirements		No amounts are defined but categories are (with an explanation part that notes, for examples, that paintings and animals should be declared assets)
Assets		
Real estate	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> <u>Madde 5</u> <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> <u>Madde 8</u>	According to Law 3628 (1990) and Regulation (1990), Public Officials are required to disclose immovable property.
Movable assets	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> <u>Madde 5</u> <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> <u>Madde 8</u>	According to Law 3628 (1990) and Regulation (1990), Public Officials are required to disclose gold and jewelry, vehicles, and rights.
Cash	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> <u>Madde 5</u> <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> <u>Madde 8</u>	According to Law 3628 (1990) and Regulation (1990), Public Officials are required to disclose money, shares and debentures.
Liabilities		
Loans and Debts	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> <u>Madde 5</u> <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> <u>Madde 8</u>	According to Law 3628 (1990) and Regulation (1990), Public Officials are required to disclose obligations.
Income		
Earned income	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> <u>Madde 5</u> <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> <u>Madde 8</u>	According to Law 3628 (1990) and Regulation (1990), Public Officials are required to disclose revenues (interpreted as money is actually in the bank account at the time of declaration rather than annual income).
Unearned income	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> <u>Madde 5</u>	According to Law 3628 (1990) and Regulation (1990), Public Officials are required to disclose revenues and receiveables (interpreted as money is actually in the bank account at the time of declaration rather than annual income).

	<u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	
Spouses and children		
Standardized filing form exists		
Separate filing form	Yes Property Declaration Form attached to <u>Regulation (1990)</u> <u>Mal Bildirimi, Bakanlar Kurulu Kararı No. 90 (1990)</u>	Spouses file a separate declaration using the standardized form that is included in the annex to Regulation (1990).
Included in primary filer's form	Yes Property Declaration Form attached to <u>Regulation (1990)</u> <u>Mal Bildirimi, Bakanlar Kurulu Kararı No. 90 (1990)</u>	The information on spouse's assets, income, and liabilities is included in the primary filer's declaration (in addition to the spouse's separate declaration), using the standardized form that is included in the annex to Regulation (1990).
Assets, liabilities and income items covered are explicitly defined	Yes <u>Law 3628 (1990)</u> <u>Kanun No. 3628 (1990)</u> <u>Regulation (1990)</u> <u>Bakanlar Kurulu Kararı No. 90 (1990)</u>	Assets, liabilities and income items are defined as categories in Law 3628 (1990) and Regulation (1990).
Meets minimum coverage requirements		
Assets		
Real estate	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), spouses are required to disclose immovable property in a separate declaration. In addition, the immovable property of the spouse and children must be disclosed in the primary filer's declaration.
Movable assets	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), spouses are required to disclose gold and jewelry, vehicles, and rights in a separate declaration. In addition, the gold and jewelry, vehicles, and rights of the spouse and children must be disclosed in the primary filer's declaration.
Cash	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), spouses are required to disclose money, shares and debentures in a separate declaration. In addition, the money, shares and debentures of the spouse and children must be disclosed in the primary filer's declaration.
Liabilities		
Loans and Debts	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u>	According to Law 3628 (1990) and Regulation (1990), spouses are required to disclose obligations in a separate declaration. In addition, the obligations of the spouse and children must be disclosed in the primary filer's declaration.

	Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	
Income		
Earned income	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), spouses are required to disclose revenues in a separate declaration. In addition, the revenues of the spouse and children must be disclosed in the primary filer's declaration (interpreted as money is actually in the bank account at the time of declaration rather than annual income).
Unearned income	<u>Law 3628 (1990)</u> Article 5 <u>Kanun No. 3628 (1990)</u> Madde 5 <u>Regulation (1990)</u> Article 8 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 8	According to Law 3628 (1990) and Regulation (1990), spouses are required to disclose revenues and receiveables in a separate declaration. In addition, the revenues and receiveables of the spouse and children must be disclosed in the primary filer's declaration (interpreted as money is actually in the bank account at the time of declaration rather than annual income).
Filing Frequency		
Head(s) of State		
Clear deadlines	Yes <u>Law 3628 (1990)</u> Article 6 <u>Kanun No. 3628 (1990)</u> Madde 6 <u>Regulation (1990)</u> Article 9 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 9	There are clear filing deadlines for public officials in Law 3628 (1990) and Regulation (1990).
Frequent and timely submission requirements		
Upon taking office	<u>Law 3628 (1990)</u> Article 6 <u>Kanun No. 3628 (1990)</u> Madde 6 <u>Regulation (1990)</u> Article 9 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 9	According to Law 3628 (1990) and Regulation (1990), the head of state must file a declaration within two months of taking office.
Upon leaving office	<u>Law 3628 (1990)</u> Article 6 <u>Kanun No. 3628 (1990)</u> Madde 6 <u>Regulation (1990)</u> Article 9 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 9	According to Law 3628 (1990) and Regulation (1990), the head of state must file a declaration within one month of leaving office.
Within 3 years of leaving office	None	<i>No relevant legal provision</i>
Annually	<u>None</u>	According to Article 7 of Law 3628 (1990) and Article 11 of Regulation (1990), the head of state must file a declaration every five years (in those years ending '0' and '5').
Upon change in assets	<u>Law 3628 (1990)</u> Article 6 <u>Kanun No. 3628 (1990)</u>	According to Law 3628 (1990) and Regulation (1990), the head of state must file a declaration within one month of a significant (defined only as 'important' in Article 10) change of assets, income, or liabilities.

	<p><i>Madde 6</i></p> <p><u>Regulation (1990)</u> Article 10 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> <i>Madde 10</i></p>	
Verifiable declaration (not oral)	<p><u>Regulation (1990)</u> Article 12 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> <i>Madde 12</i></p>	According to Regulation (1990), the head of state must file a written declaration.
Ministers/Cabinet members		
Clear deadlines	<p>Yes <u>Law 3628 (1990)</u> Article 6 <u>Kanun No. 3628 (1990)</u> <i>Madde 6</i></p> <p><u>Regulation (1990)</u> Article 9 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> <i>Madde 9</i></p>	There are clear filing deadlines for public officials in Law 3628 (1990) and Regulation (1990).
Frequent and timely submission requirements		
Upon taking office	<p><u>Law 3628 (1990)</u> Article 6 <u>Kanun No. 3628 (1990)</u> <i>Madde 6</i></p> <p><u>Regulation (1990)</u> Article 9 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> <i>Madde 9</i></p>	According to Law 3628 (1990) and Regulation (1990), Ministers must file a declaration within one month of taking office.
Upon leaving office	<p><u>Law 3628 (1990)</u> Article 6 <u>Kanun No. 3628 (1990)</u> <i>Madde 6</i></p> <p><u>Regulation (1990)</u> Article 9 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> <i>Madde 9</i></p>	According to Law 3628 (1990) and Regulation (1990), Ministers must file a declaration within one month of leaving office.
Within 3 years of leaving office	None	<i>No relevant legal provision</i>
Annually	None	According to Article 7 of Law 3628 (1990) and Article 11 of Regulation (1990), Ministers must file a declaration every five years (in those years ending '0' and '5').
Upon change in assets	<p><u>Law 3628 (1990)</u> Article 6 <u>Kanun No. 3628 (1990)</u> <i>Madde 6</i></p> <p><u>Regulation (1990)</u> Article 10 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> <i>Madde 10</i></p>	According to Law 3628 (1990) and Regulation (1990), Ministers must file a declaration within one month of a significant (only defined as 'important' in Article 10) change of assets, income, or liabilities.
Verifiable declaration (not oral)	<p><u>Regulation (1990)</u> Article 12 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> <i>Madde 12</i></p>	According to Regulation (1990), Ministers must file a written declaration.
Members of Parliament (MPs)		
Clear deadlines	<p>Yes <u>Law 3628 (1990)</u> Article 6</p>	There are clear filing deadlines for MPs in Law 3628 (1990) and Regulation (1990).

	<u>Kanun No. 3628 (1990)</u> <u>Madde 6</u> <u>Regulation (1990)</u> <u>Article 9</u> <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> <u>Madde 9</u>	
Frequent and timely submission requirements		
Upon taking office	<u>Law 3628 (1990)</u> <u>Article 6</u> <u>Kanun No. 3628 (1990)</u> <u>Madde 6</u> <u>Regulation (1990)</u> <u>Article 9</u> <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> <u>Madde 9</u>	According to Law 3628 (1990) and Regulation (1990), MPs must file a declaration within two months of taking office.
Upon leaving office	<u>Law 3628 (1990)</u> <u>Article 6</u> <u>Kanun No. 3628 (1990)</u> <u>Madde 6</u> <u>Regulation (1990)</u> <u>Article 9</u> <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> <u>Madde 9</u>	According to Law 3628 (1990) and Regulation (1990), MPs must file a declaration within one month of leaving office.
Within 3 years of leaving office	None	<i>No relevant legal provision</i>
Annually	<u>None</u>	According to Article 7 of Law 3628 (1990) and Article 11 of Regulation (1990), MPs must file a declaration every five years (in those years ending '0' and '5').
Upon change in assets	<u>Law 3628 (1990)</u> <u>Article 6</u> <u>Kanun No. 3628 (1990)</u> <u>Madde 6</u> <u>Regulation (1990)</u> <u>Article 10</u> <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> <u>Madde 10</u>	According to Law 3628 (1990) and Regulation (1990), MPs must file a declaration within one month of a significant (only defined as 'important' in Article 10) change of assets, income, or liabilities.
Verifiable declaration (not oral)	<u>Regulation (1990)</u> <u>Article 12</u> <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> <u>Madde 12</u>	According to Regulation (1990), MPs must file a written declaration.
Public Officials		
Clear deadlines	Yes <u>Law 3628 (1990)</u> <u>Article 6</u> <u>Kanun No. 3628 (1990)</u> <u>Madde 6</u> <u>Regulation (1990)</u> <u>Article 9</u> <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> <u>Madde 9</u>	There are clear filing deadlines for public officials in Law 3628 (1990) and Regulation (1990).
Frequent and timely submission requirements		
Upon taking office	<u>Law 3628 (1990)</u> <u>Article 6</u> <u>Kanun No. 3628 (1990)</u> <u>Madde 6</u>	According to Law 3628 (1990) and Regulation (1990), Public Officials must file a declaration upon taking office.

	<u>Regulation (1990)</u> Article 9 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 9	
Upon leaving office	<u>Law 3628 (1990)</u> Article 6 <u>Kanun No. 3628 (1990)</u> Madde 6 <u>Regulation (1990)</u> Article 9 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 9	According to Law 3628 (1990) and Regulation (1990), Public Officials must file a declaration within one month of leaving office.
Within 3 years of leaving office	None	No relevant legal provision
Annually	<u>None</u>	According to Article 7 of Law 3628 (1990) and Article 11 of Regulation (1990), Public Officials must file a declaration every five years ((in those years ending '0' and '5')).
Upon change in assets	<u>Law 3628 (1990)</u> Article 6 <u>Kanun No. 3628 (1990)</u> Madde 6 <u>Regulation (1990)</u> Article 10 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 10	According to Law 3628 (1990) and Regulation (1990), Public Officials must file a declaration within one month of a significant (only defined as 'important' in Article 10) change of assets, income, or liabilities.
Verifiable declaration (not oral)	<u>Regulation (1990)</u> Article 12 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 12	According to Regulation (1990), Public Officials must file a written declaration.
Spouses and children		
Clear deadlines	Yes <u>Law 3628 (1990)</u> Article 6 <u>Kanun No. 3628 (1990)</u> Madde 6 <u>Regulation (1990)</u> Article 9 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 9	There are clear filing deadlines for public officials (and spouses) in Law 3628 (1990) and Regulation (1990).
Frequent and timely submission requirements		
Upon spouse or parent taking office	<u>Law 3628 (1990)</u> Article 6 <u>Kanun No. 3628 (1990)</u> Madde 6 <u>Regulation (1990)</u> Article 9 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 9	According to Law 3628 (1990) and Regulation (1990), spouses must file a declaration upon the primary filer taking office.
Upon spouse or parent leaving office	<u>Law 3628 (1990)</u> Article 6 <u>Kanun No. 3628 (1990)</u> Madde 6 <u>Regulation (1990)</u> Article 9 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 9	According to Law 3628 (1990) and Regulation (1990), spouses must file a declaration within one month of the primary filer leaving office.
Within 3 years of spouse or	None	No relevant legal provision

parent leaving office		
Annually	<u>None</u>	According to Article 7 of Law 3628 (1990) and Article 11 of Regulation (1990), spouses must file a declaration every five years (in those years ending '0' and '5').
Upon change in assets	<u>Law 3628 (1990)</u> Article 6 <u>Kanun No. 3628 (1990)</u> Madde 6 <u>Regulation (1990)</u> Article 10 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 10	According to Law 3628 (1990) and Regulation (1990), spouses must file a declaration within one month of a significant (only defined as 'important' in Article 10) change of assets, income, or liabilities.
Verifiable declaration (not oral)	<u>Regulation (1990)</u> Article 12 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 12	According to Regulation (1990), spouses must file a written declaration.
Sanctions		
Reverse penalties exist.	None	There are no reverse penalties for public challenges to the accuracy of declarations.
Appropriate penalties for non-compliance		
Head(s) of State		
Sanctions for key filing failures		
Late filing	<u>Law 3628 (1990)</u> Article 10 <u>Kanun No. 3628 (1990)</u> Madde 10 <u>Law 3628 (1990)</u> Article 18 <u>Kanun No. 3628 (1990)</u> Madde 18	According to Law 3628 (1990) written warnings are issued in the event of late filing. If declarations are not filed within 10 days after the warning, in the absence of good cause, criminal penalties of up to three months imprisonment may be imposed. All reported breaches of the law are dealt with by the prosecutor's office.
False information	<u>Law 3628 (1990)</u> Article 12 <u>Kanun No. 3628 (1990)</u> Madde 12 <u>Law 3628 (1990)</u> Article 18 <u>Kanun No. 3628 (1990)</u> Madde 18	According to Law 3628 (1990), criminal penalties of six months to three years imprisonment exist for false declarations. All reported breaches of the law are dealt with by the prosecutor's office.
Incomplete submission	None	<i>No relevant legal provision</i>
Non-filing	<u>Law 3628 (1990)</u> Article 10 <u>Kanun No. 3628 (1990)</u> Madde 10 <u>Law 3628 (1990)</u> Article 18 <u>Kanun No. 3628 (1990)</u> Madde 18	According to Law 3628 (1990) written warnings are issued in the event of late filing. If declarations are not filed within 10 days after the warning, in the absence of good cause, imprisonment from three months to one year may be imposed. All reported breaches of the law are dealt with by the prosecutor's office.
Range of sanctions allowed		
Fines	None	<i>No relevant legal provision</i>

Administrative sanctions	<u>Law 3628 (1990)</u> Article 15 <u>Kanun No. 3628 (1990)</u> Maddeler 15	According to Law 3628 (1990), conviction and imprisonment for offences of false declarations under Article 12 will include suspension from public service for the period of imprisonment. According to Law 3628 (1990), conviction and imprisonment for offences of unlawful acquisition of property, taking abroad or concealing its possession under Article 13 will include permanent suspension from public service.
Penal sanctions	<u>Law 3628 (1990)</u> Articles 10, 11, 12, 13 <u>Kanun No. 3628 (1990)</u> Maddeler 10, 12	According to Law 3628 (1990), if declarations are not filed within 10 days after a written warning for non-filing, in the absence of good cause, imprisonment up to three months. A criminal penalty of three months to one year may be imposed for failing to declare assets during an inspection (Article 10) Criminal penalties of six months to three years imprisonment may be imposed for false declarations (Article 12). Criminal penalties of three months to one year imprisonment may be imposed for breach of privacy of the asset declaration, increased by 50% if leaked to press (Article 11) .
Ministers/Cabinet members		
Sanctions for key filing failures		
Late filing	<u>Law 3628 (1990)</u> Article 10 <u>Kanun No. 3628 (1990)</u> Madde 10 <u>Law 3628 (1990)</u> Article 18 <u>Kanun No. 3628 (1990)</u> Madde 18	According to Law 3628 (1990) written warnings are issued in the event of late filing. If declarations are not filed within 10 days after the warning, in the absence of good cause, criminal penalties of up to three months imprisonment may be imposed. All reported breaches of the law are dealt with by the prosecutor's office.
False information	<u>Law 3628 (1990)</u> Article 12 <u>Kanun No. 3628 (1990)</u> Madde 12 <u>Law 3628 (1990)</u> Article 18 <u>Kanun No. 3628 (1990)</u> Madde 18	According to Law 3628 (1990), criminal penalties of six months to three years imprisonment exist for false declarations. All reported breaches of the law are dealt with by the prosecutor's office.
Incomplete submission	None	<i>No relevant legal provision</i>
Non-filing	<u>Law 3628 (1990)</u> Article 10 <u>Kanun No. 3628 (1990)</u> Madde 10 <u>Law 3628 (1990)</u> Article 18 <u>Kanun No. 3628 (1990)</u> Madde 18	According to Law 3628 (1990) written warnings are issued in the event of late filing. If declarations are not filed within 10 days after the warning, in the absence of good cause, imprisonment from three months to one year may be imposed. All reported breaches of the law are dealt with by the prosecutor's office.
Range of sanctions allowed		
Fines	None	<i>No relevant legal provision</i>
Administrative sanctions	<u>Law 3628 (1990)</u> Article 15 <u>Kanun No. 3628 (1990)</u> Maddeler 15	According to Law 3628 (1990), conviction and imprisonment for offences of false declarations under Article 12 will include suspension from public service for the period of imprisonment. According to Law 3628 (1990), conviction and imprisonment for offences of unlawful acquisition of property, taking abroad or concealing its possession under Article 13 will include permanent suspension from public service.
Penal sanctions	<u>Law 3628 (1990)</u> Articles 10, 11, 12, 13 <u>Kanun No. 3628 (1990)</u> Maddeler 10, 12	According to Law 3628 (1990), if declarations are not filed within 10 days after a written warning for non-filing, in the absence of good cause, imprisonment up to three months. A criminal penalty of three months to one year may be imposed for failing to declare assets during an inspection (Article 10) Criminal penalties of six months to three years imprisonment may be imposed for

		<p>false declarations (Article 12).</p> <p>Criminal penalties of three months to one year imprisonment may be imposed for breach of privacy of the asset declaration, increased by 50% if leaked to press (Article 11)</p> <p>.</p>
Members of Parliament (MPs)		
Sanctions for key filing failures		
Late filing	<p><u>Law 3628 (1990)</u> Article 10 <u>Kanun No. 3628 (1990)</u> <i>Madde 10</i></p> <p><u>Law 3628 (1990)</u> Article 18 <u>Kanun No. 3628 (1990)</u> <i>Madde 18</i></p>	<p>According to Law 3628 (1990) written warnings are issued in the event of late filing. If declarations are not filed within 10 days after the warning, in the absence of good cause, criminal penalties of up to three months imprisonment may be imposed.</p> <p>All reported breaches of the law are dealt with by the prosecutor's office.</p>
False information	<p><u>Law 3628 (1990)</u> Article 12 <u>Kanun No. 3628 (1990)</u> <i>Madde 12</i></p> <p><u>Law 3628 (1990)</u> Article 18 <u>Kanun No. 3628 (1990)</u> <i>Madde 18</i></p>	<p>According to Law 3628 (1990), criminal penalties of six months to three years imprisonment exist for false declarations.</p> <p>All reported breaches of the law are dealt with by the prosecutor's office.</p>
Incomplete submission	None	<i>No relevant legal provision</i>
Non-filing	<p><u>Law 3628 (1990)</u> Article 10 <u>Kanun No. 3628 (1990)</u> <i>Madde 10</i></p> <p><u>Law 3628 (1990)</u> Article 18 <u>Kanun No. 3628 (1990)</u> <i>Madde 18</i></p>	<p>According to Law 3628 (1990) written warnings are issued in the event of late filing. If declarations are not filed within 10 days after the warning, in the absence of good cause, imprisonment from three months to one year may be imposed.</p> <p>All reported breaches of the law are dealt with by the prosecutor's office.</p>
Range of sanctions allowed		
Fines	None	<i>No relevant legal provision</i>
Administrative sanctions	<p><u>Law 3628 (1990)</u> Article 15 <u>Kanun No. 3628 (1990)</u> <i>Maddeler 15</i></p>	<p>According to Law 3628 (1990), conviction and imprisonment for offences of false declarations under Article 12 will include suspension from public service for the period of imprisonment.</p> <p>According to Law 3628 (1990), conviction and imprisonment for offences of unlawful acquisition of property, taking abroad or concealing its possession under Article 13 will include permanent suspension from public service.</p>
Penal sanctions	<p><u>Law 3628 (1990)</u> Articles 10, 11, 12, 13 <u>Kanun No. 3628 (1990)</u> <i>Maddeler 10, 12</i></p>	<p>According to Law 3628 (1990), if declarations are not filed within 10 days after a written warning for non-filing, in the absence of good cause, imprisonment up to three months. A criminal penalty of three months to one year may be imposed for failing to declare assets during an inspection (Article 10)</p> <p>Criminal penalties of six months to three years imprisonment may be imposed for false declarations (Article 12).</p> <p>Criminal penalties of three months to one year imprisonment may be imposed for breach of privacy of the asset declaration, increased by 50% if leaked to press (Article 11)</p> <p>.</p>
Public Officials		
Sanctions for key filing		

failures		
Late filing	<u>Law 3628 (1990)</u> Article 10 <u>Kanun No. 3628 (1990)</u> Madde 10 <u>Law 3628 (1990)</u> Article 18 <u>Kanun No. 3628 (1990)</u> Madde 18	<p>According to Law 3628 (1990) written warnings are issued in the event of late filing. If declarations are not filed within 10 days after the warning, in the absence of good cause, criminal penalties of up to three months imprisonment may be imposed.</p> <p>All reported breaches of the law are dealt with by the prosecutor's office.</p>
False information	<u>Law 3628 (1990)</u> Article 12 <u>Kanun No. 3628 (1990)</u> Madde 12 <u>Law 3628 (1990)</u> Article 18 <u>Kanun No. 3628 (1990)</u> Madde 18	<p>According to Law 3628 (1990), criminal penalties of six months to three years imprisonment exist for false declarations.</p> <p>All reported breaches of the law are dealt with by the prosecutor's office.</p>
Incomplete submission	None	<i>No relevant legal provision</i>
Non-filing	<u>Law 3628 (1990)</u> Article 10 <u>Kanun No. 3628 (1990)</u> Madde 10 <u>Law 3628 (1990)</u> Article 18 <u>Kanun No. 3628 (1990)</u> Madde 18	<p>According to Law 3628 (1990) written warnings are issued in the event of late filing. If declarations are not filed within 10 days after the warning, in the absence of good cause, imprisonment from three months to one year may be imposed.</p> <p>All reported breaches of the law are dealt with by the prosecutor's office.</p>
Range of sanctions allowed		
Fines	None	<i>No relevant legal provision</i>
Administrative sanctions	<u>Law 3628 (1990)</u> Article 15 <u>Kanun No. 3628 (1990)</u> Maddeler 15	<p>According to Law 3628 (1990), conviction and imprisonment for offences of false declarations under Article 12 will include suspension from public service for the period of imprisonment.</p> <p>According to Law 3628 (1990), conviction and imprisonment for offences of unlawful acquisition of property, taking abroad or concealing its possession under Article 13 will include permanent suspension from public service.</p> <p>The Council of Ethics for Public Service may investigate asset declarations (Law 5176, with associated Regulation, Article 22) 'where necessary' (undefined but relating to investigations under its powers for breaches of its Regulation, including conflict-of-interest). The Council, its law and associated Regulation only apply to a limited number of senior appointed public officials, <u>excluding</u> the Prime Minister and ministers) The only sanction is the publication of the name of the offender in the Official Gazette.</p>
Penal sanctions	<u>Law 3628 (1990)</u> Articles 10, 11, 12, 13 <u>Kanun No. 3628 (1990)</u> Maddeler 10, 12	<p>According to Law 3628 (1990), if declarations are not filed within 10 days after a written warning for non-filing, in the absence of good cause, imprisonment up to three months. A criminal penalty of three months to one year may be imposed for failing to declare assets during an inspection (Article 10)</p> <p>Criminal penalties of six months to three years imprisonment may be imposed for false declarations (Article 12).</p> <p>Criminal penalties of three months to one year imprisonment may be imposed for breach of privacy of the asset declaration, increased by 50% if leaked to press (Article 11)</p>
Monitoring and oversight		
Head(s) of State		

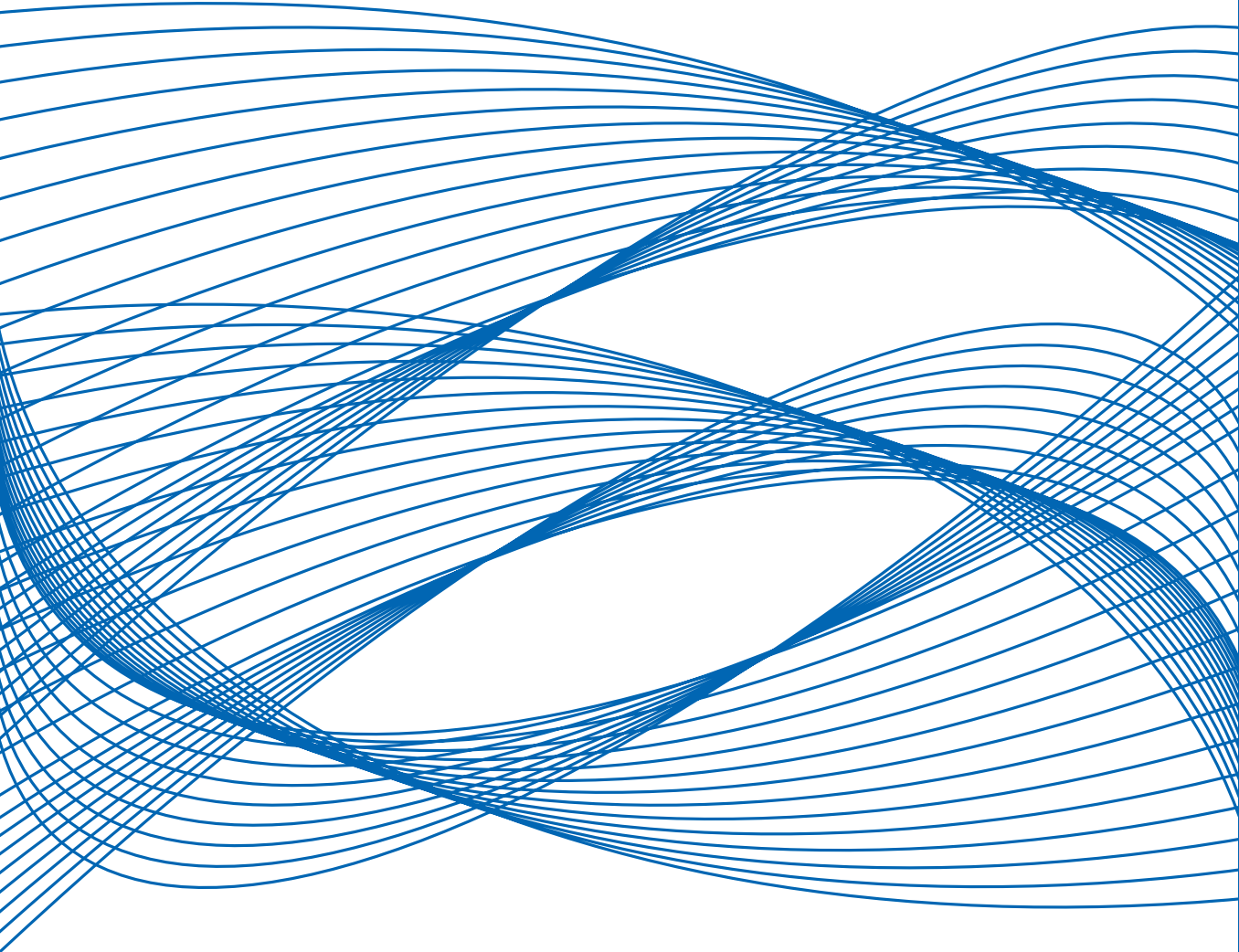
Depository body	None	No relevant legal provision
Enforcement body	None	No relevant legal provision
Ministers/Cabinet members		
Depository body	<u>Law 3628 (1990)</u> Article 8 <u>Kanun No. 3628 (1990)</u> Madde 8 <u>Regulation (1990)</u> Article 6 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 6	According to Law 3628 (1990) and Regulation (1990), the Prime Minister and Ministers must submit declarations to the President of the Turkish Grand National Assembly (Speaker of Parliament).
Enforcement body		The Depository body is responsible for submission by stated dates (Regulation Article 7). Breaches are dealt with by the prosecutors office (Articles 17 and 18).
Members of Parliament (MPs)		
Depository body	<u>Law 3628 (1990)</u> Article 8 <u>Kanun No. 3628 (1990)</u> Madde 8 <u>Regulation (1990)</u> Article 6 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 6	According to Law 3628 (1990) and Regulation (1990), MPs must submit declarations to the President of the Turkish Grand National Assembly (Speaker of Parliament).
Enforcement body		The Depository body is responsible for submission by stated dates (Regulation Article 7). Breaches are dealt with by the prosecutors office (Articles 17 and 18).
Public Officials		
Depository body	<u>Law 3628 (1990)</u> Article 8 <u>Kanun No. 3628 (1990)</u> Madde 8 <u>Regulation (1990)</u> Article 6 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 6	According to Law 3628 (1990) and Regulation (1990), Public Officials must submit declarations to their ministry's personnel department.
Enforcement body		<p>The Depository body is responsible for submission by stated dates (Regulation Article 7). Breaches are dealt with by the prosecutors office (Articles 17 and 18).</p> <p>The Council of Ethics for Public Service may investigate asset declarations (Law 5176, with associated Regulation, Article 22) 'where necessary' (undefined but relating to investigations under its powers for breaches of its Regulation, including conflict-of-interest). The Council, its law and associated Regulation only apply to a limited number of senior appointed public officials, <u>excluding</u> the Prime Minister and ministers)</p>
Spouses and children		
Depository body	<u>Law 3628 (1990)</u> Article 8 <u>Kanun No. 3628 (1990)</u> Madde 8 <u>Regulation (1990)</u> Article 6 <u>Bakanlar Kurulu Kararı No. 90 (1990)</u> Madde 6	According to Law 3628 (1990) and Regulation (1990), spouses of Ministers and MPs must submit declarations to the President of the Turkish Grand National Assembly (Speaker of Parliament), while spouses of Public Officials must submit declarations to their ministry's personnel department.

Enforcement body		<p>The Depository body is responsible for submission by stated dates (Regulation Article 7). Breaches are dealt with by the prosecutors office (Articles 17 and 18).</p> <p>The Council of Ethics for Public Service may investigate asset declarations (Law 5176, with associated Regulation, Article 22) 'where necessary' (undefined but relating to investigations under its powers for breaches of its Regulation, including conflict-of-interest). The Council, its law and associated Regulation only apply to a limited number of senior appointed public officials, <u>excluding</u> the Prime Minister and ministers)</p>
Declaration verification		
Head(s) of State		
Submission verification	None	<i>No relevant legal provision</i>
Content verification		
Some agency assigned legal responsibility and authority for verifying accuracy	<u>none</u>	<i>No relevant legal provision</i>
Explicit criteria and standards established to verify accuracy	None	<i>No relevant legal provision</i>
Ministers/Cabinet members		
Submission verification		The Depository body is responsible for submission by stated dates (Regulation Article 7).
Content verification		Not stated
Some agency assigned legal responsibility and authority for verifying accuracy		Not stated
Explicit criteria and standards established to verify accuracy	None	none.
Members of Parliament (MPs)		
Submission verification		The Depository body is responsible for submission verification
Content verification		Not stated
Some agency assigned legal responsibility and authority for verifying accuracy		Not stated

Explicit criteria and standards established to verify accuracy	None	none
Public Officials		
Submission verification		The Depository body is responsible for submission verification.
Content verification		According to Law 3628 (1990), undersecretaries in ministries may appear responsible for collection of data on asset declarations and comparing them and inform the audit units for inspection or the public prosecutors if allegations are made
Some agency assigned legal responsibility and authority for verifying accuracy	<u>Law 3628 (1990)</u> Article 7	According to Law 3628 (1990), undersecretaries in ministries may appear responsible for collection of data on asset declarations and comparing them and inform the audit units for inspection or the public prosecutors if allegations are made
Explicit criteria and standards established to verify accuracy	None	none
Spouses and children		
Submission verification		The Depository body is responsible for submission verification.
Content verification		According to Law 3628 (1990), undersecretaries in ministries may appear responsible for collection of data on asset declarations and comparing them and inform the audit units for inspection or the public prosecutors if allegations are made
Some agency assigned legal responsibility and authority for verifying accuracy	<u>Law 3628 (1990)</u> Article 7	According to Law 3628 (1990), undersecretaries in ministries may appear responsible for collection of data on asset declarations and comparing them and inform the audit units for inspection or the public prosecutors if allegations are made
Explicit criteria and standards established to verify accuracy	None	none
Public access to declarations		
Head(s) of State		
Public availability	<u>Law 3628 (1990)</u> Articles 9, 11 <u>Kanun No. 3628 (1990)</u> Madde ler 9, 11	According to Law 3628 (1990) and Regulation (1990), the contents of declarations are not released to the public. Criminal penalties of three months to one year imprisonment may be imposed for breach of privacy of the asset declaration, increased by 50% if leaked to press (Article 11).
Timely posting	Not applicable	No declaration content, for any public official, is released to the public.
Clearly identified location	Not applicable	No declaration content, for any public official, is released to the public.

Reasonable fees for access	Not applicable	No declaration content, for any public official, is released to the public.
Length of records maintenance is specified	Not applicable	No declaration content, for any public official, is released to the public.
Ministers/Cabinet members		
Public availability	<u>Law 3628 (1990)</u> Articles 9, 11 <u>Kanun No. 3628 (1990)</u> Madde ler 9, 11	According to Law 3628 (1990) and Regulation (1990), the contents of declarations are not released to the public. Criminal penalties of three months to one year imprisonment may be imposed for breach of privacy of the asset declaration, increased by 50% if leaked to press (Article 11).
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Public availability	<u>Law 3628 (1990)</u> Articles 9, 11 <u>Kanun No. 3628 (1990)</u> Madde ler 9, 11	According to Law 3628 (1990) and Regulation (1990), the contents of declarations are not released to the public. Criminal penalties of three months to one year imprisonment may be imposed for breach of privacy of the asset declaration, increased by 50% if leaked to press (Article 11).
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Length of records maintenance is specified	Not applicable	No declaration content, for any public official, is released to the public.

Spouses and children		
Public availability	<u>Law 3628 (1990)</u> Articles 9, 11 <u>Kanun No. 3628 (1990)</u> <i>Madde ler 9, 11</i>	According to Law 3628 (1990) and Regulation (1990), the contents of declarations are not released to the public. Criminal penalties of three months to one year imprisonment may be imposed for breach of privacy of the asset declaration, increased by 50% if leaked to press (Article 11).
Timely posting	Not applicable	No declaration content, for any public official, is released to the public.
Clearly identified location	Not applicable	No declaration content, for any public official, is released to the public.
Reasonable fees for access	Not applicable	No declaration content, for any public official, is released to the public.
Length of records maintenance is specified	Not applicable	No declaration content, for any public official, is released to the public.
Legislative Developments	None	none



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