



Assessment
on the State of the
Enabling Environment
and Capacities of
Civil Society
against the Guidelines
for EU support to Civil
Society in Enlargement
Region, 2014-2020
for the period
2018-2019

FINAL REPORT

ANNEX 4.
BRIEF IPA BENEFICIARIES
OVERVIEW

COUNTRY BRIEF: TURKEY

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The basic provisions on the freedom of association in Turkey's law are regulated in the Article 33 of the Constitution. On paper, the freedom of association in Turkey is mostly in line with the **international standards**. During the state of emergency period, most of these liberties were suspended and hundreds of CSOs were closed down through decrees, but with no judicial proceedings. During this extraordinary period, **1419 associations were permanently dissolved**¹ and all their belongings were confiscated without judicial decisions. Although repealed in 2018, the restrictions of the period continue in practice based on the tolerated arbitrariness of the public officials. The emblematic **trials** against prominent figures of the Turkish civil society, the bothering successive **audits** of targeted CSOs and **discriminatory attitude** towards certain actors and themes, prevent the full use of these freedoms.

With regards to the freedom of assembly, the situation in Turkey **is more challenging**. Even though this freedom is fully granted by the Article 34 of the Constitution, its exercise has been hampered by the secondary legislations. **Law on Meetings and Demonstrations** (Law No. 2911), which was adopted in 1983 during the military dictatorship is still in force and brings significant limitations to freedom of assembly. For example, it brings vague grounds for limitations and is not in coherence with international standards as a whole. The obligation of prior notification is used as a mechanism of **prior permission** as many restrictions apply to public assemblies starting from the location to the content and action of the assembly using arguments of public order, public morality and anti-terrorism as pretext for restrictions. According the Association for Monitoring Equal Rights, between April 2019 and September 2019, at least **818 meetings and demonstrations were interfered** and at least **2.098 people were detained** in these interventions in a six-months period. Even closed gatherings in private venues have been banned and intervention by police forces have been violent in certain public gatherings. **LGBTI** organisations especially seem to suffer from discrimination by convention centres, hotels and even cafes that are asked to inform security forces about such closed assemblies and advised not to allocate their spaces for such organizations.

As is the case for other liberties, the freedom of expression is also granted with the Article 26 of the Constitution. Yet, the secondary legislation as well as the actual practice of the granted rights hinder the effective use of these liberties. Both legal restrictions and the use of vague terms in the law texts, let free and sometimes even encourage public authorities to restrict free expression of opinions. For example, in 2018, **the Freedom House** lowered Turkey's status from partly free to **not free** for leaving citizens hesitant to express their views on sensitive topics and violating freedom of expression. As a result, and as confirmed by numerous cases against civil society actors, intellectuals and journalists, Turkey's place in all of **freedom indexes have been worsened**. According to the BIA Media Monitoring Report of 2018, **123 journalists** were behind bars due to occupational and political activities, **47 journalists** were taken into custody, **19 reporters** and one media organization were assaulted, **20 journalists, reporters and columnists** were convicted on the charges of "insulting the President" in their news stories². At least **2.950 news stories** on the internet were blocked upon the rulings of the Penal Courts of Peace, while **Wikipedia has been blocked** across all languages since April 2017.³

¹ <https://tr.sputniknews.com/turkiye/201804151033041968-soylu-ohal-kapsaminda-kapatilan-dernek-sayisi-bin-419/>

² International Press Institute (2019). Monitoring Judicial Practices in Turkey and Strengthening EU Human Rights Mechanisms: TURKEY FREE EXPRESSION TRIAL MONITORING REPORT. [pdf] Available at: https://freeturkeyjournalists.ipi.media/wp-content/uploads/2019/09/Turkey-Trial-Monitoring-Report-Sept19-250919_final.pdf [04.02.2020]

³ Bianet (2019). BIA Media Monitoring Report 2018: One Year of the Journalist and the Media. Available at: <https://bianet.org/english/media/205640-bia-media-monitoring-report-2018-one-year-of-the-journalist-and-the-media> [04.02.2020]

Moreover, the public in general seem to be encouraged to support these restrictions on the expression of opinions by the promotion of denunciation practices of those who are critical about the political elite.

When it comes to the human resources of CSOs, it is observed that neither professional **employment** nor **volunteerism** is widespread in Turkey. Although full-time employees represent the majority of CSO staff, its ratio in comparison to the overall rate of employment is negligible. The number of employees recruited in associations was **64.515 in 2018**. That means the number of people working in associations has **almost doubled between 2007 and 2018**. In general, most of the associations' employees are reported to be working full-time. Part-time employment is reported to be the least popular method for engagement in associations. Furthermore, unlike local governments, there is **no legal basis for voluntary work** in CSOs. The state of emergency and concerns about being profiled add up to downsize of volunteers within CSOs and discourage people to take roles in them. The number of **volunteers in associations** increased to 28.038 in 2018, compared to 13.827 in 2014.⁴ As for the foundations, in 2016, 1.025.538 people participated to foundations as volunteers. Besides this, 11th National Development Plan⁵ gives reference to the formulation of a comprehensive regulation for strengthening civil society and volunteerism⁶.

The number of people actively involved in civil society is in fact much bigger than the official statistics suggest as informality has been the main rule of social and economic relations in Turkey. That is why the **grassroots movements** have been always vibrant in solidarity networks, religious gatherings, and more recently, in local food groups that aim at offering access to ecological and fair-trade agricultural productions. Therefore, the scope of CSOs should be enlarged in fact **towards informal groups**, albeit the difficulty of documenting them.

CSOs in Turkey operate under a rather **disabling financial environment**. CSOs are still not taken into account as separate legal entities and subject to existing accounting rules which lays down a long list of bureaucratic requirements that are cumbersome and time consuming for most CSOs. Financial support to CSOs by **individuals and corporations** can be in form of membership fees and donations that can be provided anytime in cash or in-kind. Organization of fundraising campaigns is subject to **prior permission**, whereas only CSOs with a permanent permission or the PBO status can launch such campaigns without prior permission. In any case, although Turkish individuals donate more than the European average, they seem to be more inclined to **donate directly to individuals** rather than to CSOs. It is, thus, necessary to facilitate the fundraising bureaucracy and encourage financial support to CSOs. In fact, there are **very limited financial incentives** for individuals and corporations for donating to CSOs. Only donations made to CSOs with PBO status and foundation with tax exemptions can be deducted from annual revenues and only for a very low level. Yet, all revenue generating activities of CSOs except those undertaken by associations with PBO status or foundations with tax exemptions are considered as business affairs and subject to tax.

When it comes to **governmental support** to CSOs, even though there seems to be no general scheme for such supports, the amount of resources transferred to CSOs **appear to have been multiplied in recent years** through ministerial programmes, regional agencies and national projects. Yet, the **non-transparency** of decisions on these support raises doubts on the objectivity of such transfers and imply the weight of political relations in the determination of whom to

⁴ <https://www.siviltoplum.gov.tr/illere-gore-derneklerdeki-calisan-sayilari>

⁵ [#776.1](http://www.sbb.gov.tr/wp-content/uploads/2019/07/OnbirinciKalkinmaPlani.pdf)

⁶ Relying on the 11th Development Plan, Ministry of Foreign Affairs, Directorate for EU Affairs has initiated a consultation process with the participation of public institutions, international organizations and civil society organizations for the improvement of conducive legal environment for volunteerism and development of necessary regulations. (http://siviltoplumsektoru.org/wp-content/uploads/2019/12/Conulluluk_Calistayi_Raporu.pdf)

be supported. Furthermore, there isn't any national strategy regarding public funding and fund distribution nor an applicable legislation with a clear procedure in place for a uniform, standardized, transparent and binding state support for both local administration and central government bodies.

CSOs are not only deprived of systematic and objective governmental support, but also adequate and effective channels of participation in public consultation processes. There is limited structure or mechanism that CSOs may participate for a dialogue between civil society and public institutions or cooperation between them. Traditionally associated with centralist political culture Turkish politics both on national and local scale leave **very limited space and power** to CSOs in governmental bodies. In Turkey, the only existing legal framework for public consultation is the Regulation on the Procedures and Principles of Drafting Legislation. The Regulation envisages the consultation process with CSOs in the process of drafting laws⁷. However, the existing regulations do not make public consultation obligatory and do not define objective mechanisms, procedures and criteria with respect to the consultation process and selection of CSOs that are to be involved in the policy process⁸. This weakness is indirectly acknowledged by the Government as both the Development Plan and the Annual programme of the President emphasise the **need to improve participatory mechanisms**. The 11th Five Year Development Plan adopted on July 2019 defines developing a strong civic culture, organized society, transparent and accountable CSOs and participatory policy making as its major objective. For this purpose, secondary legislations is planned.

Although CSOs can develop common projects with public authorities, there is no formal framework and mechanisms for cooperation to shape such partnerships. The Directorate General for Relations with Civil Society (DGRCS) has not yet offered adequate instruments for this purpose. Its high advisory board also remains on paper. Moreover, in the aftermath of the state of emergency, public authorities appear to be **extremely reluctant** to cooperate with civil society due to the experience by their ex-colleagues who have been excoriated for having links with once legitimate and later then stigmatised civil organisations. Consequently, CSOs are more inclined to **turn towards local governments** for eventual partnerships. City councils established for this purpose though, remain ineffective. Yet, especially after the local elections that led to the success of opposition parties, municipalities governed by such parties appeared to be eager to enable CSOs to contribute to policy making procedures, starting with the mandatory strategic planning processes. On the other hand, both the 11th Development Plan⁹ and the Annual Program of the President acknowledge the need and puts reinforcement of city councils as a measure to be taken in the framework of improving good governance.

Operating in a restrictive environment, the **number of CSOs in Turkey increased** in the last years, but they are mainly concentrated in a restricted geography and on specific themes such as solidarity, sports and religion. With regards to **CSOs capacities**, as a burden of the state of emergency, they have lost members mainly from among men, thus improving very slightly the gender gap within associations. The data on the number of registered CSOs can be obtained from various national institutions. According to the DGRCS, there are **119.016** registered associations and foundations.

Although all internal governance mechanisms of CSOs are declared to be well structured **on paper** as the law prescribes, their effective, transparent and accountable operation raises doubts.

⁷ Republic of Turkey (no date). Regulation on the Procedures and Principles of Drafting Legislation [pdf] Available at: <https://www.mevzuat.gov.tr/MevzuatMetin/3.5.20059986.pdf> [04.02.2020]

⁸ Association for Civil Society Development Centre; Turkey; (2020) "Freedom of Association in Turkey Monitoring Report"

⁹ <http://www.sbb.gov.tr/wp-content/uploads/2019/07/OnbirinciKalkinmaPlani.pdf>

Only a small group of CSO members are interested and involved in these mechanisms bringing about a gradual monopolisation of specific managerial tasks and responsibilities in the hands of a minority. Both the Development Plan and the presidential Annual Programme aim at **improving the democratic quality** of these mechanisms.

The **social media** have become the main instrument for CSOs to communicate their results and programme with the wider public. Although almost all of them own an official website, the updating of these pages appears to be troublesome as this task requires IT expertise. Instead, activities of CSOs are publicised through their social media channels. It is not rare that the presidents or program directors of CSOs also share such information through their personal social media accounts.

In securing transparency and accountability of programme activities and finances, associations are responsible for submitting their annual activities and abstract accounts to public authorities in the first four months of every year. Almost one third of CSOs **do not share** the impact/output of their activities with the public authorities that deliver services or develop policies on the same or relevant domain. CSOs, moreover, do not seem having developed **methods or practices of sharing the outcomes** and content of their projects and activities with the general public.

There is a **lack of substantial engagement of CSOs** in monitoring and evaluating their work. It is true that CSOs using international funds have developed their monitoring and reporting skills, but mainly on financial subjects and not the impact analysis. The lack of monitoring and reporting practices and thus of information on what CSOs do and change with their activities and projects on the field, has **worsened their image** with the public and paves the way to easy political stigmatisations.

At present, CSOs have also **lost their skills** for strategic approach and management as restrictions, threats, sanctions under the state of emergency and its sustained practices forced them to **adopt a low profile** and act rather pragmatically and focus on the short-term perspective. The importance of informal relationships within Turkish politics, the scarcity of accessible information as well as the weak reliability of statistical data have always rendered evidence finding quite difficult.

The evidence-based advocacy activities and programmes **have become safer approach** of CSOs compared with the strategic orientation. Advocacy organisations have had to carry out their **own surveys** and enquirers in order to be able to collect evidence for their advocacy campaigns. There are currently **1.247 federations and 103 confederations** consisting of federations registered at the DGRCS. Yet, these numbers do not reflect the complete picture of the existing networks of CSOs as there are also **many informal platforms**. While evidence-based advocacy activities have attracted more attention, **advocacy networks** seem to have been **relatively weakened** due to the reluctance of CSOs for coming together with others for whom they or the Government might have had reservations. In contrast, CSOs acknowledge the fact their **access to international networks** have been facilitated thanks to the apprehension of their foreign counterparts. With the lightening of repressive measures, domestic connections seem to be regenerated.

Strategic fundraising was hindered due to the economic problems and socio-political reluctances of people joining CSOs. CSOs neither felt the security nor had the economic resources to do so. Therefore, **such situation** has not incentivized CSOs adequate conditions and opportunities to develop strategies for sustainable fundraising. Such obstacles against strategic fundraising pushed CSOs to focus on **specific funding channels** depending on the level of their access. Even if the overall distribution of revenues appears to be relatively diversified, it seems that CSOs tend to focus primarily on and specialize in other funding mechanisms either **governmental or international**.

When it comes to gender mainstreaming in CSOs, despite the worsening situation with regards to violence against women and discriminatory policies, **women's movement** had managed to remain as the **main vibrant civil group** during the state of emergency. The **gender gap within CSOs** have been relatively **bridged** in the same period during which pressures, attacks and sanctions on LGBTI groups have intensified. The reactions against women's organisations and campaigns have been recently reinforced by bans of and **attacks on women activities**. Public institutions have distanced themselves from women's CSOs and their gender discourse. Meanwhile, the **development of a new women's movement** from within more conservative social groups has also taken place.

The survival mode of CSOs during and after the state of emergency brings forward the need and opportunity for capacity building. Despite the willingness, CSOs did not have the chance of investing in this domain except the support offered by networks. Even if **international funders** felt obliged to **adopt a low profile** due to the repressive environment of Turkey, intermediary grant allocation mechanisms were introduced to facilitate the application procedures and reducing the visibility of international funders. The following are **areas** identified of required further capacity building activities: updating of legal environment, developing social organisation skills, improving financial literacy, enhancing project management capacities, developing reporting and accountability skills, advancing dissemination potentials and promoting volunteering.

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