



*Anti-Corruption Mechanisms in Turkey: Local  
Administrations*

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# Turkey Corruption Perceptions Index (CPI, 0-10)

[http://www.transparency.org/policy\\_research/surveys\\_indices/cpi](http://www.transparency.org/policy_research/surveys_indices/cpi)

<b>YEAR</b>	<b>RANK</b>	<b>CPI</b>
2002	64	3.2
2003	77	3.1
2004	77	3.2
2005	65	3.5
2006	60	3.8
2007	64	4.1
2008	58	4.6

# Corruption's impact on different sectors and institutions in Turkey, 2004, 2007

To what extent do you perceive the following sectors in this country to be affected by corruption? (1: not all corrupt ... 5: extremely corrupt)

[http://www.transparency.org/policy\\_research/surveys\\_indices/gcb/2004\\_\\_1](http://www.transparency.org/policy_research/surveys_indices/gcb/2004__1) and

[http://www.transparency.org/policy\\_research/surveys\\_indices/gcb/2007](http://www.transparency.org/policy_research/surveys_indices/gcb/2007)

Institutions	2004	2007
Political parties	4.0	3.7
Parliament / legislature	3.8	3.6
Legal system / judiciary	3.9	3.8
Police	4.0	4.0
Business / private sector	4.1	4.0
Tax revenue authorities	4.2	4.1
Customs	4.1	-
Media	3.8	3.7
Medical services	4.1	4.0
Education system	3.9	4.0
Registry and permit services	3.8	3.9
Utilities	4.1	4.0
Military	3.1	3.4
NGOs	3.5	3.7
Religious bodies	3.3	3.4

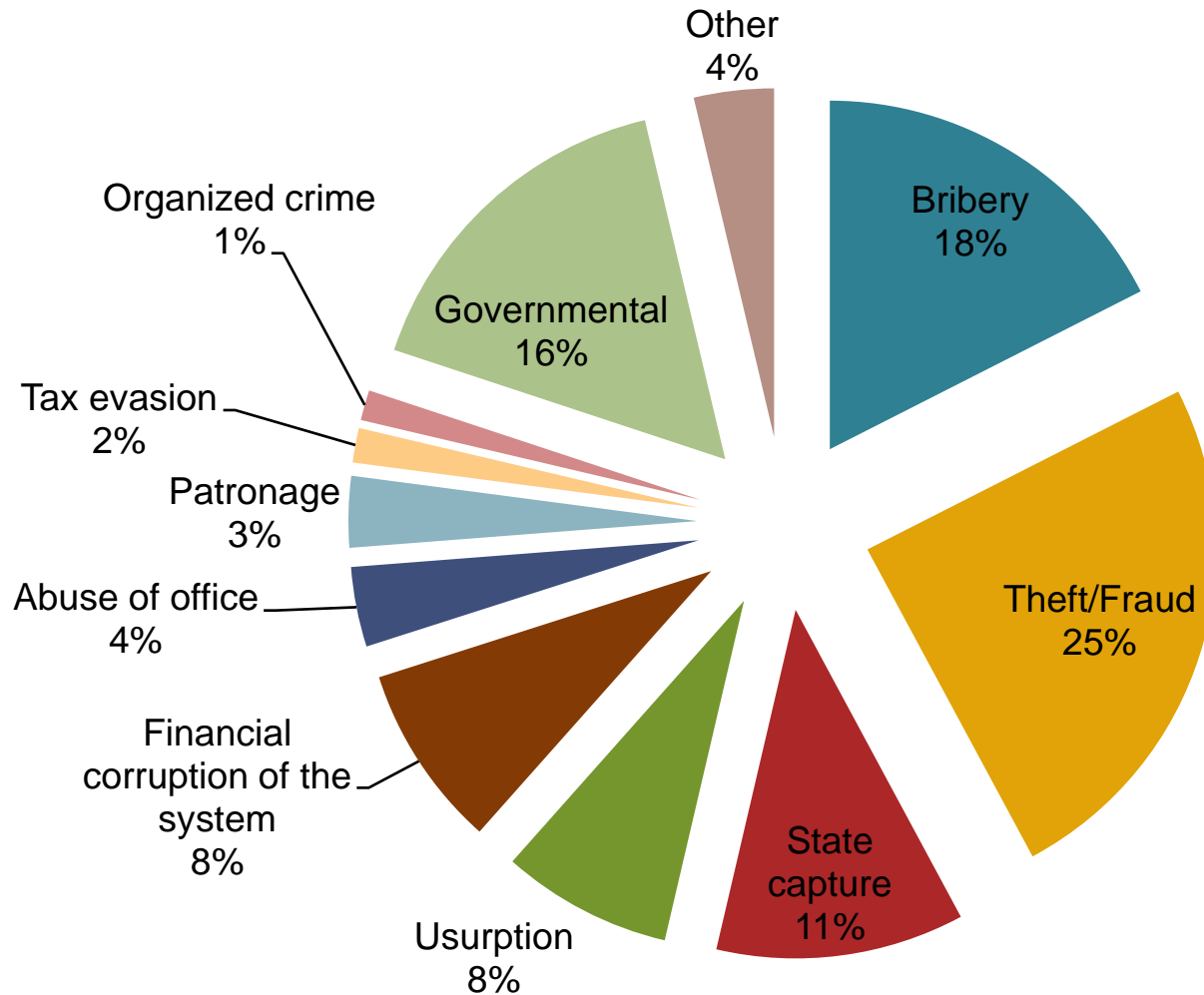
# Major causes of corruption public service

Yüksel, 2005: 85-105

- Principle of the state governed by the rule of law is not established in public service;
- Ethical culture is not established in public service;
- Bureaucracy;
  - Centralization and status quo are dominant,
  - Supervision of local administration is problematic,
  - Politicians exercise influence on the public administration,
  - Discretionary authority is exercised arbitrarily,
  - Quality of public service is under question,
  - Quality of bureaucratic services is under question,
  - Lack of commitment in public service is widespread,
  - Red tape.
- Lack of administrative procedure;
- Employment issues;
- Lack of experience;
- Economic factors;
- Insufficient education;
- Ineffective media and civil society;
- Bureaucratic privileges;
- Societal structure.

# Connotation of the term “corruption”

## TÜSİAD, 2002





## Perception of Scope of Bribery in Public Services, TÜSİAD, 2002

(Total Percentage of “Very widespread” and “partially widespread”)

Traffic Police	93
Custom Office	91
Tax Office	84
Land Registry	83
Municipalities	83
Hospitals	79
Security Department	78
Courts	70

## Bribery in Municipalities, TESEV, 2001 and 2003

### *Bribe given for what?*

	<u>Public</u>	<u>Business</u>
To get a service	39	43
To obtain an unlawful gain	27	29
Both	34	28

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### *Forms of bribery*

They asked	46	55
I offered	12	32
Broker	37	12



## Perception of Corrupt Municipal Services, İstanbul Greater City Municipality, İSMMMO, 2009 (0=lowest 10= highest)

- Real Estate and Expropriation 7.7
- Construction and Urbanization 7.0
- Municipal Police and Licensing 7.0
- Utilities 6.2
- Health services 5.8
- Environmental protection and Control 5.5
- Culture and social services 4.5





## Methods to be used for anti-corruption in municipalities, TESEV, 2001

To increase the state's control	27
To increase the salaries	19
To develop public accountability mechanisms	21
To prevent politicians' intervention	7
To increase financial and service capacity	15
To reduce red tape	9

# National Anticorruption Policies - I

- An Action Plan on “Increasing Transparency in Turkey and Enhancing Good Governance in Public Sector (2001)
- Emergency Action Plan of the 58th (2003)
- Circulars issued by the Prime Ministry 2003/17 and 2007/23 “Commission on Increasing Transparency in Turkey and Enhancing Good Governance in Public Sector ”
- Legislation: Penal Code, Penal Trial Procedure, Acquirement of Information, Council of Ethics for Public Officials, Public Financial Administration and Control, Banking, Prevention of Laundering Proceeds of Crime and Misdemeanor Law
- Circular issued by the Prime Ministry 2006/32 Undersecretary of the Prime Ministry included in Anticorruption Coordination Commission, Prime Ministry Inspection Board serves as secreteriat
- Inspection Board is entitled to function as an answering unit to OLAF (EC ‘s Anti-Fraud Office)



## Anticorruption Policies – II Ratification of International Conventions

- UN Convention against Corruption (2006)
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (2004)
- Criminal Law Convention on Corruption (2004)
- Civil Law Convention on Corruption (2003)
- OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (2000)
- Turkey's membership in COE-GRECO (2004)



## Law No. 3628 on Asset Declaration, Struggle against Bribery and Corruption

*Civil servants in public service who are being paid salary, wage and allowance at general and added budgeted departments, provincial special administrations, municipalities and affiliated organizations and subsidiary organizations thereof, public economic enterprises (state economic agencies and public economic organizations) and affiliated establishments, subsidiaries and businesses, public service institutions and organizations established by special laws or power granted by special laws and subsidiary organizations or commissions thereof, other public officials which are not workers and members of boards of directors and auditors.*



## Law No. 5018 on Public Financial Management and Control Law

In order to ensure responsibilities of the public officials, transparency and accountability in public service, the law describes the scope of accountability (Article 8):

*Those who are assigned duties and vested with authorities for the acquisition and utilization of public resources of all kind are accountable vis-à-vis the authorized bodies and responsible for the effective, economic and efficient acquisition, utilization, accounting and reporting of the resources on the basis of law, as well as for taking necessary measures to prevent the abuse of such resources.*

Undersecretaries, superior public officers in public institutions, governors and mayors are defined as responsible officers. By means of this law, all public financial transactions approved by these responsible officers shall be transparent and accountable. Thus, determining causes of conflict of interest situations in these processes may be easier.



## Law No. 5176 on the Establishment of Council of Ethics for Public Service and Making Modifications on Some Laws

This Law covers all the personnel employed at departments included at the master budget, annexed budget administrations, public economical enterprises, floating capital establishments, local administrations and unions thereof; all the public establishments and institutions founded under the names of committee, upper committee, institution, institute, enterprise, organization, fund and similar possessing public judicial entity; chairmen and members of the management and auditory committee and council and supreme councils.


## Activities of the Council of Ethics for Public Officials

- The Council prepared a regulation offering ethical guidelines which were adopted by the Prime Ministry on April 13, 2005. The board is empowered to determine the limitations of the prohibition concerning receiving gifts.
- An Ethical Principles Contract was signed by all civil servants in accordance with the Regulation.
- All public institutions established Ethical Commissions and the Council organises training and awareness-raising activities.

## Law No. 5237 Turkish Penal Code

- Bribery is committed when a person and a public official agree to exchange a benefit for the performance or omission of an act contrary to the requisites of the duties of the official. (Article 252) The actual transfer of money or another benefit is not an element of the crime of bribery
- Bribing is 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 (Article 252)
- Abuse of duty: providing a benefit to a public official to make him perform an act that he is normally required to make, or to omit an act which he is normally required not to make (Article 257)





## Efforts on Fighting Corruption and Improving Governance in Local Government

- Law on Metropolitan Municipalities, No.5216, 23 July 2004
- Law on Municipalities, No.5393, 23 July 2004
- Law on Provincial Administrations, No.5302, 24 December 2004

These laws aim to ensure:

- Efficient and effective local governance
- Transparent and accountable expenditure management
- Strong internal controls and external audit, reporting and accounting
- Sound legislative oversight



## Law No. 5393 on Municipalities (Article 27)

*The Mayor and the members of the Council shall not participate especially in the meetings during which the matters related to them, their second degree relatives by blood and relatives by law and their adopted children are debated.*



## Law No. 5393 on Municipalities (Article 28)

*Any mayor may not directly or indirectly, enter into contract with, or engage in brokerage or become a representative of the municipality or its subsidiaries during his term of office and two years after the termination of his office. These prohibitions are applied to the members of the council during their term in office and one year after the termination of their office.*

# National Anticorruption Strategy Plan

## Yüksel, 2009

- Objective: Measures Promoting Preventive, Perlocution and Social Awareness and Eliminating Factors Nourishing Corruption and Effective Combat against corrupt acts
- Coordination of Implementation: Ministerial Commission on Increasing Transparency in Turkey and Enhancing Good Governance in Public Sector , Inspection Board of Prime Ministry and the representatives of the relevant organizations

### Basic Components:

- Preventive Measures: Measures Concerning the Elimination of Factors Leading to Corruption (*8 Strategic Target*)
- Perlocution Measures: Identifying Persons Committing Corruption and Punishing Them (*4 Strategic Target*)
- Social Awareness Measures : Measures directed to promoting social awareness in corruption and its negative effects in the society (*6 Strategic Target*)
- Field Surveys



THANK YOU...

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