

Statement by Oya Ozarslan, Transparency International Turkey to the UNCAC Implementation Review Group Briefing for NGOs in Vienna, Austria on 4 June 2015

Mr. Chair, delegates. My name is Oya Ozarslan and I am the Chair of Transparency International Turkey. I appreciate the opportunity to speak to you today about TI-Turkey's experience in anti-corruption efforts in my country and in the UNCAC review process.

The UNCAC country review process is a useful tool for the signatory parties to the Convention as well as for civil society monitoring the governments' compliance. CSOs reporting on national implementation of the Convention and their specific findings and recommendations could contribute to a constructive dialogue with government delegations leading to progress.

TI-Turkey has been contributing to the anti-corruption efforts in Turkey on a number of fronts, from private sector integrity to public surveys, from training journalists, to campaigns on disclosure of assets and campaign financing. TI-Turkey also makes annual contributions to EU progress reports and TI's Exporting Corruption report on enforcement of the OECD anti-bribery convention, as well as providing consultations to other international organizations, such as GRECO and OSCE. We are endorsed by the Turkish government as the co-chair of Anti-Corruption Working Group in the G20 2015 Turkish leadership.

Turkey has been signatory to the Convention since 2003, ratifying by 2006, and the country review process started in 2013. TI-Turkey was trained on the UNCAC review mechanism and actively monitored the process by contacting the authorities and sending official requests. We have decided to prepare a Parallel Report on Turkey's compliance with the Convention and are planning to make that report public.

The overall findings of this report indicate that Turkey's legal regime fulfils UNCAC requirements in general terms. Turkey is commended for having bribery as an offence for national and foreign public officials and amending the provisions in accordance with international conventions. Turkey has also passed a special law on anti-money laundering as well as the secondary legislations, implementations thereof is well organized. Also Turkish law complies with the content of extradition provisions of the Convention.

Even though Turkey's compliance with UNCAC is overall adequate, there are serious concerns about Turkey's implementation of the Convention. Shortcomings are usually in the areas of enforcement, creating impunity in some of the major corruption cases. Also independence of the judiciary from the executive powers and the increasing amount of

pressure applied to the judges and prosecutors are raising serious question marks about enforcement.

Another subject is effectiveness of oversight and adequacy of access to information. In a significant number of judicial reports prepared by the Turkish Court of Accounts (the TCA indicate that access to information appears to an obstacle. Public institutions being audited did not provide necessary information or documents to the TCA auditors therefore there were inadequacies in the audit reports. Since reports prepared by the TCA indicating public loss are not also disclosed to the public by law, the effectiveness of the auditing, detecting and monitoring corrupt behavior in public sector is questionable. While preparing the Parallel Report, information on cases were collected from media channels since the Turkish Criminal Law restricts disclosure of information about details of cases.

Also, Turkey has adopted a national strategy for enhancing transparency and strengthening the fight against corruption, including an action plan (2010-2014). However, as of the end of 2014, no information had been given to parliament or civil society about the results. CSOs had a limited opportunity to contribute to the development of the action plan and at present CSOs and the general public have a lack knowledge of the Government's plans in 2015 and thereafter.

Civil society dialogue is an important phase of the UNCAC review process, however, there was generally a lack of information, which is a chronic problem in Turkey. For example, the Turkish government did not provide information about the focal point, this could be only verified by verbal communication, nor the fact that the country is going through the review process as well as the timetable was not indicated anywhere in the official websites. Self-assessment checklist was prepared without consulting with the CSOs and was not made available to the public. TI-Turkey is thankful for being invited to the official consultation along with two other groups whose primary areas of work are not fighting against corruption. While preparing the Parallel Report, we made a number of official requests which were not answered.

On a final note, even though UNCAC review mechanism provides a number of opportunities of collaboration between CSOs and signatory parties, there are areas that certainly need to be improved. The fact that only the executive summary of the report is published goes into the heart of the issues as transparency and accountability. So far only 36 countries have done so—much more transparency is needed.