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# An Ethics Reminder

For Public Officials

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**First Edition:**

November 2009

**ISBN :**

9 789751 946843

# AN ETHICS REMINDER

For Public Officials

This reminder has been prepared within the project on 'Ethics for the Prevention of Corruption in Turkey' (TYEC), funded by the European Commission and implemented by the Council of Europe in co-operation with the Council of Ethics for the Public Service of the Republic of Turkey.

The overall objective of the 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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November 2009, Ankara

The events, persons and agencies in the examples of these guidelines are purely fictional.

# Foreword

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Ethics today has assumed a universal character. Despite differing opinions in other areas states and nations can be in great agreement when it comes to ethics. Ethical principles and values provide a guiding framework on what is good and right in working life for public officials at all levels.

Public officials can face dilemmas in decision-making or taking action and can experience difficulties in reaching a decision. In such instances, the question arises of how to employ authority and resources in a fair, impartial, honest and consistent way.

These guidelines aim to provide practical information, with the help of examples, on the principles of ethical behaviour that public officials must abide by when performing their duties and to assist in the solution of frequently encountered ethical dilemmas in the decision making process.

I hope that these guidelines will be of benefit to all public officials.■

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## What is Ethics?



Ethics is the entirety of moral principles that form the basis of an individual's behaviour. In other words, ethics is the guiding values, principles and standards that help people in determining "how things should be done". At the same time ethics is a process. In this process, when making decisions and putting them into practice, certain values are respected.

On the other hand, ethics is the branch of philosophy that deals with morals. This branch of philosophy studies the values, norms and rules underlying the individual and social relations people establish from the perspective of right and wrong or good and bad.

The aim of principles of ethical behaviour is to prevent corruption and degeneration in the state and society and to ensure the dominance of integrity.

Ethics is at the forefront of values taken as a basis in the performance of various professions. There are ethical principles and values in politics, management, the judiciary, commercial life, medicine, education, science, arts and the media, shaped by both the ethical values of the society where the profession is

performed and by the universally accepted principles of that profession.

Public administration ethics, as a form of professional ethics, refers to the principles and standards that are required to achieve the right behaviour in the administration. The principles and values of management ethics;

- Guide public officials in engaging in good behaviour and refraining from bad behaviour,
- Increase the trust in the state and in public officials, develop the legitimacy of the administration and enable an integration of the state and the people,
- Raise the standards of managerial behaviour in public agencies,
- Guide decision-makers and implementers in cases where values conflict,
- Strengthen the social fabric, economic development, democracy and the rule of law,
- Lower the cost of public services and increase the quality of service.

## The Importance of Ethics in Public Administration



Public services are delivered with the taxes paid by citizens. Citizens entrust public officials with their taxes with the expectation of receiving low-cost and high quality services. In this sense, public service is a service “held on trust”. Conscious of this trust, public officials must deliver public services effectively, efficiently and in honesty; and must respect professional ethical principles and standards when performing their duties and employing their discretion.

In some cases, laws and other legal arrangements may fall short of defining immoral behaviour in an organization. In the face of such “gray areas” where there are legal loopholes, ethical principles and standards to assist public officials are just as important as laws in the solution of dilemmas.

The law and morals have to overlap; yet, something that is moral is not always necessarily prescribed by law, just as something that is prescribed by law may not always be moral. In cases where there are ethical dilemmas, public officials should listen to the voice of their conscience and should approach problems in an impartial, fair and careful manner.

The notion of degeneration in administration undermines the public's trust in the administration. There is no place for wastefulness and professional misconduct in government. The cost of such behaviour is lower quality and fewer service. Democratic administration depends on the trust between the people and the public officials. The society expects public officials to be sensitive towards administrative standards. This is why public officials must protect themselves not only against real corruption such as bribery, embezzlement and favouritism but also from suspicions of corruption that may undermine the public's feeling of trust.

On the other hand, the existing methods of audit fall short of preventing bad administrative practices and corruption that arise in the administrative process. Since corruption can only be determined after the fact in the existing methods of audit, it is usually impossible to recover public resources that have been wasted. Under these circumstances, auditing of ethical standards to prevent corruption before it arises is of utmost importance. ■

### 3 The Ethical Dilemmas Public Officials May Face



An ethical dilemma occurs when there are two or more competing values that are in conflict. If one of these conflicting values is protected, the other cannot be. Or it is necessary to overlook some values in order to protect one or more other values.

There are many ethical dilemmas that public officials frequently face or may face in their day to day lives. These can be grouped under 4 categories:

1. The first type of dilemma that public officials face is the one where none of the options they have are fully satisfying and where they have to choose the option that is the least worst or better compared to others.

**Example**

In a tender opened to rebuild a bridge that has been torn down, none of the companies who have participated fully carry the requirements. However, there is no time to open a new tender and a decision has to be made as soon as possible. In this case, the public official must choose the company that is the best among all who do not have the requirements.

2. The second type of dilemma is where more than one option is good or all of the options are good and where choosing one will result in abandoning another option. In this case, the public official has to make a choice among “the best options”.

**Example**

In the appointment process of public officials, choosing one candidate among two who have graduated from the same school with the same degree and who have shown the same performance in the examinations requires such a difficult choice to be made.

3. The third type of dilemma occurs when making a decision that has the possibility to lead to different effects and results among different people and groups. In this case, the option that will satisfy a higher number of people should be chosen.

**Example**

The free allocation of public land as an incentive for private sector investment may disturb some members of the local community due to environmental pollution and may satisfy some because of new job opportunities. Some may see the decision as a favourable one in terms of economic development while others see it as an act of corruption.

4. The fourth and last type of dilemma faced by public officials occurs when the effect of the decision they make will positively or negatively and/or directly or indirectly affect them or their relatives. In this case, there is a “conflict of interest”. In other words, the individual interests of the decision maker conflicts with the public interest in a general sense. It is exceedingly difficult for an individual to make a decision against his own interest. In such cases, in principle, public officials who may be negatively or positively and/or directly or indirectly affected from the decision should not take part in the decision making process.■

#### Example

A manager having to take part in a committee that will decide whether a specific piece of land, where the manager's uncle also has a share, should be expropriated.

4

## Legislation on Ethical Principles and Values



In the past, there were no special regulations on the ethical principles and values that must be respected by public officials in our country. Ethical principles and standards were dispersed among different pieces of legislation such as the Constitution, Law No. 657 on Civil Servants and the Regulations of this Law, Law No. 2531 on the Professional Activities that Former Public Officials cannot Engage in, Law No. 3628 on Declaration of Property and Combat against Bribery and Corruption, The Turkish Penal Code No 5237 and other pieces of legislation.

The year 2004 is a turning point in our country in the creation of an administrative system based on ethics. Law No 5176, on “The Establishment of the Council of Ethics for the Public Service and Amendments to Some Laws”, passed in this year, was the basis for the establishment of the Council of Ethics for the Public Service.

The “Regulation on the Ethical Rules of Conduct for Public Officials and the Procedures and Principles for Application”, which was prepared by the Council of

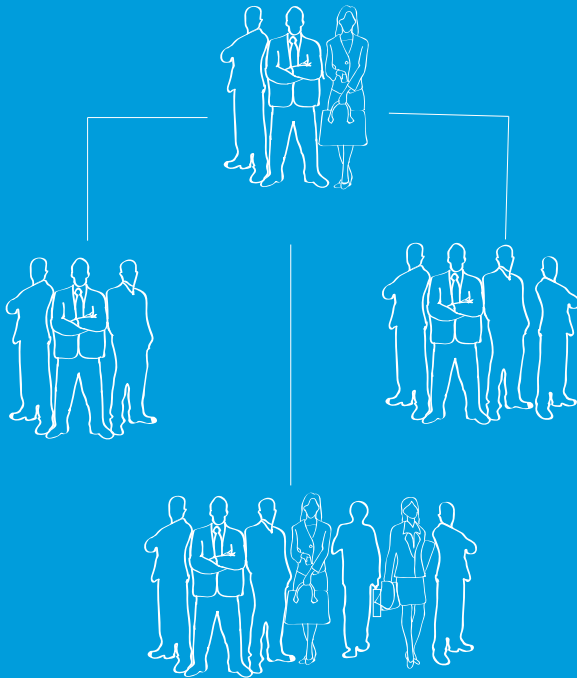
Ethics for the Public Service, is important in terms of bringing together the collection of ethical principles and standards that must be respected by public officials in the performance of their duties.

All public officials with the exception of the president, parliamentarians and ministers, members of the Turkish Armed Forces, members of the judiciary and universities are in the scope of Law No. 5176 and the related regulations.

The purpose of the Regulation is to embed a culture of ethics in public service, to determine the ethical rules of conduct that must be followed by public officials in the performance of their duties, to assist them in acting according to these principles and to increase the society’s trust in the public administration.

Public officials are obliged to abide by the ethical principles of conduct set forth in the Regulation in the performance of their duties. These principles constitute a part of the legislative provisions that regulate the employment of public officials.■

## 5 Organizational Structure on Ethics



There are two basic organizations on ethics in our country. The first of these is the Council of Ethics for the Public Service, founded under the Prime Ministry, responsible for determining the ethical principles of conduct to be respected by public officials and for supervising practices. The second organizational structure is the ethics commissions set up in different agencies and institutions.

### Council Of Ethics For The Public Service

The Board, consisting of 11 members has important functions:

- To determine the ethical principles of conduct public officials must respect in the performance of their duties,
- To carry out the necessary investigations and examinations either ex officio or upon application in case of claims of violation of ethical principles of conduct,
- To conduct or have conducted activities to incorporate a culture of ethics in the public administration and to give support to activities in this regard.
- To determine the scope of the prohibition of receiving gifts and to follow the practices,
- To give opinion to agencies and institutions on problems they may face in practice with respect to the ethical principles of conduct.

## Ethics Commissions

Ethics commissions consist of at least three people in the organization. The members of the ethics commissions, the period of time they will serve and other such issues are determined by the senior administrator of agencies and institutions. The CVs and contact information of the members of ethics commissions are notified to the Council of Ethics for the Public Service within three months time. Ethics commissions work in collaboration with the Council.

The functions of the Ethics Commissions are as follows:

- To secure a culture of ethics in agencies and institutions,
- To make recommendations and guidance on the problems faced by officials regarding the ethical principles of conduct,
- To evaluate ethical practices,
- According to the nature of the service delivered by or duties of the agencies, to regulate its own institutional ethical principles of conduct and to present these to the Council of Ethics for the Public Service to be examined and approved.

Information about the ethical commissions of agencies can be accessed via the official website of that agency. ■

6

## Principles to Be Respected in The Performance of Duties



Public officials have to perform their duties according to the principles of a modern understanding of administration. These principles require that staff are always open to novelties and development, staff and beneficiaries of the service can participate in the administration, the decision making process of agencies being open to the public as a rule, the announcement of the decisions of the administration to the public, the chance to obtain official documents and information from the administration upon request, an impartial treatment of citizens, to be right, honest, fair and just, to defend the interest of the public over personal interest, accountability in the delivery of public services, to be always open to public assessment and auditing, to have predictable procedures and processes regarding the work and transactions, for services to be delivered by the units that are closest to the citizens, to trust the word of citizens.

*Public officials shall respect continuous development, participation, transparency, impartiality, integrity, protection of the public interest, accountability, predictability, subsidiarity in services and trust in declaration by citizens in the performance of their duties (art. 5). ■*

7

## Acting with an Awareness of Service to The Public



With the understanding that serving the public is much more important than serving the interests of any individual or group, public officials must aim at;

- Facilitating the daily lives of the public,
- Catering to the needs of the public in the most effective, rapid and efficient way,
- Increasing the quality of service,
- Increasing the public satisfaction,
- Focusing on the needs of the beneficiaries and the result of the services.

To this end, questionnaires and referendums can be conducted to identify, in advance, the needs and expectations of the users of the services; the level of satisfaction of the public regarding services can be regularly measured; the best practices of the private sector and other public agencies can be transferred to the serving agency; the work processes in the agency can be analyzed to eliminate the unnecessary steps that result in red tape and time loss.■

8

## **Compliance with Service Standards, Guiding The Citizens, Politeness and Respect**



Citizens who apply to public agencies to get service usually do not know which documents are necessary, where they should apply to, what route they should follow, and how long it will take for their transactions to be completed.

In such cases, citizens seek an acquaintance, a relative, a friend or an intermediary or errand runner that can assist them in rapidly handling the work without problems.

In order for such situations, which lay the grounds for unethical conduct, to be prevented, service standards and work processes should first be determined and

#### Example 1

Selahattin Bey has lost the title deed to his home, which he has bought after long years of work, and a neighbour has told him that anyone who finds his title deed can sell the house. Selahattin Bey comes to the title deed directorate in panic and goes directly into the room of the director to ask him what would happen. The Titles Director, who has dozens of documents to study on his desk, listens to the old man and explains to him over and over again in a suitable language that no one who finds the title deed could sell his house. Yet the old man is not convinced by what is explained. Upon this, the Titles Director asks the old man to write a petition saying that he has lost his title deed, and that they would put this in his file so that no one can sell the house and convinces him.

notified to the public through the web, posters, signs, brochures, flyers etc. And work and transactions should be conducted according to these standards.

It is just as important to inform the citizens during the process of service delivery on the transactions in addition to pre-determining the service standards and the work processes. Even if citizens are informed by the printed and visual signs, they have a tendency to have this information confirmed by an official and to get verbal information.

In this case, the information desks at agencies are very important. The information desks in agencies must

#### Example 2

Kazim Bey, who is living in a small village arrives at the district tax office to pay the tax fine issued to him. He does not know who he should apply to. He enters the first room he finds to ask what he should do and extends his papers to the civil servant Ilyas Bey who sits at his table. Since the weather is cold, the old man has his hat on and his hands in his pocket. Civil Servant Ilyas Bey, does not raise his head from the document and says in a harsh voice "take your hands out of your pocket". Kazim Bey doesn't understand that he is the subject of the order and continues to stand there. This time Ilyas Bey yells "I told you to take your hands out of your pocket" and gives the documents back to Kazim Bey, "First learn how to enter a government building, then come back" and he shows him the door.

employ qualified staff who are fully informed about all the work processes.

All public officials must inform the citizen of the next step to be followed regarding the transaction when they complete their part of the work, must give the necessary information to the citizens that ask or consult them and direct them to the relevant place.

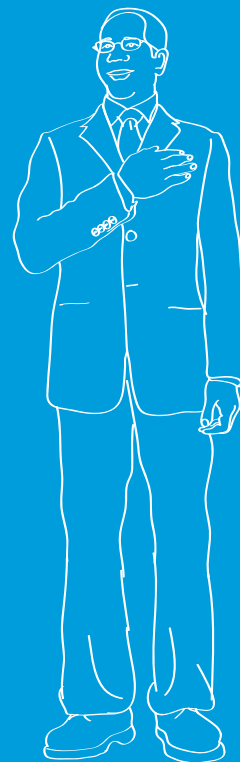
Public officials must serve the public with the thought that public service is held on trust and must be patient, polite, respectful and friendly towards their colleagues and the service users.

*The managers and other staff of the public agencies and institutions shall deliver public services according to the standards and processes that are determined, and shall inform the service users about the processes and transactions throughout the duration of the service (art. 7).*

*Public officials shall be polite and respectful towards their seniors, colleagues, subordinates, other staff and the service users and show the necessary attention; if the issue is not in their mandate, they shall guide the citizen to the relevant unit or authority (art. 11).*

9

## Commitment to Objective and Mission



Public officials shall act in accordance with the objectives and mission of the agency or institution for which they work. They shall act in accordance with the interests of the country, the welfare of the society and the service ideals of their agencies (art. 8).■

#### Example

District governor Ali Bey has renovated his lodgings and bought an official car from the budget of the Unit for Service Delivery to Villages.

## 10 Integrity and Impartiality



## General Principle

Public officials shall act in accordance with the principles of legality, justice, equality and integrity in all their duties and processes and shall not discriminate on the basis of language, religion, philosophical belief, political convictions, race, sex and similar reasons in the performance of their duties and the delivery of service; they shall not engage in conduct and practices against fundamental human rights and freedoms, conducts of restrictive treatment and averting equal opportunity (art. 9).

### Refraining from Using the Margin of Discretion or Using It for Personal Interest

Public officials must use their margin of discretion in accordance with public interest and service requirements with no arbitrariness in line with the principles of impartiality and equality (art. 9).

It is against ethical principles of conduct for public officials to refrain from using their margin of discretion in order to avert responsibility or to use this discretion in their own interest or the interest of their relatives.

#### Example 1

Human Resources Director Selami Bey has examined the application of the researcher who wishes to perform a survey among the agency staff and has transferred the application to his senior manager fearing that some of the questions in the survey may cause problems for him in the future.

#### Example 2

Provincial Director for Health İhsan Bey has transferred his nephew Practitioner İsmail Bey to a health facility with fewer patients with the reason that his nephew has no time to prepare for the Specialist Medical Examination while working in a health unit that has an intense traffic of patients.

## Favouritism in Service Delivery

Public officials shall not engage in acts and practices that give priority, privileges or are partial and against the principle of equality to any real persons or legal entities; and cannot act in such a way so as to bring benefit or damage to any political party, person or group (art. 9).

#### Example

Director General Haluk Bey has resigned from office to become a candidate as an MP. Haluk Bey's campaign is going to be funded by businessman Emin Bey, who is contracted in a large part of the tenders opened by the agency. Haluk Bey, who is not elected as an MP has returned to his post as a Director General. Emin Bey expects privileges from Haluk Bey in the progress payments and other payments.

## Preventing the Policies, Decisions and Actions of Public Authorities that are in line with the Legislation (Bureaucratic Sabotage)

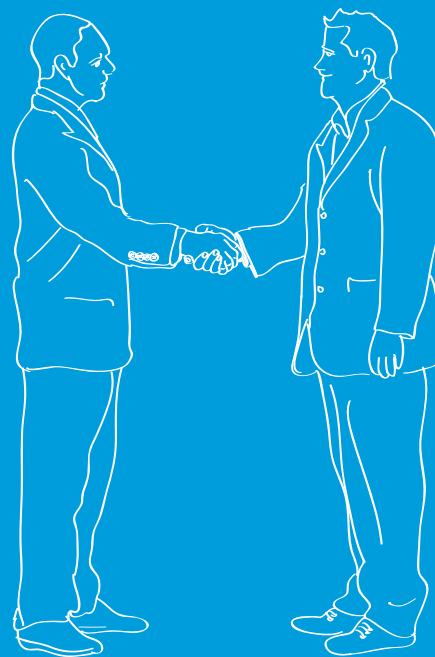
Public officials are obliged to carry out their duties at an equal distance to all political authorities and in an impartial way; they are responsible for implementing public policies determined by people and agencies that have been elected. Even if they are not of the same opinion, public officials are obliged to implement the policies that are in accordance with the law and determined by the representatives elected by the people.

### Example

The Ministry has sent a letter to all provincial offices asking for the provision of food and cleaning services for the staff by way of service contracts. Provincial Director Muhsin Bey is against private companies delivering public services. Although a whole year has gone by since the letter was received, he has not taken initiative.

*Public officials shall not prevent the policies, decisions and actions of the public authorities that are in accordance with the law (art.9). ■*

## 11 Respectability And Trust



Democratic administration depends on the trust between the public and the public officials. Therefore, public officials shall act in such a way so as to ensure trust in the public administration and shall show, through their actions, that they hold the dignity and trust required by the office. They shall refrain from engaging in conduct that undermines the trust of the people, that causes suspicion and mars the principle of justice (art. 10).

Example: Dilek Hanım, who is working as an Internal Medicine Specialist at a public hospital directs her patients to a medical imaging centre she has agreed with for the patient's tests to be run.

Public officials shall act in accordance with the service requirements with an awareness that serving the public is a duty above all individual or personal interest; they shall not mistreat the users of the service, shall not neglect duty, engage in double standards or take sides (art. 10).

Example 1: Burcu Hanım, has went to the Directorate for Population Affairs to renew her ID, she has got a queue number and started to wait. Just as her number came up, she was told that service hours were over and that she should come back the next day.

Örnek 2: Melahat Hanım, who works at the Nursing Home screams and yells at the bed-confined elderly people she is responsible for cleaning.

Public officials who hold the position of managers or auditors shall not engage in arbitrary acts and practices that are coercive, defamatory and threatening; they shall not write reports not based on explicit and accurate evidence; shall not demand services, opportunities or similar interests for themselves against the law and shall not accept such privileges even if presented without their demand (art. 10).■

#### Example1

Mayor Musa Bey has heard that Director Nevzat Bey will resign and compete against him in the elections. He has immediately started an investigation against Nevzat Bey and influenced the appointed investigator to prepare a false report against him and taken disciplinary measures against Nevzat Bey.

#### Example 2

Tax auditor Tolga Bey has informed the owner of a private hospital he has went to audit that there are serious discrepancies in the accounting records of the hospital and that he can only overlook them if he gets a free check-up.

#### Example 3

Director General Semih Bey has bought a house that is still at the stage of construction. Coşkun Bey, who is outsourced in the tenders of the agency has offered to do the workmanship of the house and the landscape in return for a symbolic fee for Semih Bey.

## Notification of the Competent Authorities



Corruption is carried out in secrecy and is therefore extremely difficult to reveal. It is the public officials working in an organization who will best know and be informed about the immoral practices, fraudulent acts, wastefulness and misconduct in the organization compared to outsiders. Such conduct can only be easily disclosed if public officials with morals denounce those who engage in immoral acts and corruption, in order to protect the dignity of their profession and prevent a waste of public resources.

In the existing organizational culture, those who denounce other people are cast out, become undesirable people and are labeled “informants” “squeaks” etc. On the other hand, in cases where the denounced people are acquitted and the informants identity is revealed, it is possible for them to be harmed.

It is not correct to act with the understanding “I’ll close my eyes and do my job” or “Long live the snake who does not hurt me” in the face of such difficulties and turn a blind eye on immoral conduct.

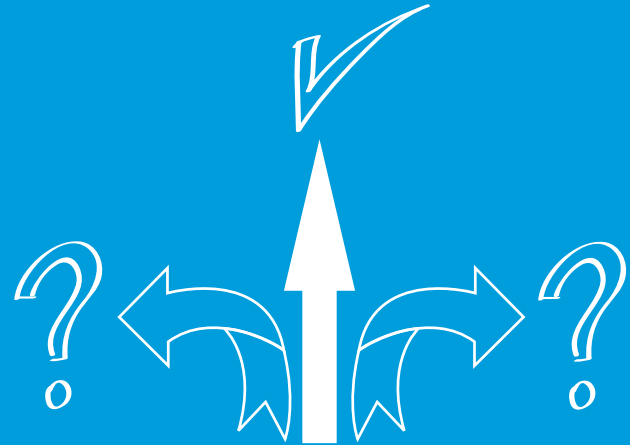
Therefore, if public officials are asked to engage in

acts or conduct that does not comply with the ethical principles of conduct or that is illegal, or if they become aware of or see such an act or transaction while performing their duties, they must notify the authorities of the situation; the managers of agencies and institutions must hold confidential the identity of the public official who has made the notification and take the necessary measures so that no harm will come to that official, in other words, he must protect them.■

Example: Civil Servant Orhan Bey and his friends who work in Kocaeli, have went to Istanbul to watch the game of their football team with the public office car. On Monday morning, Orhan Bey goes to the office with Figen Hanım and Suat Bey, who have not come to the game on the weekend. Orhan Bey wants to add the distance travelled on the week-end to the official car kilometer from. Figen Hanım, who notices the situation says that it is none of her business. Suat Bey tells Orhan Bey that this is wrong and that he shall tell his superiors. Orhan Bey offers Suat Bey to go to next week's game together. Suat Bey does not accept and informs the manager of the situation.

13

## Avoiding Conflict of Interest



The issue of conflict of interest, which is at the top of the list of important items in public administration ethics is set forth under article 13 of the Regulation. According to the article, conflict of interest is defined as any situation where there is an interest that influences or seems to be influencing public officials in performing their duties in an impartial and objective way and that brings interest to either the public official, his relatives, friends or other persons or organizations he has connections with and the instance where the public official has financial or other obligations with regard to these.

Conflict of interest arises when the work or transaction carried out or decision to be made by the public official negatively affects or brings an interest for people such as himself, his spouse, friends, relatives, people he knows from his previous job (anyone who can affect his objective action).

In cases where there is conflict of interest, the individual interests of the decision-maker and the general public interest is in conflict. Therefore, conflict of interest has

the “possibility” of affecting the impartial and objective performance of the work. Even if it does not affect the duty, conflict of interest can be perceived to affect duty by those who view the situation from outside.

#### Example

Selçuk Bey, who is a control Engineer in a tender has been invited with his family to a free vacation at a resort owned by the company owners. Selçuk Bey has agreed to the invitation and had a free vacation for one week with his family. Upon returning to the office, he has noticed, when checking the progress, that there are deficiencies in the manufactured items. Just as he was about to inform the company owner of the deficiencies, the company owner Selçuk Bey has asked him if he was happy with his vacation. In this case, how is Selçuk Bey going to act?

In the example, the company owner has provided personal interest for Selçuk Bey by sending him on a vacation.

In this case, Selçuk Bey can choose one of two courses of action:

In the first instance, he can be affected by the personal interest he has gained and can overlook the deficient manufactured items when signing the progress report.

In the second instance, he may not be affected by the

personal interest he has gained and ask the company to eliminate the shortcomings. However in this case, third parties who know that Selçuk Bey has went on a vacation in the resort of the company will think that Selçuk Bey is abusing his position.

On the other hand, as can be seen from the example below, conflicts of interest are mostly not known or identified by people other than those who are involved.

#### Example

Emel Hanim, who is assigned to the exam committee sees that her uncle's son is also making an application when she examines the candidate list. Since Emel Hanim's last name has changed due to marriage, there is no resemblance of last names with her cousin. Her uncle, who calls the night before the exam asks her to help her cousin.

Therefore public officials have personal responsibility in instances of conflict of interest and since they are the ones who know about the situation where conflict can appear, they shall be vigilant about any potential or real conflict of interest and take the necessary steps to refrain from conflict of interest, shall inform their superiors of the situation as soon as conflict of interest arises and shall distance themselves from interests that fall under the scope of conflict (art. 13).■

## 14 Types of Conflict of Interest



Conflict of interest can arise in different instances. Below is a list of major types of conflicts of interest regulated under the Civil Servants Law and the Ethics Regulation.

## A Relations With Former Public Officials

### Privileges for Former Public Officials in Receiving Public Services

Former public officials expect privileges in receiving public services in return for the years of service they have provided. On the other hand public officials who are still in office may grant privileges to former officials from “loyalty”. However in such a case, the principles of equality and justice are overlooked and regular citizens who benefit from the services are wronged. This is why public officials must not grant privileges to former public officials in the delivery of public services and must not carry out procedures that grant them special benefits (art. 21).

#### Example

Retired hospital director Ömer Bey has come to the hospital he has worked in to undergo a medical examination. Instead of getting an appointment or a queue number, he has visited the hospital director and has been examined with priority.

### Former Public Officials Doing Business with the Agency After the End of Their Term

Former public officials shall not, either directly or indirectly be contracted or work in return for a commission, as a representative, expert witness or intermediary or similar, in the name of the agency or institution they have previously worked for, reserving the provisions and times set forth in the relevant laws (art. 21).

In our country, Law no. 2531, dated 2.10.1981 titled “Law on the Work that Cannot be Undertaken by Former Public Officials” regulates this issue. According to article 2 of this law:

*“... those who leave their position for whatever reason, shall not be assigned duties or work, undertake any commitments, carry out work in return for a commission or become a representative either directly or indirectly for the department, administration, agency or institution they had served in the two years prior to their termination of office, on subjects related to the work or activities they had once carried out for that department, administration, agency or institution, starting from the date they have left the position.”*

#### Example 1

The Municipality Technical Services Director Ahmet Bey has resigned from office and started to work as a manager in a construction company in the area. The company is going to take part in a tender to be opened by the Municipality.

#### Example 2

Retired Title Deeds Office Director İlhami Bey works as a real estate agent in the town where he last worked in the title deeds office. When he comes to the office to settle the work of the people he represents, he visits the Director Burhan Bey and while he has his coffee, his work is done with priority.

## B Working at a Second Job

Public officials working at a second job in addition to their public office is regarded to be adversary due to a splitting of their performance and loyalty and creates a conflict of interest. The Civil Servants Law regulates the subject as follows:

*"According to the Turkish Commercial Code, civil servants shall not engage in activities that will define them as a (tradesmen) or (craftsman), they shall not work in commercial or industrial enterprises, shall not be a commercial representative or proxy to or a partner in unlimited or limited liability companies. (Other than the duties they may assume to represent their agency at the affiliates)..." (art. 28)*

#### Example 1

Muhittin Bey, who works in the accounting unit of a State Economic Enterprise, does book-keeping for a private company outside official hours. However, from time to time, the company representatives call Muhittin Bey during office hours to talk to him.

#### Example 2

Hatice Hanım, who works at a school under the Ministry of National Education gives private lessons to her own students.

## C Using Mandates and Authority to Gain Interest

Another type of conflict of interest occurs when a public official uses his privileges as a public official to gain interest for himself or his relatives.

### General Principle

Public officials shall not gain interest or act as intermediaries either for themselves, their relatives or for third parties using their mandate, titles and authority; they shall not engage in favouritism for relatives, spouses, townspeople, in political nepotism or any other form of discrimination or favouritism (art. 14).

There are various ways of gaining interest by using mandate, titles or authorities..

### Gaining interest for himself and/or his relatives

#### Example 1

Surgeon Asım Bey sends his patients to his private office before their surgeries at the hospital.

#### Example 2

Mayor Murteza Bey's nephew has land in a low-value area where road and utilities planning was carried out as per article 18 of the Construction and Development Law and as a result, Murteza Bey's nephew was given a more valuable plot of land. Mayor Murteza Bey also took part in the meeting where this decision was made.

#### Example 3

The parents of children who get low grades from some classes visit the High School Principal Çağrı Bey and tell him that grades are important for the university entrance examination and they ask the principal to pull up the grades. Çağrı Bey tends to the parents that have a potential of providing interest to himself or his relatives and speaks to the related teachers for the grades to be pulled up. The parents who are happy with the situation thank Çağrı Bey when leaving, give him their business cards and tell him that they would be happy to help him if he ever needs their help. Çağrı Bey collects all the business cards according to the professions and for example, when his uncle gets ill, he looks over the cards to choose a suitable doctor and asks for help in his uncle's treatment.

### Receiving Special Payment in Return for Work

#### Example 1

Veterinarian Celal Bey comes to the village for vaccination and has received a payment higher than the one indicated in the tariff.

#### Example 2

Mükremin Bey, who works as an imam (prayer leader) in the municipality cemetery, receives money from families for the burial services.

### Working as an Intermediary

#### Example

Technical Services Director Fatih Bey suggests that İlyas Bey, who is the owner of the company doing the road construction work for the municipality, buy his aggregate from his nephew's company.

### Favouritism

#### Example

Teftiş Kurulu Başkanı Ekrem Beyin yeğeni, Kurulun denetim alanındaki bir kamu kurumunun açtığı yazılı sınavı kazanarak sözlü sınava davet edilmiştir. Ekrem Bey, ilgili kurumun yöneticisini arayarak yeğeninin işe alınması için ricada bulunmaktadır.

### Favoritism in Service Delivery

#### Example

Hasan Bey, who works in the distribution of coal prioritizes his own town folk in the distribution.

### Doing Commerce By Using Mandates, Titles and Authorities

It is prohibited for public officials to sell or distribute either their own or other's books, magazines, tapes, cds and the similar by using their mandate, title or authority (art. 14).

#### Example

Inspector İhsan Bey has prepared a book on legislation with comments on inspection and has distributed the book to the relevant public agencies for them to purchase.

### Help or Donations to Organizations, Foundations, Associations or Sports Clubs

It is prohibited for public officials to provide interest through help, donations or similar for any organization, foundation, association or sports club (art. 14).

#### Example

Although businessman Hüseyin Bey has completed the manufacturing of the items for which he was contracted, he cannot get his progress payments. When he speaks of the situation with the manager of the agency, he finds out that he can immediately get his money provided that he donates a part of it to the sports club of the city.

### Disclosure of Information Obtained During Service

Public officials shall not use the official or confidential information they obtain during the performance of their duties or as a result of these duties to gain, either directly or indirectly, economic, political or social interest either for themselves, their relatives or third parties; they shall not disclose such information during or after their office to any organization, agency or person other than the authorities (art. 14).

#### Example

The Municipality Construction and Development Director Zafer Bey has notified his friend Contractor İrfan Bey, that a region designated as a residential area will be turned into a commercial area and his friend İrfan Bey has lost no time in buying the land in that region.

### The Use of Public Resources During Elections

Public officials shall not, either directly or indirectly, use or allow to be used the resources of the organization they work for in election campaigns (art. 14).

#### Example

Mayor Hüsamettin Bey has once again become a candidate in the local elections. He has given orders for the posters and banners he will use during his campaign to be hung up on the fire engines.

In the Turkish public administration tradition, although it is strictly forbidden by law, public officials' receiving gifts from the citizens or their colleagues is common practice. Despite the prohibitions, public officials are given various gifts by private persons, companies and agencies under his supervision especially at new year, holidays and other special days.

Such gifts given to or received by public officials lead to discussions of ethics among the public and result in corruption in the public administration, the criticism of public officials, an increase in the perception of corruption, and the undermining of the trust and honour felt towards the public administration and public officials.

Gifts that may initially seem to be innocent, safe and not dangerous, usually turn into booby traps in affecting the officials' impartiality, his decisions and duties.

#### Example

Civil Servant Sinan Bey, who works at a public hospital visits one of his own townfolk the Deputy Governor Serhat Bey after his vacation and when he sees that he is not in his place, he leaves his secretary a melon that he brought from his town. When Serhat Bey comes back to his office, he sees the melon, asks his secretary who brought it and when he finds out it is Sinan Bey, he thinks "my fellow townfolk probably brought it from our village" and takes the melon home to eat it with his family. Three days later, Sinan Bey visits Serhat Bey again and asks him to help him in getting a better-paid job from the revolving fund. Serhat Bey, who normally doesn't accept such offers remembers the melon that was given and takes action to do what he requests.

Gifts can be divided into two:

#### Gifts Given in Good Faith

Here, the person who gives the gift has no expectation or interest. For example, gifts given to representatives of the government during visits to foreign countries, diaries and other gifts given at new years and the gifts or money (tip) given to public officials by citizens from the heart as an expression of their satisfaction of the service. Such gifts are more of a symbolic nature.

#### Example 1

After being discharged, Mehmet Bey sends a cake to the nurses who treated him with kindness during his illness.

#### Example 2

With the joy of buying a house for the first time and having completed his transactions, Sadık Bey gives the title deed official Semra Hanım 20 TL.

### Gifts Given to Gain Interest

In such cases, the person who gives the gift has an expectation of getting interest or getting easy or fast service. In this case, the person who gives the gift chooses to provide legitimized benefits to the public official from whom he expects privileges, and tries to minimize the risks of directly bribing him. The person who gives the gift does not make clear his intention in the beginning. Most of the time, there is no connection between the public official and the gift giver regarding the services at the time the gift is given. In such cases, the public official who receives the gift cannot sense

the long-term aim of the person and unwittingly accepts the gift.

To reserve a car or a house, to give out season tickets for the team they support, to invite to give a conference, to invite to study visits, to pay for holiday expenses etc.

Gifts in this scope are more than symbolic and aim at obtaining an interest for the public official.

#### Example

Aykut Bey, who works as a control engineer under a contracted project, is allotted a car by the company so that he can facilitate progress payments. The fuel of the car is also paid by the company. Aykut Bey also uses the car for his own private errands.

Whether it is given in good faith or for private interest, the basic principle is for public officials to not take gifts, for citizens to not give them and to not use position for private interest.

All kinds of things and interest, with or without economic value, accepted either directly or indirectly,

are regarded as gifts if they affect or have the possibility to affect the impartiality, performance, decision or duty of the public official (art. 15).

Public officials shall not receive any gifts or gain private interest either directly or through intermediaries for themselves, their relatives or third parties from real persons or legal entities who have a relationship with them based on business, service or interest regarding their position (art. 15).

#### Which gifts can be taken, which cannot?

The regulation lists the exceptions to the prohibition on receiving gifts. Accordingly, the following are excluded from the scope of the prohibition on receiving gifts; in other words, they can be received:

- ✓ Gifts that make a contribution to the organization in which the public official works, that do not negatively affect the legal and due performance of the organization's functions and are allocated for the service of the organization, registered as fixed property of the organization and announced to the public (excluding official cars and other gifts taken to be allocated for the use of a specific public

official) and donations made to the organizations and institutions,

- ✓ Books, magazines, articles, cassettes, calendars, CDs and similar,
- ✓ Awards or gifts won during competitions, campaigns or activities open to the public,
- ✓ Gifts of a commemorative nature given at conferences, symposiums, forums, panels, dinners, receptions or similar activities open to everyone,
- ✓ Promotional material and handicraft given for promotional purposes to everyone and having a symbolic value,
- ✓ Loans from finance institutions received according to market conditions.

The following are included in the scope of the prohibition on gifts; i.e. they cannot be received:

- ✗ Welcome, farewell and congratulation gifts, scholarships, trips, free accommodation and gift certificates from those who have business, service or interest relations with the organization,
- ✗ Transactions of unreasonable prices compared to the market values when buying, selling or renting real estate or movable goods or services,

- ✗ All kinds of property, clothing, jewelry, or food given by those who use the services,
- ✗ Loans and credits received from those who have business, service or interest relations with the organization.

Örnekler (☒ Prohibited, ☑ Allowed)

- ☑ Philanthropist Sıdika Hanim has donated 20 computers to be used in the classes in a primary school. The computers were registered as fixtures and the donation was announced on the school's website.
- ☒ Selim Bey has given a laptop computer as a gift to his daughter's school for her math teacher Semra Hanim to use. The school principal has registered the laptop as fixture and then allotted it to Semra Hanim, who is Selim Bey's daughters math teacher.
- ☑ Businessman Sadık Bey has donated dialysis equipment to the hospital.
- ☒ Contractor Sami Bey, who pays a courtesy visit to newly-appointed Governor İhsan Bey, gives the governor a valuable hand-woven carpet.
- ☒ An old lady has given District Governor Esat Bey a turkey in return for him helping her son who has gone to do his military service.
- ☒ The Association for Helping Successful Children gives a scholarship to the daughter of Selma Hanim who is responsible for auditing the association.
- ☒ Parents have bought a 22k gold bracelet for Teacher Neriman Hanim on teacher's day.
- ☑ Civil Servant Burhanettin Bey received a calendar from one of the companies with which the organization works.
- ☒ Treasurer Kemal Bey has rented a wedding hall for half the market price for his daughter's wedding.

## What should be done if in doubt about whether to take a gift?

A gift is an important tool in building social relationships. There is no problem in people giving and receiving gifts based on the principle of reciprocity. The problem is in a public official being given gifts because of his position as a public official.

Therefore, when a public official is accepting a gift, he must ask himself the following question:

*If I were not a public official, if I were not at the post or position I hold today, would I have still received this gift?*

If the answer is “absolutely yes”, the gift can be taken.

If the answer is “no” or if there are “reservations” the gift must be declined.

The size of the gift or whether it has material value is not significant. One public official may not be affected by a gift that has a great material value, another may be affected by a gift that seems to be of no value. We must not forget that in our tradition, ‘A cup of coffee is remembered for forty years while a cup of tea is remembered for twenty years.’

## E Giving Gifts By Using Public Resources

Public officials shall not give gifts using public resources or send flowers or wreaths other than for official days, ceremonies and holidays to any real person or legal entity; they shall not give adds for congratulation messages, announcements or obituaries that have nothing to do with their duty and service (art. 15).

### Example

Provincial Director Süleyman Bey has sent a wreath to the funeral of a businessman from the organization's budget.

## F Illegal Use Of Influence (Giving Orders Without Law)

Despite explicit legal arrangements (Civil Servants Law art. 10 and 11), senior managers sometimes tend to make illegal, and unethical demands from their subordinates either by verbal directions, orders or requests. The public officials who think that they may encounter sanctions in the organization in case of

failure to meet these demands (termination of contract, appointment to another office, no promotion, being cast out etc) usually meet the demand and since there is no evidence or witness, the responsibility rests with the official who has met the demand.

Senior managers must not make illegal and unethical demands of their subordinates and subordinates must not meet such demands. ■

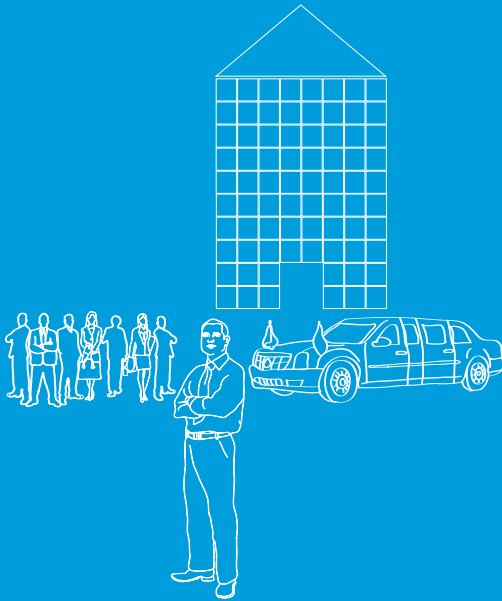
### Example 1

Undersecretary Yılmaz Bey is going to the airport with the official car. Fearing that he will miss his flight, he orders the driver to make speed and pass red lights if necessary.

### Example 2

There is going to be a big procurement. Senior manager Tahsin Bey calls the Director who will prepare the tender specifications İhsan Bey to his office and asks him to prepare the specifications in such a way so that a particular company will be awarded the contract.

## 15 The Use of Public Goods and Resources



Public officials shall not use or allow to be used public buildings and vehicles and other public goods and resources for any purpose other than public purposes and service requirements; they shall protect all such goods and take necessary measures to make them available for service. (art. 16).■

### Example 1

Division Director İlhami Bey has moved his house with the organization's truck.

### Example 2

Computer operation officer Emine Hanım has done research on the internet on the office computer for her daughter's homework and got a print of the homework from the office computer.

## 16 Avoiding Extravagance



Public shall refrain from wastefulness in the utilization of public buildings and vehicles and other public goods and resources; they shall act effectively, efficiently and sparingly when using their office time, public goods, public resources, work force and facilities (art. 17).■

### Example 1

Kasim Bey, who has newly been appointed as Director General has totally redecorated the office because he disliked the previous furnishings.

### Example 2

Civil Servant Sila Hanim chats with her friends and plays game on the computer during office hours.

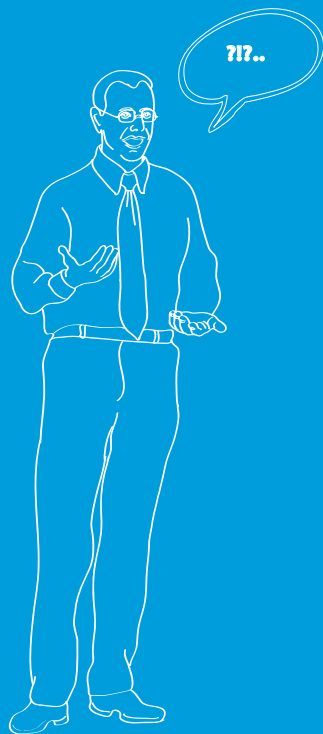
### Example 3

Bilgehan Bey, who has been newly appointed to his post, disliked the office car that was bought 3 years ago and bought a very expensive and luxurious new office car.

### Example 4

Chief Aysun Hanim has lengthy telephone conversations with her relatives and friends on the office phone.

## Binding Explanations and Factitious Testimonies

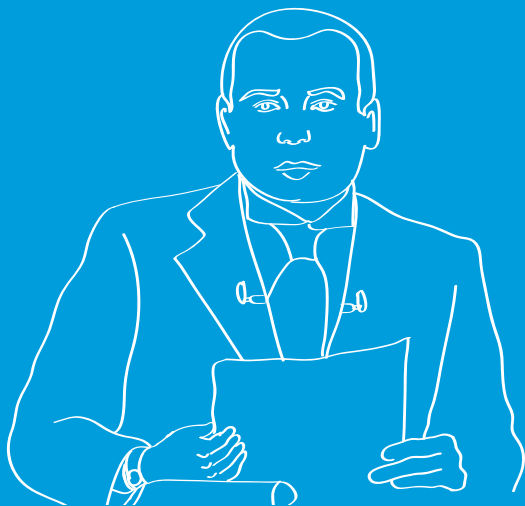


Public officials shall not make binding explanations, commitments, promises or take initiatives outside their authority while performing their duties, they shall not make misguiding and false statements (art. 18).■

### Example

Three babies in the new born department have lost their lives due to bad hygiene conditions at a hospital. Chief Physician Yaşar Bey has stated that the deaths occurred due to illness.

## Notification, Transparency and Participation



Public officials shall assist the public in using their right to information. When requested by real persons or legal entities, they shall duly impart the requested information and documents other than in exceptions set forth by Law No. 4982 on the Right to Information (art. 19).

### Example

Director Halit Bey frowns upon citizens who ask for information and documents from the organization exercising their right to information and overlooks the applications based on various excuses.

In line with the framework set forth in relevant laws, senior managers shall present to the public information on tender processes, activity and audit reports of their organization using the appropriate medium (art. 19).

Public officials shall take care to ensure that citizens will either directly or indirectly be affected from decisions will make a contribution to either the preparation, maturing, adopting and implementation of fundamental decisions on public services or at all stages provided that there is no legal provision prescribing otherwise (art. 19). ■

## 19 Accountability of Managers



Public officials shall be accountable for their responsibilities and liabilities in the delivery of public services and shall always be open to and ready for public assessment and audit (art. 20).

Public officials who hold the status of managers shall take timely measures required by their duties and authorities to prevent transactions or actions that are not in line with the objectives and policies of their organization (art. 20).

### Example

Head of Department Faruk Bey, who is responsible for the in-service training of the organization staff, has prepared and submitted for approval a very expensive training program to be conducted at a five-star hotel. Director General Fikret Bey has not approved the program and has given orders to conduct the program with a lower budget in the facilities of the organization.

Public officials who hold positions as managers shall take the necessary measures to ensure that staff under their authority do not get involved in corruption. These measures shall comprise the implementation of legal and administrative arrangements, conducting appropriate activities for training and imparting

information, to pay attention to the financial and other difficulties the staff may encounter, and to set an example for the staff with their own conduct (art. 20).

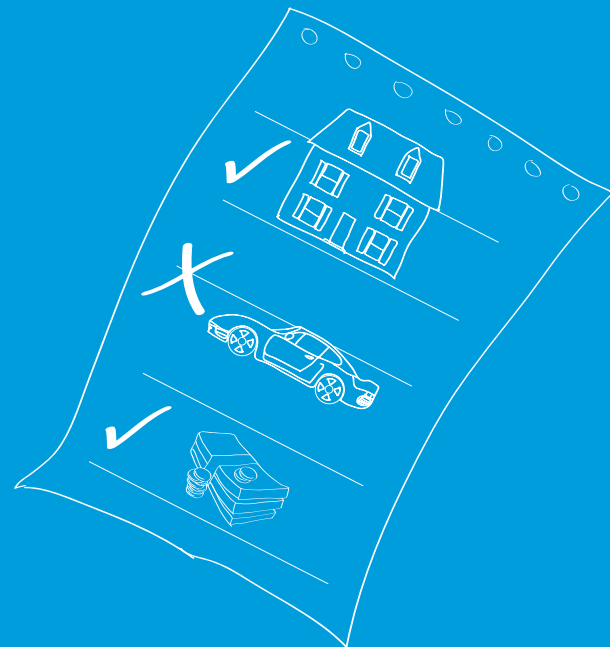
Public officials who hold the position of managers shall be liable to provide proper training for their staff on the principles of ethical conduct, to observe whether or not these principles are respected, to observe their lifestyles that may not be in line with their level of income, and to guide the staff on ethical conduct (art. 20).

#### Example

Özlem Hanım, who has been working as a civil servant at the Enforcement Office for ten years, has bought 8 flats with the privileges she has obtained from business owners and has also made a property declaration about these. The managers have not made any transactions on Özlem Hanım.

The authorized record-keeping managers of organizations and agencies shall evaluate the records and performance of the staff in terms of appropriateness to the principles of ethical conduct set forth under this Regulation (art. 23).■

## 20 Declaring Property



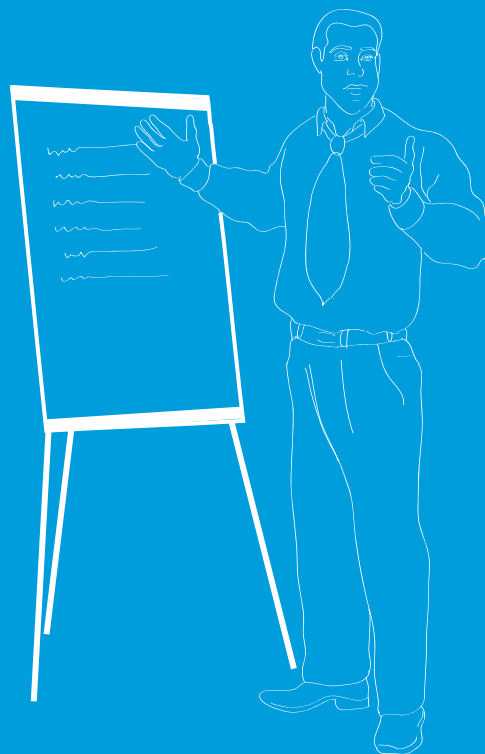
Public officials shall make property declarations to the authorities as per Law No 3628 on Property Declarations and Combating Corruption and Bribery about real estate and movables as well as receivables and debts in their spouses, children's and own name (art. 22).

The Council of Ethics for Public Officials has the authority to examine property declarations if they deem necessary. The relevant persons and organizations (banks and private finance institutions included) shall be liable to submit, within thirty days at latest, the required information to the Council in order to check the accuracy of the property declaration (art. 22).

Managers shall take the necessary measures to examine property declarations by comparing declarations with people's incomes and previous declarations.■

21

## Ethics Training



Staff of all levels who are employed at public organizations shall be informed about the principles of ethical conduct and their responsibilities regarding these principles as a part of the conditions for employment (art. 24).

Managers of public institutions shall ensure that the principles of ethical conduct are included in the basic, preparatory and in-service training delivered to public officials (art. 25).■



## 22 Right to Application Based on Claims of Misconduct Regarding Ethical Principles



According to the principles set forth in Law No. 3071 on the Right to Petition, citizens of the Republic of Turkey who have the license to exercise their civil rights and foreign real persons who reside in Turkey can make an application to the Council of Ethics for the Public Service claiming that public officials who hold the status of at least a director general or equivalent and higher status have acted against ethical codes of conduct. Any foreigner who is in Turkey for any reason and is witness to an act against one of the principles of ethical conduct that constitute grounds for such an application shall be accepted to reside in Turkey in terms of the right to application. There is no requirement of being directly affected by the act to make an application.

However, applications that are understood to carry the purpose of slandering public officials where the identity of the applicant is not known, shall not be taken into consideration.

Disputes that are at a court of law or that have been decided on shall not be the subject of applications

made to the Council or the authorized disciplinary boards. Transactions regarding applications that are understood to have already been taken to court shall be discontinued. A subject of complaint that has previously been examined by the Council shall not be resubmitted unless new evidence has been produced.

### Modes of Application

Applications shall be made via;

- a) Written petition,
- b) Electronic mail,
- c) Oral applications recorded in minutes.

### Procedure for application

Applications shall be made by real persons via petitions that have the name, surname, place of residence or business address as well as signature of the real person, to the authorities of the relevant organization to be submitted to the Council of Ethics in cases of complaints against Directors Generals, equivalents or superiors and to the disciplinary Council of the organization for other public officials.

The petition shall include explicit and detailed information and documents regarding the claim on conduct against ethical principles. Documents shall be annexed to the petition. The claim on misconduct shall be indicated in a concrete way by giving names of persons, dates and places.

There is no need for application petitions to be written with a typewriter or submitted as computer printout. It is sufficient for the petitions to be readable and understandable. The date the application is recorded in the records of the Council shall be the date of application. Application petitions can also be sent to the Council via mail. In this case, the date the petition is registered in the Council records shall be deemed the date of application. In cases where the application is made orally and registered in the records, the signature and address of the applicant shall be written in the record.

#### Applications made via electronic medium

In cases where the application is made by real persons via e-mail, the name, surname, place of residence or

business address of the applicant shall be indicated. In such applications made by foreigners in Turkey, the passport number and citizenship shall be indicated. In applications made via e-mail, the date of application shall be accepted to be the date the e-mail reaches the Council's e-mail account.

#### Which applications shall not be accepted?

Application petitions that do not bear a name and signature and petitions sent via e-mail that do not carry the requirements set forth under articles 33 and 34 of the Regulation shall not be processed and if possible the situation shall be informed to the applicant.

Applications that are understood to have false claims shall be lifted from processing as of the date such a situation is understood.

In applications made via e-mail, applications that bear a false name and surname shall not be processed.

Applications that are not made within two years as of the date of occurrence of the unethical conduct shall not be processed.■

## Main Ethical Conduct Expected From Public Officials



- Always follow high ethical standards, work towards increasing public trust towards the state and public officials in line with public interests.
- In the performance of your duties, in obtaining and using public resources, in buying goods and services act in accordance with written rules, ethical principles and values.
- Show deep respect towards your colleagues and those who benefit from services, act impartially and justly.
- Take into consideration the opinion of your colleagues and those who benefit from services and include them in the decision-making process.
- Acknowledge and announce the good work your colleagues do.
- Do not use public office and resources for personal interest; do not allow your relatives, spouses and friends to get privileges in receiving public services.
- Be careful about possible and real conflicts of

interest and refrain from situations that may bring an interest for your relatives.

- Assume responsibility for the consequences resulting from your acts and decisions.
- Fill out the property declaration forms on time, accurately and fully. In case of an increase in your property, notify this on time.
- Do not work at an income-generating job outside your public office.
- Do not engage in a private business relationship with persons or companies who have connections with the organization you work for.
- Do not receive gifts from those who have a business, service or interest relationship with the organization you work for. Refrain from accepting opportunities such as scholarships, trips, free accommodation and food.
- Refrain from running your personal errands during office hours.

- Display exemplary conduct in line with ethical principles.
- Warn other public officials who do not comply with ethical principles; if you cannot get a result, notify the situation to the authorities.

*When you are faced with a conflict of interest or an unethical situation, you may talk to a reliable senior colleague or apply to the ethics commission in your organization. ■*

## Ethical Conduct Expected From Public Managers



When performing your duties as manager:

- Inform all staff of the general objectives, main aims and values of the organization.
- Create a favourable working environment where expectations of conduct are explicitly defined, and where any violations are identified and fixed.
- Accept all responsibility regarding the activities of you organization.
- When choosing staff for seniour positions, take into consideration their merits and current behavioural and development potentials.
- Treat all staff justly, fairly and impartially.
- Solve problems and disputes justly and rapidly.
- Be consistent, reliable, predictable, just equitable and objective in your decisions and conduct.
- Set an individual example on ethical principles and values.
- Abide by the highest standards on effectiveness and efficiency in your job that will set an example.

## Ethics Contract for Public Officials



With the understanding that public office is above all personal interests and that a public official is at the service of the public, I hereby commit myself

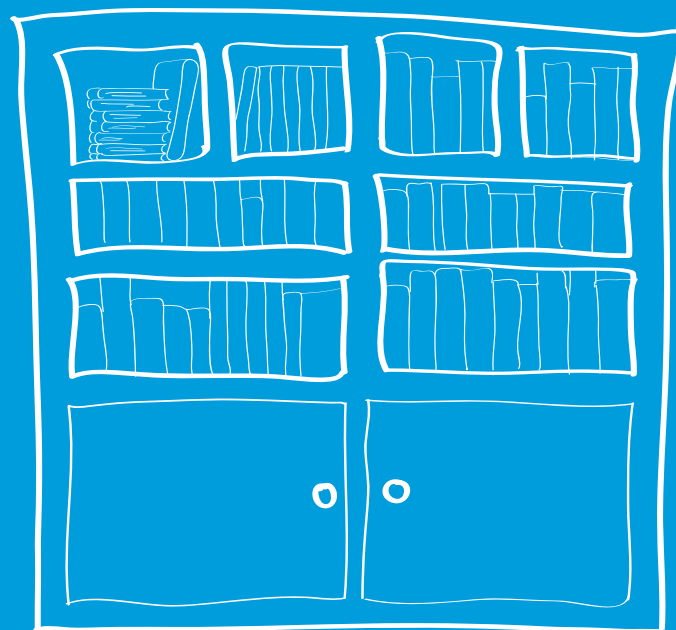
- To work to facilitate the daily lives of the people, to cater to their needs in the fastest, most effective and efficient way, to increase service quality and public satisfaction,
- To perform my duties in line with the principles of respect to human rights, transparency, participation, integrity, accountability, observing public interest and the rule of law,
- To act in accordance with service requirements with no discrimination based on language, religion, philosophical belief, political view, race, age, physical disability and sex without allowing conduct and practices that will prevent equal opportunity,
- To perform my duty without receiving any gifts from real persons or legal entities that have connections with my work, without any financial or moral interest

or any other interest without any expectation of special privileges,

- To refrain from using public goods and resources in areas other than those required by public service, to refrain from wasting such goods and resources,
- To show respect to people's rights to petition, to information, to complaint and to take legal action to act in a caring, polite and respectful way towards service recipients, my colleagues and other addressees,
- To perform my duties and deliver services in accordance with the principles of ethical conduct and values set forth in the regulations prepared by the Board of Ethics for Public Officials.

Public officials that are in the scope of this contract must sign the Ethics Contract within one month. This document shall be put in the staff file of the official.■

## 26 Resources



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## Notes













ISBN 978-975-19-4684-3



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This project is funded by the European Union and implemented by the Council of Europe in cooperation with the Council of Ethics for the Public Service.