

**NEW CONSTITUTION
PUBLIC-CSO RELATIONS
VOLUNTEERISM
FREEDOM OF ASSOCIATION
VAN EARTHQUAKE**

**C I V I L
S O C I E T Y
M O N I T O R I N G
R E P O R T
2 0 1 2**



TÜSEV
Türkiye Üçüncü Sektör Vakfı
Third Sector Foundation of Turkey

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CIVIL SOCIETY MONITORING REPORT 2012

TUSEV Publications, August 2013

No: 58

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ABOUT US

TUSEV was established in 1993 by Turkey's leading civil society organizations and has now grown to support network of over 100 foundations and associations that share a vision of strengthening the legal, fiscal and operational infrastructure of the third sector in Turkey.

Over the past ten years, Turkey's third sector has taken on a heightened momentum of growth and expansion. Civil society organizations have emerged as important actors for Turkey's democratization and development. Each day, civil society organizations in Turkey are growing in numbers and becoming more qualified. This development necessitated the need to provide support on the basis of fiscal resources and maintaining an enabling environment.

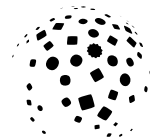
As such, TUSEV's programming is designed to:

- *Promote a legally and fiscally enabling environment for civil society organizations,*
- *Encourage strategic and effective giving,*
- *Facilitate partnerships across public, private & third sectors,*
- *Support the Turkish third sector in engaging and cooperating with the international community*
- *Conduct research projects which will shed light on the future projects and activities of civil society stakeholders.*

CIVIL SOCIETY MONITORING REPORT 2012 FUNDERS



B | S | T The Black Sea Trust
for Regional Cooperation
A PROJECT OF THE GERMAN MARSHALL FUND



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CIVIL SOCIETY MONITORING REPORT 2012

TUSEV published the first Civil Society Monitoring Report in 2011 in order to more closely observe and evaluate developments in the area of civil society. The purposes of this report are for civil society to be recognized, better understood and bring awareness to challenges faced, as well as portraying developments over the past ten years. We believe that the favorable assessment of the Civil Society Monitoring Report by the representatives of civil society and the various institutions in the international arena is a significant progress.

The Civil Society Monitoring Report 2012 presents the developments and achievements in the area of civil society, as well as the shortcomings and difficulties observed in practice within the period of 2011-2012. Also, the report compares findings of this year with the previous year.

The 2012 Monitoring Report is comprised of sections on **Legislative Framework, International Relations, Institutional Capacity, and Research**, on which TUSEV had accumulated a significant amount of knowledge and expertise over its twenty-year history. Within the scope of additional research performed in the 2012 report, three campaigns that were conducted by CSOs in 2012, and public outreach activities of civil society through means of traditional and social media channels are examined under the appendix of **Campaigns and Media Visibility of CSOs**.

Within the context of the report, there are sixteen case studies that have set the agenda of CSOs in 2012. Among the analyzed cases there are: **“Participation of CSOs in the New Constitution Making Process”, “CSOs and the Van Earthquake”, “Freedom of Association of Rights-Based Organizations”** and **“Volunteerism and CSOs”**. While preparing these case studies, TUSEV paid great attention to the inclusion of diverse voices and expertise from the area of civil society, collecting opinions from more than eighty representatives who actively work in the area of civil society via interviews, e-mails, and phone conversations. While composing the report, TUSEV applied to various public institutions in line with the criteria defined by the Right to Information Act, and a media review has been conducted for over a three month period.

The Executive Summary of the Civil Society Monitoring Report 2012 was prepared taking into account the progress of civil society in the period of 2011-2012, as well as the significant milestones. Therefore it contains brief situation analyses regarding the major topics of the report, and TUSEV’s recommendations.

We would like to thank the Chrest Foundation, Open Society Foundation Turkey and The German Marshall Fund Black Sea Trust for Regional Cooperation for supporting this research initiative. Additionally, we would like to thank all the experts and organizations that have shared their valuable opinions and suggestions over the course of the preparation of the report.

Respectfully,

TUSEV Team

TURKEY PROFILE: ECONOMIC, POLITICAL AND SOCIAL INDICATORS

2011 WORLD BANK DATA ¹	
Capital	Ankara
Official Language	Turkish
Population, 2011	73,64 million
GDP, 2011	775.0 billion Dollars
Infant Mortality Rate	12 (every 1000 babies born)
Average Life Expectancy	74
Rate of Female Representatives in the Parliament	% 14

ECONOMIST INTELLIGENCE UNIT DATA 2011 ²	
Rule of Law	0.50 (1 is the highest)
Corruption Control	0.25 (1 is the highest)
Regulator Quality	0.55 (1 is the highest)
Participation and Accountability	0.47 (1 is the highest)

CIVICUS CIVIL SOCIETY INDEX (CSI) ³	
Key Data on Civil Society	
CSI scores	Total Score: 46,5
	Citizen Participation: 31,4
	Level of Organization: 54,6
	Application of Values: 48,98
	Perception of Effect: 40,2
	Setting: 57,6
	Rank: 29 (Among 33 countries)
Interpersonal trust	4,8%
CSOs network membership	41,1%
Political activities	50,4%

UN Humanitarian Development Report 2011	Score: 0.704/1 Rank: 92 (Among 187 countries)
Freedom House World Freedom Report 2012	Status: Partial freedom Freedom rank: 3,0/7 Civil rights: 3/7 Political rights: 3/7 ("1" being the highest value)
Freedom House Internet Freedom Report 2012	Status: Partial freedom Score: 46/100 (0 being the best)
Freedom House Press Freedom Report 2012	Status: Partial freedom Degree: 55/100 (0 being the best)
International Transparency Organization - Corruption Perceptions Index 2012	Rank: 54 (Among 176 countries)
Foreign Policy Magazine – Failed States Index 2012	Status: In danger Score: 76,6 Rank: 85 (Among 177 countries)
CAF- World Giving Index 2012	Giving rate: % 10 Volunteering time rate: % 4 Helping a stranger rate: % 31 Rank: 137 (Among 146 countries)
Hudson Institute Philanthropic Freedom Index 2012 ⁴	Score: 2.9 (Best: 1 Worst: 4)
Social Watch Basic Capabilities Index 2011	Score: 94/100
Social Watch Gender Equality Index 2012	Score: 0.45 (best: 1)

¹ Türkiye Verileri. Dünya Bankası. Access Date: 25 Subat 2013. <http://data.worldbank.org/country/turkey>

² Economist Intelligence Unit 2011 Data. World Bank Institute. Access Date: February 25, 2013. <http://info.worldbank.org/governance/wgi/pdf/c221.pdf>

³ 2011 Status of Civil Society Report. CIVICUS. Access Date: February 25, 2013 <https://socs.civicus.org/>

⁴ Philanthropic Freedom a Pilot Study Hudson Institute. www.hudson.org/index.cfm?fuseaction=publication_details&id=9555&pubType=HI_FEATURED

LEGAL FRAMEWORK

LEGAL FRAMEWORK

CURRENT SITUATION

- Despite the improvements in the legislation regarding associations and foundations within the scope of the European Union accession process during 2004 and 2008; it has been observed that there are still issues, especially in the implementation and limitations of the existing laws.
- Implementation challenges of secondary legislation, including regulations and mandates, especially limiting freedom of association cannot seem to be circumvented.
- The oppressive disposition that appears in laws such as the Laws on Collection of Aid and the Laws on Meetings and Demonstrations are creating a repressive environment for activities in both arenas.
- Although CSOs are recognized as an indispensable portion of the democratization process by public institutions or other actors, definitions of civil society and civil society organizations are still absent in the relevant legislation and policy documents.
- The fact that a special legal entity has not been defined for public foundations or associations continues to cause confusion in the area of civil society. These organizations, which are already benefiting from public resources, are also taking advantage of the grant programs due to the fact that they are not distinguished from other CSOs. This creates an unequal treatment of CSOs in the distribution and utilization of limited financial resources.
- Social enterprises in Turkey are generally recognized as commercial entities of associations and foundations or companies and cooperatives with social purposes. No steps have been taken towards recognizing them as separate legal entities in the legislation.
- Grantmaking foundations or associations have not been included in the legislation yet. This situation prevents present grant making foundations that are legally obliged to be operational, from increasing the amount of their grant programs.
- According to the amendment made in 2012 to Article C of Clause 75 of the 5393 numbered Municipal Law, it is stated that the municipalities “are able to collaborate on services with foundations that work for the public interest, and are granted tax exemptions by the Council of Ministers.” The foundations and associations in collaboration with these service projects, but that are excluded from the definition above are mandated “with the permission of the highest local administrative authority.”
- In the period of 2011-2012, the only amendment to the legislation directly concerning CSOs has been the addition of temporary Clause 11 of the Foundations Law no: 5737 via Clause 17 of the 651 Statutory Decrees. The regulations define the application requirements for the registration of immovable properties, and the conditions for compensation payments of the non-muslim community foundations.

“According to official information, 108 non- Muslim Ottoman foundations have applied before the deadline for the return of 1,568 properties. By 18 September 2012, the Foundations Council approved the return of 58 properties, the payment of compensation for 8 properties, rejected 53 applications and the remaining 1,449 applications are still in process of review.” (The EU Progress Report 2012)

- According to the data provided by the Department of Associations (DDB), the number of active associations in 2011 was 89,495, while this number has reached 92,670 as of October 2012.⁵



- Parallel to the increase in the number of associations, the number of association members has also increased. While the number of associations in 2011 had reached 89,495, the number of members rose to 8,852,907 in 2012. Considering the fact that Turkey's 2011 population was 73 million, it is possible to claim that approximately 12% of the population is members of an association.
- According to the information obtained via application from Directorate General of Foundations (VGM), there is an increase in the number of foundations, as well. In July 2011, number of new foundations was 4,585, while the total number of foundations had reached 4,634 by the end of 2011.⁶



- Inconsistencies are observed in the frequency, duration and scope of audit implementation, especially for those organizations performing rights-based practices.

“Legislation regarding freedom of association is largely in-line with the EU standards. However, the disproportionate audits and the restrictive interpretation of the law persist” (The EU Progress Report 2011)

- Access to Information applications were submitted to the DDB and VGM in order to find out how many times associations and foundations had been audited within the period of 2011-2012, how many of these audits imposed a penalty, and the total amount of penalty fines. These inquiries did not receive an answer. The aforementioned institutions stated that the questions were left unanswered due to the fact that “they require additional research”, as indicated by 2nd paragraph of the 7th Clause⁷ of the Right to Information Act.
- While most of the penalty clauses with respect to associations are regulated as administrative fines, there have been cases where fines and imprisonment were applied by court decisions. As for foundations, the highest penalty has been the dismissal of the foundation executives in the event that the judgment of the Council of Foundations is supported by a court decision.

“There were examples of restrictive interpretation of legislation vis-à-vis associations and harassment of their leaders.” The CSOs “continued to face fines, closure proceedings, and administrative obstacles to their operation.” (The EU Progress Report 2012)

⁵ *Statistics on Foundations*. Department of Associations (DDB). Access Date: October 1, 2012. www.demekler.gov.tr

⁶ *New Statistics on Foundations*. Directorate General of Foundations (VGM). Access Date: September 3, 2012 <http://www.vgm.gov.tr/icerik.aspx?Id=192>

⁷ The main text of the Right to Information Act (Bilgi Edinme Hakkı Kanunu, no: 4982) can be accessed in Turkish at <http://www.resmigazete.gov.tr/eskiler/2003/10/20031024.htm#1>.

- Absence of concrete definitions -such as “volunteering”- in the legislation, determining the scope and limits of audits and penalties cause some CSOs to face punitive measures.

An organization with public benefit status has been fined with regards to the volunteers who support the organization’s activities in various ways, following an investigation conducted by the inspectors of Ministry of Labor and Social Security. Due to the lack of a definition of “volunteer” and volunteering in the labor legislation, the inspectors of the Ministry defined volunteers as “uninsured employees”, and fined the association.

- Another type of practice that poses an obstacle to freedom of association does not directly occur due to the legislation which govern associations and foundations, but from wider rights violations of human rights activists and CSOs they work with. Such violations severely limit freedom of association and expression. These types of violations generally occur due to the broad interpretations of legal texts such as the Anti-Terror Law, the Misdemeanor Law and the Law on Meetings and Demonstrations.
- It is observed that arrests which occurred in 2011 or 2012 based on the Anti-Terror Law usually target human rights activists living in the Eastern and Southeastern cities such as Diyarbakir, Mardin, Siirt, Mus, and Malatya, as well as in the cities of Aegean and Marmara Regions.⁸ The accusations and criminal charges also target the funds granted to CSOs that these activists are affiliated with. Funds allocated by the European Union, or

project-based funds provided by an EU member state also have a tendency to be investigated in the scope of the criminal charges brought under the Anti-Terror Law. The fact that such CSOs received international funding is presented as evidence in courts within the scope of the Anti-Terror Law.⁹

- There are no internationally-recognized clearly defined, egalitarian, sustainable and accessible mechanisms in place in Turkey for CSOs to turn to for information, consultation, dialogue and collaboration from public institutions in order to carry out their work. CSO-Public Sector relationships are maintained unilaterally and principally through invitation from a public institution. No feedback is provided to CSOs regarding how much their opinions are taken into account with regards to public policies.

Access to Information Applications were sent to twenty Ministries in an effort to determine extent and scope of CSO-Public Sector relations, and policies of public institutions in this area. Four of these Ministries have not responded to the applications. According to the analyses of the responses from the sixteen Ministries, four of these Ministries did not disclose any information stating that additional research would be required. (in reference to the Clauses 7 and 12 of the Right to Information Act¹⁰), and three of the Ministries stated that they have not had any relationships with CSOs.

⁸ *Human Rights Week Special Issue*. Human Rights Association Bulletin. December 10-17, 2011 <http://www.ihd.org.tr/> September 2011 Mazlum-Der Sanliurfa Branch press release: <http://sanliurfa.mazlumder.org/>

⁹ “Erbey Sahsında İHD Yargılanıyor” *Bianet*. Access date: January 26, 2012 <http://bianet.org/bianet/bianet/135726-erbey-sahsinda-ihd-yargilaniyor>

¹⁰ The Right to Information Act: (Bilgi Edinme Kanunu) http://www.bilgiedinme.gov.tr/index.php?option=com_content&task=view&id=7&Itemid=8

- It has been observed that the CSO-Public Sector relations mostly occur at the levels of information provision, and consultation. There are very few examples of dialogue and cooperation. In 2012, the new Constitution making process provided more opportunities for the development of CSO-Public Sector relations; providing a more detailed draft on the levels of information provision, and the creation of more channels of consultation. However, CSOs who participated into the process did not receive feedback, nor was a discussion to determine collaboration methods defined or realized.
- The most exciting development within the period of 2011 and 2012 regarding CSO- Public Sector cooperation occurred within the scope of the activities carried out for a new Constitution, which has started with the establishment of the Constitution Reconciliation Committee at the Grand National Assembly of Turkey (TBMM) in October 2011. For the first time, the government showed initiative in order to create a civil and participatory constitution, and a consultative presence was set to hear the demands of civil society, along with the start of a new collaborative channel.
- Associations and foundations are obliged by law to start economic enterprises in order to be able to conduct income-generating activities. The taxation of the non-profit CSOs coincide with for-profit commercial enterprises in accordance with the Corporate Tax Law this has been a heavy burden on CSOs that are implementing their economic activities to create social benefit.
- According to the data compiled in December 2012, the number of tax-exempt foundations has reached 249¹¹. When compared to the data from the Civil Society Monitoring Report 2011 (237 foundations), there is an increase in the number of tax-exempt foundations. The ratio of the number of tax-exempt foundations to the total number of 4603¹² new foundations has remained limited to 0.5%, as it was in 2011.
- There appears to be a decrease in the number of associations with public benefit status compared to the data (410) from the previous year. The 406¹³ associations with public benefit status constitute only the 0.04% of the total number of 93.599 active associations.
- The number of organizations that are able to collect donations without prior permission remain limited to nineteen.¹⁴ Considering the total number of foundations and associations is over 95.000, and the number of organizations with tax exemption and the public benefit status exceeds 650, this number is strikingly low.

As determined by the tax legislation, the tax deduction applied to legal entities' donations to foundations with tax exemption and associations with public benefit status in Turkey are well below the 10% average of the EU member countries, at a mere 5%. For donations made by individuals who are on payroll, there is no tax deduction mechanism.

¹¹ List of Foundations That were Given Tax Exemption by the Council of Ministers. Revenue Administration, Access Date: December 20, 2012. <http://www.gib.gov.tr/index.php?id=406>

¹² Statistics for New Foundations. Directorate General of Foundations (VGM). Access Date: December 19, 2012 <http://www.vgm.gov.tr/icerik.aspx?id=192>

¹³ Foundation with Public Benefit Status. Department of Associations. Access Date: December 19, 2012 <http://dernekler.icisleri.gov.tr/Dernekler/Kurum/KamuYarariliste.aspx>

¹⁴ List of Legal Entities with the Status for Collecting Aid Without Permit. Department of Associations. Access Date: December 21, 2012 http://www.derneklekter.gov.tr/index.php?option=com_content&view=category&layout=blog&id=51&Itemid=66&lang=tr

CASE ANALYSIS

AMENDMENTS REGARDING THE RETURN OF THE GOODS OF COMMUNITY FOUNDATIONS (FOUNDATIONS OF NON-MUSLIM COMMUNITIES) AND COMPENSATION PAYMENT

With the inclusion of the temporary Clause 11 to the Foundations Law in 2011, a new step forward was taken in addition to the ones in 2003 and 2008, and it led the way to the return of the confiscated goods of Community Foundations, that were established in Ottoman times, and the compensation payments for their confiscated immovables .

As per the Foundations Law (Foundations Law no: 5737), Community Foundations “are granted the status of legal entities regardless of whether they have endowment or not, as per the Foundations Law (Foundations Law no: 2762) that includes foundations belonging to non-Muslim communities in Turkey bearing citizenship of the Turkish Republic.”¹⁵ In accordance with this definition, there

are 165 foundations in Turkey that belong to Bulgarian, Armenian, Georgian, Chaldean, Greek, Assyrian, and Jewish communities.

With the Foundations Law of 2008, the establishment of the Council of Foundations as the top decision-making body and the placement of permanent representatives of these Community Foundations in this Council have accelerated activities concerning legislation over the years, and contributed to the strengthening of inter-institutional relations as it played a positive role in the resolution of problems.

Laki Vingas, who has been the representative of Community Foundations in the Council of Foundations since 2009, highlights the fact that even though the foundations are perceived as institutions remaining from the 19th century, they have been providing significant services to the society in the areas of education, health, and religion. Aside from providing these services, Community Foundations also function as social areas that ensure the survival, development, and sustainability of cultures. Emphasizing the necessity for Community Foundations to go through a process of renewal, Vingas emphasizes the importance of the restructuring of these foundations to become civil and modern civil society organizations that are in compliance with the current dynamics.

Over the years Community Foundations have been brought to the agenda generally regarding their immovables. From the establishment of the Republic until today, there have been various practices towards the immovable goods of Community Foundations. Some of the foundations are recorded on the minutes; some of the immovables were confiscated, and even sold to third parties. Meanwhile the violation of the property rights of individuals and foundations had caused the weakening of the current organizations, which are the vehicle of cultural sustainability of communities, and are capable of performing their activities as civil society organizations of today.

Within the scope of the reforms in the transition to the EU membership process, various amendments have been made in the legislation on foundations in 2003, 2008, and lastly in 2011, and steps have been taken in the name of correcting the practices towards the immovable goods of Community Foundations. The regulations in 2003 and 2008 have paved the way to the restoration of some of the immovables that belong to the Community Foundations; however immovables that were passed on to third parties were excluded from the scope of this regulation.

¹⁵ The text of the Foundations Law (Foundations Law no 5735- Vakıflar Kanunu) can be reached at <http://www.vgm.gov.tr/icerikdetay.aspx?id=62>.

The temporary clause 11 has been added to the Foundations Law (Foundations Law no: 5737) on 08.27.2011 for the resolution of the deficiencies experienced in the implementation of both regulations. The Regulation with regards to the application of this clause has taken effect following its publication in the Official Gazette no 28071 dated 10.1.2011. With this regulation, it is prescribed that the immovables owned by Community Foundations that are registered in the 1936 Proclamation with the ownership section open, the immovables that are registered in the 1936 Proclamation but registered on behalf of the Treasury, Directorate General of Foundations (VGM), municipalities, and special provincial administrations other than the reasons of expropriation, sale or barter, and the cemeteries and fountains that are registered in the 1936 Proclamation but registered on behalf of public institutions, are to be registered on behalf of Community Foundations. Furthermore, necessary arrangements were made for payment by the Treasury or the General Directorate for the immovables' market value, which was determined by the Department of Finance, that are registered on behalf of third parties, out of those that were bought by Community Foundations or registered in the title on behalf of the Treasury or General Directorate on the grounds of the inability to acquire property, despite the fact that they were bequeathed or granted to Community Foundations. However, there are no regulations regarding the immovables in the ownership of public institutions, and the return of the legal entity status of the foundations that were put to the minutes. Vingas specifically emphasizes that the lack of regulation regarding possession out of dominion, and the immovables, which appear to be belonging to the foundations after 1936, but remained unregistered during the cadastral process is one of the significant shortcomings of the Law.¹⁶ August 27, 2012 has been determined as the deadline for applications regarding the registration of the immovables, along with all rights and obligations, on behalf of Community Foundations. The decision making process for the submitted applications is still in progress.

Although the Statutory Decree (KHK) is considered a significant development in such a historic issue, constraints such as the condition of being registered in the 1936 Proclamation, which appears in the 2003, 2008, and 2011 legal regulations, the one-year restriction regarding the notice, and the burden of proof have

been creating unjust treatments for the Community Foundations. Taking into account the importance of Community Foundations, efficiently making use of the current process, and carrying out the rights ensued from within the framework of the law as best as possible, Vingas points out the possibility of addressing the shortcomings following this process.

The European Council is also following this process closely. The following findings are included in Turkey's 2011 EU Progress Report¹⁷ regarding this issue:

- The legislation that made amendments on the February 2008 Foundations Law has been accepted in August 2011. The current legal framework partially allows for an opportunity for the return of the goods of Community Foundations that are included in the 1936 Proclamation, and it extends the scope of the Law from 2008.
- The non-Muslim communities –the organized structure of religious groups- have still been encountering problems due to their lack of legal entity status. To say the least, this situation bears effects upon the property rights of the communities, their access to justice, and fundraising opportunities. The recommendations of the European Council 2010 Venice Commission have yet to be implemented.

In Turkey's 2012 EU Progress Report¹⁸, the recorded developments are discussed as seen below:

- Regarding the property rights, the regulation regarding the implementation of the Temporary clause 11 of the Foundations Law was published in October 2011. With this regulation, terms of application for the registration of immovables, and terms of compensation payment are determined. August 27, 2012 has been determined as the deadline for applications regarding the registration of the immovables, along with all rights and obligations, on behalf of Community Foundations. According to the official information, 108 Community Foundations had applied for the return of 1568 immovables until the deadline. By September 18, 2012 the Council of Foundations had approved the restitution of 58 immovable, and the compensation payments for 8 immovable; concluded 53 applications

¹⁷ Turkey's 2011 EU Progress Report can be reached at http://www.abgs.gov.tr/files/AB_Iliskileri/AdaylikSuri/ilerlemeRaporlari/2011_ilerleme_raporu_tr.pdf.

¹⁸ Turkey's 2012 EU Progress Report can be reached at http://www.abgs.gov.tr/files/AB_Iliskileri/AdaylikSuri/ilerlemeRaporlari/2012_ilerleme_raporu_tr.pdf.

¹⁶ 1452 applications from 115 Non-Muslim Ottoman foundations, AGOS, Access Date: August 31, 2012

to be unqualified; and continues to examine the other 1449 applications.

- Progress was made by the acceptance of the legislation that made amendments in the 2008 Foundations Law. The implementation of the legislation continues to this day. However, the legislation does not comprise the confiscated immovables of registered foundations (those that are managed by the Directorate General of Foundations,) or Alewi foundations. The ongoing lawsuits against the Mor Gabriel Assyrian Orthodox Monastery continue to be sources of concern. Turkey must ensure the establishment of full respect for the property rights of all non-Muslim communities and others.

Vingas states that the Statutory Decree should be seen as a significant development in bringing resolution to a historical problem, and for the continuation of this positive process, he underlines the necessity of improving especially the regulations towards compensations and other restrictions, and the formation of new regulations on the Foundations Law.

CASE ANALYSIS

LGBT ORGANIZATIONS AND FREEDOM OF ASSOCIATION

Freedom of association of the LGBT organizations has been analyzed with respect to audits and actions of closing of associations. LGBT organization's participation in the new constitution making process is seen as an important development in CSO-Public Sector relations.

TUSEV had initially included the findings regarding the challenges that the LGBT associations have been facing about their freedom of association in the Civil Society Monitoring 2011's legal framework chapter under the title of LGBT Associations Case Analysis. The report identified primary problem areas as, court cases pursuing the closing of LGBT associations, and threatened their freedom of association, the report exposed the unequal practices occurred in audits and penalties, which can be interpreted as discrimination.

Within the scope of the Civil Society Monitoring Report 2012, interviews have been conducted with six LGBT organizations that operate in four different cities of Turkey. These interviews aimed at presenting the developments and the situation regarding the LGBT associations in the recent year. The interview process unearthed that court cases brought against LGBT organizations in the previous periods resulted in the associations' favor. In addition to this, there have not been recent attempts of similar lawsuits. The constitution process that allowed CSOs to deliver their opinions was evaluated as a positive development since it paved the way for the cultivation of relationships between the LGBT associations, political parties and other political actors. Despite these developments, the frequent audits and the unstandardized implementation of the law during audits are striking.

The LGBT associations provide the LGBT individuals with support by specialists in areas of social, legal and psychological services. Aside from these services, most interviewed associations are also running campaigns against homophobia, which is a type of discrimination, in addition to activities in defending the social, economic, and civil rights of LGBT individuals. In order to diversify the activities of LGBT associations and render them more effective, LGBT associations are observed to collaborate with institutions that perform rights-based activities, to maintaining solidarity among them. Difficulties in finding resources turn out to be a serious problem for associations where membership fees and donations comprise a small portion of their revenues. The LGBT associations have indicated that the funds provided by international institutions and the embassies in Turkey are the main support mechanisms in providing financial resources to their projects.

As mentioned above, the representatives of the LGBT associations stated that interventions such as court cases demanding their closure constituted a direct threat to their freedom of association during the pre-2011 period have

not occurred again between 2011-2012. Nevertheless, the existence of ambiguous concepts that feature ideological references that are in the law, such as “public morality” and “Turkish family structure” continues to be a threat for LGBT individuals and organizations. Due to the fact that the Associations Law cites the Turkish Civil Code, these concepts are left to prosecutors’ interpretation within the scope of the legislation of associations. Therefore, significant differences and inconsistencies are observed in the application of the legislation. The fact that these concepts are not defined in the laws concretely perpetuates the risk of having other court cases which demand closure. An attempt of shutting down the internet sites of the LGBT associations by the Ministry of Telecommunication, using similar concepts as reasons for violating the law, is seen as a serious violation against the freedom of expression and association of the LGBT individuals.¹⁹

The negative effects of the previous court cases demanding closings created problematic consequences in acquiring new members and financial support. The concerns created by experiences such as law-enforcement officers raiding the associations’ center offices over groundless allegations, and as put forward by various academic research²⁰, the ongoing prejudices towards being “organized” in Turkey are still very strong. As a consequence, the fact that people who are willing to support an association are shying away from becoming registered members has been posing an obstacle for associations in increasing the number of their members and resources.

In the period following the publication of Civil Society Monitoring Report 2011, significant improvements have been noticed in the relationships between the LGBT associations and public institutions. The establishment of the Constitution Reconciliation Committee under the Turkish Parliament, and welcoming CSOs to deliver their opinions regarding the new constitution has played important roles in the development of relationships. The LGBT associations stated their principal proposals towards the new constitution as:

- The addition of the phrases “sexual orientation” and “gender identity” to the equality clause of the Constitution,

- The removal of concepts such as “general morality” and “family structure” from the legal texts, or including a clear definition of these concepts,
- The necessity of defining social rights indicated in the Constitution by “the individual” and by “the family” or “household”.

Following the opinion delivery process, the exclusion of the names of three LGBT associations on the *New Constitution*²¹ website, and the absence on thank you list of the Chair of TBMM Cemil Çiçek drew strong reactions from all LGBT organizations, and had media coverage. A day after the widespread coverage of this issue the website was updated, and the names of the LGBT associations were added to the list. In the aftermath of this situation, the fact that the LGBT associations were invited to the Parliament to deliver their opinions and their requests were recorded in the official Parliamentary reports have been considered a crucial development by the associations. It has been reflected that the meetings they had with the parliamentarians from the Peace and Democracy Party (BDP) and the Republican People’s Party (CHP) following the presentation given by the LGBT organization at the Parliament has provided the LGBT associations an important and legitimate visibility. They have also met a parliamentarian from the Justice and Development Party (AKP) to deliver their requests. After the meetings, the Kaos GL - a LGBT organization- had a meeting with the Nationalist People’s Party (MHP) Vice President upon his invitation regarding the United Nations Human Rights Committee’s Covenant on Civil and Political Rights Turkey Report, which will be published in November.²²

Another significant point in the case analysis of LGBT associations is that the two LGBT organizations, which had been carrying out advocacy activities in the Parliament while the equality clause in the constitution was being discussed, had been subject to audits that started the same day which lasted two weeks. This situation hindered the participation of some of the association officials in their ongoing advocacy activities since they had to be absent from the meetings, having to tend to the audits. According to the legislation, the association audits are conducted by the authorization of Ministry of Interior upon “necessary situations” and

¹⁹ Detailed information on the story can be reached at <http://pembehayat.org/tib%C2%B4in-mesajina-karsilik-pembe-hayat-dernegi-aciklama-yapti/>.

²⁰ For more information on the results of the field research on this topic, please examine the Report on the Barriers to Freedom of Association of Associations in Turkey prepared by TUSEV.

²¹ TGNA New Constitution Website can be reached at <https://yenianayasa.tbmm.gov.tr/>.

²² Kaos GL, “Kaos GL MHP Genel Başkan Yardımcısı Ruhsar Demirel İle Görüştü”, 09/19/2012, <http://www.kaosgl.com/sayfa.php?id=12302>

“notices and complaints”. Under these circumstances, it is all the more questionable whether these audits took place in their standard timing.

Another inconvenience that has been experienced in the audits imposed upon the LGBT associations is the impropriety against the privacy of the LGBT individuals who are members or beneficiaries of associations. According to the legislation, the association officials are liable to provide the auditors with all kinds of information and documents that they demand in a timely fashion. During audits, the officials are obliged to share the information of the individuals who are benefiting from the psychological or legal support activities – information that is expected to be confidential due to the right to privacy- as well as the books that contain membership information. It is thought that this situation can pose a threat to the LGBT individuals who are already a fragile group. The fact that the auditors have all the initiative regarding the audit processes is causing, in some instances, the occurrence of practices that are far from principles of equality and transparency.

Another important development in the year of 2012 is the authorization of participation of a LGBT association as an intervening party to the murder trial of three people who were killed. Arguing that the crime that was committed constitutes a threat regarding all represented social groups, the LGBT association was entitled to take part in the trial along with the Ministry of Family and Social Policies. This example is of vital importance with regards to the participation in the legal processes of LGBT individuals who have to hide their identities to avoid becoming a target. Notwithstanding, similar involvement rulings are not applied to all trials, and the progress of the process depends on the courts’ initiatives.²³

In brief, the 2011-2012 period can be considered one where there were challenges, as well as developments with regards to the LGBT associations. The constitution process and the relationships that were developed with political parties within this process have created a significant opportunity for propounding the legitimization of the LGBT organizations, as well as for them to be able to bring their requests forward. Concepts such as “general morality” and “Turkish family structure”, which continues to appear in laws without any definition, are thought to cause the

continuation of inconveniences towards trial processes. As for the audit practices, they are obliging the LGBT organizations to deal with lengthy bureaucratic processes, which may distance them from their core activities.

CASE ANALYSIS

FREEDOM OF ASSOCIATION OF THE RIGHT-BASED CIVIL SOCIETY ORGANIZATIONS

Examples of violations originating from the broad interpretation of the legal texts devoted to human rights defenders and right-based organizations have continued to be observed during the 2011-2012 period.

Another type of practice that can pose an obstacle to the freedom of association is violations of human-rights defenders’ rights and the CSOs they work with. Although such violations do not always originate directly from the legislation regarding associations and foundations, they can still substantially limit the freedom of expression and association. These types of violations generally occur due to the broad interpretations of legal texts such as the Anti-Terror Law (Terörle Mücadele Kanunu- TMK), Misdemeanor Law (Kabahatler Kanunu), and the Law on Meetings and Demonstrations (Toplantı ve Gösteri Yürüyüşleri Kanunu). In his article “The Anti-Terror Law: The Obstacles Before the Freedom of Association”, Attorney Daniş, puts forth the point that the obstruction of “the civil freedom’s right to exist” by silencing the “peaceful activities and legitimate oppositions” of CSOs and civil initiatives “on the pretext of the activities of armed groups” (TUSEV, 2010a).

²³ Detailed information on the story can be accessed at <http://kaosgl.org/sayfa.php?id=10958>.

Right-based organizations are carrying out various activities toward the prevention of human rights violations and the determination and compensation of situations where violations occur, as well as maintaining justice. Meetings and demonstrations where opinions that oppose the policies and practices of the government are expressed can be among these activities. It is quite a frequent practice to marginalize groups that criticize the current order. Marginalization of human rights defenders occur sometimes at the level of discourse and at times through *de facto* intervention in an atmosphere where there is less freedom to express different views. In order to legitimize these interventions in the eye of public opinion, methods such as attribution of crimes (that are usually linked to terror) to opposing groups, extensive use of force, or manipulation of the legal processes, has been observed. Due to the fact that these are worldwide practices, supra-government organs, such as the United Nations, have created reports, made decisions and recommendations encouraging the states to recognize the freedoms of expression, association, and assembly of individuals, and to protect these right-based formations, and rights defenders.



The EU Guidelines on Human Rights Defenders²⁴ defines the rights defenders as stated below:

“Human rights defenders are those individuals, groups and organs of society that promote and protect universally recognized human rights and fundamental freedoms. Human rights defenders seek the promotion and protection of civil and political rights as well as the development, protection and realization of economic, social and cultural rights. Human rights defenders also promote and protect the rights of members of groups such as indigenous communities. The definition does not include those individuals or groups who commit or propagate violence.” (EU Principle Rules 2008)

²⁴ The Principle Rule on the EU Human Rights Defenders document that was accepted in 2004, and updated in 2008 can be accessed in Turkish at: http://www.avrupa.info.tr/fileadmin/Content/Files/File/EIDHR/Insan_Haklari_Savunuculari_TR.pdf

With the United Nations Declaration on Human Rights Defenders²⁵

“For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at national and international levels; to form, join and participate in non-governmental organizations (civil society organizations), associations or groups.”

The State “shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.” Turkey has signed the UN Declaration on Human Rights Defenders in 2004.

According to the United States High Commissioner for Human rights²⁶, human rights defenders in various countries have been observed to be subjected to violations as mentioned below:

“A great many human rights defenders, in every region of the world, have been subject to violations of their human rights. They have been the target of executions, torture, beatings, arbitrary arrests and detention, death threats, harassment and defamation, as well as restrictions on their freedoms of movement, expression, association and assembly. Defenders have been the victims of false accusations and unfair trials and convictions. Violations most commonly target either human rights defenders themselves, or the organizations and mechanisms through which they work.”

²⁵ The “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms” or in short “The UN Declaration on Human Rights Defenders” have been approved in April 3, 1998 meeting of the UN Human Rights Commission. Turkey signed the UN Declaration on Human Rights Defenders in 2004. <http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>

²⁶ <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Challenges.aspx>

The thematic fields which right-based organizations in Turkey operate on are grouped as human rights, environment, gender and sexual orientation, youth, people with disabilities, child rights, culture/cultural rights, rights of people with HIV, animal rights, rights of the elderly, refugee rights, and urban rights (STGM, 2011). Since the founding of the Human Rights Association in 1986, the first human rights association after the 1980 coup, the number of right-based CSOs have increased, their focus of work have been diversified, and these CSOs have played an important role in the expansion of some rights in the country (TUSEV, 2011b).

There are two types of violation of rights that are inflicted on CSOs which carry out rights based activities. The first type is based on the restrictive interpretation of the legislation on associations and foundations, which is directly related to the freedom of association. The inconveniences that originate from these practices are analyzed in the audit and penalties section of the report. The second type is related to the right infringements that occur due to the arrest and detention of the executives, members, and employees of CSOs and unions. Similar to the rest of the world, human rights defenders in Turkey suggest opinions that may contrast with the official opinion of the state. Therefore, the human rights defenders carry out activities in order to broaden the scope and implementation of human rights in Turkey. However, these differences in opinions are frequently deemed to be associated with 'terrorist' activities in Turkey, and the "human rights defenders also face prosecution and legal proceedings on charges of terrorist propaganda during demonstrations, protests and following their attendance at press conferences" (The EU Progress Report, 2011).

Chapter 23 of the 2012 Progress Report section titled Judiciary and Fundamental Rights, highlights the implementation of the legal framework regarding terrorism and organized crimes as a means to the violation of the freedom of association is expressed as such below:

"The situation regarding the respect for fundamental rights continues to be the source of serious cause for concern, notably stemming from the broad application of the legal framework on terrorism and organized crime, which leads to recurring infringements of the right to liberty and security, of the right to a fair trial and of the freedom of expression, assembly and association."

Considering the arrests of human rights defenders, who are members of CSOs that were based on the Anti-Terror Law (ATL) in 2011 and 2012, it is seen that along with cities in the Aegean and Marmara regions, they also arise in the Eastern, and Southeastern cities, such as Diyarbakir, Mardin, Siirt, Mus, and Malatya.²⁷ These arrests included members of unions and political parties, the board members and branch leaders of rights-based associations, and the members of CSOs (especially executives) all charged within the scope of the ATL. Observations of the charges and indictments towards the detainees, the activities of CSOs to which they are a member, the projects they conduct, the funding raised for these projects (for instance the project-based funds provided by the European Union or an EU member country) seem to be the subject of investigation, and have a tendency to be evaluated within the scope of the ATL.²⁸

The members of right-based organizations are subjected to investigations and perennial arrests that leave them no choice but "to defend themselves and divert significant time and resources that could otherwise be directed to their human rights work"²⁹, and this equally obstructs the activities of CSOs they are a member to.

According to the international fact-finding mission report titled *Turkey - Human Rights Defenders, Guilty Until Proven Innocent*³⁰ published in May 2012 by the International Federation for Human Rights (FDIH) and the World Organization Against Torture (OMCT) within the framework of the observatory for the protection of human rights defenders, the committee has confirmed a total of twenty human rights defenders, from five different right-based CSOs, under arrest within the days it was in Turkey. Furthermore, the report has noted that since there was not a systematic follow up of the number of human rights defenders under arrest and convicted, the number could be higher than what was determined.

²⁷ Human Rights Week Special Issue. Human Rights Association Newsletter December 10-17, 2011 <http://www.ihd.org.tr/>
September 2011 Mazlum-Der Sanliurfa Branch press release: <http://sanliurfa.mazlumder.org/>

²⁸ "Erbey Sahsında İHD Yargılanıyor" Bianet. Access Date: January 26, 2012 <http://bianet.org/bianet/bianet/135726-erbey-sahsinda-ihd-yargilaniyor>

²⁹ The international fact-finding mission report by the FDIH and the OMCT within the framework of the "Observatory for the Protection of Human Rights Defenders" called "Turkey-Human Rights Defenders, Guilty until Proven Innocent", May 2012, http://www.omct.org/files/2012/06/21816/obs_mission_report_turkey_hd.pdf

³⁰ "Turkey-Human Rights Defenders, Guilty until Proven Innocent" http://www.omct.org/files/2012/06/21816/obs_mission_report_turkey_hd.pdf

CASE ANALYSIS

PARTICIPATION OF CSOS IN THE NEW CONSTITUTION MAKING PROCESS

The most exciting development regarding the CSO-Public Sector relations in the period of 2011-2012, has been experienced during the efforts making of a new constitution. A channel of collaboration, mostly at the consultation level, has been initiated through this process.

The most exciting development regarding collaboration between the government and civil society in the period of 2011 and 2012 was in October 2011, within the scope of efforts for the new constitution that started with the founding of the Constitution Reconciliation Committee at the Parliament. For the first time, a well-planned volition has been shown in order to create a civil and participatory constitution, and although at a level of consultation, a collaboration channel has been opened in order to reflect the requests of civil society regarding the new constitution. This case analysis discusses the participation of civil society in the efforts for the new constitution, and what this process means regarding the CSO-Public Sector relations.

The 1982 Constitution, although it has undergone several changes over the years, has been “a constant matter

of debate due to both its technical details, and its lack of legitimacy that arises from its antidemocratic tone” for the public opinion (TESEV, 2012a). In the field study conducted by Konda Research company in TESEV’s *Definitions and Expectations About the Constitution Report*, 78.5% of participants have reflected the condition for an acceptable new constitution as one “that is agreed upon and settled on by all classes of society” (TESEV, 2012b).

With the 2007 referendum, which was primarily about the election of the President by the public, some of the clauses of the constitution were changed. Yet another change in the constitution is the approval of the constitutional amendment package of 27 clauses, which was suggested by the government, with a 57.9% support, according to the 2010 referendum with a participation rate of 77.1%.³¹ There have been a total of 20³² amendments made on the 1982 Constitution; however only 2 of these amendments were opened to the public through a referendum, and a more participatory method was adopted compared to the previous applications. Nevertheless, the focal point of criticism towards these procedures has been the fact that the clauses to have foreseen to be amended were prepared by the government, and aside from that, there was no participation mechanism for the expression of public opinion other than voting in-full approval or total rejection of the amendments.

It is observed that a step has been taken towards overcoming these limitations with the process of making a new constitution that started in 2011. The President of the TBMM, Cemil Çiçek has expressed the need and decision towards initiating a participatory process of forming the New Constitution which may mean the contribution of the public, as well as CSOs at a level of opinion sharing in the making of the new constitution:

“Up to today, the biggest criticism towards the process of the creation of the constitution was the lack of public contribution in the process. The outcome of the work carried out by a certain number of individuals, or those powerful people, even if they are called the ‘Parliament’,

³¹ 2010 Referandumu Siyasi Partilerin Tutumu. SETAV. October 2010. <http://file.setav.org/Files/Pdf/2010-referandumu-siyasi-partilerin-tutumlari.pdf>

³² The New Constitution Page. TGNA. Access Date: October 1, 2012. <https://yenianayasa.tbmm.gov.tr/gorusmeler.aspx>

was that it was presented to fellow citizens, much like a survey, with only a 'yes or no' option. No opportunity for criticism existed. In the end, all that was stated was 'the constitution has been approved.' This process, following the acceptance of the Constitution has received ever-mounting criticisms from all circles. Therefore, this time we tried to do the right thing. The public will be a part of the process in the beginning, through the duration, and ultimately the public will be making the final decision."³³

The Establishment of the Constitution Reconciliation Committee, and Steps Taken Towards Hearing Civil Society's Opinions

One of the election campaign promises of the ruling party during the June 2011 general elections was "the making of a constitution that was prepared in a participatory fashion", with prioritizing the inclusion of the civil society. Following the completion of the election period, the President of the TBMM, Cemil Çiçek, ensured the establishment of the Constitution Reconciliation Committee to manage the adoption of a New Constitution process, and prepare the draft. The Committee had its first meeting on October 19, 2011, and it was constituted from equal number (three each) of representatives from four political parties that have a group at the Parliament. In the Committee chaired by Çiçek, a principle was laid down that requires all decisions to be made after a consensus was reached among all political parties.

Another working principle of the Constitution Reconciliation Committee is "to enable the participation of all segments of the society to the constitution making process of the Committee"³⁴ In accordance with this principle, a page called "The New Constitution" has been added to the TBMM website on the initiative of the speakership for the public and civil society organizations to deliver their opinions and proposals on the constitution.³⁵ The page contains the previous constitutions, a list of the amendments made on the constitution, constitution examples from around the world, and publications such as articles on making a new constitution, and academic studies, and access to

resources that individuals and CSOs can benefit from while forming their proposals. The New Constitution page also contains the contact information of the Commission and its members, as well as the working principles of the commission.

With the initiative of the spokesperson, the Commission has addressed the public via various media channels and organizations, and invited them to deliver their opinions until April 30, 2012. People delivered their opinions to the Committee via the website of the New Constitution to the Parliament's electronic mail, or through regular mail. At the same time, several CSOs and universities were invited to deliver their opinions. A confidentiality decision was made regarding the opinions delivered to the Constitution Reconciliation Committee by January 27, 2012. The opinions were removed from the website, and a thank you list was published for those who delivered opinions.³⁶

According to the Constitution Monitoring activities conducted by TESEV, approximately 64.000 opinions have been delivered within this period via the new constitution website by means of TBMM e-mail address, or by mail. 440 of these opinions have been identified as belonging to CSOs. However, it is thought that all CSOs that were recommended and applied for making a presentation to the commission were invited to make presentations to the Committee (TESEV, 2012a). In the "Contribution Meetings" period, as the Committee called it, the number three sub-committee specialized in foundations, associations and platforms has interviewed 79 organizations until May 4, 2012. (TESEV, 2012a).

The Participation of CSOs to the Formation of the New Constitution Process, and the Platforms They Established

CSOs contributed to the formation of the new constitution through institutional activities that set forth their own positions, and through platforms and initiatives that were established through partnerships with similar or different CSOs. Some CSOs that operate to improve the civil society environment have encouraged joint activities of different organizations in these platforms as facilitators or promoters.

³³ *Anayasa Komisyonu Muhalefetten Destek Aldı*. CNNTurk. Access Date: June 18, 2012 <http://www.cnntrk.com/2012/turkiye/06/18/anayasa.komisyonu.muhalefetten.destek.aldi/665475.0/index.html>

³⁴ *Yeni Anayasa Uzlaşma Komisyonu Çalışma Usulleri*. TBMM Yeni Ayasa Websitesi. Access Date: October 2, 2012. <https://yenianayasa.tbmm.gov.tr/calismaesaslari.aspx>

³⁵ TGMA website, the New Constitution page, www.yenianayasa.tbmm.gov.tr

³⁶ *Ayasada Kimseler Duyuşması Dönemi*. Milliyet. Access Date: 01/27/2012, <http://siyaset.milliyet.com.tr/anayasa-da-kimseler-duyusmasin-donemi/siyaset/siyasetdetay/27.01.2012/1494282/default.htm>

In this section of the case analysis, in order to emphasize the understanding of the scope of activities conducted by the platforms, and their effect on the formation of the constitution process, a compilation of information received during the interviews conducted with the representatives of the *TACSO Project* and the *Civil Society Development Center (STGM)* that provided support in order to facilitate the participation of civil society to the constitution efforts; *TESEV* that conducted the Constitution Monitoring Project evaluating the process from the point of view of civil society; *the Constitution Women Platform* that was founded for the purpose of delivering their common requests, *Ecological Constitution Initiative* that channeled the integrated point of view of nature and human rights, *the Rainbow Coalition Against Discrimination* that developed proposals for the constitution in order to prevent discrimination and violence against the LGBT individuals, and *the Platform for the Prevention of and Fight Against Discrimination of the Disabled* that advocates for the constitutional safeguarding of the rights of disabled people.

The STGM has reported its proposals in safeguarding the freedom of association and presented it to the Committee, proposing constitutional principles that would provide a basis for civil society organizations to operate freely.³⁷ On the other hand, the STGM undertook the facilitation of the *Bizsiz Anayasa Olmaz Platform (No Constitution Without Us Platform)*³⁸ and championed the interaction and cooperation among actors from all sectors of the society regarding their requests about the new constitution. The Platform that was participated by 146 CSOs through the meetings organized in Van, Adana, Izmir, Istanbul and Sanliurfa has signed a common text regarding the qualifications that should be included in the new constitution. The opinion document prepared by the Platform was presented to the Committee with the participation of the STGM and the CSO representatives in the platform. At the same time, awareness and participation is encouraged for opinion formation and easier understanding of the methods of transmitting them to the Committee.

The TASCOS Project has allowed CSOs to come together and conduct joint activities by providing financial support for the meetings of the platforms that were formed for participating in the constitution formation. In order to raise awareness about the issue, it contributed, along with the STGM, to the weekly discussion of topics such as civil constitution, rights advocacy and social transformation with the participation of experts on the *Açık Radio* program *Bizsiz Olmaz* platforms, enabling a wider audience to be informed of the demands in regards to the new constitution.

Besides presenting the institutional report that was prepared through its activities on democratization, good governance and local administrations to the Committee, TESEV has conducted a Constitution Monitoring study. This study's purpose was to make a contribution in the creating an environment for dialogue and negotiation in public opinion or political communication with civil society organizations, better enabling the CSOs voices to be heard. *The Constitution Monitoring Project* makes record of the activities of the Constitution Reconciliation Committee, political parties, and civil society regarding the new constitution, and shares evaluations of various academics and experts through published newsletters.

While a great number of civil society organizations have joined the platforms to be able to generate joint requests as part of the formation process of the new constitution. Some CSOs have communicated their opinions and requests towards their own areas directly to the Committee. On the New Constitution page of the TBMM website, names of 35 civil society platforms who delivered their opinions are included in the thank you list.³⁹

In TESEV's second Monitoring Report for the Process of New Constitution, assessments were made by determining the common points of the civil society requests regarding the formation of the constitution and its content by using the classification titles obtained from the Constitution Reconciliation Committee in order to establish parallels with the activities of the Committee. The fundamental and most prominent request reflected by CSOs regarding the formation process has been towards the making of the new constitution with high levels of participation. The principles of "pluralism, equality and libertarianism", and

³⁷ The STGM proposal on the freedom of association presented to the TGNA Conciliation Commission for Constitution can be reached at: <http://www.stgm.org.tr/tr/icerik/detay/stgm-orgutlenme-ozgurlugu-ile-ilgili-goruslerini-anayasa-uzlasma-komisyonu-na-ilettileri-2>

³⁸ For detailed information on Bizsiz Olmaz (Constitution Without Us Platform), visit <http://www.bizsiz-zanayasaolmaz.org/>.

³⁹ The TGNA website, the New Constitution web page, the list of People Who Delivered Opinions, and the thank you message, <https://yenianayasa.tbmm.gov.tr/tesekkur.aspx>

the emphasis on a constitution that “should be people-centric not government-centric” upon which CSOs agreed regarding the philosophy of the constitution, has been the basic expectations with regards to the public-civil society relations (TESEV, 2012c).

CSO-Public Sector Relations During the New Constitution Process

The Constitution Reconciliation Committee that was assigned to prepare the draft for the New Constitution has met each week as per the working principles, and met with at least one CSO to hear their presentation that communicates the needs and demands of various groups. The Committee experts and consultants have sorted out the written and orally delivered opinions in order to be used during the preparation of the text. In this process, thanks to the individual and collective efforts of CSOs, various opinions that were not previously mentioned under the roof of the TBMM were expressed, and recorded into the Parliamentary records. Some of the representatives of CSOs and platforms that we have interviewed within the scope of the Monitoring Report have stated that, despite their lack of previous experience in carrying out lobbying activities, they had meetings with parliamentarians and representatives of political parties following their presentations at the Commission.

The process of composing the New Constitution has played an accelerating role in the CSO-Public Sector relations in terms of enabling CSOs to come into contact with the members of the Parliament.

On the other hand, the fact that the activities of the Committee's work could not be acknowledged by the limited statements given to the press indicate that the CSO-Public Sector relations established in the process of adopting a new constitution remained limited to opinion delivery. The TESEV Constitution Monitoring team drew attention to the difficulty of evaluating how civil society's contribution was incorporated into the current system due to lack of information on how the discussion topics were handled, the positions taken by the parties, and how an agreement was reached. The conclusion arrived by the team through the follow-up of press statements given by the Commission members is that “contributions from the society or civil society organizations were valued” in the Committee activities, and that the discussions were held “within the sensitivities and priorities of the parties”. Even though the working principles of the Committee

foresee the necessity of primarily agreeing upon the basic principles that the constitution should be vested with, they forthrightly started setting down the clauses. Directly skipping to the writing of the clauses before discussing and agreeing upon the conceptual framework of the Constitution was indicated as a deficiency that complicates the monitoring of how the contributions of civil society organizations were utilized.⁴⁰

CSO and platform representatives interviewed within the scope of the report have interpreted the first-time formation of such a clear and accessible mechanism that regulates and facilitates the participation of civil society to the legislative processes at a time when opinions were received for the New Constitution process, as a positive development. Until a defined date, opinions were collected in written and oral form, and they were sorted out by the Committee experts. Then civil society was consulted, their opinions were received, but a feedback mechanism on how these opinions were evaluated has not been established, the activities were not negotiated, and a permanent topic-specific form of communication has not been developed. The insufficiency in the systematic and transparent progression of the discussions on the Constitution draft is the joint criticism brought in by the civil society representatives who were interviewed within the scope of the report. The representatives of the platform and CSOs have emphasized their intention of closely following their requests once the draft comes forward, despite their inability to acquire information on the extent to which their activities were reflected on the new text following their opinion deliveries and presentations to the Committee.

⁴⁰ This information was received during the interview with Ozge Genc and Pinar Canga from the TESEV Constitution Monitoring Team on October 10, 2012.

CASE ANALYSIS

“4+4+4 LAW” IN EDUCATION; PARTICIPATION OF CSOS IN THE DRAFTING, ENACTMENT, AND APPLICATION PROCESSES

The educational law amendment known as 4+4+4 brought in change to the education system that is directly affecting individuals from all layers of the society. As part of the case analysis, the participation of CSOs to the drafting and approval stages of the 4+4+4 law proposal, and their influence on the approval process of the law proposal is analyzed.

The primary school education in Turkey has been mandatory and free since the founding of the Republic witnessed various applications depending on the location of schools, inadequate capacities and development of the instructors. Before the February 28 period in 1997⁴¹, the primary school education structure had a gradual regulation, but according to the law amendment that was brought with the February 28 period, it was transformed

into an eight-year continuous and mandatory primary school education, and the education process was maintained over a single program, without the division of different schools and programs.

Even though joining primary education and making it continuous has been discussed and evaluated academically for years, it came into force as late as 1997. It was observed that this implementation, which lasted until 2012, had significantly increased the rate of enrollment⁴². With the change in 1997, the junior high sections of Imam Hatip High Schools⁴³, Anatolian High Schools, and Vocational High Schools were closed, sparking debates in the society. Although this change in the education system has had positive and negative reactions from various parts of the society, it was observed that the continuous primary education has increased the enrollment rate of especially girls over the years. The Ministry of Education, during the AKP government administration, has strengthened the access to an eight-year continuous education system, and encouraged pre-school education.⁴⁴

Making the mandatory education gradual has been one of the decisions adopted at the 18th National Education Council in 2010. The decision number 2 of the 18th National Education Council Decisions under the title of “The Strengthening of Primary and Secondary Education, Providing Access to Secondary Education” states that “the mandatory education must be regulated in the manner that allows students to receive education in different environments as 1 year of preschool education, 4 years of basic education, 4 years of orientation and preparation education for secondary education, and 4 years of secondary education, for a total of 13 years.”⁴⁵ What is striking is that this decision⁴⁶ that indicates significant and radical changes aimed at the foundation of the education system has not been brought to the agenda of public opinion and civil society. Only 1.5 years after the decision, *the Draft Law Regarding Amendments in the*

⁴¹ *İlköğretim ve Temel Eğitim Kanunu ile Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun Teklifine İlişkin İnsan Hakları İlkeleri ve Bilimsel Bulgular Eşliğinde Değerlendirme Eğitim Reformu Girişimi* (Education Reform Initiative.) Access Date: February 22, 2012 http://erg.sabanciuniv.edu/sites/erg.sabanciuniv.edu/files/4%2B4_Eski_GerekeMetni_15032012.pdf

⁴² Imam Hatip High Schools provide religious secondary education with the pursuit of raising government employed religious personale

⁴³ 4+4+4: *Bir toplama değil Çar(pıt)ma İşlemi.* Aytug Sasmaz. <http://www.tr.boell.org/web/111-1367.html>

⁴⁴ The 18th National Education Council Decisions, http://ttkb.meb.gov.tr/dosyalar/suralar/18_sura.pdf

⁴⁵ Please see the Regulations for National Education Council for information on the changes in the composition of the National Education Council and the participants with the right to vote decisions. http://mevzuat.meb.gov.tr/html/22398_0.html

⁴¹ For more information on the February 28th 2013 <http://www.globalsecurity.org/military/world/europe/tu-military-coup-1997.htm>

Primary School and Education Law and Other Laws has been presented at the TBMM Chairmanship in February 21, 2012 and this way the issue was brought to the agenda.

Within the scope of *the draft law* presented to the TBMM Chairmanship by the ruling AK Party group, the transformation of the continuous eight-year primary education system into a twelve-year practice in three four-year stages, has been set forth. The content of and the justification for the draft law set the age of vocational training back. Additionally, the stages in the education system were made discontinuous and proceeding to the apprenticeship education or distance education beginning from the 5th grade (second stage).⁴⁷ The re-opening of the religious junior high schools and allowing students to transfer to these schools after the completion of the first stage, which is until the 5th grade, have also been brought to the agenda within the scope of this draft law.

CSOs that work in the field of education have started to inform the general public about the positive and negative effects of the changes that will occur if the amended law is accepted after it is delivered to the TBMM Chairmanship. CSOs also aimed to discuss the draft law in depth. Additionally, they carried out activities that provided support and delivered criticism towards the draft law. Some CSOs argued that the draft law should be reviewed while others suggested its withdrawal.

The shared reaction to the Draft Law is the criticism that bringing a distance education option in the gradual system, starting from the second stage, can lead to abuse. The draft law has caused worries about losing all the gains that were achieved over the years on various issues CSOs have fought for, such as child labor, child brides, children with disabilities, and the exclusion of girls from formal education. Therefore, the draft law was carried over to the agenda of CSOs that work in the area of education, as well as organizations that work for child rights and disability rights. These organizations have tried to reach the public and the government through demonstrations and marches they organized about their criticisms of the Draft Law.⁴⁸ Similarly, CSOs that support the changes that were set forth by the Draft Law have organized activities to communicate with and shape

public opinion for the draft law to be accepted. Their activities were carried out both alone, and also through higher organizations such as platforms and federations they are members to.⁴⁹

Ismail Cenk Dilberoğlu, the Chair of the Board of Trustees of Ensar Foundation⁵⁰, one of the organizations that support the draft law, has stated that the foundation participated in the process discussing the draft law via an invitation to deliver opinions to the Sub-Committee founded in the TBMM National Education, Culture, Youth and Sports Commission (National Education Commission). Dilberoğlu believes that the proposed changes in the education system correspond to a public demand, and that it is a step taken towards correcting some of the mistakes that were made until today. Dilberoğlu has explained the scope of the communication practices and support activities conducted by Ensar Foundation during the process in regards to the draft law as follows:

- The fact sheet titled *4+4+4 Education System*⁵¹ was prepared and mailed to a list of 5000 people such as rectors, columnists, and bureaucrats who are thought to be influential. This fact sheet was reproduced by printing it along with studies called the *Religious Institutions in the New Constitution, Religion Education and Training and Voluntary Religion Education*.
- The Minister of Education and the bureaucrats of the Ministry, considered the primary correspondents of the issue, have been visited with the participation of various CSOs such as Turkey Volunteer Organizations Foundation, Imam Hatip Association of Graduates and Members (ONDER), and the Society of Spreading Knowledge, and shared statements were made.
- Ensar Foundation's support for the Draft Law was announced to larger masses via advertising in national newspapers.

Family associations and confederations with the aim of preserving moral values and strengthening the family

⁴⁷ Aytug Sasmaz, *ibid*.

⁴⁸ *4+4+4'e Karşı Onbinler Yürüdü*. Bianet. Access Date: September 16, 2012. <http://bianet.org/bianet/bianet/140894-4-4-4e-karsi-onbinler-yurudu>

⁴⁹ *Kadınlar 4+4+4 için Meclise Yürüyor*. Hurriyetegitim.com. Access Date: March 26, 2012, <http://www.hurriyetegitim.com/haberler/26.03.2012/kadinlar-444-icin-meclise-yuruyor.aspx>
120 120 Sivil Toplum Örgütü 4+4+4 Eğitim Sistemine Destek Çıktı. Sabah. Access Date: March 28, 2012, <http://www.sabah.com.tr/Egitim/2012/03/28/120-sivil-toplum-orgutu-444-egitim-sistemine-destek-cikti>

⁵⁰ For more information on Ensar Foundation www.ensar.org.tr

⁵¹ *The 4+4+4 Education System; Religious Institutions in the New Constitution, Religion Education and Training; Voluntary Religion Education*. Ensar Foundation. http://www.ensar.org/ENSAR_12_yil_kademeli_zorunlu_egitim_raporu.pdf

institution, as well as CSOs that work on the subject of education of religion and values have conducted visits to the authorities, and made statements to the public with an effort to support the proposed change.⁵²

The criticisms from CSOs that opposed the draft law were concentrated on the shortness of the duration of the Draft Law being brought into question and opened up for discussion. One evaluation claims, that “the draft law that contains a radical change in the area of education, and concerns the whole society has materialized without the conducting any research and impact evaluation processes, and by widely ignoring the opinions of CSOs and universities”.⁵³ The Education Reform Initiative (ERG)⁵⁴ which closely follows the education policies, and informs the public via the annually published monitoring reports, prepared fact sheets on the opinions that were delivered during the Draft Law being brought into question and being discussed, and shared the demands and criticisms with the public, as well as public institutions. The ERG has conducted the below activities within the scope of the draft law:

- Preparation of a fact sheet called *What is Continuous Primary Education?*⁵⁵ in order to contribute to placing the discussions on the draft law on an accurate basis. Via this fact sheet, ERG criticized the draft law on what the discontinuous and continuous education systems are, and talks about examples from other countries regarding the issue.
- Activities for raising awareness, shaping public opinion, and communication that were initiated by the ERG in this process have been maintained under the name of the *4+4<8 campaign*. It evaluated the draft law in line with the human rights principles and scientific findings, and underlined that the 8-year continuous education was a system that was debated and developed both among the academic circles, as well as the National Education Councils before it was put into effect. On the other hand, it published fact sheets that intend to shed light on the debates regarding some issues that appear in the motives of the Draft Law, such as vocational

training, pre-school education, mobile education that persists in the rural regions, and religious education.⁵⁶

- As part of the campaign, a press conference led by the ERG was co-organized with several CSOs in order to present opinions regarding the Draft Law, and to shape public opinion.⁵⁷ This press conference aimed at divorcing the debates on the Draft Law from an ideological backdrop, and placing it in the agenda in accordance with scientific findings.

As it is understood from the processes that were explained within the scope of the case analysis, the Draft Law has led to the debate processes where positive and negative opinions of the general public and CSOs were expressed. Upon reactions that emerged in the public opinion on the Draft Law, the TBMM National Education, Culture, Youth and Sports Commission has formed a Sub-Committee to re-discuss the Draft Law. A group of CSO that proposed opinions for the development or amendment of the Draft Law was invited to the Sub-Committee meetings on February 28 and 29, 2012 in order to share their opinions. The Council of Higher Education, Ministry of Education, Ministry of Finance, four Education Unions⁵⁸, representatives of eight CSOs⁵⁹ and the Deans of Schools of education from two universities⁶⁰ participated in these meetings. Written opinions from other CSOs, universities, and citizens were also delivered to the Commission.⁶¹

After the debates in the Sub-Commission that took place with the participation of a limited number of CSOs, some amendments were taken into account that expressed concern for CSOs. This is considered a positive step by CSOs. According to these amendments, the provisions that enable correspondence schools and apprenticeships training at the 5-8 grade levels, and leaving the mandatory secondary education to the initiative of the Council of Ministers were removed.⁶² This way, regulations that could

⁵² Full Support for the 4+4+4 from Associations, Foundations and CSOs. Magazine of Associations. Issue 19, February 2012

⁵³ Aytug Sasmaz, Ibid

⁵⁴ For detailed information about the Education Reform Initiative <http://erg.sabanciuniv.edu/>

⁵⁵ Kesintisiz Temel Eğitim Nedir? Eğitim Reformu Girişimi (The Education Reform Initiative.) http://erg.sabanciuniv.edu/sites/erg.sabanciuniv.edu/files/ERG_KesintisizEgitim_BilgiNotu.pdf

⁵⁶ All fact sheets prepared by the ERG in order to ensure healthy performance of the discussions on the issue: <http://erg.sabanciuniv.edu/node/756>

⁵⁷ Detailed information on the ERG's 4+4<8 campaign can be found in the case analysis of the media chapter of the report.

⁵⁸ Eğitim-İs, Eğitim-Sen, Eğitim Bir-Sen, Turkish Eğitim Sen

⁵⁹ The Confederation of Turkish Tradesmen and Craftsmen, Education Reform Initiative, The Turkish Education Foundation, Turkish Educational Volunteers, ONDER, Economic Policy Research Foundation of Turkey, Turkish Education Association, Ensar Foundation

⁶⁰ The Middle East Technical University, Gazi University

⁶¹ The TGNA National Education, Culture, Youth, and Sports Commission Report, <http://www.tbmm.gov.tr/sirasayi/donem24/yil01/ss199.pdf>

⁶² Aytug Sasmaz, Ibid.

have been the legal basis for reservations such as reducing the age of becoming an apprentice to 11, proliferation of child labor, and the exclusion of girls and disabled kids from the formal education environment at the second or third stages were withdrawn. On the other hand, certain regulations were added to the law text, such as the “offering of” two courses called “‘The Koran’ and ‘The Life of Our Prophet’” as ‘optional elective courses at junior high schools’⁶³, even though they were not discussed in the Sub-Committee meetings attended by the CSOs, nor put in the Commission report. As is seen, although the purpose of the formation of the Sub-Committee was in order to include civil society in the consultation processes is considered to be a positive development, the execution of the consultation processes prior to the formation of the draft law is thought to be a significant shortcoming in terms of the CSO-Public Sector relations. The process of consultation with civil society were limited to only two days of meetings with the participation of a limited number of invited CSOs following their intense reactions and campaigns towards the Draft Law.

In the National Education Council at the end of 2010 attended by politicians, academics and CSO representatives, an advisory jurisdiction was made regarding the new system. Aytuğ Şaşmaz, an ERG political analyst, stated that this decision does not have the sufficient legitimacy due to the fact that the member composition of the most recent Council has been changed towards achieving the majority of members affiliated to the Ministry and the government. In addition, a decision was made without adequately debating the issue in the Council’s General Assembly. The Ministry of Education in its question-answer document⁶⁴ called the “12-Year Mandatory Education,” stated that the criticisms of civil society towards the new system are prejudicial, and they are seen as oppositions caused by lack of information and ideological point of view. The criticism of CSOs on the new system in an official document published by a public institution in this manner is one of the indicators regarding the mismanagement of a participatory decision-making process between the public sector and CSOs.

The interviews that were conducted as part of the Civil Society Monitoring Report 2012 show that CSOs that

organize activities towards supporting and criticizing the new system have a shared concern regarding this very important law and system amendment being brought on to the agenda and put to practice within such a short period of time, (2.5 months). CSOs that approach the new draft law differently have all made an emphasis on the fact that the infrastructure is not ready for the new education system, that the system and the execution have not been debated via participatory and egalitarian processes, and that the general public, as well as CSOs, were not properly informed.

Another commonly shared opinion that kept reoccurring during interviews with the CSO representatives who either supported or did not support the law is that there was not enough time for receiving and evaluating the opinions and contributions of the civil society during the designing, enactment, and implementation of the regulation of the new education system. Additionally, it was stated that there is no equality and participatory debate mechanisms that would allow views from different backgrounds to be incorporated to the law. It has been pointed out that a consultation process had not been initiated with CSOs via a preparation notice at the earlier stages of the law process regarding the law amendment that caused radical changes in the education system, and that the expert CSOs were not consulted on the relevant areas. Following reactions from CSOs and the general public, the Sub-Committee meetings were organized as a mechanism for the civil society to express themselves, which was considered as a positive step in terms of the CSO-Public Sector relations. It has been viewed as significant that CSOs that participated in the Sub-Committee meetings were composed of organizations with different opinions regarding the draft law. On the other hand, it is interesting that the Sub-Committee only listened to CSOs receiving an invitation, and reserved only two days for the debates on the draft law, which contains radical changes in the education system. However, the fact that various amendments were made on the draft law based on the opinions of CSOs is considered a significant gain for CSOs, and it serves as a model regarding the CSO-Public Sector relations.

CSOs that were interviewed as part of the Civil Society Monitoring Report have stated that they were going to report and share the positive and negative developments during the implementation of the law amendment with the public in order to help improve the system.

⁶³ Aytug Sasmaz, *Ibid*.

⁶⁴ 12 Yil Zorunlu Eğitim. Ministry of Education. http://www.meb.gov.tr/duyurular/duyurular2012/12Yil_Soru_Cevaplar.pdf

CASE ANALYSIS

THE VAN EARTHQUAKE AND CSOS

The disaster management of the 2011 Van Earthquake, the CSO- Public Sector collaboration after the earthquake, and the aid collected had been one of the most widely discussed topics in the area of civil society in the past year.

The October 23, 2011 earthquake measuring 7.2 at the epicenter of Van-Erciş, has created destructive damage in Van and its districts, causing a high amount of fatalities and property damage. The second earthquake, on November 9, 2011, measuring 5.6 at the epicenter of Van-Edremit, occurred at a time when the recovery relief activities for the first earthquake were still continuing. This caused several people, including relief volunteers and search and rescue teams, to lose their lives.

The Secretary General of the Human Rights Foundation of Turkey (THIV), Metin Bakkalcı stated that even though Van is known to be a first-degree disaster area, shaken by several major earthquakes throughout its history, it had not gone through the pre-earthquake preparation process called the “primary protection”.⁶⁵ According to the Istanbul Technical University Institute of Earthquake Engineering and Disaster Management’s

report, considering the locality of the earthquake, simple engineering mistakes, ignoring the fundamental rules in establishing load-bearing systems and lack of engineering services in the reinforced concrete buildings are among the causes of high quantity of loss of life and property. Other reports, published by various institutions including the TMMOB Chamber of Geophysics Engineers, upon inspection emphasizes that negligence during the construction of the buildings is another cause of the destructive damage of the earthquake including negligence of the public institutions is strongly pointed out.

Although the pre-earthquake measures were insufficient, CSOs that TUSEV has interviewed have stated that compared to the period following the 1999 Marmara Earthquake, the Van Earthquake activities have been conducted more efficiently and harmoniously in terms of search and rescue activities within the critical first 72 hours. The fact that a great deal of experience had been gained regarding crisis management and immediate reaction in the aftermath of the 1999 Marmara Earthquake has a significant influence on this. As expressed by Saydun Gökşin, the Secretary-General of Search & Rescue Association (AKUT), after the Van Earthquake and with the influence of the founding of the Prime Ministry Disaster & Emergency Management Presidency (AFAD), public institutions have acted more planned and well prepared in terms of transportation of primary needs to the region, transportation of medical teams and equipment, and the search and rescue activities were better coordinated. AFAD, conducting its post-earthquake activities at a national level on the basis of 7 days and 24 hours, and the Disaster and Emergency Management Center, which operates on the basis of 24 hours within the Van Governor’s Office, have been influential in the efficient search and rescue activities.

The infliction of serious damage of the earthquake in Van and the surrounding districts, caused various national and international aid campaigns, and brought along several questions regarding CSO-Public Sector cooperation, crisis management, loss assessment, and revival activities. At first stage, several national and international civil society organizations, as well as public institutions have intensively provided support in various ways for the needs of the earthquake victims in the areas of accommodation, food, clothing and psychological/social support.

⁶⁵ Van’da İstenirse Organizasyonsuzluk Hali Aşılabilir. Bianet. Access Date: November 29, 2011. <http://bianet.org/bianet/toplum/134402-vanda-istenirse-organizasyonluk-hali-asilabilir>

CSO Activities in the Aftermath of the Van Earthquake

Following the Van earthquake, several CSOs that operate in the city have also become victims of the earthquake. September 2012 interviews conducted present by TUSEV that several CSOs operate inefficiently due to the fact that their buildings have been destroyed or suffered severe damage during the earthquake therefore making them continue their operations under poor physical conditions. A large number of CSOs lacking resources to move into another building have still been operating in containers even though it has been a year since the earthquake. There are CSOs that managed to survive and maintain their activities thanks to the devotion of the association employees. For example, the Association for the People with Physical and Mental Disabilities, despite the fact that they operate under poor physical conditions, have been continuing its operations for the disabled at the home of the association's General Director. Some CSOs, on the other hand, have completely suspended their activities due to their unsuitable financial and physical conditions following the earthquake. Women's rights organizations in Van, although are continuing their activities geared toward women and children, have pointed at the malfunctions experienced in the implementation of the social/psychological support activities assessments due to the difficulties experienced in terms of initially operating in tent cities.

Civil society organizations operating in other cities of Turkey, in addition to their post-earthquake urgent need relief efforts, also conducted reporting activities in the region. CSOs such as AKUT, the Sarmaşık Association and Kimse Yok Mu? Association supported the region through search and rescue activities, in addition to campaigns for monetary and in-kind support. During this process, AFAD was appointed to exclusively deliver support⁶⁶ in a fast and healthy manner to the earthquake zone, and the monetary support were collected in a Prime Ministry bank account. The Foreign Affairs Ministry who initially stated that they would not accept foreign aid on the grounds that there was no need, announced in the following days after the earthquake that there was need for tents, prefabricated housing, accommodation containers, and that they would accept foreign aid.⁶⁷ Aside from the aid campaigns that

were announced via the media, CSOs have initiated aid campaigns of various scales within the scope of their organization's activities. For instance, the paper collectors in Istanbul and Ankara have gathered parcel pieces and other useable materials that they collected recyclable waste from the Recycle Workers Association for those who wanted to send aid but were having difficulties in finding boxes. The collected boxes were delivered to those in need of them.⁶⁸ Organizations such as the Educational Volunteers, the Mother Child Education Foundation, and the Turkish Educational Foundation have conducted important campaigns and activities in Van in the field of health and education for mothers.

Campaigns aiming at helping the earthquake victims from various aspects following the earthquake were not limited to search and rescue, and monetary/in-kind aid collection campaigns. Several civil society organizations in different cities of Turkey have devotedly contributed to the region with psycho-social support campaigns. The Documentarist that operate under the umbrella of the Avrasya Arts Collective (ASK) have organized film workshops and creative art workshops as a psychological comfort for the child earthquake victims within the Playhouse, opened with the support of Van Municipality⁶⁹. Gündem Çocuk Association, operating in Ankara, established a news blog, a weekly newspaper, internet radio, and radio shows that were created by the child earthquake victims as a result of their eight weeks long work. The Association of Turkish Psychologists have organized meetings in order to inform the public institutions about the psycho-social activities, and conducted various psycho-social support activities that target children, youth and adults at the centers they opened in Van and Erciş.

The Van earthquake is an important case for analyzing spontaneous civil society reactions and activities in moments of crisis. The *Van, You Are Not Alone* (YDV) blog that was immediately started a couple of hours after the Van-Erciş earthquake in October 23, operated as an information coordination support website that posted up-to-date information on the status of search and rescue activities and aid campaigns following the Van

⁶⁶ <http://www.resmigazete.gov.tr/eskiler/2011/10/20111025-18.htm>

⁶⁷ http://www.bbc.co.uk/turkce/haberler/2011/10/111026_turkey_van.html

⁶⁸ *Kağıt Toplayıcılarından Van'a Destek*. Bianet. Access Date: October 27, 2011 <http://bianet.org/bianet/toplum/133664-kagit-toplayicilardan-vana-destek>

⁶⁹ Detailed information about the activity can be reached at http://www.documentarist.org/doc_gazete/HangiInsanHaklari2011_Van_ElifErgezen.html.

earthquake. It also published lists of necessities, and its activities were performed completely by volunteers.

The reporting activities conducted by CSOs in Istanbul are quite significant in terms of documenting the process that unfolded in the aftermath of the earthquake. Mazlum-Der published the *Evaluations About the 2011 Van Earthquake and the Earthquake Report About the Process of Claiming Rights for People Who Suffered Damage at the Earthquake*,⁷⁰ which elaborates on the human rights violations in the region and aims at informing the earthquake victims about the criminal liability, legal liability, compensation processes with regards to state's responsibility. Another CSO that analyzed the Van Earthquake in terms of human rights violations, The Human Rights Associations (IHD), documented its findings on violations of rights to life, shelter, health, and discrimination via the *IHD Van Earthquake Report*⁷¹, upon their field visit to Van.

According to the interviews with CSOs, the most troublesome issue for all the Istanbul-based CSOs who operate in the area of disaster management during the phase of effective and efficient transportation of the aid to those in need, as well as the phase of assessment and the reporting of the current status, is about the Public Sector-civil society collaboration and dialogue during the post-earthquake period.

CSO-Public Sector Cooperation

In order to analyze the civil society-Public Sector relations during the period that followed the Van earthquake in a more holistic way, it is beneficial to study the internal dynamics of the public institutions in the region, and to examine the role of these dynamics in determining relations with CSOs.

Regarding the coordination and cooperation among the regional public institutions, the continuation of the evident communication gap between the Van Municipality and the Office of the Governor during the post-earthquake period have been frequently mentioned by CSOs. The media have also elaborated on this issue by stating that the communication gap in areas needing joint efforts in

strategic and collective decision-making. According to the story published in the Birgün newspaper, "journalist Ahmet Hakan stated that there is an organizational mishap in the earthquake region, and because the Mayor of Van, Bekir Kaya, is affiliated to the Peace and Democracy Party (BDP)⁷², both the office of the governor, and the local bureaucratic organizations of the AKP government do not want to collaborate with them."⁷³ After the October 23 earthquake, the initial absence of the municipality at the AFAD city coordination center, its taking a backseat approach as a local actor that knows the city well during the damage assessments and the restructuring of the city are examples of the lack of coordination between the office of the governor and the municipality.

When we analyze the activities at the ministry level, the Ministry of Family and Social Policies, and the Ministry of Environment and Urban Planning, by their area of operation, seem to be the ministries that can collaborate with civil society organizations during joint decision-making processes when considering the primary needs in areas such as the social/psychological support and restructuring after the earthquake.

According to the Child Foundation's report⁷⁴, the services were not sufficient in terms of the Ministry of Family and Social Policies, family-society relations, psycho-social support for children and women, and the short-term and medium-term programs generated for the elderly and disabled. During the interviews conducted by TUSEV with CSOs in Van, it has been stated that initially there had been delays in women organizations' access to the tent cities, and in getting permits for their activities in the tent cities. These delays are stated to have caused deficiencies in needs assessment, in determining the areas that are of top priority, and posed a challenge in determining the true conditions of the women living in the tent cities. In addition to this, it has caused the public institutions to fail to benefit from the experiences of organizations that closely know the region and follow its needs. The Ministry of Family and Social Policies and the Ministry of Health managing different programs in the region in the areas of psycho-social support activities, caused more than one organization to perform similar tasks, and this issue

⁷⁰ The full report can be reached at <http://istanbul.mazlumder.org/yayinlar/detay/raporlar/3/van-depremine-iliskin-degerlendirmeler-ve-zarara-ugramis-kisilerin-hak-arama-sureclerine-iliskin-deprem-raporu/572>.

⁷¹ The report is accessible at <http://www.ihd.org.tr/>.

⁷² Pro-Kurdish Peace and Democracy Party

⁷³ Ahmet Hakan: *The BDP's Municipality in Van is Being Marginalized*. Birgün. Access Date: October 27, 2011 http://www.birgun.net/actual_index.php?news_code=1319733247&year=2011&month=10&day=27

⁷⁴ The full report is accessible at <http://www.cocukvakfi.org.tr/icerik.aspx?id=118>.

became an example for lack of coordination, which has been frequently mentioned by CSOs.

It was mentioned that the CSO-Public Sector relations were not at a desirable level during the region's restructuring process. According to the *Sociological Observations Report* prepared by the Child Foundation, as a result of the survey study conducted under the leadership of an academic staff, there was miscommunication between the Ministry of Environment and Urban Planning and the Chambers of Architects during the restructuring process of Van. The miscommunication occurred regarding the damage assessment and determining issues related with housing and business areas. CSOs which have members who are experts and academics as geologists, civil engineers, city planners, and city sociologists in the region have not been involved in the restructuring process of the region until recently, and this has hindered the process of finding solutions to the city's shared problems through democratic and participatory means. Furthermore, the initiation of a restructuring process without the participation of CSOs in the decision-making processes resulted in outcomes which do not reflect public demand.

When we analyze the post-Van Earthquake process from the perspective of CSO-Public Sector cooperation, flaws are observed at the collaboration level. In the interviews conducted with regional and national CSOs that were active in Van after the earthquake, it has been stated that the CSO-Public sector cooperation had not been at a desired level. During these interviews, it was emphasized that while some of the organizations that perform right-based activities and wanted to conduct similar activities in the region were able to get the necessary permits from the Office of Van Governor, others were not able to do so.

In the interviews conducted with the local CSOs in Van, it was mentioned that the public institutions did not treat CSOs equally, and that the political phases in Van played a role in determining relations with CSOs. Some of the interviewed CSOs expressed that the relationships established with the public institutions prior to the earthquake have played a positive role in finding support for some of their activities. The absence of egalitarian and transparent mechanisms to define the CSO-Public Sector relations have at times made it difficult for CSOs to operate effectively and efficiently, negatively affecting the scope of activities and the number of earthquake victims' benefitting from these activities.

Collected Aid

In the aftermath of the Van earthquake, numerous national and international aid campaigns were started in order to be able to immediately respond to the needs of the people in the region. Social media had played a significant role in the wide proclamation of these campaigns. The "Van You Are Not Alone" web-site built via Wordpress, the "My House is Your House Van" campaigns initiated by the journalist Ahmet Tezcan via Twitter, and the #Pray4Turkey used for initiating international support for the earthquake, also via Twitter, have all played a major role in sending assistance and aid to the region via social media. Although it is a well-known fact that a sizeable amount of aid were collected for the region following the Van earthquake, the lack of transparency in the sharing of information regarding the collected aid has resulted in not being able to obtain information on the effective distribution of the collected aid to those in need.

The response given to a Rights to Information application⁷⁵ made on behalf of fourteen women's organization regarding the amount of collected aid to the Governorship of Van Disaster Coordination Center and its use following the Van earthquake strengthens the questions marks surrounding the collection and distribution of the aid in a transparent and accountable fashion. According to the response given to the petition, the monetary aid was collected in bank accounts that belong to the Prime Ministry; however the question asked by the women's organizations about the amount of collected aid was left unanswered. Therefore, a clear response regarding the amount of collected aid, as well as how it was used was not received. The fact that none of the CSOs that were interviewed had benefited from the aid collected in the Prime Ministry's account makes it impossible to obtain clear information regarding the use of the aid.

However, in the booklet published by AFAD in the aftermath of the Van Earthquake, the information below was provided regarding the aid collected after the earthquake. According to the table, it is striking to see that CSOs who are suffering several problems in terms of their financial sustainability had provided aid approximately twice the size of the aid provided by the private sector⁷⁶.

⁷⁵ Van Depremi Yardımlarına Ne Oldu? Bianet. Access Date: January 26, 2012 <http://www.bianet.org/bianet/diger/135727-van-depremi-yardimlarina-ne-oldu>

⁷⁶ Van Depremi Raporu, Başbakanlık Afet ve Acil Durum Yönetimi Başkanlığı <http://www.afad.gov.tr/TR/IcerikListele1.aspx?ID=107>

TABLE 3: THE VAN EARTHQUAKE EXPENSE DISTRIBUTION TABLE (AFAD, 2012)	
Total Immediate Aid Subsidy Sent	460.417.357 TRY
THE PRIME MINISTRY	10.000.000 TRY
Expenses Made From the Humanitarian Aid Accounts	224.030.000 TRY
Expenses of Other Ministries, Public Institutions and Organizations	1.174.500.513 TRY
The Red Crescent	121.740.373 TRY
CSOs (Debriefed)	24.860.000 TRY
Governorships	21.345.000 TRY
Private Sector	13.880.000 TRY
Total Amount of Materials Came From Abroad	76.849.000 TRY
The Transfer Amount to TOKI for Permanent Housing	1.232.673.916 TRY
Total Cost of Van (Exclusive of the remaining transfer amount to TOKI for permanent housing)	3.362.548.699 TRY

The activities related to collection of aid following the Van Earthquake have also provided an important opportunity to observe how the earthquake victims perceive civil society organizations. According to the research conducted by the Child Foundation, 72.2% of the earthquake victims believe that the international institutions, 72.4% believes that the municipalities, 69.8% believes that the civil society organizations, and 54% believes that the Red Crescent have not provided them any assistance at all.

CSOs in Van One Year After the Earthquake

According to the interviews conducted with CSOs in Van one year after the Van Earthquake, the lack of transparent and accountable mechanisms to monitor how the collected aid was spent for those in need persisted. The lack of communication among the public institutions that operate in the region made it harder to establish collaborative work, and this situation had repercussions

on the CSO-Public Sector relations, as well as the activities of the CSOs. The unfavorable physical and financial conditions of the CSOs whose buildings were destroyed by the earthquake became an impediment in conducting effective and efficient work.

When the process that was developed following the Van Earthquake is evaluated from the viewpoint of CSOs, the fact that the search and rescue activities were conducted in a more coordinated and effective manner due to the experience gained in the aftermath of the 1999 Marmara Earthquake, and the establishment of AFAD has been considered as a positive development. Another acknowledged positive development has been the comprehensive and effective contribution of CSOs that operate in various Turkish cities to the needs that arose in the aftermath of the Van Earthquake.

Despite the difficult conditions that persist in the region, it was proven that civil society in Turkey could come together and conduct joint activities following a disaster in the aftermath of the Van Earthquake.

CASE ANALYSIS

PUBLIC SERVICE ANNOUNCEMENTS AND CSOS

The public service announcement practices that were commonly seen on the radio and TV stations during the period of 2011-2012 are analyzed considering the application process, the CSO experiences towards proposal decisions, and the broadcasting of the public service announcements.



WHAT IS A PUBLIC SERVICE ANNOUNCEMENT?

According to the Public Service Announcement Circular's 3rd(c) clause, a Public Service Announcement means "informational and educational film and sound recordings along with their lower band that were prepared or ordered by public institutions and organizations, as well as civil society organizations such as associations and foundations, and considered a public-interest broadcast by the Supreme Council". The public service announcements are broadcasted for free and they are not added to the duration of the commercials as per the clause 10(5) of the Law on the Foundation and Broadcast Services of Radios and Televisions.

Public service announcements (PSAs) are one of the most effective mediums that can be used by the CSOs to raise awareness and communicate their activities. CSOs that work in various areas such as environment, education, health, women's rights, physical and mental disabilities are using public service announcements as part of their awareness raising and fundraising activities by widely advertising their projects and campaigns. Several organizations that lack sufficient funds to broadcast their announcements and promotions on TV stations and radio stations are able to apply to the Radio and Television Supreme Council (RTUK), and this way their announcements are recommended to be aired as public service announcements. Broadcasts that are recommended as PSAs are not considered within the commercial space, that is commercial broadcast, and therefore those considered public service announcements are encouraged to be broadcasted for free or for a very nominal fee.

The RTUK have published a circular on August 8, 2012 regarding public service announcement methods to clarify codes of practice. Short films and radio spots that earn a public PSA certificate, in accordance with the Public Service Announcement Circular⁷⁷, have offered

an opportunity to CSOs to widely share their advocacy activities, and to make contribution calls for their campaigns via visual and audial media. The Public Service Announcement Circular regulates the principles regarding the recommendation of PSA, terms of application, PSA run time, and their validity within the framework of the existing legislation.

According to the information given as a response to the access to information application submitted to the RTUK within the scope of the Monitoring Report, there were 183 PSA applications submitted to the Supreme Council in 2012. Among those who applied, there were central public institution units, local administration units, one corporation, inter-governmental institutions, two city councils, CSOs, as well as vocational chambers. 148 of the PSA applications were accepted, while 34 of them were rejected. According to the response to the access to information application, associations and foundations have submitted 78 PSA applications, and 56 of these were accepted. 72 out of 83 applications made by the public institutions were also accepted.

Public institutions and CSOs in their applications are required to submit a CD/DVD that contains an essay explaining the goal of the broadcast, and the final version of the PSA film or radio announcement to the RTUK. In addition to these documents, the necessary permit documents are also requested for the broadcasts with the goal of collecting aid. According to the rules determined by the Supreme Council, film and sound recordings cannot be longer than 45 seconds, and they cannot contain advertisement.

The 4th clause of the circular, demands that the PSA be prepared "about events and developments that concern social matters and have a public-benefit in their communication". The positive responses received for the applications function as recommendations; the announcements of organizations with a PSA certificate are recommended to be broadcasted for free, exclusive of the TV commercial run time limit. These recommendations do not impose any obligation onto the TV and radio stations, and in the case that these announcements are broadcasted, the channels/stations define their own air times.

Public service announcements bring along various debates due to the goals they serve, the underlying messages, and the organizations they belong to. Whether

⁷⁷ The Public Spots Circular can be reached in Turkish at http://www.rtuk.org.tr/sayfalar/icerikGoster.aspx?icerik_id=bb9dc728-3874-4fdd-917e-97891ecf334b.

the short films, that were granted a PSA certificate, are giving democratic, participatory, and pluralistic underlying messages have become a popular topic debated by experts. Experts stated that these films, without hidden advertisements and elements of propaganda, should take advantage of this right in order to have the PSAs result in awareness-raising outcomes in informing the public. Sevgi Özkan, of the Middle Eastern Technical University (ODTU) Department of Sociology, has emphasized the importance of “a social advertisement not containing implicit or explicit personal or institutional interest and propaganda” in terms of the public-interest that is targeted through such visual media. In this context, she criticized the recent and more frequent, free broadcasts of “public service announcements based on government activities” in the visual media as if they were social advertisements for the public interest.⁷⁸

The general opinion of columnists who argued this issue in their articles is that PSAs are not used appropriately. In his Hürriyet newspaper article, Yalçın Doğan stated that “the government leaves no room for other PSAs, which are foremost considered over civil society organizations.”⁷⁹ Doğan also mentions that the conformity criteria are ignored when it comes to the public institution, and criticizes the Ministry of Justice PSAs that exceeds the allotted 45-second time limit in their continued broadcasts. With changes made in 2011 and 2012, the free broadcasting of various ministry PSAs were made obligatory for the network channels during the “prime-time” time slots, between 5p.m.-10p.m. The Supreme Council evaluates the audio and visual materials prepared by these ministries according to the broadcasting principles, and those that are found appropriate hold the PSA inscription at the time of the broadcast. When the relevant provisions are closely analyzed, it is seen that each mandatory broadcast has to be aired monthly for at least ninety minutes, and thirty minutes of these have to be aired/announced between 5p.m. and 10p.m., while the rest have to be aired/announced between 8a.m.-10p.m.⁸⁰

CSOs that were interviewed as part of the Monitoring Report have mentioned that the applications they submit

to the Supreme Council are answered between three weeks to a month. Some of CSOs found the opportunity to broadcast their spots on TV channels for free, since they were approved and recommended by the RTUK. Yet, the PSAs had to be broadcast between the hours of 2a.m.-4a.m., when the viewership is quite low. It was also mentioned that the channels requested a fee from the CSOs for broadcasting their PSA during hours with wider viewership, and that these fees are substantially high for CSOs, despite the discount compared to the regular TV commercial rates.

An executive of a CSO whose PSA was accepted has explained the terms of broadcast as follows:

“Even though the films that were sent to the media, along with the RTUK’s letter of approval, are broadcasted, they are not shown during hours with high viewership ratings. Unfortunately, since it is a free broadcast, TV channels are reluctant to air the videos during the channel’s popular hours. Although media channels tend to provide discounted rates to air the videos during popular hours, the prices are still very high for CSOs. The free broadcast is usually done very late at night between 2a.m.-4a.m.”

As research shows, the PSA applications of some CSOs are rejected. The applications for the *Against Violence Against Women 3 Film*⁸¹ produced by the Mor Çatı Foundation and 17 other women’s organizations for television for the Fight Against Violence Against Women Day in 2011, have been rejected by the RTUK on grounds of “violating gender equality.”⁸² RTUK has stated that the reason why the films were rejected for as a PSA was that it contained phrases such as “men do not cry, they make you cry” making references to all men, and contain generalizations that are derogatory to gender equality.⁸³ A CSO that operates in the area of fighting against corruption expressed that the Supreme Council had sent a rejection letter not specifying reason(s) for the rejection of the application sent in 2011.

Considering the fact that short films and radio announcements that are produced to be aired as public

⁷⁸ *Kamu Spotları Çocuklara Ne Veriyor?* Radikal. Access Date: August, 4 2012. <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1096172&CategoryID=99>

⁷⁹ *Hayatımız Kamu Spotu.* Hürriyet. Access Date: September, 27 2012. <http://www.hurriyet.com.tr/yazarlar/21562913.aspx>

⁸⁰ *Articles on Mandatory Broadcasting.* The Radio and Television Supreme Council. Can be reached in Turkish: http://www.rtuk.org.tr/sayfalar/icerikGoster.aspx?icerik_id=5012ecdc-4434-4285-878c-d7fb3f20b1eb

⁸¹ *Mor Çatı Videolarına RTÜK Engeli.* CNN Turk. Access Date: December 13, 2011 <http://video.cnnurk.com/2011/haber/12/13/mor-cati-videolarina-rtuk-engeli>

⁸² *RTÜK İçin Erkek Daha Eşit.* Bianet. Access Date: December 13, <http://bianet.org/bianet/bianet/134736-rtuk-icin-erkek-daha-esit>

⁸³ *Kadına Şiddeti Kim Yapar?* Çatı Women’s Shelter Foundation Press Release. <http://www.morcati.org.tr/tr/haber/41/KADINA-SIDDETI-KIM-YAPAR.html>

spots are a huge cost for CSOs, it would be beneficial to conduct research in order to better understand the effects of such devotedly made productions. It is imagined that investigations of the effect and efficiency of PSAs with regards to CSO activities would be helpful in better utilizing media, which offers important opportunities in reaching the masses. While the 2012 circular that clarifies the principles of PSA practices is considered a pleasing development, transparency of the process is as crucially important. Furthermore, if the Supreme Council were to be more open regarding the criteria used in evaluating the applications, especially in an environment where there is no clear definition of public interest, it would enable more CSOs to broadcast their PSAs.

RECOMMENDATIONS

THE ASSESSMENT OF THE LEGAL FRAMEWORK AND THE LEGISLATION REGARDING CIVIL SOCIETY

- When it comes to the legislation regarding civil society in the area of freedom of association, laws including the Law of Foundations and Associations, as well as the Laws on the Collection of Aid, the Law on Meetings and Demonstrations, the Law on the Relations of Associations and Foundations with Public Institutions, the Press Law, the Turkish Penal Code, and the Misdemeanor Law must be reformulated in order to allow associations and foundations to perform their activities in a more liberal and enabling environment.
- The terms “civil society” and “civil society organization” must be defined in the legislation more clearly in line with the universal standards, and must be included in the relevant policy documents. It is thought that such a definition would contribute to the development of CSO-Public Sector relations further within the framework of concrete and standard mechanisms. Defining such concepts would also contribute to the establishment of a perception of civil society at a societal level, and would prevent discrepancies and malfunctions that are experienced in practice.
- It is necessary to legally recognize foundations and associations that are founded solely for grant making. Necessary amendments in the legislation should also be made in order to endorse the “grantmaking model”, which has a significant potential for providing funding to CSOs.
- Social enterprises are noteworthy opportunities for the financial sustainability of civil society organizations, and they should be defined as separate legal entities in the legislation. In addition to this, tax environment for social enterprises that operate as commercial enterprises of associations and foundations, and cooperatives, should be improved.
- The Municipal Law (amended in 2012), which allows municipalities to financially support CSOs with public benefit status, should specify the scope of activities that will be supported. Additionally, the selection criteria applied by district governors and governorships in selecting associations and foundations (without public benefit or tax-exempt status) that municipalities will provide joint services, must be clearly defined and openly shared.

FREEDOM OF ASSOCIATION

- For associations and foundations, public audits based on the annual statements must be seen as sufficient by public authorities.
- In order to ensure that the public audits are conducted in an egalitarian manner and CSOs who conduct certain activities in certain regions are not intentionally targeted, the frequency, duration of the audit and the scope of the authority granted to the auditor must be clearly defined by the legislation. Due to vague and ambiguous definitions in the legislation that determine the scope of audits and penalties, differences in practices and disproportional punitive charges against CSOs occur.
- The legislation must be reformed to include necessary definitions regarding volunteering. The absence of the concept of volunteering in relevant legislation allows public institutions to interpret it in various ways, and in some cases this difference leads to high legal penalties for the CSOs.
- VGM and the DDB should share up-to-date data on auditing and penalties in order for public institutions

to function in a transparent and accountable way. Sharing of these data is crucial for CSOs to determine shortcomings and inaccuracies, enabling them to better overcome them.

- Concepts that do not have a concrete definition in the laws such as “general morality” and “Turkish family structure” must be reviewed in order to prevent the restriction of civil society’s freedom of association.
- The DDB and the VGM, as a part of their responsibilities, must provide guidance in order to prevent associations and foundations from being fined. Conditions that require penalties must be clearly defined under the Penal Code, and punitive provisions in the Laws of Foundations and Associations must be removed.
- It is essential that associations and foundations be well-versed in the legislation regarding audits procedures, and regularly monitors the changes that take place. Support to the associations and foundations should be given through offering trainings on relevant topics.
- The disproportionate use of the authority granted through the Anti-Terror Law continues to create problems regarding the human rights defenders, as well as the freedom of association of the CSOs they support. The extensive definition and interpretation of the term terror must be overviewed in order to prevent the restriction of the activities of human rights defenders and CSOs.

CSO-PUBLIC SECTOR RELATIONS

- Public institutions should recognize each CSO as a legitimate partner during decision-making and legislation-making processes. Consultation processes must be regulated in accordance to participatory, transparent, egalitarian criteria. This is required to establish a mechanism or mechanisms that create(s) opportunities for CSOs to deliver their opinions. On the other hand, the CSO-public sector relations should not be limited to information provision. Public institutions should create concrete channels for consultation in order to ensure active involvement of CSOs in the decision-making and legislation-making process. Objective and transparent criteria must be determined to engage CSOs in decision-making process, and public institutions must act in an egalitarian manner to foster an effective role for CSOs in the decision-making processes.

- The Law of the Relations of Associations and Foundations with Public Institutions (Law No. 5072) must be abolished and an egalitarian, impartial and transparent mechanism that regulates CSO-Public Sector relations must be developed.
- Necessary changes must be made to the Regulation on the Procedures and Principles of Legislation Making (Mevzuat Usul ve Esaslarına Dair Yönetmelik). The opinions of CSOs must be taken into consideration during legislation making and their participation to strategic planning processes must be ensured.
- In order for CSOs to participate in the legislation making, a concrete mechanism must be developed which will allow them to be heard during the TBMM Commission discussions. Such a mechanism should ensure that CSOs are in consensus with the TBMM on the draft laws. Also, a wider timeframe should be provided for CSOs to be able to thoroughly examine the drafts before they are submitted to the Commissions.
- Public institutions and authorities must share up-to-date, as detailed information and documents on their websites.
- The discrepancies observed in the responses given through the Access to Information applications, the inadequacy of the content of the responses, and problems arising from the differences in the implementation of the process in each institution must be resolved by the public institutions and authorities.

LEGISLATION REGARDING FUNDRAISING

- Collection of Aid Law is among the laws that were promised to be changed according to the Turkey’s 2007-2013 Programme for Alignment with the EU Acquis. This law must be either abolished or removed from the legal framework that regulates foundations and associations. Alternatively, the law can be revised in a way that will allow CSOs to collect aid more freely.
- Tax-exemption and public benefit statuses granted by the state to the CSOs should be based on the state’s support and encouragement of the public benefit activities conducted by the CSOs. In this regard, the advantages offered to foundations and associations must be revised based on best practices observed in other countries.
- A comprehensive definition for “public benefit

organizations” must be made in order to eliminate the equality discrepancies between foundations and associations. This status must be redefined in a way that will bring in certain advantages, and thus responsibilities, to the organization that holds them. The state should ensure that the maximum possible number of institutions benefit from the tax-exempt and public benefit statuses. This can be maintained through granting these statuses through objective and egalitarian criteria defined by law. Activities that make an organization eligible for acquiring the public benefit status should not be defined narrowly. On the contrary it should be as broad and flexible as possible, taking into account the needs that might arise in the future. The public benefit status should be granted by an institution that is transparent and easily accessible by anyone, and not by an inaccessible and political body such as the Council of Ministers.

- Government-backed financial support provided to Public Benefit Organizations must be increased and giving towards such organizations must be encouraged. Also, various tax exemptions and exceptions should be provided.
- Special accounting standards for foundations and associations must be developed and put into practice. Reporting for foundations and associations must be clearly defined by predetermined standard forms used.
- Payroll giving must be encouraged through eliminating the obstacles that discourage people who work on a payroll from making donations. Necessary steps must be taken to allow tax-exemptions to individuals making donations to public benefit organizations.
- The tax-deductible ratios of donations from individuals and legal entities should be increased. The percentage should be increased from 5% to 10%, as it is in many EU countries (for priority development areas may even be 20%).
- Foundations and association founded on fulfilling their missions as non-profit enterprises by providing a public service should be exempt from Corporate Income Taxes.
- The transfer of profits, gained after Corporate Tax payment, to foundations and associations should not be considered as dividend payments, and therefore should not be subject to income tax.
- The goods and services bought by foundations and

associations within the framework of their public benefit activities should be exempt from the Value Added Tax.

- The commercial enterprises of foundations and associations should be allowed to acquire goods –fixed assets–, and to register these goods (fixed assets) on their behalf.
- Public benefit foundations and associations should be exempt from Property Taxes.
- Public benefit foundations and associations should be exempt from Stamp Taxes.
- Public benefit foundations and associations should be exempt from Notary fees.
- Public benefit foundations and associations should be exempt from Motor Vehicle Taxes.

INTERNATIONAL RELATIONS

INTERNATIONAL RELATIONS

CURRENT SITUATION

- Organizations that are established abroad are subject to permission in opening up a branch or agency in Turkey. TUSEV's research shows that organizations established abroad which applied for permission have experienced the following problems: Receiving a rejection without providing reason, unanswered applications, and the lack of post-application follow-up procedures due to the lack of transparency in the process.

Two foreign civil society organizations were refused permission to establish a branch office in Turkey. (The EU Progress Report 2012)

- CSOs' international communication and collaboration activity frequency continues to vary regionally.
 - In an environment where local resources and donations to CSOs are not sufficient, international funds play a crucial role for the CSOs' financial sustainability. Especially the European Union programs, followed by the international financial institutions such as the World Bank, inter-governmental organizations such as the United Nations, diplomatic agencies of various countries, and international foundations, which provide grants contribute to the development of civil society in Turkey through their financial support.
 - According to the published data on the DGoF's website, based on the information provided by 2,314 foundations that submitted their declarations to DGoF, the total amount of international funds received by Turkish foundations is 21,247,219 TRY.
 - According to the data on the VGM's website, the approximate amount of aid sent abroad by Turkish foundations in the year of 2011 is 86 million TRY.⁸⁴
- Between 2002-2011, 547 grant contracts have been signed with associations by the Central Finance and Contracts Unit (CFCU) within the scope of IPA. These projects are granted a total amount of 41,503,302 Euros. Additionally, 209 grant contracts have been signed with foundations, and these projects are granted a total amount of 22,398,525 Euros.⁸⁵
 - As part of the 2011 call for grants announced by the European Instrument for Democracy and Human Rights (DIHAA), 23 CSO projects have been implemented. The total amount of grants provided for these projects is 3 million Euros. 2 million Euros is budgeted in 2012 for the Turkey-based programs under the DIHAA.⁸⁶
 - The European Youth Foundation provided support for 180 projects in 2012 that amounts to 1,292,900 Euros. Only 5 of those projects were implemented in Turkey with a total amount of 58,000 Euros grant support.⁸⁷
 - Within the scope of GEF Small Support Program where every year approximately 25 projects are supported, a total amount of \$775,000 grant was awarded in the period between October 2011-2012. A total amount of \$525,000 grant is to be awarded out through the end of June 2013.⁸⁸
 - According to the data published by the Foundation Center, 14 CSOs in Turkey have received 16 grants totaling \$2,043,068 in 2011 from US-based foundations. The fact that the Turkish grantee, the Turkish Red Crescent, received the largest grant (\$1,100,292) in 2011 indicates that the collected donations are made following the Van earthquake. According to the December 2012 data, 4 projects that were prepared by 3 CSOs have received \$1,200,000 of financial aid.

⁸⁵ *The Ranking of Successful Projects According to Organizations*. Ministry of European Union. <http://ab.gov.tr/index.php?p=45174&l=1>The update date of the list is 3/28/2012. In the telephone conversation made with the Ministry of EU official, the initial date of the list is stated as 2002.

⁸⁶ The grant calls and the 2010 grant contracts' list can be reached at: webgate.ec.europa.eu/europeaid Since the 2012 grant contracts are still in process, the list of grantees and the relevant details are still not published.

⁸⁷ Decisions made at the Youth Planning Committee's 28th meeting, 2012, http://www.coe.int/t/dg4/youth/fej/Grant_decisions_PC28.pdf

⁸⁸ Information on the SGP Turkey is compiled from the correspondence exchanged with the National Coordinator of the Program, Gokmen Argun, on 1/21/2013. Detailed information about the program can be accessed at <http://www.gefsgp.net/>.

⁸⁴ *The New Foundation Statistics*. Directorate General of Foundations (VGM). Access Date: November 5, 2012 <http://www.vgm.gov.tr/icerik.aspx?id=192>,

CASE ANALYSIS

THE 12TH INTERNATIONAL AWID FORUM

The case analysis discusses the 12th AWID International Forum on Women's Rights & Development, hosted in Istanbul with the support of CSOs and volunteers in Turkey. The case analysis also elaborates upon the ways the forum contributed to the work of CSOs in Turkey.

The 12th International Forum of the Association for Women's Rights in Development (AWID)⁸⁹ was organized in Istanbul on April 19-22, 2012. More than 2000 women's rights activists from 150 countries participated to the forum, and it is considered as a wide-scale international civil society event, where new ideas and experiences in women's human rights are shared, new tools are created, and partnerships are developed. 250 Turkish women participated in the Forum.

26 people from North American development agencies, agricultural universities, and local organizations founded the AWID in 1982 to discuss the role of women as actors of development process. AWID's research and activities have broadened the focus on sustainable development and gender equality, and now AWID focuses on the human rights of women. The association has more than 5000 female and male members, with offices in Toronto, Cape Town, and Mexico City.

AWID 2012 FORUM THEMES

- *Labor and Work*
- *Militarism, Violence, and Conflict*
- *The Role of the State*
- *Sexuality*
- *The Planet and Ecological Health*
- *Financial Flows*
- *Access to and Control of Resources*
- *Private Sector and Corporate Power*
- *Culture and Religion*
- *Global Governance*

What Were the Factors which were taken into consideration in the Selection of Istanbul to Host the Forum?

AWID is organized every four years, and the last one was orchestrated in South Africa. The organization of the 12th Forum in Istanbul had a major effect on the women's movement in Turkey. Women's associations and activists have undertaken active roles in the decision to organize the forum in Istanbul, as well as in creating and organizing the content.

With the idea that the mobilization of women in developed countries is much easier, the AWID Forums are organized in relatively less developed countries in order to facilitate and increase participation. In choosing Istanbul as the location to the forum, the safety and its logistic accessibility, the abundance and activeness of women's movement in Turkey, and the lobbying activities of these organizations within AWID have been influential.

How Was the Content Determined? How Was Participation from Turkey Ensured?

An international planning committee organizes the AWID Forums. The international planning committee of the 12th Forum is composed of 39 members from different regions of the world. Five of these members are the representatives of different women's organizations in Turkey. One of the members of the AWID, the Kadının İnsan Haklarında Yeni Çözümler Derneği (Women for Women's Human Rights Association (WWHR) NEW WAYS) has played an active role in this process.

⁸⁹ For detailed information on the Association for Women's Rights in Development, please visit <http://www.awid.org/>.

The committee has organized incentive activities to enable more Turkish women to present and organize workshops in the forum's host country of Turkey. Several CSOs and activists have joined the international movement through the forum. In order to encourage participation to the forum from different cities of Turkey, a scholarship opportunity was granted, enabling the participation of 250 women. Due to particular importance given to overcoming the language barrier in their international relations, a significant obstacle for CSOs outside of Istanbul and Ankara, simultaneous translation in Turkish was provided. Additionally, due to intense demand, Kurdish translation was also provided during general sessions and some private sub-sessions.

During the 4-day forum, more than 2000 women participated from more than 150 countries. More than 700 sessions were organized in the forum.

What Were the Contributions of the AWID Istanbul Forum to the Local Women's Movement in Turkey?

As a result of the Turkish representatives in the planning committee mobilizing their own networks as well as other women's organizations, 250 women from Turkey have participated in the forum with a scholarship. The gathering of the international faces of women's movement have provided the opportunity to make collective evaluations, reveal similarities and differences, and feed the prudential analysis of the local CSOs. The topics that were handled have brought new research areas to the local CSOs.

The women's CSOs that participated in the forum were introduced to new tools such as up-to-date information on various issues concerning women's rights organizations, communication technologies, and found the opportunity to implement these tools in their activities. The women's CSOs saw what issues and approaches in the world are being developed in the area of women's human rights, and found an opportunity to get involved in these discussions. Additionally, academic studies, different visits, and joint projects are planned, and new partnerships and collaborations are developed. Participants stated that the most important contribution of the forum was the establishment of an atmosphere of solidarity for organizations and activists who face similar problems in various parts of the world.

CASE ANALYSIS

CHREST FOUNDATION'S EXPERIENCES IN TURKEY

The analysis below explains the experiences and contributions of the Chrest Foundation, an American foundation that has been providing grants to CSOs in Turkey for over a decade.

The Chrest Foundation was founded in 1999 by Jeff Jensen and Lou Anne King Jensen in Texas, United States of America. Coming from a family where there is a tradition of philanthropy, Jeff and Lou Anne Jensen have added an international dimension to their financial support towards disadvantaged children, diabetes research, and social enterprises in the United States by starting to provide financial assistance to CSOs in Turkey in 2001.

The Chrest Foundation, have provided support for approximately 100 projects of 40 CSOs that operate in various cities of Turkey between the years of 2001-2012. The financial support provided by the foundation to CSOs in Turkey since 2001 is over 3 million Dollars.⁹⁰

The founder and president of the Chrest Foundation, Lou Anne King Jensen first came to Turkey during a

⁹⁰ The list of projects supported by the Chrest Foundation between 2001-2012 can be accessed at <http://www.chrestfoundation.org/TR/grantsawarded.asp>.

family trip, and deepened her interest on Turkey at an international conference she attended in Egypt. She explains the decision of the foundation to direct their financial support to Turkey as follows:

“Since the resources of our foundation are limited, we thought that focusing on a single country would bring more effective results than distributing the existing resources to more than one country. We believe that by directing our support to a single country, we will be able to better understand the dynamics of that country, build closer relationships with the people living in it, and contribute more to the social targets defined by the society.”

Lou Anne had met with various CSOs, academics, business people, and public officials during the strategic planning process, and defined the main support areas of the foundation as *gender equality, communication and dialogue through culture and art*. The Chrest Foundation annually provides a minimum amount of \$2,000 and a maximum amount of \$150,000 grant to support 2 to 16 projects; and have given financial support to CSOs working in Ankara, Batman, Bingol, Kapadokya, Diyarbakir, Istanbul and Van.⁹¹

Starting out with the philosophy that “societies know their own needs better than anyone”, the Chrest Foundation works toward maintaining creative and innovative solutions to the social problems in the region through the projects which they support. The basic grant policies of the Chrest Foundation are executed within the framework of building long-term partnerships with CSOs, paying close attention to the transparency and accountability of the grantee organizations, and monitoring and evaluation regarding the effects of the grantee projects.

Lou Anne King Jensen says that the project proposals submitted from Turkey “are generally focusing on similar topics, however project activities somewhat differ among regions.”

The Chrest Foundation’s Board of Directors reached the decision of granting funds to projects upon their careful evaluation of project proposals with Turkish consultants. The effects of the activities and projects of the grantee organizations are monitored through activity reports

and financial reports. Another method that is used for monitoring and evaluation are field visits conducted by the officials of the foundation.

When asked about the developments she has witnessed in the non-profit sector in Turkey over the last 12 years; Jensen comments that:

“In the last 12 years, many changes took place in Turkey, just like in the rest of the world. When I first started working with organizations in Turkey, we were setting our meeting dates via fax machines. In the last 12 years, although it is possible to say that the environment of the civil society in Turkey has become more convenient with the legal reforms, we see that some difficulties still persist. Among the most important problems are difficulties that CSOs experience in accessing financial resources. However, I believe that several issues that were considered as taboos in the society in the previous years are now debatable in the public sphere thanks to the effective role played by the civil society.”

Jensen indicates that the most common difficulties experienced by most CSOs operating outside of Istanbul are having access to funds as the language barrier is a major obstacle for CSOs who wish to apply for international funds. As a grant making organization, the basic problems observed by the Chrest Foundation in the project proposals submitted by CSOs are: the lack of realistic determination of the criteria for the project goals and, objectives, lack of impact assessment, calculation mistakes in the project budgets, and missing deadlines for the submission of reports. However, she also highlights the fact that similar problems are experienced by CSOs in various other countries.

The Chrest Foundation maintains its grant program adhering to the principles of mutual learning and development, and it is among the leading US foundations in Turkey that provide support for CSOs in Turkey. While providing assistance to CSOs that operate in various cities of Turkey in terms of advancing their capacities in project writing and management, the Foundation also mediates them through long-term partnerships and financial support in producing regional solutions to social problems.

⁹¹ The cities mentioned above are where the aforementioned CSOs were founded. Some of the projects supported by the Chrest Foundation are conducted outside of these cities.



Recommendations of the Chrest Foundation to the CSOs who would want to benefit from international funds are:

- **Lack of staff who know foreign languages are an obstacle which prevents communicating with international organizations. Incorporating volunteers who know foreign languages in fundraising activities can contribute to overcoming this obstacle.**
- **Translating the information and (some of the) documents of your organization into English will make it easier for international organizations that may support you to get to know you and your work better. You can ask for support through volunteers who know English.**
- **Through developing your capacity with trainings on project cycle, strategic planning and evaluation of programs, you can improve your project proposals, and contribute to your organization by helping it achieve its goals more effectively.**
- **CSOs can perceive international partnerships as mutual sharing of knowledge and experience. Partnering with international organizations can provide different solutions or views in solving complex social problems. Instead of perceiving this partnerships as an intervention to your organization's internal affairs you can consider it as a ground for thinking of and finding solutions together.**

CASE ANALYSIS

THE NETHERLANDS GOVERNMENT MATRA AND HUMAN RIGHTS PROGRAMS

The government of Netherlands has provided financial support of 1,200,000 Euros in 2012 to Turkey's CSOs through the Matra and Human Rights programs.

The government of Netherlands has been supporting CSO activities in Turkey through the Matra and Human Rights Programs. While the addresses of application for CSOs, for both programs, is the Consulate General in Istanbul for the cities: Istanbul, Edirne, Kırklareli, Tekirdağ, Balıkesir, Bursa, Kocaeli, Canakkale, Yalova, Bilecik and Sakarya; The address for applications for the rest of the countries are under the responsibility of the Embassy in Ankara. The Consulate General and the Embassy jointly manage the program budgets by adhering to the same priorities and principles, and share responsibilities geographically based on the cities from where applications are sent.

The Matra Program

The Matra Program aims at supporting the process for alignment with the Acquis in the Middle East, Eastern Europe, and Turkey, before joining the European Union. Matra provides funds to the projects on various priority

areas of civil society organizations that work in the social sphere, local administrations, non-profit universities, and rarely non-profit businesses. By promoting the collaboration between public institutions and CSOs, the program contributes to the development of good governance and democratic citizenship.

The Matra Program has been continuing since 2000 within the framework of two agreements signed with Turkey. The Matra Program, based on the Copenhagen Criteria, now focuses on certain priority areas to which it provides support to. In this context, the concentrated areas in the project proposals and requests submitted to the Matra program within the year are also influential in determining the support areas. Since 2010, projects in the areas of *the rule of law and good governance, education, media and information and human rights* are becoming the prominent areas that are financially supported by the Matra Program. Within this framework, supported projects concentrate in areas such as *minority rights, LGBT rights, fight against gender discrimination, and freedom of expression*. CSOs submit final reports within two months following the end of the project to present activities they conducted, steps towards the sustainability of activities, problems encountered throughout the process, successes and lessons learned.⁹²

Human Rights Program

Another support program of the Government of Netherlands is the Human Rights Program, executed annually since 2004 by focusing on various themes based on human rights. These themes are defined in compliance with the human rights strategy of the Netherlands. While in the previous years activities in the areas of empowering LGBT rights, child rights, and women's rights were primarily supported as the main themes of Human Rights Program, since 2011 the theme of corporate social responsibility is also included as a priority area.⁹³ In this framework, the support for corporate social responsibility is endorsed for the year of 2012, and Turkey was selected for a pilot study. The activities that were supported by the Program within the framework of this theme started in the middle of 2012. In this context, the supported civil society

organizations have been organizing trainings in various cities in collaboration with chambers of commerce, and other civil society organizations. These trainings are provided for CSOs to monitor corporations' environmental sustainability⁹⁴, and to improve the understanding and implementation of human rights in the business world.

The Program Director at the Istanbul General Consulate of the Netherlands, Leyla Barlas Aslan, along with the Embassy in Ankara, stated that the total amount of financial support provided to the civil society organizations in Turkey by the two programs in 2012 is 1,200,000 Euros.

Project proposal submissions from all around Turkey to the Matra program are accepted, without prioritizing cities or regions. The project calls are made 3-4 times a year, and they are announced from the Embassy and General Consulate websites. Project proposals are coming mostly from CSOs in Istanbul, but activities to be conducted within the scope of the projects are dispersed to other cities. Barlas, states that the organizations that operate outside of Istanbul are less experienced in project writing, and have less access to human resources, and fundraising activities compared to CSOs in Istanbul. The General Consulate of Netherlands officials indicate that in order to overcome this disadvantage they are helping CSOs in preparing their applications, and therefore adopting an approach that encourages CSOs from various cities in Turkey to apply to the program.

The projects supported by the Matra Program are evaluated via the outputs of progress reports, financial reports and final evaluation reports on the project. In addition to this, the program team makes an effort to participate in the project activities as much as possible in order to monitor and support the activities of CSOs.

Barlas points out that, CSOs carry out their activities more effectively and that they are more specialized in their respective fields since 2000 when the Matra Program first started. For instance, while at the beginning of 2000s, there were very few CSOs working for fostering rights of LGBT individuals, which is one of the Matra Program themes, today the number of LGBT organizations has increased, and they are specialized

⁹² Detailed information on the Matra Program can be found at <http://istanbul.nlconsulate.org/services/civil-society/matra-decentral-programme>.

⁹³ Human Rights in the Foreign Policy of the Netherlands. The website of the Government of the Netherlands. Access Date: September 28, 2012

⁹⁴ Regional Environment Center (REC) Turkey, http://rec.org.tr/index.php?module=press&item=press_news_homepage&news_homepage_id=376

in various subjects. Altogether, Barlas states that over time CSOs have become more professional, and more competent in implementing projects.

The Matra Program, which primarily reviews submitted project proposals in the area of human rights, and determines its major themes in accordance with these requests, is anticipated to determine its themes in a similar fashion in the following years. The fund that is allocated for projects that would be supported in this context is expected to continue depending upon the decisions of the government of Netherlands.

CASE ANALYSIS

THE SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY (SIDA)

SIDA builds long-term and strategic partnerships with CSOs, and has initiated the system-based audit process in order to help CSOs strengthen their institutional capacities, and determine their strategic plans.

The Swedish International Development Cooperation Agency was founded by the Swedish government to operate in a total of 33 countries in Africa, Asia, Latin America, and Europe, and channels funds for reducing

poverty. Although Turkey is not in a critical situation regarding the parameters of poverty, it is among SIDA supported countries due to its ongoing membership process to the EU. SIDA also supports CSOs in the accession requirements especially with regards to democratization processes.

The Swedish government has been supporting the activities of civil society and universities in Turkey through institutions such as the Swedish Red Cross, and Raoul Wallenberg Institute. Being initiated by small-scale supports in 1992, this process has reached 70 million Swedish Kronas (approximately 11 million Dollars). With the actualization of the Strategy for Development Cooperation with Turkey policy, which was implemented for the period of 2012-2013, better coordination of the support became crucial, and SIDA is appointed along with the Swedish Consulate to manage financial aid. As a result of these developments, SIDA began operating permanently in the Ankara office, which made the ongoing collaboration more visible.

According to the 2010-2013 strategy document, the goal of the ongoing collaboration between the two countries is to support Turkey's completion of the democratization process, that is one of the criteria of the European Union membership. Despite developments that emerged with the reform process, strengthening of human rights and respect for democracy, and the establishment of structures that guarantee human rights are among the areas where Turkey needs to show improvement according to SIDA strategy document.

SIDA determines its priority support areas based on the strategic documents among which there are the national programs and development plans of Turkey, and it directs its financial supports towards areas of *democratic governance, human rights and gender equality*. The Swedish Consulate that provides support for smaller-scale projects within the framework of similar priorities focuses on activities toward information and awareness rising.

Annika Palo who joined the Ankara team of SIDA as a Strategy Expert in 2011 has pointed out, that the amount of financial support channeled to Turkey as part of the 2010-2013 strategy has been increased as a result of its determination in supporting Turkey's transition process to the EU membership. With this indicated increase, the amount of allocated support through SIDA for the public institutions and CSOs in the period of 2010-2013

is annually 70 million Swedish Kronas (approximately 11 million Dollars). 45% of this financial support goes to CSOs, and 55% of it goes to projects of public institution. The General Consulate of Sweden in Istanbul spends another 14 million Swedish Kronas (approximately 2 million Dollars) to provide financial support and expertise to projects in the areas of human rights, democracy, and gender equality. 75% of the 8 million Swedish Kronas remaining from the administrative costs is provided to civil society organizations, whereas 12% of it goes to universities, 6% to international organizations, and 3% to municipalities to help them carry out projects in the supported areas.⁹⁵

SIDA builds long-term relationships with CSOs it supports, and it aims at collaborations of no less than two million Swedish Kronas, and project periods that would encompass 2-3 years. Annika Palo points out that SIDA have signed agreements with six Turkish CSOs, for generally two or three years, in the most recent strategic planning period. Although CSOs supported by SIDA are based in Istanbul, Ankara, Izmir and Diyarbakir, projects of such CSOs are implemented in various cities in Turkey. It is anticipated that at the end of 2013 eight more local CSOs will be supported.

One of the differentiating characteristics of SIDA, is that it builds long-term and strategic partnerships with CSOs and that CSOs are also expected to go through a *system-based audit process*. According to Palo, the goal of the system-based audit that the Swedish Ministry of Finance mandates is to make sure that the grants, which are made up of the taxes collected from the Swedish citizens, are appropriately used by CSOs, and risks are better calculated.

As a part of the system-based audit, various evaluations on the institutional capacities of CSOs are conducted in order to make sure that the administrative and financial mechanisms of CSOs are strong, and that they have the capacity to effectively manage the grant. As a result of the audit, the needs of the organizations and the areas that they can improve are defined, while analyses are made on CSOs' strategic plans, budgets, and their impact. The CSOs whose partnership process

with SIDA had started prior to 2011 are also included into the audit process, and they go through the financial and system-based audits.

SIDA's long term partnership with CSOs also includes support for capacity building. SIDA works with the Nordic Consultancy Group, a Danish consultancy firm, within the scope of the activities it carries out for strengthening the capacity of CSOs. Through the analyses it conducts, SIDA defines the institutional needs. Based upon the results of this analysis conducted with CSOs, a road map for CSOs is specified. While SIDA provides the necessary financial support for the actualization of the plans towards the strengthening the capacities of CSOs, the experts in Turkey facilitate the process by working with CSOs, providing support to CSOs. CSOs that fulfill the requirements anticipated by this plan resume a stronger institutional structure, and are able to determine their strategic plans and budgets annually. In addition to this, they become able to anticipate the impact created by their program areas and projects more clearly. Palo indicates that the audit and capacity building processes are important for all partners, and emphasizes that "even though the process brings in additional workload to CSOs, it is very beneficial in terms of the development of their institutional capacities, the clarification of their missions, and determination of realistic and attainable goals for the organization." Palo also highlights the fact that SIDA does not see CSOs as merely mechanisms focused on service provision, and states that in finding solutions to social problems, working with organizations that emerge out of these societies play a crucial role in achieving effective results. Indicating that the CSOs in Turkey are quite successful in presenting effective and creative ideas, Palo adds that the collaboration that SIDA has built take place based on these good ideas.

Believing in a strong civil society that may play the role of a watchdog for CSO-Public Sector relations and the public sector activities, Palo states that the long-term partnerships established by SIDA that are geared toward strengthening CSOs will contribute to promoting a more effective civil society in Turkey.

⁹⁵ Information on the support fund of the General Consulate of Sweden has been retrieved from the correspondence with Sevil Ozmen, the Service Manager of Sweden-Turkey Collaboration, dated 1/21/2013. For detailed information: <http://www.swedenabroad.com/tr-TR/Embassies/Istanbul/Hakkmzda/Turk-svec-birlii-Birimi/>

RECOMMENDATIONS

INTERNATIONAL COMMUNICATION AND COLLABORATION

- The participation of CSOs to international conferences and trainings should be considered as a part of capacity development, therefore more financial support should be provided for CSOs to encourage them in participating in such events.
- Declarations that are annually submitted to public institutions by associations and information about their international activities should be made accessible to the general public by the DoA.
- The DGoF should transparently share with the public the scope of aid granted by Turkish foundations abroad and the way this support is used.
- Organizations that are founded and/or operating abroad are restricted by heavy bureaucratic rules when they are engaging in activities in Turkey or collaborating with Turkish CSOs for activities such as opening agencies or branches, founding associations or a higher organization, or joining an existing association or a higher organization. It is necessary to ensure that the process for acquiring permission for such activities is transparent and that procedures are clearly traceable. Public institutions should abandon their suspicious attitude towards international organizations.
- CSOs in Turkey must improve their collaboration and communication with international organizations and networks via participating in international conferences, exchanging information and experience with international organizations and networks, establishing partnerships through accessing international funds.
- CSOs in Turkey should host international meetings more frequently, and should join debates at the international level. CSOs should play an active role in broadening their communication and collaboration through engaging in networks of organizations and activists.
- CSOs in Turkey should improve their experience and cooperation with international organizations through sharing up-to-date information and utilizing

communication technologies. CSOs in Turkey should observe new trends and approaches regarding their relevant field of interests. It is also important for CSOs to train their employees and volunteers on effectively using up-to-date tools of information sharing and communication technologies.

- Notifying public authorities before using grants received from CSOs abroad should not be a mandatory practice. Necessary steps should be taken to ensure that CSOs declare the grants they receive as part of their annual statement.
- Grants that are acquired from international organizations with branches and agencies abroad (The European Commission, The World Bank, The United Nations, Consulates, etc.) should not be perceived by public institutions as income acquired from abroad, and should not be subject to permission.

INTERNATIONAL FUNDS

- Considering that lack of access to professional human resources and language barrier is an important problem in having access to international funds, it is beneficial for organizations to incorporate volunteers that know foreign languages into their fundraising activities. Additionally, CSOs must have the information and documents about their organizations translated into English in order to allow grant making organizations to get to know their activities better.
- International grant-making organizations should not perceive their relations with the CSOs they support as a short-termed and project-based relationship. Instead, they should see these funds as an opportunity to establish long-term partnerships. Additionally, international grant-making organizations should regard these funds as instruments that are given to CSOs to strengthen their capacities in the long run.
- CSOs should share their reports regarding the monitoring and evaluation of their projects which are supported by international funds not just with the funding organizations, but also with the general public. These reports should be made accessible through their websites and other possible tools of communication. Such an approach will not only improve the transparency of CSOs, but it will also enable the exchange of ideas on the strengths and shortcomings of their projects.

INSTITUTIONAL CAPACITY

INSTITUTIONAL CAPACITY

CURRENT SITUATION

- By May 30, 2012, out of 2,314 foundations that submitted a 2011 declaration, 1,169 of them (50%) stated that they have employees who work on payroll.⁹⁶ The total number of employees who work on a payroll in these foundations is 8,065. Only 357 (15%) out of 2,314 foundations stated they work with volunteers, while the total number of volunteers is 1,004,969.
- According to the information available on the website of the DoA, Marmara Region is the region with associations that has the highest number of computers. The Marmara region which hosts 34.9% of the total number of associations, and the ratio of associations with computers is 39.81%.⁹⁷
- TACSO's 2011 Needs Analysis report shows that in CSOs, important decisions are taken by the members of the board of directors and CSOs are managed based on the occurring "daily needs" rather than long-term strategies. "The lack of hierarchy and democratic management systems in the CSOs, and the replication of the management structure or systems of private sector" is criticized in the report (TACSO, 2011).
- There is no regular and continuous public funding mechanism that supports the institutional infrastructure and activities of CSOs in Turkey. CSOs are able to apply to the grant programs run by some public institutions. Aside from these supports, the membership fees, incomes procured from service/product sales, individual donations, supports from companies within the scope of corporate social responsibility activities, and the grant programs of foundations are among the primary financial resources of CSOs.
- The total of active assets of the 2,134 foundations that submitted a declaration in 2011 by May 3, 2012 to

the VGM is over 18 billion Turkish Liras. 2,102 of these foundations have stated that they own a total number of 27,608 real estates.

- The total amount of aid that was received by 2,134 foundations from public institutions is above 260 million TRY. According to these data, the support that these foundations receive from public institutions is 1.4% of the total number of active assets.
- There is still no common understanding and standard implementation in the way the Ministries provide financial support to CSOs. Due to lack of mechanisms that regulate CSO-Public Sector relations, it has been observed that relations with CSOs continue to develop according to the initiatives of the ministries.
- Regarding the financial support provided by Ministries within the Framework of EU funds, the following information is accessible by the general public: Contract number of the supported projects, the name and address of the grantee CSO, the name of the project, the city it will be implemented in, its duration, and the ratio of the grant to the total project budget within the scope of IPA and the relevant EU Program the project is supported by. However, for funds which are provided by the Ministry's' own budget; there are no standard implementation.
- As part of the budget allocated to associations by the Ministry of Interior in 2012, a total amount of 10,072,904 TRY was provided as financial support to 221 associations.⁹⁸
- When the total amount of projects conducted within the framework of Social Support Programme of the Ministry of Development (SODES)⁹⁹ grants is analyzed, it is observed that a total amount of 66,505,583 TRY is allocated to projects of CSOs in 2012. The amount of

⁹⁶ *New Foundation Statistics*. Directorate General of Foundations (VGM). Access Date: December 20, 2012. <http://www.vgm.gov.tr/icerik.aspx?id=192>

⁹⁷ *Association Statistics*. Department of Associations. Access Date: October 10, 2012 http://www.dernekler.gov.tr/index.php?option=com_content&view=category&layout=blog&id=52&Itemid=12&lang=tr

⁹⁸ *Associations and Their Projects That Received Aid from the Budget of the Ministry of Interior for the Year of 2012*. Department of Associations. Access Date: February 27, 2013.

http://www.dernekler.gov.tr/index.php?option=com_content&task=view&id=914&lang=tr

⁹⁹ For further information please see: <http://www.sodes.gov.tr/SODES.portal>

grants that CSOs were allocated in 2012 comprises 34% of the budget allocated for the whole program.

- According to the World Giving Index 2012 prepared by the Charities Aid Foundation, Turkey is ranked 137th among 146 countries that were included in the 2012 research.¹⁰⁰ According to the research results, while 10% of the Turkish population has made monetary donations to CSOs in 2012, only 4% of the population has donated their time voluntarily to CSOs. The ratio of people who helped a stranger is 31% (CAF, 2012).

CASE ANALYSIS

VOLUNTEERISM IN CSOS, AND VOLUNTEERISM POLICIES

Volunteers provide support to the activities of CSOs to actualize their missions, through their donations, expertise and time, and in many cases they comprise a significant portion of the human resources of civil society organizations.

While there is no definition for volunteerism in the Turkish legislation that relates to civil society, several CSOs define their volunteer relations with respect to their tailor-made policies in line with their organization's aims.

There is no legislation or policy document in Turkey that defines volunteerism which sets a framework for the responsibilities of CSOs in terms of volunteer management. Similarly, contrary to EU countries, Turkey also lacks a public institution in charge of volunteering policies. CSOs usually generate volunteerism policies based on their own, unwritten definitions that they come up, with based on their goals and mission, and perform their volunteering activities accordingly. CSOs benefit from the support of their volunteers in various areas such as administrative duties, educational activities, promotional and communication activities, field support, project management and advocacy activities.

Even though there is no agreed-upon definition of volunteerism in Turkey, there are common aspects in the definitions of CSOs TUSEV interviewed as part of the case analysis. These definitions are designated in accordance with CSO's own principles and priorities. Interviewed CSOs define volunteerism as "activities that serve the social benefit" "that were done in compliance with an individual's own will" "activities conducted without financial or any other kind of personal interest". While some CSOs emphasize more on the social benefits of volunteerism, others express the absence of financial expectations as the sole criteria of being a volunteer. It is observed that other countries have been increasingly perceiving management and development of volunteers as a significant and concrete part of their public policies. The primary reason behind defining the term volunteerism via legislation and institutional structures of countries is to ensure the acknowledgement of the benefits of volunteerism to the society at large, CSOs, and the volunteers themselves. Volunteerism is gradually becoming an important aspect due to its contribution to the incorporation of marginalized individuals' into the social life, promoting the sense of social responsibility for individuals, and even contributing to the economic development of states. When we briefly examine countries with public policies and legal legislation regarding volunteerism, it is observed that in various geographies the benefits and opportunities of volunteerism are taken into consideration, volunteerism is politically acknowledged, and tangible steps are taken in this matter.

¹⁰⁰ World Giving Index 2012. Charities Aid Foundation. Access Date: December 21, 2012. <https://www.cafonline.org/PDF/WorldGivingIndex2012WEB.pdf>



EXAMPLES FOR LEGAL FRAMEWORK AND POLICIES REGARDING VOLUNTEER MANAGEMENT IN THE WORLD

Croatia's Volunteerism Law that took effect in 2007 has established the foundation of the National Agency of Development of Volunteerism, and led the way to the advancement of the social status of the volunteers, as well as the generation of policies that regulate volunteer management.

England's Volunteering Development Council conducts meetings with both the governing and oppositional parties, and aims at shaping policies on the government level regarding volunteerism, as well as developing nation-wide activities towards this end.

The Philippines has both a legal framework and an institutional structure that regulate volunteerism. National Volunteer Service Coordination Agency is responsible for the implementation of the Institutionalization of Strategy for Local Development, and the Law for Empowering Volunteerism and Other Goals. The objective of this institution is to provide technical assistance and capacity development services to volunteers and their organizations, as well as to define national volunteering policies and principles.

Lebanon's National Council of Volunteerism works in collaboration with the government, the Prime Ministry, and civil society organizations, and aims at expanding volunteerism nation-wide¹⁰¹

¹⁰¹ *Comparative Analysis of European Legal Systems and Practices Regarding Volunteering*. The International Journal of Non-for-Profit Law. Access Date: September 04, 2012. http://www.icnl.org/research/journal/vol9iss3/art_1.htm

The Research on Volunteerism in the European Union prepared by ICF GHK and published by the European Union, show EU member states approach the concept of volunteerism at a national level, what kind of policies they develop, and which definitions and policies are procured at the EU level since 1997 have been covered. The research states that the lack of legal legislation and bureaucratic framework that regulates volunteerism is a significant obstacle in development of volunteering activities. However, it also emphasizes that in the event of these mechanisms being disproportionate with lots of burdens, the activities of CSOs and volunteers might be negatively affected from this situation.¹⁰² The existence of public institutions that target more effective and efficient results in volunteering through development of relevant policies, and the prioritizing of this topic by the states in public policies are considered useful. However, it has also been thought that some limitations and difficulties may occur due to the content of the legal framework that regulates volunteering. Examples to legal framework which negatively affects the concept of volunteering that is observed in some EU countries are: The restriction of the hours of volunteering activities of unemployed or early retired individuals by law, the various required qualifications and educational certificates from the people who would volunteer in youth activities. Such restrictive legal practices not only cause the marginalization of individuals from various sectors of the society, but they also strip the CSOs away from their autonomy in defining their volunteering policies.

The lack of legal framework that defines volunteering in Turkey causes restrictions in practice and challenge CSOs financially. As stated in the Legal Framework section of the Civil Society Monitoring Report 2012, a CSO that incorporated volunteers into its activities was sentenced to a significant amount of financial penalty by the Ministry of Labor and Social Security due to "employing an uninsured worker" following a public audit.

Opportunities created by volunteering, and responsibilities and liabilities it brings to CSOs are analyzed by several international organizations. The International Labor Organization (ILO) has generated a handbook in order to measure the contributions of

¹⁰² *Volunteerism in the European Union*. The European Commission. Access Date: September 04, 2012. <http://ec.europa.eu/citizenship/pdf/doc1018en.pdf>

Volunteer Activities,¹⁰³ and the International Red Cross conducted reporting activities on the contributions of volunteers.¹⁰⁴ The United Nations Volunteering Program, on the other hand, has been operating humanitarian aid activities in the world's most compelling conflict zones with the international volunteers in its body, as well as conducting research and reporting activities on volunteering.

Research and policy development activities on the concept of volunteerism also exist in Turkey. The NGO Training and Research Center at Istanbul Bilgi University have published the booklet called *the Civil Society, CSOs, and Volunteerism* within the scope of the essays from the 2004 Civil Society and Democracy Conference, and shared Dr. Ahmet Insel's opinions on this matter.¹⁰⁵ Additionally, it contributed to the academic publications in this area by publishing the book called *Collaborating With Volunteers* as part of the NGO Activities Training Series.¹⁰⁶ *The National Volunteerism Committee Towards Establishing a Volunteerism Infrastructure in Turkey* was formed with the participation of various CSOs and public institutions and was initiated by the United Nations Volunteering Program (UNV). The Committee have elaborated on the perception of volunteering and discussed opportunities in Turkey for promoting volunteerism. Also several activities were undertaken, to come up with a framework definition of volunteerism and the scope of activities it encompasses.

The CSOs in Turkey have also carried out research that examines the impact of their own volunteering activities in terms of their contributions to their organizations and the volunteers. The Educational Volunteers Foundation of Turkey (TEGV) have researched the causes of low levels of volunteering among the youth and ways of increasing benefits of volunteering. Also, perceptions on the social advantages of volunteering were elaborated on in the *Benefits of Volunteering*¹⁰⁷ which is research published

in 2009, and in the *Sustainable Volunteering*¹⁰⁸ research completed in 2010. TEGV included several important issues such as the reasons for giving up on volunteering in this research. In the *Impact Assessment* conducted by the Community Volunteers Foundation (TOG) in 2010, the socio-economic structures of individuals who volunteer, and the contributions of volunteering in the individualization process were analyzed.

When volunteering policies implemented by CSOs in Turkey are examined, it is observed that there is no general tendency and method in the way CSOs perceive the issue. Also, it is observed that CSOs define their own unique volunteering policies based on their goals, principles, and priorities. 83% of the CSOs we interviewed while creating this case analysis have mentioned that their volunteers go through an orientation and training process prior to incorporation to activities. While some CSOs subject their volunteers to a particular orientation and training process, others state that they consider appointing volunteers to office activities for a predefined period of time like a month as orientation. The CSOs without an orientation program have preferred informing their volunteers about the relevant activities which the volunteer will contribute to, or the CSO's activities in general. Most of the CSOs we have interviewed make volunteers sign a document which indicates their commitment where mutual responsibilities and principles are specified.

The number of volunteers of the interviewed CSOs varies between 30 and 1,500. While volunteers operate only 2 hours a week in some organizations, this period may go up to 5 days a week in others. A problem which can be observed in terms of volunteer management in some of the CSOs TUSEV has interviewed is the inability to cover the food and travel expenses as well as the lack of health and travel insurances for the volunteers. Although limited in numbers, there are some CSOs, that allocate budgets for such expenses and cover these costs for their volunteers. There are CSOs that hire their volunteers as professional staff following a specific amount of time. Most CSOs interviewed for this research indicated that they have a department or a coordinator responsible for the management of volunteers. However, some CSOs have

¹⁰³ *Measuring Volunteer Works Hand Book*. International Labor Organization. Access Date: September 4, 2012. http://www.ilo.org/wcmsp5/groups/public/@dgreports/@stat/documents/publication/wcms_162119.pdf

¹⁰⁴ *The Importance of Volunteering*. The International Red Cross. Access Date: September 4, 2012. <http://www.ifrc.org/Global/Publications/volunteers/IFRC-Value-of-volunteers-report-EN.pdf>

¹⁰⁵ *Sivil Toplum, STK'lar ve Gönüllülük*. İstanbul Bilgi Üniversitesi Sivil Toplum Kuruluşları Eğitim ve Araştırma Birimi. Access Date: September 4, 2012. http://CSO.bilgi.edu.tr/docs/inselestd_5.pdf

¹⁰⁶ *Gönüllülerle İşbirliği*. İstanbul Bilgi Üniversitesi Sivil Toplum Kuruluşları Eğitim ve Araştırma Birimi. Access Date: September 4, 2012. <http://CSO.bilgi.edu.tr/cd/04/>

¹⁰⁷ *Gönüllülük ve Kazanımları Araştırma Projesi*. Türkiye Eğitim Gönüllüleri Vakfı (Turkey Educational Volunteers Foundation). Access Date: September 20, 2012 http://www.tegv.org/i/Assets/pdf/Arastirmalar/2009_GK_Raporu.pdf

¹⁰⁸ *Gönüllülük ve Sürdürülebilirlik Araştırması*. Türkiye Eğitim Gönüllüleri Vakfı (Turkey Educational Volunteers Foundation). Access Date: September 20, 2012 http://www.tegv.org/i/Assets/pdf/Arastirmalar/2010_GonullulukveSurdurulebilirlik_Arastirmasi.pdf

mentioned that, due to financial constraints, the person who is responsible for the coordination of volunteers is also another individual who works as a volunteer in the same organization. Field and promotional activities, platforms for announcement, and social media are frequently used methods by the CSOs to increase their number of volunteers. Regular information meetings, annual coordination meetings, mechanisms to thank and express gratitude to volunteers for their efforts are among the methods applied in order to increase volunteer motivation.

Institutional policies that emerge from private sector and civil society collaborations, and encourage private sector employees to volunteer are becoming more prevalent. The inclusion of private sector employees as volunteers in activities that aim social benefit is observed as a widespread practice. As a result of the collaborations built between companies with employee volunteering programs and the CSOs, the employees are making good use of their expertise or their time for social benefit through volunteering. The inclusion of experts in volunteer work either as merely support or as being trainers themselves is positively influencing the outcomes and efficiency of such activities. *The Report for Social Investment Programs of Corporations*¹⁰⁹ published by TUSEV puts forth that private sector employees not only provide social utilization by joining the activities of the CSOs, but they also increase the loyalty they have for their companies.

In today's world where the benefits of volunteering activities for individuals, CSOs, and the society at large is gradually acknowledged, it is a positive development that this issue is brought to the agenda of CSOs, public and the private sector. Taking into consideration that the issue is gaining prominence, the absence of a legal framework that regulates volunteering brings along some positive and negative processes due to the aforementioned reasons. In this context, the development of volunteering policies that would improve the motivation of individuals who voluntarily operate under the CSOs becomes crucial, and the expansion of practices that pay attention to the rights of volunteers is one of the topics that need to be brought into the agenda.

RECOMMENDATIONS

HUMAN RESOURCES

- CSOs must define their human resources policies based on the expectations of their professional employees, and in a manner that explicitly contributes to employees. Additionally, CSOs should support the participation of their professional employees to training and capacity development activities.
- CSOs must agree upon the definitions of “volunteerism” and “volunteer”, and this definition should be acknowledged in the legislation, and relevant policy documents. Volunteerism policies must be developed based upon this mutually agreed upon, legal definition. While designating volunteering policies, expectations of volunteers, as well as how CSOs can effectively contribute to volunteers must be taken into account, and such policies should be openly shared.

GOVERNANCE

- The number of training and capacity development activities that were organized for the purpose of informing CSOs about the principles of good governance must be increased. Also, good governance practices must be encouraged, and a larger number of local and national organizations must be able to benefit from trainings on these issues.
- Online databases and accreditation systems should be implemented in Turkey with the support of relevant public institutions in order to encourage and popularize principles such as transparency and accountability among CSOs, and to allow donors to easily have access to information on CSOs.
- CSOs must use the strategic planning method in order to measure the effects of their ongoing activities, define their future goals, as well as the methods and tools that would be used to reach these goals. The internal and external stakeholders must contribute to these activities, and therefore become a part of the short and long term goals and action plans of CSOs.

¹⁰⁹ *Şirketlerin Topluma Yatırım Programları, Türkiye Üçüncü Sektör Vakfı* (Turkey Third Sector Foundation). Access Date: December 20, 2012 [http://degisimicinbagis.org/usrfiles/irketlerin_topluma_yat%C4%B1r%C4%B1m_programlar%C4%B1\(1\).pdf](http://degisimicinbagis.org/usrfiles/irketlerin_topluma_yat%C4%B1r%C4%B1m_programlar%C4%B1(1).pdf)

- CSOs must adopt and implement the universal principles about human rights, gender equality, and the environment in their own work surroundings.

FINANCIAL SUSTAINABILITY

- Names of the grant making organizations, the names of the supported projects, the total amount of the grant, and brief project summaries must be published on the websites of relevant public institutions in order to make them accessible for public use.
- Public funding mechanisms should be regulated through predetermined, concrete standards. Sharing information on projects which receive public funding transparently will allow the general public to acquire information on such practices. It will also allow CSOs to get information on the projects implemented in different regions, and will contribute to learning from shared experiences.
- Quota practices applied for the CSOs must be developed in order to enable more CSOs to benefit from financial supports provided by the public institutions.
- Best practices and stories regarding donations must be extended, and individuals should be encouraged to support CSOs through volunteerism, sharing expertise, and donations.
- Private sector should be encouraged to define their corporate social responsibility activities and strategies according to their priorities and areas of interest, and execute them in collaboration with CSOs. Also, private sector must define policies that would encourage their employees to volunteer for CSOs.
- Communication channels that would bring together the private sector and the CSOs must be strengthened, and activities in which common areas and principles are defined must be supported.
- The current tax laws that do not establish an encouraging atmosphere for private sector to provide CSOs with financial support, must be revised in a way which promotes corporate social responsibility and donation.
- The grant making foundation model, which includes the “Community Foundation” model has huge potential for the fundraising activities of local CSOs. Therefore,

this model must be promoted, and communication and support activities must be implemented to encourage the expansion of this model in Turkey.

- Social enterprises, which emerge as an important model for enabling financial sustainability of civil society organizations, must be introduced more thoroughly to CSOs. The state should take initiative to support this model via acknowledging it in relevant legislation. CSOs' which undertake activities that provide capacity development and financial support programs for social enterprises must be encouraged.

RESEARCH

RESEARCH

CURRENT SITUATION

- The academic publications on civil society in Turkey comprise of a wide area that involves associations and foundations, social movements, civil initiatives of various dimensions.
- Approximately 79 Masters theses and doctoral dissertations on civil society registered in the thesis center of the Higher Education Council in 2011. The masters theses and doctoral dissertations explore various aspects of civil society, such as the importance of civil society in terms of the concept of governance in Turkey, the role of corporate social responsibility in development, and the financial sustainability of civil society organizations.
- The university-CSO relations in Turkey are built via the Civil Society Centers that are very few in numbers but intense in terms of their activities. These relationships are maintained through course options offered by universities in various areas of civil society, social entrepreneurship, social awareness projects, and the participation of academics to the research of CSOs either as researchers or advisors.
- The monitoring projects and reports undertaken by right-based organizations starting from the second half of the 90s in Turkey have gained momentum in the 2000s. Today, many rights based organizations have regular, annual monitoring publications.

RECOMMENDATIONS

- More effort should be put into the development of dialogue and collaboration between universities and CSOs. Each party should be encouraged to engage in collaboration and joint research projects where they could benefit from each other's expertise and enrich the area of civil society.
- Academic research and various study programs on social responsibility and social awareness at universities must be supported. The youth must be encouraged to familiarize themselves with civil society organizations, and conduct joint projects.
- Monitoring reports published by civil society organizations play an important role in collecting up-to-date data regarding civil society's relevant fields of interest, and also allow for comparisons with previous years' data. These reports must be made more widespread and should be more effectively announced to the general public. The data retrieved from these reports must be disseminated to their target audiences, used to form the basis of CSOs' advocacy activities.
- Capacity development activities of CSOs regarding fundraising, advocacy, governance, advocacy campaigns must be supported by the trainings which are also accessible for local CSOs.
- Research and capacity development activities must be updated based on the needs of the CSOs, and they must be made accessible via online technologies to all individuals who are interested.
- The international publications on civil society must be translated into Turkish. By doing so such publications can be made accessible to a larger number of CSOs. Also, there should be more support for the translation of publications which are produced by the Turkish CSOs into other foreign languages.

**APPENDIX
CIVIL SOCIETY
CAMPAIGNS AND
MEDIA VISIBILITY**

APPENDIX

CIVIL SOCIETY CAMPAIGNS AND MEDIA VISIBILITY

Within the scope of the media review which was conducted for 3.5 months by Interpress in 2012, the TUSEV team elaborated on the media visibility of the impact and scope of CSO activities in Turkey. To provide a coherent picture on the media visibility of CSOs in Turkey, the media review has focused on the following dates: 6-20 January 2012, 15-28 February, 1-30 March 2013, 1-30 April 2012, 25-31 May 2012 and 6-15 June 2012. Additionally, taking into account their circulation numbers and their political tendencies the media review focused on Hürriyet, Radikal, Zaman, Cumhuriyet and Sabah.

- CSOs need to be visible in the media in order to make themselves heard by the general public, inform the general public, and find support for their projects and campaigns.
- In the written media, the CSOs have appeared mostly as news (46%) and short news (26%). In columns, on the other hand, CSOs have appeared at a ratio of 22%. The ratio of appearance of the CSOs in the news analysis and editorials is 3%.
- Regardless of how the newspapers define the concept of civil society, and when the publication types are analyzed according to the newspapers, the newspapers that give the uttermost place to civil societies happen to be Zaman, Cumhuriyet, and Radikal. The newspapers that mention CSOs more in their columns are Hurriyet, Cumhuriyet, and Sabah.
- Without differentiating national from local media, the general picture shows us that the news about national, that is CSOs that operate in Turkey represent the 83% of the scanned news. Regional CSO news make up of 4.6% of total CSO news, and locally focused news make up of 3.9% of total CSO news. When we look at these data, it is shown that the national press has a low ratio of giving place to local and urban-based civil society efforts. The international CSO news appears in the written media at a rate of 8.3%. The general picture is that the news on CSOs rarely goes out of the national limits and channeled from the international, local, and regional perspectives.
- When we analyze the dispersion of news on all newspapers, based on the types of CSOs, the first three categories that take the larger space are advocacy CSOs, social contribution programs of corporations and family foundations, and news on vocation and business organizations. The most popular types of CSOs mentioned in news stories are CSO networks, support centers, non-profit media, organizations that are interested in social issues and entertainment, and student-youth unions.
- Social media is very important in the way that it has a participatory structure, and it advances people's right to access to information. This participatory structure of social media creates substantial opportunities not only for commercial brands, but also for civil society in various areas from organization to the announcement of campaigns, and information sharing to resource creation.
- Greenpeace-Mediterranean-Turkey is the leading organization that most actively uses social media in Turkey, and has the highest number of participation. The Greenpeace Mediterranean Turkey, with its 781,000 Facebook fans, has the highest number of fan than several commercial brands in the world.¹¹⁰

¹¹⁰ The number regarding the page followers retrieved by December 2012.

- Greenpeace Turkey/Mediterranean is the most followed CSO on Twitter, as well. Following Greenpeace with their number of followers, we see AKUT Foundation, as well as humanitarian aid organizations such as the Turkish Red Crescent, IHH, and Is Anybody There? Association.
- Printed media in Turkey provides visibility to the CSO efforts in vital areas such as environment, women's organizations, child and human rights, at low levels. Besides this, topics such as accommodation, poverty, migration/refugees, and volunteerism that are very important to CSOs rarely appear in the print media.
- The ratio of other types such as caricature, editorial, news analysis, public opinion analysis, interview, reader's letters that were included in the research are too low to be taken into consideration within the news type's percentage. These data reveal that the CSOs are very superficially handled in the press, and that there are no in-depth research and essays on the CSOs.
- Social media become a crucial alternative for organizations that have difficulties in ensuring visibility in the mainstream media, in terms of molding public opinion, and addressing target audience. Particularly considering the number of users in Turkey, the numbers of Facebook and Twitter followers/users can significantly exceed the circulation of newspapers. It is now imperative that the communication experts working in civil society have to closely follow social media, and carry out activities in this area.

CASE ANALYSIS

THE 4+4<8 CAMPAIGN

HISTORY OF THE CAMPAIGN¹¹¹

The developments that were experienced in the process since the draft law was brought to the agenda until it was approved in the TBMM are as follows:

February 20: The proposal of the draft law by the AKP Group to the TBMM Presidency

February 22: The 4+4<8 declaration of Education Reform Initiative (ERG), preparing the preamble text, and sharing of the text with the public to contribute to the accuracy of the debate in the public opinion¹¹²

February 23: The arrival of the draft law to the National Education, Culture, Youth, and Sports Commission, and its submission to the Sub-Committee.

ERG organizes a press conference and several CSOs and media organizations invited.

February 25: ERG publishes the fact sheet called *What is Continuous Primary Education?* with references to public opinion

February 28: CSOs' presentation of their opinions regarding the draft law in the Sub-Committee meeting

ERG publishes the fact sheet it prepared called the

¹¹¹ The case analysis that examines the discussions on the draft law according to the CSO-Public Sector relations can be found in the Legal Framework section of the report.

¹¹² The documents prepared by ERG as part of the 4+4<8 can be accessed at <http://erg.sabanciuniv.edu>.

International Tendency in Starting Age of Vocational Training, Why the Preschool Education Should Be Mandated by Law?, and Can the Draft Law Prevent Mobile Education in the Country Side?

February 29: The Sub-Committee talks with the participation of CSOs and the following amendments made as a result of these meetings

March 4: The updated 4+4<8 declaration under the light of Sub-Committee amendments, and the sharing of the preamble text by ERG with the public

March 5-12: The debate in the National Education, Culture, Youth, and Sports Commission of the draft law that came out of the Sub-Committee, and the child labor becoming widespread with the reduction of the apprenticeship age to 11, the approval of the amendments that remove the worries about losing gains regarding the schooling of girls and kids with disabilities due to paving the way to open education in primary education after the fourth year

March 8: ERG's public sharing of the fact sheet called *Religion Education that is 'Optional' not 'Mandatory'!*

Immediately after the signing and the presenting the draft law on the *Law on the Primary Education to the Parliament and Some Other Laws*, various reactions were received from the CSOs and public opinion regarding the content of the draft law, and the amendments that were planned to be implemented in the education system. These reactions were expressed through protests, press conferences, and newspaper ads.

ERG has prepared a declaration to inform the general public after the draft law was brought to the agenda, and published a preamble text that constituted the basis for this declaration. These documents were announced to the public opinion through 10 media organizations including CNNTurk, NTV, Kanal D, Hurriyet, Haberturk, Cumhuriyet, Taraf, Zaman, Bugun newspapers, and Bianet, and through a press conference with the participation of six CSOs¹¹³. Press conference was very important for the process since it was organized short after the announcement of the law. Additionally, it was an important initiative to declare the

joint opinion of various CSOs. Furthermore, the fact that the participant CSOs were organizations from various areas of education had a strategic importance in the way the topic was debated on a more rational ground. With this press conference, ERG aimed to reveal significant data about the law and bring a new perspective rather than focusing on the ideological discourse. The representatives of the CSOs that participated in the meeting have shown attitudes with similar messages towards discussing the process.

ERG anticipates that the law is a topic that interests the society as a whole, and therefore has used a coherent language in the fact sheets that presents technical issues with a simple narrative in order to allow non-expert people to have an opinion regarding the content of the law. ERG also played an active role in the policy development process in the discussion stage of the draft law, and it continues to conduct monitoring studies on the effects of the law on education.

ADVOCACY ACTIVITIES

The advocacy activities of the 4+4<8 campaign were generally handled with one-to-one meetings with the decision makers. The first of the two most important activities carried out during the campaign was the meeting with the Sub-Committee, which was founded within the TBMM National Education, Culture, Youth, and Sports commission. The second one was the meeting about the 4+4+4 regulation following the legalization of the bill, with the gathering of actors¹¹⁴ who work in this area. These two processes have constituted the fundamental activities targeting the Ministry. The Organizations which are members of ERG, who emphasize the importance of adopting a constructive attitude in their relations while maintaining the advocacy work, also state that the dialog that was established during the course of the campaign was a positive development.

¹¹³ CSOs that attended the press conference are: Tohum Otizm Vakfı (Seed Autism Foundation), Anne Çocuk Eğitim Vakfı (Mother Child Education Foundation - ACEV), Yüksek Öğretimde Rehberliği Tanıtma ve Rehber Yetiştirme Vakfı (the Foundation for the Advancement of Counseling Education-YORET), Çağdaş Yaşamı Destekleme Derneği (the Association for Supporting Contemporary Life -CYDD), Türkiye Eğitim Gönüllüleri Vakfı (Turkey Education Volunteers Foundation- TEGV), and the Tarih Vakfı (History Foundation).

¹¹⁴ It was organized with the invitation from the Ministry of Education, and the participation of the Director, Coordinator, Assistant Coordinator, and Political Analysts of ERG, The President of the Union of Private Schools Association Cem Gulan, The General Director of TED Sevinc Atalay, and the Director of Research on Economy and Society of the Foundation of Research on Politics, Economy, and Society (SETA) Bekir Gur.

WHAT WAS THE COMMUNICATION STRATEGY?

Although the initial activities carried out by ERG were not referred to as a campaign, the end results of the 4+4<8 slogan have been a significant campaign based on raising awareness and advocacy. Since the announcement of the draft law has been considered “an unexpected development”, the campaign was not initiated with a pre-designed communication strategy. A reaction was fast exposed within in the course of the process. The 4+4<8 slogan was created, and throughout the campaign several efforts were made to collect as many data as possible. The collected data was shared with the public via social media and press, and opened to debate.

As part of the 4+4<8 campaign that did not proceed within a specific media strategy, communication activities were conducted on the existing agenda, rather than creating a whole different one. The ERG team has increased the media visibility of the campaign with the support they received from the Sabancı University communication team.¹¹⁵ Activities carried out as part of the campaign have also played an important role in raising awareness and increasing the visibility of ERG.

HOW WERE THE MEDIA REACHED?

The 4+4+4 law essentially has a lot of technical content, and because of that it is not easily understood by the general public. The briefing role undertaken by ERG in the course of this process has attracted public’s attention, as well as the media’s. This brought along invitations to various TV shows as well.¹¹⁶

“VISIBILITY ON TELEVISION WAS DECUPLED WITH THE 4+4<8 CAMPAIGN”

The ERG officials have participated in several discussion programs in this period, including the “Tarafsız Bölge” on CNNTurk, “Gündem Müzakere” on IMC TV, “32. Gün” on

Channel D, “Memleket Meselesi” on A Haber, “Memleketin Hali” on Haberturk, and “Bugün/Yarın” on NTV.

While in a classical campaign, the agenda of the campaign is predetermined by the organization, the 4+4<8 campaign was developed based on the ad-hoc and fast-changing political agenda of the country and this has provided ERG with an advantage.

Due to the fact that the issue of education in Turkey has usually been brought to the agenda of the media with the opening and closing dates of schools, ERG has published new policy notes regarding the topic in September, right at the beginning of the academic year. Since the draft law on 4+4+4 was announced, it was possible to frequently come across programs concerning this issue on the media. The professional support that was received from the Sabancı University regarding media relations has increased the program invitations sent to ERG.

ERG has mobilized several dissemination channels over the Internet. The 54 videos shared on ERG’s YouTube account following the increased visibility in the media, have been viewed more than 6,500 times by December 2012. Additionally, ERG has e-mailed publications and up-to-date announcements regarding the topic to a communications list of more than 10.000 people.

While the social media was majorly used for announcement purposes, during the 4+4<8 process a significant increase was observed in the number of ERG followers. ERG has 2,018 followers on Twitter. According to the statistics on the Internet, the number of visitors of the website over the course of the 4+4<8 campaign almost doubled the number in 2011. The number of visitors was 13,000 in 2011, while it reached 25,250 throughout the process until December 2012.

The Education Monitoring Report, through which ERG monitors annually the changes made in the area of education, has been downloaded 2,400 times, and the September 18th fact sheet regarding the 4+4+4 law has been downloaded 7,000 times. All of these statistical indicators show that the active use of social media over the course of the 4+4+4 has been a significant opportunity for ERG’s outreach, and sharing of its expertise in the area of education.

¹¹⁵ ERG was launched within Istanbul Policy Center at Sabancı University in 2003, with the aim of improving education policy and decision-making through research, advocacy, and training.

¹¹⁶ According to the information provided by the Supervisor of the Education Programs, Cigdem Tongal, who also conducts the communication activities of ERG, names such as Abbas Guclu, Sedat Ergin, Figen Atalay, Umay Aktas, Nuran Cakmakci, Pervin Kaplan, Oktay Tas, Meral Tamer, Inci Hekimoglu, Ahmet Altan, Nihal Kemaloglu, Gila Benmayor, Evrim Sumer, Funda Ozkan, Andrew Finkel, Sedat Gulmez, Ibrahim Demirkan, Seda Kaya Guler, Namik Kemal Tunc, Canan Bozkurt, Rahime Sezgin, Perihan Cakiroglu, Meltem Gunay, Yonca Poyraz Dogan, Sumeyra Tansel, Nicole Pope, Gonul Koca, Cengiz Aktar, Sinem Vatanartiran, Zekeriyi Yildirim, Sule Yurcu, and Kutlu Esendemir from the print media have mentioned the fact sheets prepared by ERG in their columns, or have reached ERG for its opinion.

HOW WAS THE PUBLIC REACHED?

Has there been a study/research conducted in order to measure the public reaction following the campaign?

There are no studies aiming to measure public reactions to the law. Since the target audience for the 4+4<8 campaign were the decision makers, it was aimed at directly reaching the decision makers. In this context, the members of the parliament were called one by one, and were sent ERG publications prior to the press conference.

The *Eğitimde İyi Örnekler Konferansı*¹¹⁷ annually organized by ERG, participated by primarily teachers, and then other shareholders that work in the area of education, has been used as a tool to mold public opinion throughout this process.¹¹⁸

Although there is not any scientific evidence to back it up, ERG states that they have received positive responses from the general public in every sense throughout the 4+4<8 campaign.

WHO ENDORSED IT?

Which CSOs were collaborated with for the campaign?

ERG has invited various CSOs throughout the campaign to the press conference, and maintained its communication with them. Several vocational organization and civil society organizations have supported the campaign; however there was no partnership in the process.

How did the campaign succeed?

The campaign on the draft laws allowed reaching a large amount of people through creating public awareness. Also, the media paid close attention to the outputs of the campaign. The timely information flow that was provided through the campaign has been a critical factor in the success of the campaign.

¹¹⁷ Eğitimde İyi Örnekler Konferansı (The Good Examples in Education Conference) held by ERG annually, to discuss best practices concerning education in Turkey.

¹¹⁸ In the opening ceremony of the conference, the amendments that came with the 4+4+4 law have been discussed with an integrated approach at the panel which was mediated by of the journalist-author Sedat Ergin, and participated by the Dean of School of Education at the Bosphorus University Dr Guzver Yildiran, the Director of ERG Dr. Ustun Erguder, lecturer at the Bilgi University Associate Professor Kenan Cayir, and the educator Erhan Agbaba, as speakers.

The ERG team has stated that the most important element in the success of the campaign was the advocacy activities. ERG stated that it had transferred knowledge into publications that are based on concrete and objective data and then disseminated to the general public. As a result of these activities, the revisions made on the draft law, and the production of information that could foster rational debates in the public opinion have been considered as positive developments regarding the outcomes of the advocacy activities.

CASE ANALYSIS

THE “YEMEZLER” (WE WON’T EAT IT) CAMPAIGN¹¹⁹

The issue of the genetically modified organisms (GMO), which has been debated in Turkey since 2003, and on which various CSOs have started campaigns, started to draw the attention of a considerable amount of people by 2012. And since, support for campaigns have gradually been increased. Primarily the GDO’ya Hayır (No to GMO) Platform that constitutes 70 organizations including the Chamber of Agricultural Engineers, Ekoder, Ciftcisen, the Turkish Medical Association, as well as other CSOs such as Greenpeace, and the Fikir Sahibi Damaklar (Opinioned Palates) have conducted significant activities regarding the banning of the GMO, a topic that directly concerns human health.

¹¹⁹ Also a synonym for “I don’t buy it” in Turkish.

The GDO'ya Hayır Platform that was supported by various CSOs based on their respective expertise is an important example for collaboration among CSOs. The We Won't Eat It Campaign operated by Greenpeace Mediterranean has played a significant role transforming this issue to a significant campaign, announced by the media which raised awareness in the general public. The technical and information sharing activities of the GDO'ya Hayır Platform, as well as the advocacy carried out with support from the public as part of the Yemezler Campaign towards corporations and public opinion have resulted with the withdrawal of 29 import applications for food-related GDO in August 15, 2012.

HOW ARE GMOs PROCURED?

The GMO is generally procured through the genetic transference of a feature of one being to another that does not naturally have this characteristic.

THE HISTORY OF CAMPAIGNS AGAINST GMO

What was the situation before the campaign?



In Turkey, until the signing of the "Cartagena Biosafety Protocol" in 2003 there was no legal regulation regarding GMOs; however the cohesiveness of the protocol, and the legal obligations it brought have made it necessary to make legal regulations about the issue.

Another important development witnessed in this period was the foundation of the GDO'ya Hayır Platform in 2004. Awareness was raised about GMOs via this platform.

The legalization of GMO has started with a draft legislation prepared by the Ministry of Food, Agriculture and Livestock in 2009. Due to the inadequacy of this legislation, a serious opposition against GMOs has emerged especially among CSOs. Following this period, the Fikir Sahibi Damaklar has stated that *the Legislation On The Importation, Processing, Exportation, Controlling and Auditing of Genetically Modified Organisms for the Purpose of Food and Feed* published in the Official Gazette (no: 27388) in October 26, 2009 did not prioritize human health, and they started a movement that demands the banning of GMO altogether rather than the regulation of GMO products. Fikir Sahibi Damaklar pointed at the substantial role the mainstream and social media had in the sharing of the information as well as maintaining transparency. Fikir Sahibi Damaklar also participated in advocacy efforts aiming at the withdrawal of 29 GMO importation initiatives in food products by the Federation of Food and Drink Industry Associations of Turkey (TGDF) in 2012. In addition to this, some of the organizations that work within the scope of GDO'ya Hayır Platformu have traveled Turkey city-by-city, and raised awareness on GMO prior to the 2009 legislation.

The Biosafety Law and Legislation took effect in September 2010. With the law coming into effect, the Biosafety Council was appointed as the institution that evaluates GMO applications, and conducts scientific analysis. Later on this process, primarily the feed companies, and then the Federation of Food and Drink Industry Associations of Turkey (TGDF) have made applications for GMO importation permits. At the beginning of 2011 the Biosafety Council has granted permits to three kinds of soy genes for the purpose of feed. Lastly, in September 2011, public institutions have sought public opinion regarding 10 corn types with GMO. The Chamber of Agricultural Engineers, a component of the GDO'ya Hayır Platform, has declared its statement regarding the Council reports. Greenpeace has shared the statement prepared by the Chamber of Agricultural Engineers with its supporters, and therefore played an active role in the dissemination of the statement to the public. On the last 2 days of the 21-day period when the statement was shared with the general public with Greenpeace's support, 100,000 signatures were collected against GMO.

Seeing the importance given to GMO and the support from the society within the framework of the petition,

Greenpeace started working more actively towards this demand, and decided to play a more effective role in the GDO'ya Hayır Platform. Following this decision, an Agriculture Campaign section was initiated within Greenpeace, and an active campaign was started on GMO in November 2011. With the completion of the preliminary preparation of the campaign, the Yemezler campaign was initiated in February 16, 2012.

GREENPEACE - YEMEZLER (We Won't Eat It) CAMPAIGN¹²⁰

The *Yemezler (We Won't Eat It)* campaign is composed of two sections which are feed applications, and GMO food. Since the Biosafety Council evaluates primarily the feed applications, Greenpeace has targeted GMOs regarding feed in the first section of the campaign. Greenpeace claims that GMOs should in no way (neither for humans nor as animal feed) be entered into the system, and considering that there were previously granted permits, directed its advocacy activities towards the imposition of tag obligation to the products derived from animals who were fed on such feed, until GMOs are fully banned. As a result of this demand which received support from the general public, Mehdi Eker, the Minister of Food, Agriculture and Livestock, explained in TV programs, first in April and then in June, that they have started the process of tagging products derived from animals fed by GMO feed. He also stated that tagging products with GMO feed will be made possible. This way, a significant achievement was reached about the feed applications as part of the first stage of the campaign. Following this success, Greenpeace is planning to demand the initiation of work on relevant legislation.

In the second stage of the campaign, the banning of the GMO food was achieved. The 29 importation applications of TGDF were withdrawn and the campaign succeeded thanks to the petitions made within the scope of the *Yemezler* campaign, protests, news that appeared in the traditional and social media, and the sensitivity shown to the subject by the public. The details of the campaign conducted by CSOs with the support of the public can be found below.



Figure 1 I don't eat it 83%
According to Greenpeace's public opinion poll, 83% of Turkish population said they don't eat food products with GMOs.

HOW WAS THE PUBLIC OPINION REACHED?

Have Greenpeace conducted any public opinion polls before the campaign?

Following the start of the campaign, a public opinion poll was conducted in June 2012 in order to understand the opinions of Turkish people about GMO products. The research was conducted in June 9-10, 2012 at home via a one-to one interview method throughout Turkey in seven geographical regions, in 42 cities and 194 districts, and 214 neighborhood and villages

that are affiliated to them, with 4,860 subjects who represent the electorate who are the age of 18 or older, and 2,430 of them being women. The research was conducted in 42 cities¹²¹ through interviews, and it was prepared by taking into consideration the urban-rural dynamics of Turkey.

In the research that aimed at defining the perception and the behavior patterns of the public regarding GMOs, questions such as "What is GMO?, What do you generally think about GMOs?, How worried are you about GMOs?, Could you evaluate the use of GMOs in animal food, human food and agriculture or the use of it in farms according to agitation level?, What would you do if you knew there is GMO in a packaged product?, Would you buy other products from a brand if you know that in one of their products there is GMO?, How would you trust a company/brand that imports (or applies for importation) of GMOs?" were included.

¹²⁰ The phrase is also a synonym for "I don't buy it" in Turkish

¹²¹ The cities where interviews were conducted: Adana, Afyon, Ankara, Antalya, Aydın, Batman, Bolu, Bursa, Balıkesir, Bingöl, Canakkale, Çorum, Denizli, Diyarbakır, Edirne, Eskişehir, Erzurum, Gaziantep, Gümüşhane, Hatay, Icel, İstanbul, İzmir, Kayseri, Kutahya, Kahramanmaraş, Kocaeli, Konya, Malatya, Manisa, Mardin, Mus, Ordu, Rize, Sakarya, Samsun, Sinop, Sivas, Trabzon, Van, Yalova, and Zonguldak.

According to the results of the research conducted by Greenpeace via a mobile research company;

- The ratio of those who do not want GMO is 83%,
- The ratio of those who say they would not buy other products of a brand who has one GMO product is 62%,
- The concern of Turkish people regarding GMO is 81.5%.

The public opinion poll that was conducted has provided important data in terms of presenting up-to-date and tangible information regarding the attitudes of Turkish people towards GMOs. Greenpeace based the *Yemezler* campaign on these data and by doing so it was able to strengthen the basis of the advocacy activities and gain public support.

HOW WAS THE COMMUNICATION STRATEGY OF THE CAMPAIGN DEFINED?

What method was followed in order to reach all the target audience?

Generally the *Yemezler* campaign has been a campaign that targets all consumers. Greenpeace has used simultaneously and intensely all kinds of communication channels that combine the traditional and social media in order to effectively send the campaign messages to various targeted audiences. The petition that was started at the first stage of the campaign collected a total of 326,591 signatures, and contacted the signatories through e-mail. On the other hand, efforts were made to place information, news, and visuals regarding the *Yemezler* campaign in mother-child magazines, cook book/magazines, and blogs. Furthermore, the Greenpeace team gave interviews to radio and TV programs on the issue. Aside from all these, the Greenpeace Supporter Relations Team has reached the target audience that only has access to news only through TV channels, through phone and gave them information about the campaign. In addition to these activities, regular information flow was maintained by sending newsletters to all the supporters throughout the campaign.

Throughout the campaign, professional companies were hired to manage the communication activities both in the social and traditional media. The first stage of the campaign that is the use of GMO in feeds has been conducted simultaneously in the traditional and online media. In the second stage towards the food with GMO, brands were targeted one-by-one, and online and social media was

used, anticipating the abstention of the traditional media. Greenpeace has worked with professional communication agencies that voluntarily support the campaign in the areas of advertisement and public relations for conveying simple and effective messages.

HOW WERE THE MEDIA REACHED?

As a reflection of the concern of the public opinion regarding GMOs, the media has also showed interest in the *Yemezler* campaign. News on the campaign has appeared in the most circulated eight newspapers in Turkey with the largest circulation rate. Greenpeace protests as part of the *Yemezler* campaign have frequently found place in the media.¹²² The communication team has preferred one-on-one working method for support from the columnists. Initially the writers who know about several campaigns of Greenpeace, and who already follow Greenpeace were targeted. While in the beginning of the campaign some additional activities had to be organized to attract media attention, in the following periods journalists started following Greenpeace with news demands.

HOW DID THE CAMPAIGN TAKE PLACE IN THE MEDIA?

The fact that the *Yemezler* campaign has focused on a topic that concerns all consumers enabled it to get support from all parts of the society. Several press members have claimed the campaign as it covered a subject that directly affects human health. Some of the press members have made citations by following the Facebook page or website of Greenpeace, and brought the issue to the agenda. Appealing columnists were identified in the visual and print media who might be interested in the topic, and Greenpeace gave those interviews. In addition to these, messages that involve the name of the *Yemezler* campaign, and the issue of GMO were included in popular TV shows such as “Fatmagül’ün Suçu Ne?” and “1 Erkek 1 Kadın”. In order to receive this support from the TV shows, the Greenpeace communication team had contacted them with requests, while some producers have approached with their own desire to highlight the issue in their shows.

¹²² An example for the protests organized by Greenpeace as part of the *Yemezler* (We Won't Eat It) campaign: <http://www.greenpeace.org/turkey/tr/news/yemezler-160212/>

HOW DID THE CAMPAIGN SUCCEED?

According to the interviews conducted with the Greenpeace officials, the success of the campaign cannot be solely attributed to them. They stated that the most important factor that made *Yemezler* successful is that it was a participatory campaign with several people and CSOs, along with the communication team. The 326.591 signatures that were collected as a result of the petition conducted over the website in the first stage of the campaign have constituted the populace that was joined throughout the campaign. The Greenpeace officials have identified their own role in this process as “creating a space for people to make campaigns, and after that assuming the role of channeling these reactions”.

Emphasizing the fact that GMO is an issue that concerns the social health, Greenpeace placed importance in targeting the general public with the *Yemezler* campaign instead of a targeted audience. They paid close attention to using an encompassing language in the campaign that would attract the attention of different groups. The success of the communication activities of the campaign has been evaluated as “after analyzing the current situation by the whole team, contemplation and preparation for the integrated use of various factors”.

The Greenpeace team, with the support of experts, has developed joint ideas on what kind of an attitude would be exhibited through traditional media, or how to get the columnists interested in the issue. The public opinion research developed as part of the campaign and the results of this research have been turned into strong messages with the activities of communication companies who were voluntarily supporting the campaign, and this strengthened the campaign, and increased the number of supporters significantly.

While Greenpeace was managing the communication activities, it had the opportunity to continuously stay in touch with the other CSOs via the GDO'ya Hayır Platform. This has produced positive feedback in the general public regarding jointly advocating for a cause. Also it must be noted that the Medical Association, Chamber of Agricultural Engineers, and Ecological Collective achieved their aims through collaboration. This emphasizes the importance of collaborative work in civil society.

CASE ANALYSIS

BENİM BEDENİM BENİM KARARARIM (MY BODY MY DECISION) AND KÜRTAJ YASAKLANAMAZ (ABORTION CANNOT BE BANNED)

The closing speech of the Prime Minister Recep Tayyip Erdogan on May 25, 2012 at the International Conference of Parliamentarians opened the way to restarting the debate on abortion ban. In his May 26, 2012 speech at the AKP Women's Branch 3rd Ordinary Congress, Erdogan repeated his messages on the issues of cesarean section and abortion.¹²³

Following these two speeches, a reaction occurred in the public opinion, and campaigns were organized against the banning or limitation of abortion by various CSOs, especially organizations that represent the women's movement in Turkey. As part of the Civil Society Monitoring Report 2012 two campaigns are analyzed. Firstly, the *Kürtaj Yasaklanamaz (Abortion Cannot Be Banned) Campaign* which involves an online petition, and was supported by various countries including Turkey is analyzed. Secondly, the *Benim Bedenim Benim Kararım (My Body My Decision)* campaign that was widely supported in the social media where individuals have

¹²³ <http://kurtajyasaklanamaz.com/>

shared their reactions against the draft law, along with their pictures are analyzed due to the fact that they are among the most influential campaigns in this context.

The *Benim Bedenim Benim Kararım* campaign operated by a media organization has provided the opportunity to present reactions with striking visuals thanks to the participation of individuals. *Kürtaj Yasaklanamaz* campaign that received a substantial amount of individual and institutional support through the online petition is important in the way that it was born out of the women's movement, and gained international support.

THE HISTORY OF THE CAMPAIGN

Benim Bedenim Benim Kararım Campaign



Following the first day after the Prime Minister Recep Tayyip Erdogan's "Uludere and Abortion" statements on May 25th, several readers have reached Bianet²⁴ on the phone and said that they would support a campaign that would be concentrated on this issue. Due to its independent nature as a media institution, Bianet has never conducted a campaign before, but after this huge

²⁴ Bianet, the Independent Communication Network (BİA), is a continuous project that has been conducted since 1997 at the center of the IPS Communication Foundation's efforts, on four basic activity areas – editorial desk, legal support unit, educational programs, program development center- with the purpose of empowering "independent media". For more information on Bianet, please visit www.bianet.org.

demand from its employees and its readers, it decided to organize a campaign.

Within the few days that followed the statement of the Prime Minister, the Bianet team and the volunteers have organized a meeting regarding the issue, and exchanged ideas, and made a research on the similar campaigns around the world. According to the research, campaigns that were conducted at different times against similar situations in Syria and Uruguay have showed that campaigns that were supported by celebrities who carry banners that says STOP on them succeeded. As a result of the ideas discussed in the meeting, it was decided that using visuals were considered to make the campaign more visible, and therefore the *Benim Bedenim Benim Kararım* campaign was initiated.

KÜRTAJ YASAKLANAMAZ CAMPAIGN

Kürtaj Yasaklanamaz

Immediately following the statements made by the Prime Minister and the Minister of Health, women's organizations and activists have shared their reactions on various women networks regarding things to be done against the initiative on

banning abortion, and the messages that were necessary to be conveyed. Some women's organizations have expressed their reactions through press releases. Regarding these opinions and reactions, a group of feminist women coming from various women's organizations but especially from the Equality Watch Group (ESITIZ), and Women for Women's Human Rights (KİH-YC) have gotten together in May 30, and discussed what they could do against the government's initiative on banning abortion. Following the discussions, they decided to generate a joint text and a platform that encompass all women's organizations, create a joint website, and start an online petition for the joint text that targets broad participation. The draft text was delivered to the communication groups of women's organizations and suggestions of different women's organizations were taken into account, the *Kürtaj Yasaklanamaz (Abortion Cannot be Banned)*²⁵ website was opened as a platform for corporations and individuals to sign the petition.

²⁵ Detailed information on the *Kürtaj Yasaklanamaz (Abortion Cannot Be Banned)* campaign can be found at <http://kurtajyasaklanamaz.com>.



The petition text¹²⁶ had initially emerged as the joint text of almost 100 women's organizations rapidly continued to gain support through signatures via the website, as well as the communication groups. Within 10 days collected a total of 900 institutional signatures, which included 372 women's organizations, 308 mixed organizations, and 220 foreign organizations (from 49 different countries), and 55,000 individual signatures. The technical support for the infrastructure of the *Kürtaj Yasaklanamaz* (Abortion Cannot Be Banned) website, the updating of the relevant news, and as well as the English, French, German, and Spanish translations of the website have been done by the volunteers who supported the campaign.

WHAT KIND OF AN ADVOCACY POLICY WAS ADOPTED?

It was stated that when the *Benim Bedenim Benim Kararım* campaign first started, there was no goal of reaching the public authorities. According to the campaign team, the goal of the *Benim Bedenim Benim Kararım* campaign was to show the power of reaction via a platform that was established against Prime Minister Erdogan's Uludere and abortion statements. The Prime Minister Recep Tayyip Erdogan have targeted the *Benim Bedenim Benim Kararım* campaign at a live TV show on ATV on June 6, 2012 and said that, "there is propaganda without a religious basis. The body does not belong to you. Of course, this approach varies religiously and culturally. At this point, our faith and our traditions simply oppose this." He expressed his reaction against the campaign by stating that, "According to our constitution, the right to life starts at the moment of conception. Considering this, it is unreasonable to get up and say, 'this

body is mine'. First of all we have to defend the right to life, this is our duty. The other choice is disrespectful of the law."¹²⁷

Kürtaj Yasaklanamaz campaign, on the other hand, has followed an advocacy strategy, towards mostly on Prime Minister and the government, in order to stop the government's initiative of banning or limiting access to abortion. Additionally, the campaign targeted dissemination of information about recent developments by and the visibility of the support statements from abroad. The executors of the *Kürtaj Yasaklanamaz* campaign have informed the international organizations such as the European Commission, the European Council, and the United Nations, as well as women's organizations and coalitions in various countries, universities and academics who are working in the area of women's rights on the situation and their demands, and asked them to share their reaction against the government's initiative on banning abortion. Thanks to the coordinated activities of the *Kürtaj Yasaklanamaz* campaign, and various groups from the women's movement, European Council, World Health Organization, Amnesty International Organization, and United States have made statements regarding the issue.¹²⁸

Kürtaj Yasaklanamaz campaign emphasized making the *de facto* practice of abortion impossible, aside from the banning of abortion initiative. It succeeded in attracting the public opinion and media's attention towards the rejections of abortion demands at public hospitals in various cities, court decision requests for pregnancies as a result of rape, and the damage to the women's and the babies' health due to enforcement of normal delivery.

According to the campaign team of the *Kürtaj Yasaklanamaz* campaign, another success of the campaign was to attract the attention of public and the media on the difficulties experienced in practice within the scope of the Pregnancy Monitoring Program (GEBLİZ), initiated as part of the family practice services by the Ministry of Health. This new practice, which requires those who request a pregnancy test at private laboratories to share their personal and

¹²⁷ Benim Bedenim Benim Kararım Diyen Kadınlara Kızdı. Milliyet. Access Date: June 7, 2012. <http://siyaset.milliyet.com.tr/-benim-bedenim-benim-kararim-diyen-kadinlara-kizdi/siyaset/siyasetde-tay/07.06.2012/1550519/default.htm>

¹²⁸ *The Limitation of Abortion is a Step Backwards*. BBC Turkish. Access Date: May 30, 2012. http://www.bbc.co.uk/turkce/haberler/2012/05/120531_un_abortion.shtml

¹²⁶ The aforementioned text can be accessed at <http://kurtajyasaklanamaz.com/>.

contact information, is considered “useful for desired pregnancies according to the experts. However it pushes the boundaries of privacy in cases of undesired pregnancies.”¹²⁹ After attracting the attention on the topic within the scope of the campaign, the Ministry of Health has ensured that patients receive information confidentiality option.

Another issue that was overstressed by the *Kürtaj Yasaklanamaz* campaign has been the detention of women¹³⁰ during and after the nation-wide demonstrations. During this period, a pop-up message window warning has been continuously made on the campaign’s website, and a message denouncing the detention of peaceful demonstrators were rereleased via a press statement¹³¹.

Other than these aforementioned campaigns, other initiatives have simultaneously conducted advocacy activities employing different methods. For instance, in accordance with the call made by the Kürtaj Haktır Karar Kadın Platformu “Abortion is a Right, Righteous Women’s Platform”¹³², simultaneous sit-in acts were conducted in 22 cities of Turkey in June 8th. The Platform has ensured the actualization of a march participated by thousands of women on June 17th from Pangalti to Taksim. The same platform declared “Virginity, Pregnancy, Abortion Cannot Be Blacklisted” on June 28th, and organized another march in Istanbul, from Galatasaray to Taksim. The Ankara Women’s Platform has organized several marches and street protests starting on May 30th. The Righteous Women Platform has managed to ensure the concurrent publication of a reactionary statement in several newspapers.¹³³ These initiatives were executed with strong communication and in solidarity, and these initiatives by women’s groups complemented each other.

WHAT WAS THE COMMUNICATION STRATEGY?

The *Benim Bedenim Benim Kararım (My Body My Decision)* campaign was born out of a reaction without a preliminary preparation period. For the massiveness and visibility of the campaign, celebrities including artists, opinion leaders and other people who are known to be sensitive about women’s rights were contacted. These people were e-mailed four samples of images that can be used in the campaign, along with an invitation text that simply describes the campaign. Immediately after the e-mails were sent, the images about the campaign started to appear on Twitter, and became viral, the indication of its success. The campaign that was initiated by Bianet has gained strength by becoming widespread in such a short time via the use of social media channels.

The creation of the website for the Kürtaj Yasaklanamaz (Abortion Cannot Be Banned) campaign, and the preparation and the e-mailing of the text that reflects the opinions and suggestions to groups that include more than 200 women’s organizations have been completed in five days. Signatures supporting the campaign were collected for two weeks, and the collected signatures were sent to the representative of the government on June 19.

The initiative went through several debates during the designing of the petition campaign regarding the name of the campaign, the use of the right discourse, and conveyance of an effective message. Within the course of this process, the women’s organizations have continued to stay in touch about the simultaneously conducted campaigns, and supported each other. During the campaign each group have progressed by using different communication methods and tools. Social media channels, petitions, and street protests/marches were frequently used by the women’s movement towards hampering the government’s initiative. The ability to reach more people regarding the activities conducted for the petition of the initiative, and the high number of supportive signatures was made possible due to the fact that feminist women who took part in the coordination of the campaign had strong ties to women’s movement in Turkey and around the world. Feminist women involved in the campaign mobilized social media and their respective organizations, as well as their personal networks. The women that took part in the initiative have contacted several national and international organizations that they were a member of or those that were related to the issue,

¹²⁹ Mahremiyet Butonu. Radikal. Access Date: June 22, 2012. <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1091882&CategoryID=77>

¹³⁰ Kürtaj Eylemine 28 Gözaltı. Sabah. Access Date: June 1, 2012. <http://www.sabah.com.tr/Gundem/2012/06/01/kurtaj-eyleminde-28-gozalti>

¹³¹ The press statement made as part of the campaign can be accessed at <http://www.kadinininsan haklari.org/kategori/haberler/33212/kurtaj-yasaklanamaz-kampanyasinda-toplanan-imbzalar-hukumete-gonderildi>.

¹³² www.kurtajhaktir.com

¹³³ The statement text can be reached at <http://www.haklikadinplatformu.org/icerik/55-bedenimizi-hedef-alan-siyaseti-durdurun>.

the unions, international news agencies, and academics personally, on the phone or through e-mail. At the same time, the course of the petition as well as the current debates on abortion has been shared with the followers via social media.

HOW WAS THE MEDIA REACHED?

In the course of the *Benim Bedenim Benim Kararım* campaign, a major support was received from the print media. Ayşe Arman, one of the columnists of the *Hürriyet* Newspaper, has supported the campaign through writing an article on the campaign in her column and taking part in a photo shoot related to the campaign.¹³⁴ In the first day of the campaign, a great number of journalists have supported the campaign by sending pictures. According to Cicek Tahaoglu, the supervisor of the *Benim Bedenim Benim Kararım* campaign, the support provided by the columnists in the mainstream media, which rarely give place to news about civil society unless they are sensational stories, is an indication of a significant development.

Within the course of the *Kürtaj Yasaklanamaz* campaign, even though there was a team of volunteers that contact the media, the coordinators of the campaign believed that the interest of the Turkish media towards the campaign was low. The press statement made on June 19th has brought this issue to the agenda as follows: “While the Turkish media surrendered to debating the issue generally on basis of religious arguments with the under intense pressure, they did not convey our actions and discourse sufficiently.” The campaign team who took this situation into consideration has worked hard in order to inform the international media on the developments. People in the campaign team that managed the campaign accepted interview requests from national and international members of the media, and the necessary participations were ensured. The international news agencies with representatives in Turkey have also shown great interest to the issue, interview requests from these people were also responded by the group. As part of the communication activities, the campaign documents,

particularly the press statements, were translated into at least one foreign language.¹³⁵

As part of the process since the beginning, with her support to the actualization of the petition campaign and the *Kürtaj Yasaklanamaz* initiative, the member of the Equality Watch Group (ESITIZ), Gökçe Ayata, stated that the debates on the abortion law in the media are based on religious arguments, and discussions continued on the propounded data that centers around the decrease of population, and the women’s rights, as well as the violations of rights that may occur in the event of banning abortion are generally excluded from the debates. This issue was also criticized by the campaign team that started the initiative during a press statement on June 19th.

HOW WAS THE PUBLIC OPINION REACHED?

A webpage was started in order to allow the uploading of images within the scope of the *Benim Bedenim Benim Kararım* campaign, however due to high demand, the website failed in terms of the expected performance. During that time, Bianet called out to volunteers for technical support to make the website effective. In the first days of the campaign, a serious amount of reader’s support, especially on the technical aspect, had been received. Bianet team has mentioned that the campaign had a significant impact since it was developed and strengthened with the participation and support of individuals.

The news about the launching of the website of the *Kürtaj Yasaklanamaz* initiative have been shared with various groups that involve CSOs that work in different areas, primarily by communication groups participated by women’s organizations and activists such as the Women’s Congress, End to Violence Platform, TCK Women’s Platform, women e-groups, Ka-Der, and equality mechanisms, as well as the networks of other mixed groups such as the Conscientious Objection for Peace Platform. Additionally, several face-to-face, phone and e-mail interviews were conducted with relevant national and international organizations, unions, international news agencies, and academics to raise awareness on the aim and role of the website.

¹³⁴ *The Prime Minister’s Statement on Abortion*. TRT. Access Date: May 25, 2012. <http://www.trhaber.com/haber/gundem/basbakandan-kurtaj-aciklamasi-42244.html>

¹³⁵ Certain relevant news can be reached at: <http://en.qantara.de/The-Government-Is-Trying-to-Intrude-in-Peoples-Private-Lives/19376c500/index.html>; http://womensenews.org/story/abortion/120716/turkish-women-blow-whistle-rights-crackdown#.U0b0_m-vFY0;

WHO SUPPORTED IT?

While *Benim Bedenim Benim Kararım* campaign is one that raises awareness and assembles reactions on the Internet, the protest marches organized by the *Kürtaj Haktır Karar Kadınların Platformu (Abortion is a Right Righteous Women's Platform)* that was made up with the call from Istanbul Feminist Collective carried the debates on the streets. Various campaigns on this issue have supported each other and allowed the reactions to be delivered in more than one approach or method. Both women and men supported the campaign.

Protests were organized in a total of 23 cities, especially in major cities such as Istanbul, Ankara, and Izmir, simultaneously with the petition campaign over the course of the *Kürtaj Yasaklanamaz campaign*. According to the women who were involved in the campaign, the simultaneous protests organized in various cities of Turkey such as Mus, Van, Sakarya, Mersin, and Bursa during this process indicate the magnitude of reaction that emerged out of the public opinion.

The translations of the website of *Kürtaj Yasaklanamaz campaign*, which is published in five languages, were done by the support of numerous volunteers. Thanks to the international connections of the women who were involved in the initiative and supported the campaign, the petition was simultaneously announced and received support in several countries of the world. The communication, forwarding, and support work conducted by the Association for Women's Rights in Development (AWID) through their website and communication networks have allowed women's organizations in different countries to be informed of the situation, and this seriously increased the international support. LGBT organizations have also provided substantial support to the campaign. Gokcecicek Ayata said that the support that was received for the campaign from CSOs abroad is larger compared to CSOs in Turkey. For instance, women in major European cities, such as London, organized street protests to declare their support for the campaign in Turkey, and read the petition text in their own languages to repeat the demands in the text. Following the campaign, great attention was paid in sending thank you messages to all supporters.

HOW DID THE CAMPAIGN SUCCEED?

According to Çiçek Tahaoğlu, the campaign supervisor of

Benim Bedenim Benim Kararım, the most important factor in the success of the campaign was the use of powerful images. People's use of their own pictures has created interpersonal interaction, and the fact that the messages sent with the images were defined by the participants made the campaign all the more interesting. Additionally, some participants have preferred writing their messages on their bodies (belly, arms, wrists, forehead, etc.) or the signs they hold in their hands which allowed the internalization of the campaign.

The age range of the participants is quite wide, and there have been catchy images of for instance three generations of women, or spouses posing together. As a result, the online and accessible nature of the campaign, the use of images, and the opportunity for the participants to internalize the campaign were the most important factors.

The fact that the campaign was organized by a media organization is also considered as a success factor. Although Bianet, compared to the mainstream media has limited number of followers, the fact that it is followed by a numerous number of journalists¹³⁶ has helped increase the visibility of the campaign in the media. Gökçeççek Ayata highlights that the success of the petition campaign started by the *Kürtaj Yasaklanamaz* initiative is due to the fact that it was operated upon a text that was supported and could generally be agreed upon by women's organizations. In this process, there was emphasis on the clarity and understandability of the text. According to Ayata, the existence of a team that has worked diligently since the beginning of the initiative in order to rapidly and effectively respond to the developments witnessed over the course of the campaign, and the support of the volunteers have contributed significantly to the cause.

According to the data retrieved from the website of *Kürtaj Yasaklanamaz*, 60,420 signatures have been collected within the scope of the campaign. In addition to the individual signatures, 680 institutions in Turkey, 372 of which are from the women's movement, have provided institutional support to the campaign through their signatures. 220 organizations from abroad have also given support to the campaign with their institutional signatures.¹³⁷ According to Ayata, the total number of

¹³⁶ According to a survey conducted by Bianet, 15% of its readers are journalists.

¹³⁷ The abovementioned information was retrieved in 12/3/2012 at <http://kurtajyasaklanamaz.com/>.

collected signatures indicates a crucial number in terms of the support that was shown to the campaign. However, taking into account that Turkey's population is around 70 million, the number of signatures collected is not considered sufficient. In addition to this, it is indicated that the support that was given to the institutional signatures section by CSOs and unions other than women's organizations was lower than expected, and that the causes of this issue must be analyzed separately.

The collected signatures as part of the campaign were sent to Prime Minister Recep Tayyip Erdogan, President Abdullah Gul, the Minister of Health Recep Akdag, and the Minister of Family and Social Policies Fatma Sahin. Following the delivery of signatures, no feedback has been received from the official authorities. On the other hand, as a result of all of these campaigns, and the concurrent advocacy, various government representatives have stated by the end of June that they backed down from shortening the legal period of 10 weeks, and allowing abortion only in cases where the woman is under medical risk.¹³⁸

Abortion procedures until the 10th week had been legalized with the 1983 law in Turkey. However the debate on the issue was restarted unexpectedly with the Prime Minister Recep Tayyip Erdogan bringing it to the agenda in May 2012. It is still unclear how the process will end where the social reaction was expressed through street protests, and petition campaigns. According to the news dated July 18, 2012, the featured clauses of the "Draft Law on Reproduction Health" being prepared by the Ministry of Health are as follows¹³⁹:

- "The medical personnel will be given the right to resignation in the event of optional abortion,
- Medication used for optional miscarriage will be regulated,
- Abortion will be legal until the 10th week. After the 10th week, those that impose conscious miscarriage will be sentenced to 3 years of imprisonment
- Regarding pregnancy due to rape, for people under the age of 15 "it will be based on the court's decision" "due

to the possible conflict between the minor's interests and the request for a guardian's permission."

As seen above, the content of the draft law that contains controversial clauses regarding the sexual and reproductive rights of women is still unknown. Women's organizations anticipate the implementation of the mentioned restrictions¹⁴⁰, and the reawakening of the debates on this issue in the following year.

¹³⁸ *Kürtaj İçin Düzenleme Yapılmayacak*. CNN Turk. Access Date: June 21, 2012 <http://www.cnnturk.com/2012/guncel/06/21/kurtaj.icin.duzenleme.yapilmayacak/665934.0/index.html>

¹³⁹ *Kürtaj Yasasının Ayrıntıları Belli Oldu..* Internet News. Access Date: July 18, 2012 <http://www.internethaber.com/kurtaj-yasasi-kurtj-tasarisi-recep-akdag-enest-ilisikiler-siniri-ertesi-gun-hapi-443748h.htm>

¹⁴⁰ *İste Türkiye'nin Kürtaj Haritası*. Haberturk. Access Date: July 6, 2012. <http://www.haberturk.com/saglik/haber/756723-iste-turkiyenin-kurtaj-haritasi>



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