POLITICAL INTEGRITY DATA SCOPING IN TURKEY

INTEGRITY WATCH WESTERN BALKANS & TURKEY

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INTRODUCTION

The economic challenges caused by the growing perception of corruption and the insufficient political integrity of verifiable data have called into question Turkey's budget transparency. Since 2013, Turkey has seen a severe increase in perceptions of corruption. In the 2022 CPI, Turkey was ranked 101st among 180 countries, with 36 points out of 100, becoming one of the 10 worst decliners between 2012-2022. Furthermore, according to the 2021 results of the Open Budget Survey, Turkey is a country that provides only limited information on budget transparency. In 2017, Turkey's budget transparency score had been effectively increased in The Citizen Budget Guide's publication. However, the continuation of the change in the institutional structure brought about by the new governmental system may have influenced the decline in 2019 and 2021. These scores indicate that to ensure full budget transparency, central and local governments must be allocated sufficient funds to address this problem.

In terms of the legal framework, there hasn't been in place a specific initiative focused on open government data policies in Turkey, there are however, laws, regulations, and policy documents that form the basis for applications related to open government data. Since the beginning of the 2000s, Turkey's efforts to increase budget transparency have risen. As a result of these efforts, the Public Financial Management and Control Law No. 5018, initiated in 2003, are an essential reform in public financial management and budget transparency. Besides this Law, Law No. 4789 on the Regulation of Public Finance and Debt Management adopted in 2002, Law No. 5176 on the Establishment of the Public Servants Ethics Committee and Amending Some Laws, which came into force in 2004, and 6085, which came into force in 2010. The Law on the Court of Accounts No. 6328 and the Law on the Ombudsman Institution are other regulations that indirectly aim to ensure budget transparency. Furthermore, the right to access public information is regulated by the Law on the Right to Information. On the other hand, the Law provides broad exemptions based on the need to protect state secrets, business secrets, and personal data, limiting public access to state information.

It is important to point out however, that there are growing concerns about the reliability of key macroeconomic statistics. Over the last few years, frequent managerial changes within the Turkish Statistical Institute (TUIK) have significantly undermined the institution's credibility. The public's confidence in the officially published macroeconomic data has decreased. Moreover, the public's increased lack of trust in the reliability of public institutions in recent years has further fuelled these concerns.

The country still requires a comprehensive reform program for public administration and financial management. There being no anti-corruption strategy and no action plan demonstrates a lack of determination to fight corruption.

LIST OF DATASETS ASSESSED

The current circumstances in Turkey are disheartening, particularly in respect of financial control of political parties, public procurement, and budget transparency.

In terms of policy output data, including government budget, spending and public procurement, the reliability of dataset has been repeatedly called into question. Turkey currently lacks a coherent structure for organizing, controlling, and monitoring public private partnership (PPP) operations. To promote openness and efficiency, Turkey must provide a more consistent legal framework for concessions and PPPs. Furthermore, information about PPP contracts is not shared with the public transparently, which would have helped avoid claims of political influence on public tenders. This does not make for a better appraisal of contingent fiscal liabilities.

Given the ineffectiveness of internal control and audit procedures, central government accountability remains weak and vulnerable to political patronage. Additionally, the limited parliamentary oversight of the budget has resulted in reduced budget transparency. Furthermore, the vast number of exemptions inserted into the law on public procurement continues to be a matter of serious concern. The legal framework for preventing, prosecuting, and punishing conflicts of interest, as well as declaring, verifying, and disclosing assets, remains insufficient.

Official statistics on political finance are not detailed enough to include information on cases and investigations into political parties' financial activities, or the seizure of assets. The glaring disparities between the opportunities available to political parties for propaganda; the gross violations of impartiality in private and public TV channels and newspapers; the dramatic lack of confidence in the transparency and impartiality of the practices of the Supreme Election Council, which is officially an independent judicial body; discriminatory practices against certain political parties-preventing the use of treasury aid by filing a lawsuit for closure, all of this has cast a shadow over the democratic nature of elections.

One of the most important structural problems Turkey faces has become corruption and the waste of public resources due to both corrupt ties between ruling and business elites, and the systemic deficiencies and mechanisms that enable and reinforce these ties. Therefore, by crossreferencing company ownership data with political financing and procurement data, authorities can uncover suspicious connections and potential attempts to influence political decisions for personal gains.

INDICATIVE LIST OF DATA SOURCES

D1 – Directories of public officials: containing a list of all public officials above a certain level of seniority, along with details of their role.

D2 – Asset and interests of public officials: containing the key assets and interests of public officials above a certain level of seniority (and in some cases, their families)

D3 – Political financing: containing data on the financial contributions received by a politician, a political party, their committees and third parties during a period of time.

D4 – Lobbying meetings: containing a list of registered lobbyists, details of whom they are lobbying and whom they are lobbying on behalf of.

D5 – Government budget: including national government budget at a high level (e.g., spending by sector, department, subdepartment, etc.).

D6 – Government spending: records of actual or past national government spending at a detailed transactional level, with monthly government expenditure on specific items (usually this means individual records of spending amounts under $1 million, or even under $100,000).

D7 – Public procurement: details of the contracts issued by the national or federal government, including contract award data and not just requests for bids

D8 – Voting records: containing registers on individual voters in the national legislature (including session, chamber, and law category – amendment, new bill, nomination, etc.).

D9 – Company registers: containing a list of every company legally registered to operate within a sector. They should include information on when companies were formed and whether they are still active, as well as including details of company directors.

D10 – Beneficial ownership: Containing the names of the actual people who are the beneficial owner(s) of an asset ultimately, including companies or land registrations

D11 – Land and real estate registers: including national level information on land ownership, tenure and location. This will usually be held by a land registration agency and/or national cadaster.

ASSESSMENT RESULTS

Regarding the datasets assessed, one identified weakness of the assessed data sources relates to the public availability of data. Namely, the data on assets and interests of public officials, beneficial ownership, and land and real estate register are available at the national level, but this information is not publicly accessible. Nonetheless, there are no legal instruments regulating lobbying activities and voting records, which results in there being no data which allows us to identify and describe individuals and organizations in this context.

The best performers are the government budget, spending, and company registers, as their scores, displayed in the Table below, suggest. While government spending data are aggregated and lack metadata and documentation, company registers are problematic in terms of format, accessibility, metadata, and documentation. One of the areas identified for improving the state budget dataset is data aggregation. Currently, annual budget figures are mostly aggregated, which prevents detailed analysis of budget reports. The dataset does not allow linking the expense with a government order or liability, such as a contract, or the budget assigned to such unit. On the other hand, political financing is the worst performing one since the data are mostly neither complete nor timely reported.

The aggregation of data is a problem for public procurement data as well. Publishing data does not include identifiers, documentation, or any level of granularity. The vast number of exemptions inserted into the Law on public procurement disrupts the transparency and accountability of public expenditure. Many sector-specific laws limit transparency. In particular, tenders for infrastructure projects are changed many times, and additional payments are made. Furthermore, information about PPP contracts is not transparently shared with the public to avoid claims of political influence on public tenders.

ASSESSMENT OF THE DATA CHARACTERISTICS

Each of the indicators measured in the eight areas of public policies was assessed with a simple YES/NO answer. A final score will result from the aggregated values for each of the questions.

- Each 'Y' value is equal to 1.
- Each 'N' value is equal to 0.

An exception to the above is the question D-Formats, the measurement of which is elaborated below under the description of the indicator (Bullet point 6).

D-Exist Does this information exist in any form, even if not publicly accessible? YES/NO/NO EVIDENCE (Please describe the evidence and if applicable include links that may point to the existence of the data.) If the answer to this question is 'NO' for any of the datasets evaluated then you don't need to continue with the rest of the 'D-' questions for that dataset, given that they won't be applicable

D-Data Is this data available online in any form? YES/NO (Include links to the available data as evidence.) If the answer to this question is 'NO' for any of the datasets evaluated then you don't need to continue with the rest of the 'D-' questions for that dataset, given that they won't be applicable

D-Timeliness Are the available datasets timely and updated? YES/NO (Include last update date and update frequency as evidence.)

D-Completeness Does the dataset include all units/items/subjects that are required to be reported? (For example, in the case of assets and interests of officials, does the dataset include all the relevant officials, or are there missing ones.) YES/NO (If no, describe the extent of the missingness and provide any key examples. Very often this will be impossible to assess without in-depth research, so this question will be treated as a pilot).

D-Granularity Does the government release datasets at the finest level of granularity available without data aggregations? YES/NO (Describe any existing aggregation as evidence.) For example government spending can be reported at its most granular at the level of each invoice paid or aggregated by spending category or institution.

D-Formats Does the government release datasets in machine-readable and reusable formats? YES/NO If YES, is it through: a) a machine readable file or b)APIs. If NO, is it a) image/hand-written

text or b) digital text? (Include the list of all available formats as evidence.) Some examples of machine-readable and reusable formats are: csv, xls, xlsx, ods, xml, shp, px and json. **The scoring for this question is as follows: YES(a) = 1; YES(b) = 1.5; NO(a) = 0; NO(b) = 0.5.**

D-Openness Does the government release open data that is free of charge and under an open and unrestricted licence? YES/NO (Include references to any applicable charging policy and licence as evidence.) An open licence must clearly state that anyone has permission to reuse it and does not restrict what the data can be reused for, more than attribution and share-alike. Refer to the Open Definition and the list of conformant licences for a detailed overview of what counts as an open licence.

D-Accessibility Does the government release the datasets without mandatory registration? YES/NO (Include links to any required registration process as evidence.)

D-Interoperability Does the government make use of common identifiers when collecting and publishing data? YES/NO (Include references to any implemented standard as evidence. If Yes, please provide information on whether these common identifiers are shared with other key datasets.)

D-Metadata Does the government ensure that the datasets include consistent core metadata including at least a descriptive title, data source, publication date and available formats? YES/NO (Include links to any existing metadata descriptions as evidence.)

D-Documentation Does the government provide clear accompanying documentation for the published datasets with sufficient information to understand the source(s) and analytical limitations of the data? YES/NO (Include links to any accompanying documentation as evidence.)

D-Extent Is the dataset available at the national level? YES/NO. (If NO, please include in notes the geographic area covered).

Dataset	Exist	Data	Timeliness	Completeness	Granularity	Formats
Lobbying meetings	N	N/A	N/A	N/A	N/A	N/A
Asset and interests of public officials	Y	N	N/A	N/A	N/A	N/A
Company registers	Y	Y	Y	Y	Y	NO(b)
Beneficial ownership	Y	N	N/A	N/A	N/A	N/A
Public officials	Y	Y	Y	N	N	NO(b)
Government budget	Y	Y	Y	Y	N	NO(b)
Government spending	Y	Y	Y	Y	N	YES(a)
Public procurement	Y	Y	Y	Y	N	NO(b)
Political financing	Y	Y	N	N	N	NO(b)
Voting records	N	N/A	N/A	N/A	N/A	N/A
Land registers	Y	N	N/A	N/A	N/A	N/A

Openness	Accessibility	Interoperability	Metadata	Document.	Extent	Total score
N/A	N/A	N/A	N/A	N/A	N/A	0
N/A	N/A	N/A	N/A	N/A	N/A	1
Y	N	Y	N	N	Y	8.5
N/A	N/A	N/A	N/A	N/A	N/A	1
Y	Y	Y	N	N	Y	7.5
Y	Y	Y	N	N	Y	7.5
Y	Y	Y	N	N	Y	9
Y	Y	N	N	N	Y	7.5
Y	Y	N	N	N	Y	5.5
N/A	N/A	N/A	N/A	N/A	N/A	0
N/A	N/A	N/A	N/A	N/A	N/A	1

RECOMMENDATIONS

1. The President of the Republic, MPs, Ministers, and all elected public officials should publicly disclose their assets and those of their immediate family annually.

2. During all electoral periods (Presidential Elections, Deputies' Elections, and Local Elections), the campaign budgets, revenue sources – contributions in cash and in kind – and expenditures of political parties and candidates should be recorded in detail. Specialized auditors should audit such records and publish the audit reports on time.

3. To bolster accountability and transparency within political system, auditing process should be more comprehensive and should include concurrent audits for political affiliates to monitor alignment with party accounts, to control unregistered contributions, to strengthen financial audits, to align expenditure documentation with global standards, and to dedicate sufficient resources.

4. Data about every parliamentary vote on committees, bills, and resolutions must be identified. Additional data about the rationale of the voting can also be included.

5. Public procurement legislation should be amended further to align it with the 2014 EU Directives on public procurement, including utilities, concessions, and public-private partnerships, and to increase transparency. A coherent structure for organizing, controlling, and monitoring PPP operations should be implemented.

6. It is necessary to put into practice the principles of Gender Responsive and Participatory Budgeting to prepare strategic policy documents to eliminate inequalities and to develop policies to combat inequalities, with the participation of all relevant social sectors.

7. Ensuring the involvement of non-governmental organizations and citizens in the budget preparation process is essential for a democratic and participatory budget-making process. In Turkey, the medium-term program and the medium-term financial plan should be published in line with a citizen's budget guide.

8. It is necessary to ensure the credibility of TÜİK as well as reliability and public trust in the macroeconomic statistics, including the establishment of transparent, professional criteria on the appointment of the president of TÜİK and of any possible causes for their dismissal, which cannot include reasons compromising professional or scientific independence.

9. Increasing the number of laws that facilitate direct information exchange between citizens and the government and expanding the scope of information accessible to citizens through these means is essential.

10. Legal frameworks for data transparency should be established and penalties for non-compliance should be enforced to ensure effectiveness and deterrence.

11. Access to the data mentioned in the earlier provisions through E-Government platforms should systematically be provided.

12. In the laws enacted, coherence and consistency should be ensured, conflicts among them should be avoided, and these laws should be consistently updated in order to keep them relevant to the contemporary era.

13. Concepts such as "state secret" and "trade secret" should be defined in a legal framework to prevent abuse, and arbitrary rulings to block information requests should be eliminated.

14. Oversight mechanisms for public institutions should be improved and public trust in complaints mechanisms should be restored. The Right to Information Law No. 4982 should be made more effective and the non-response rates should be lowered.

ENDNOTES

Corruption Perception Index, Turkey, 2023 Transparency International
https://www.transparency.org/en/countries/turkey

Open Budget Survey, Turkey, 2022 International Budget Partnership
https://internationalbudget.org/open-budget-survey/country-results/2021/turkey