

# Turkey 2018



**Total: 46.54**

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## Political Freedom

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### **Free and Fair Elections : 4.64**

In 2018, the political freedom in Turkey declined for the sixth consecutive year marking the lowest score since the launch of the Freedom Barometer. This trend is in line with other major indices measuring freedom: Turkey has been categorized as “not free” by the Freedom House’s “Freedom in the World” report for the first time this year due to the erosion of civil liberties.

The President of Turkey, Recep Tayyip Erdogan announced on April 18th , 2018, that snap parliamentary and presidential elections will be held in two months’ time, on June 24th, upon consultation with the Nationalist Movement Party. This decision brought forward the elections, which were due on a regular course not before November 2019, by about one and a half years. Turkey has changed its political system from a parliamentary to a - widely contested - presidential system, labeled as the “Turkish Model” by its proponents in a referendum in April 2017. This decision has been widely criticized as it didn’t provide the political parties sufficient time frame to effectively develop their campaign strategies.

In January 2018, the High Election Board of Turkey announced a list of 9 political parties that are found eligible to participate in the next elections. This decision prevented another 23 political parties from taking part in the elections due to their failure in fulfilling technical conditions given by the law of elections.

Turkey instituted a nationwide State of Emergency as of July, 20th, 2016, after the failed coup attempt, which remained in effect until July, 19th, 2018. During this period, members and leaders of opposition parties were in prison for various charges including the co-chairs of the People’s Democratic Party (HDP), Selahattin Demirtaş and Figen Yüksekdağ. In the run-up to the June 2018 Elections, Demirtaş has been the HDP candidate for the presidency and carried out his campaign from the prison cell with no internet access and a total of 1 hour broadcasting time by the official state TV, Turkish Radio Television (TRT). As many as 9 MPs and 68 mayors were in prison for their ongoing cases by the end of 2017. Elections took place under the State of Emergency regime.

In terms of free and fair elections, the broadcasting time slots for the presidential candidates by TRT were another source of criticism. İhan Taç, a member of the Radio and Television Supreme Council, the highest supervisory authority for broadcasting in Turkey, announced that TRT allocated a total of 181 hours of broadcasting to the incumbent president Erdogan while the remaining five candidates received 23(!) hours combined. The distribution of broadcasting times in

private media outlets was also disproportionate among presidential candidates, highly favouring President Erdogan.

## **Absence of Unconstitutional Veto Players : 2.5**

Since the beginning of the Republic, the Turkish Armed Forces had been regarded as having a significant impact on Turkish domestic and foreign policy. Although this impact has been thought to be relatively diminished in recent years, the failed coup attempt in 2016 iterated that this might not be the case. In the 2017 Freedom Barometer, Turkey's score in this subfield halved from 5.00 to 2.50. During the State of Emergency, the Turkish military kept playing an important role, especially after the operations in Southeastern Turkey and Syria. After the June 2018 elections, the Chief of Staff of the Turkish Armed Forces was transferred to the cabinet as the Minister of Defence, a role traditionally occupied by civilian politicians.

The State of Emergency regime provided the government with excessive powers inhibiting constitutional rights in Turkey, such as denying freedom of expression and association or arbitrary confiscation of property. Although the State of Emergency has been lifted, the Law no 7145 empowers public authorities for another three years to exercise emergency powers such as dismissing civil servants, limiting the rights of assembly and association, and limiting the right of access to a lawyer.

## **Freedom of Press : 2.4**

Turkey continues to have a large number of journalists in prison. Between June 2017 and June 2018, most of the prominent journalist trials have been finalized with high penalties from 10 years imprisonment to aggravated life sentences. According to the Turkish Journalist Union, 144 journalists are in prison as of October 2018.

Responding to a parliamentary inquiry, the Deputy Prime Minister declared that a total of 116 media organizations were closed down by executive decree during the State of Emergency as of May 2018. In addition to the legal challenges Turkish journalists face, the concentration of media organizations in the hands of a few large conglomerates presents another challenge to journalists. Thousands of them were fired due to their political stance and coverage.

\* Press freedom score will be updated after data from primary source have been published. For more information see Methodology section.

## **Rule of Law**

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### **Independence of the Judiciary : 3.5**

The sharp decline in Turkey's score in judicial independence could be explained by the effect of the massive dismissals from the judiciary. In the last two years, 4.279 judges and prosecutors - in addition to two members of the Constitutional Court and five members of the then High Council of the Judges and Prosecutors - were dismissed on the basis of allegations of connection to terrorist organizations; mass arrests of judges and prosecutors took place during the State of Emergency.

The Council of State (the highest administrative court which has the competence to hear appeals against dismissal decisions of the Judicial Council) has not issued any decision in this regard, yet. The Commissioner for Human Rights of the Council of Europe found that this situation created "an atmosphere of fear among the remaining judges and prosecutors".

The Parliamentary Assembly of the Council of Europe (PACE) noted that the "dismissal of judges and prosecutors has had a serious impact on the capacity of the courts and a chilling effect on the willingness of judges to act independently and impartially in proceedings involving the state." Finally, the European Commission stressed that "these dismissals had a chilling effect on the judiciary as a whole and risk widespread self-censorship among judges and prosecutors. No measures were taken to restore legal guarantees ensuring the independence of the judiciary."

On the contrary, the executive control over the judiciary has been increased by the constitutional amendments as of April 2017, which restructured the Council of Judges and Prosecutors and established a one-man executive presidency. Among many examples of the executive interference with judicial procedures, the arrest and release of a US citizen, Pastor Andrew Brunson, could be mentioned. The judicial process seemed to develop in accordance with the statements and negotiations of the government with the US authorities. It should also be noted that local courts refused to apply the judgments of the Constitutional Court ordering the release of two prominent journalists, Mehmet Altan and ahin Alpay. On the contrary, the local court convicted Mehmet Altan to life imprisonment without the chance of parole although the Constitutional Court and the European Court of Human Rights had ruled that there was no evidence in the case file justifying his detention.

## **Corruption : 4**

In the absence of independent judicial control and pluralistic media scrutiny of public procurements and public expenditure, the system became too fragile to misuse. Following the constitutional amendments of April 2017, the parliamentary control over government policies and public expenditure significantly weakened. All the procurements of the Office of the President were exempted from the Law on Public Procurements by a Presidential Decree. Transparency International Turkey provides that more than 40% of all public tenders are not subjected to the public procurement law. 28% of those which are subject to the law are not open tenders. Turkey had created a Sovereign Wealth Fund under the State of Emergency, to which all major public enterprises, valued more than 40 billion USD, were transferred. The fund has not published its financial figures since its creation. On the other hand, the president's discretionary spending budget has been increased to 3.7 billion Turkish Lira (670 million USD), which is not disclosed to the public.

The powers of the president significantly increased in the field of public recruitments and appointments. All the meritocracy requirements adjacent to a public post, as stipulated in the laws, were lifted by a Decree Having the Force of Law (Decree no.703). These factors contributed to an increase of arbitrary decision making and of the unaccounted public spending.

## **Protection of Human Rights : 3.45**

Mass dismissals from public offices under the state of emergency continued. The total number of

the civil servants purged for life without any due process exceeded 130.000, including approximately 6.000 academics. Their passports have been confiscated along with their spouses' or children's ones, and they are not allowed to travel abroad. Neither were they allowed to work in certain private professions such as legal practice, security services or accounting, or teaching at private schools or universities.

Closure of associations, foundations, newspapers, or TV or radio stations continued, and their assets were confiscated. A "Commission for the State of Emergency Affairs" was instituted in December 2017 under the Prime Minister's Office to decide on the applications against dismissal or closures by Emergency Decrees. The commission issued more than 30.000 decisions, 95% of which constituted the rejection of the application. It is understood that the Commission did not specify the grounds of considering a person as belonging to - or connected to or having contacts with - the alleged Fethullah Gülen Terrorist Organization (FETO). Retrospective accusations cause legality problems.

Detentions of journalists, human rights defenders and civil society activists on bogus charges continued. Osman Kavala, a prominent civil society leader, still awaits his indictment after a spent year in prison. Dissent on social media is under strict scrutiny and a single social media post critical of the ruling party or of the president may lead to arrest and a long detention. Most of the prisons are overcrowded, with the allegations put of ill-treatment. There is a substantive discrimination against LGBT persons while activities of LGBT associations have been limited.

## Economic Freedom

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### **Security of Property Rights : 5.35**

During the two years under the State of Emergency, many violations of property rights have been witnessed. Hundreds of companies, private hospitals, schools and universities, or media organizations, most of which belonged to suspected followers of US-based cleric Fethullah Gülen, were closed and their property was confiscated without compensation. Since the declaration of the State of Emergency, more than 130.000 public officers, including many public prosecutors and judges, have been dismissed, which implicitly increased government influence over the incumbent prosecutors and judges. As the newly appointed prosecutors and judges, replacing the dismissed ones, do not have the necessary experience and skills for fast and effective legal procedures, court procedures involving enforcement of contracts tend to be lengthy and costly.

### **Size of Government: Expenditures, Taxes, and Enterprises : 7.14**

The Turkish government continues to use indirect taxes as its main revenue source. Only about 30% of the total tax revenue comes from direct taxes. Indirect tax revenue makes up about 66% of the total tax revenue. The top personal income tax rate is 35%, and the top corporate tax rate is 20%. The most common indirect taxes are value-added tax and special consumption tax. In most cases VAT is 18%, while in others it is either 8 or 1%. A special consumption tax could be more than 100 percent for some items, which is one of the main reasons why prices of petroleum

products, cars and alcoholic beverages are exorbitantly high in Turkey. According to provisional figures, in 2017 total government expenditures were around 36% of the GDP, while total government revenues were around 33%. Although total (internal and external) public gross debt stock to GDP ratio was only 30.7% of GDP in 2017, the 30%+ fall of the Turkish lira's value against major currencies in 2018 would significantly increase this ratio.

## **Regulation of Credit, Labour, and Business : 5.7**

Business regulations in Turkey are not as business friendly as in European and North American countries. During the State of Emergency period, resolving insolvency was made more difficult because the government suspended applications for the postponement of bankruptcy procedures introduced both before and during the State of Emergency, which meant that bankruptcy was de facto banned. Administrative requirements, bureaucratic costs, market regulations and ineffective enforcement of regulation continue to make conducting business activities costly. High severance payments based on the employees' seniority at the workplace and high minimum wages still constitute unfavorable conditions for business activities and foster an informal sector. Although Turkey currently has few price controls, after the recent crash of the lira and the subsequent price increases in almost all sectors, the government started to threaten companies and firms that increase prices "unnecessarily," which casts doubt on the government's commitment to free markets.

## **Freedom to Trade Internationally : 7.86**

For Turkey, international trade is especially important for domestic price stability and for the competitiveness of domestic firms. The ratios of exports and imports to GDP were 24.8 and 29.3% respectively in 2017. The average applied tariff rate in Turkey is 3.2%, which is higher than the European average. Although Turkey has a customs union with the European Union, the customs union does not include agricultural products. Therefore, certain agricultural products are protected with very high tariff rates and quotas. Red meat is a typical example of this policy. As a result, Turkish people constantly pay higher than world prices for these products.