

THE RIGHT TO PARTICIPATION

The right to participate in decision-making processes was the focus of the second chapter of the “Civil Society organisations in Türkiye: Freedom of Association and Right to Participation” Report.

This chapter was prepared through both **FIELD RESEARCH** and **DESK RESEARCH**.

GNAT, **Presidency** and **12 Ministries** were monitored for the research

Requests for information were made to the **governorships of 30 metropolitan provinces**.

Law-making process was monitored for 18 laws.

Relatively effective **CSO engagement** was achieved for **only 2 laws**.

- ✓ Law on Teaching Profession - **Partial CSO participation.**
- ✓ Law Amending the Law on the Protection of Animals and the Turkish Penal Code - **CSO participation.**

2021 183 + **2022 228** **411 regulations** were adopted by public institutions in 2021 and 2022.

Information requests were made to **12 Ministries**, including the Presidency, on **71 regulations**.

THE DOORS OF THE STATE ARE CLOSED TO CIVIL SOCIETY

In 2020 or 2021, did you participate in meetings related to legislation and policy development processes?



“Public decisions are based on the recommendations and contributions of CSOs”

Agree 26,7%
Disagree 35,1%
Neither agree nor disagree 30,3%

The percentage of CSOs who disagree are **%41** for foundations, and **%28** for associations.

Reason for not participating:

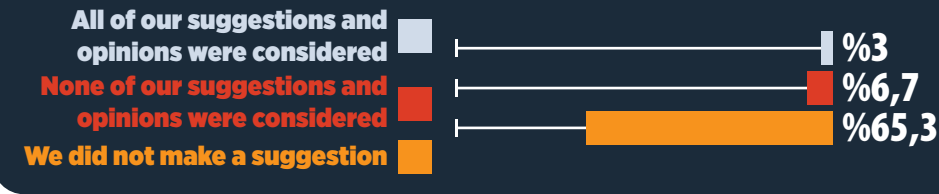
We were not informed 41%
We were not called/invited 30%
We find it unnecessary/We didn't want to participate 16,4%

Did you submit your views in writing?

Yes 15%
No 80%

REGULATION AND PARTICIPATION CSO OPINIONS

Were the suggestions and opinions of the CSOs participating in the research taken into consideration by the official authorities in the legislation and policy development processes in 2020 or 2021?



Percentage of CSOs who disagree with the statement “CSOs are engaged in the first stages of the legislation development process.”

Rights-based approach: Strong 42%, Moderate 32%, Weak 26%

“CSOs are engaged with the initial stages of the legislation development process.”

Agree 41%
Disagree 18,9%
Neither agree nor disagree 24,1%

Association 43,4%
Foundation 35,9%

Weak 45,5%
Moderate 34,5%
Strong 36%

%80 OF CSOs CANNOT TAKE PART IN PARTICIPATORY PROCESSES

13% of CSOs participated in the activities of any of the advisory, consultation or working groups established by public institutions in 2020 or 2021, while the most common public institution where CSOs participated in meetings was **municipalities** with a rate of **42%**.

CSO participation in Governorship meetings:

FOUND. 10,4% ASSOC. 29%

CSO participation in Ministry meetings:

FOUND. 36,2% ASSOC. 18,4%

The institutions in which CSOs are involved in the decision-making process

Municipality	42,1%
Governorship	25,1%
Ministries	22,2%
City Councils	20%
Civil Society Consultation Board	10,2%
GNAT Commissions	4,9%
Human Rights and Equality Institution of Türkiye	4,3%
Presidency	2,7%
Presidential Policy Committees	1,8%

Views of CSOs about their participation in the decision-making processes in the Qualitative Research:

“We send case monitoring results to the parliament and to the ministry. But we never received a response. (...)”

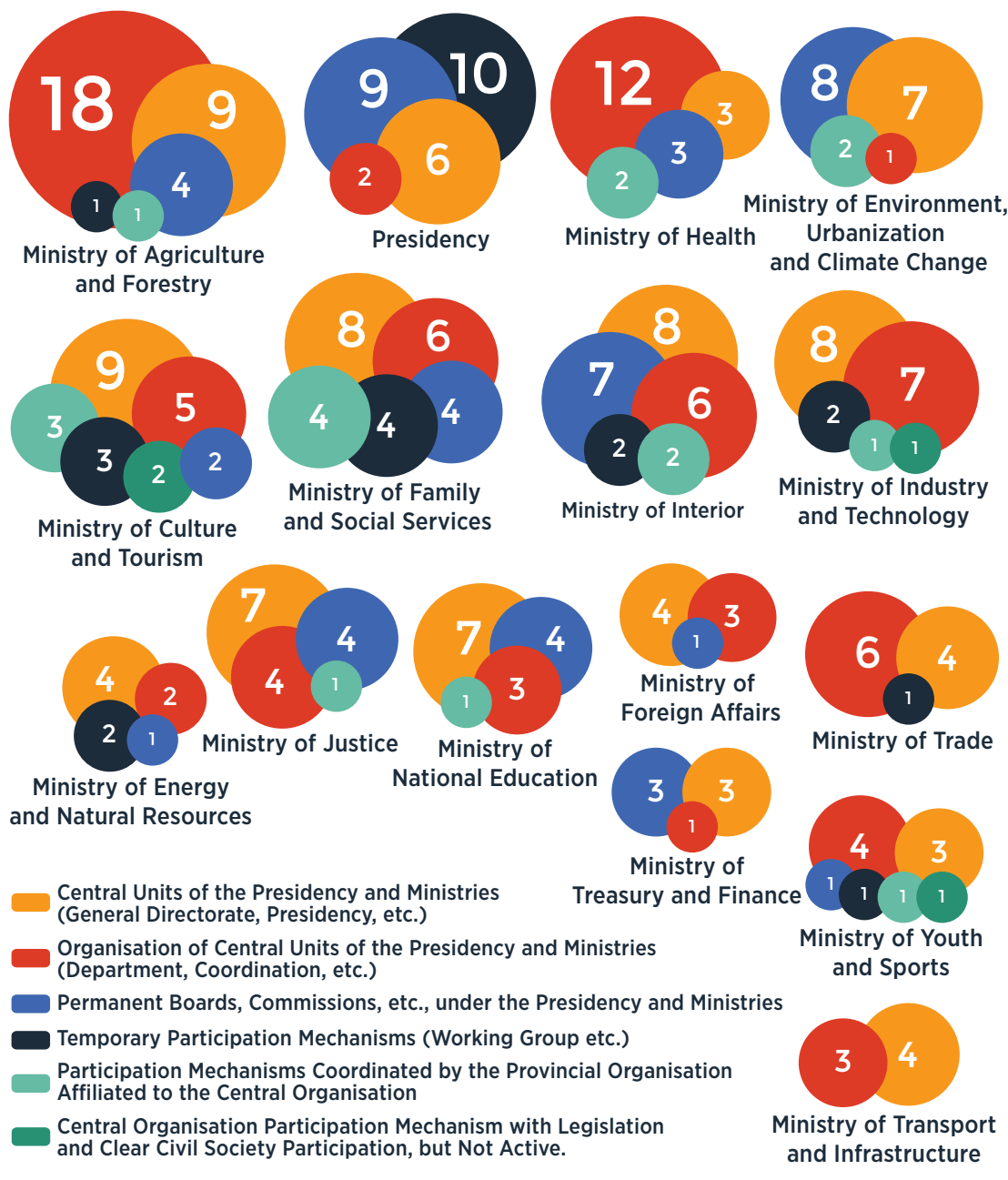
“Local is very poor, national is almost non-existent.”

“None, zero (central administration).”

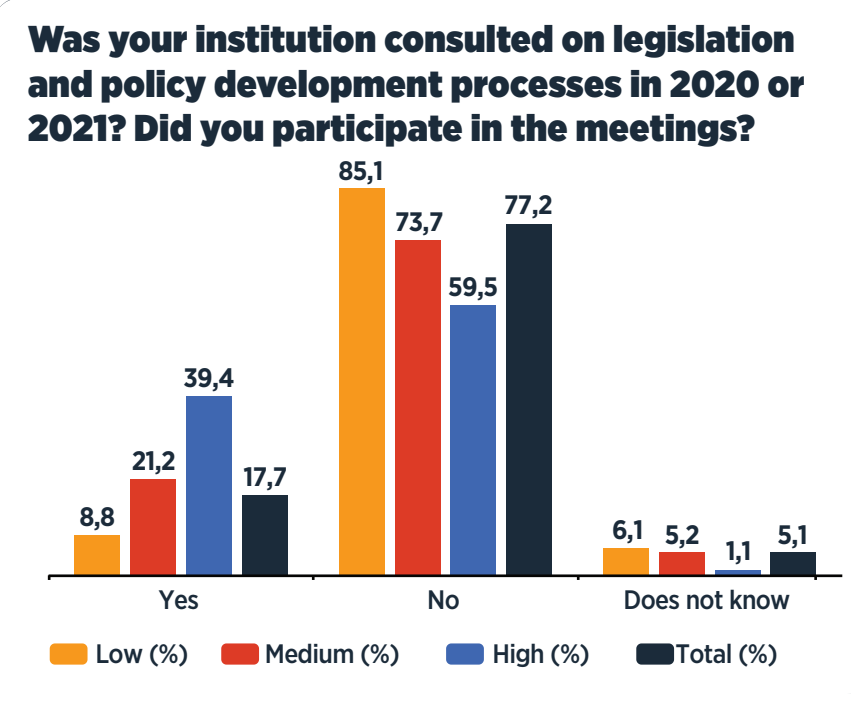
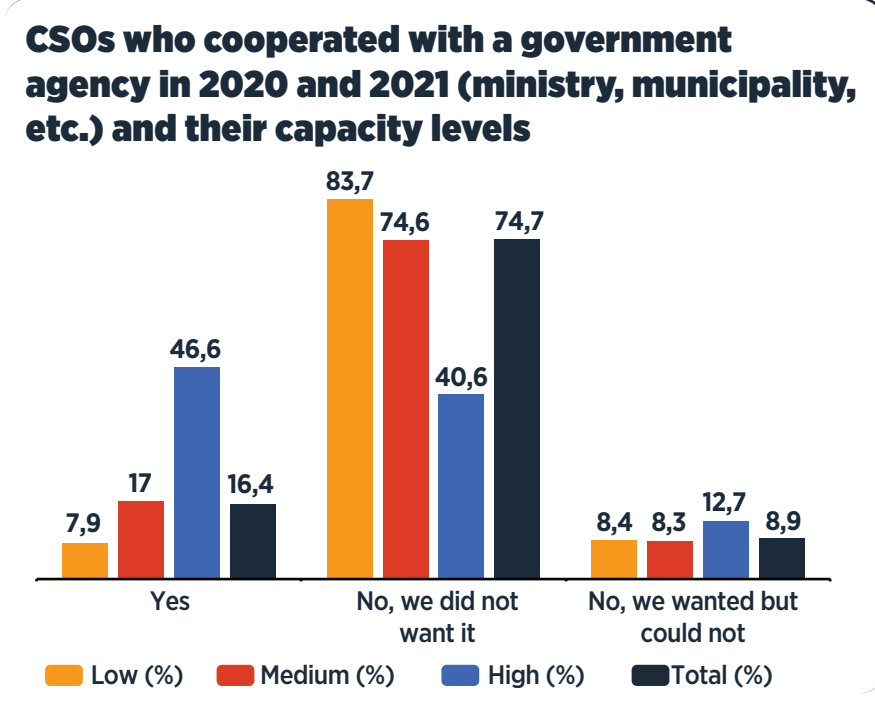
“The last one we attended was about the municipality. We are invited to almost all of those strategic plan meetings of municipalities, for example.”

PARTICIPATION MECHANISMS

Participation mechanisms that have been/can be set up in accordance with legislation, but in which the participation of civil society is at the initiative of the administration



There is correlation between the participation of CSOs in the decision-making processes of the central administration and CSOs' capacity.



Organisations with a strong rights-based approach are more active than other organisations in participating in legislative and policy development meetings and submitting their views in writing.

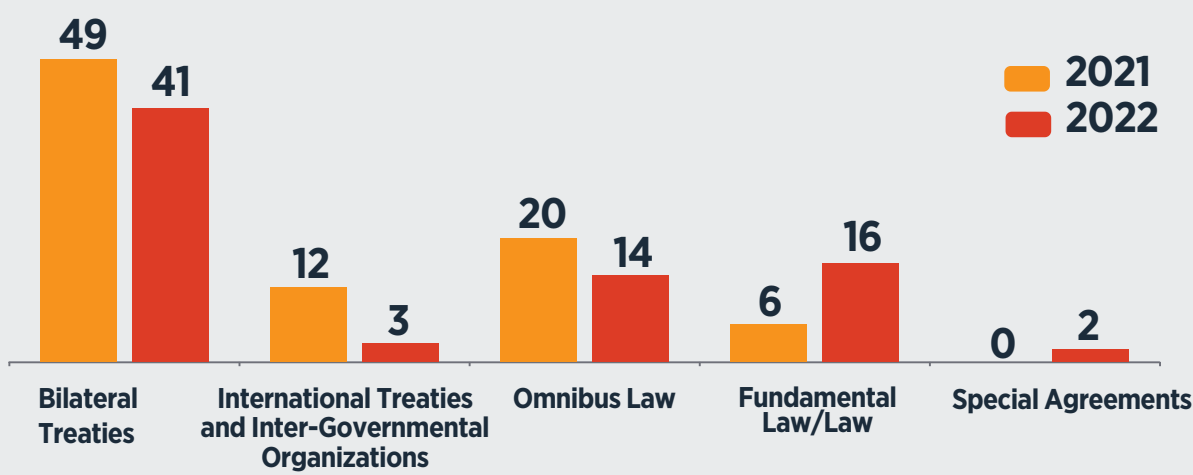
However, at the perception level, as the rights-based approach increases, the support for the view that the decisions of public institutions are based on the advice and contribution of CSOs also decreases.

%49 of high capacity CSOs stated that they “weren't invited” as the reason for not attending such meetings.

The main reason for not attending for low and medium capacity CSOs is that they did not know about such meetings. (**51%** and **34%** respectively).

HOW IS CSO PARTICIPATION IN LAW-MAKING PROCESSES AT THE GNAT?

In 2021 - 2022, a total of 163 laws were enacted and put into effect in the GNAT, 87 in 2021 and 76 in 2022.



According to the monitoring conducted for 8 laws in 2021 for the research, **only 1 CSO** took part in the law-making process. The participation was in the Committee on Agriculture, Forest and Rural Affairs for the Law Amending the Law on the Protection of Animals and the Turkish Penal Code.

2021
1

Likewise in 2022, monitoring for 10 laws revealed that **only 1 CSO** participated in the law-making process. The participation was in the Committee on Industry, Trade, Energy, Natural Resources, Information and Technology for the Law Amending the Law on Consumer Protection and Condominium Ownership Law.

2022
1

Information requests were made to 12 Ministries, including the Presidency, on **71 regulations** prepared and adopted in 2021-22.

Obtaining Written Opinions from CSOs and Professional Organizations **10**

CSO Participation (In person) **9**

Union Participation **0**

Number of Responses to the Request for Information **33**

Professional Organisation Participation (In person) **3**

CSO PARTICIPATION IN THE CENTRAL ADMINISTRATION



Secondary Legislation Preparation Process



Board, Committee, Council, Summit, etc.



Strategy and Action Plans, Vision Documents, etc.



CSO PARTICIPATION IN GNAT INQUIRY COMMITTEES

During the 27th term, between 25 June 2018 and 14 May 2023, 7221 inquiry motions were submitted to GNAT.

7221 INQUIRY MOTIONS

However, the number of inquiry committees established in the 27th term is only 15.

15 INQUIRY COMMITTEES

ESTABLISHED COMMITTEES **9**

The number of inquiry committees established within the scope of the monitoring period of the report is 9, and the number of inquiry committees that have completed their work is 8.

COMMITTEES THAT COMPLETED THEIR WORK **8**

One of the committees submitted its report, it was not published. Only 7 of the reports are accessible.

Views of CSOs about their participation in the decision-making processes of the GNAT in the Qualitative Research:

"If some things come to commissions, yes, we can access them through the deputies in those commissions. But now, many things are enacted into law without even coming to the commission. Therefore, even that isn't easy after a certain point."



The only decision-making mechanism which CSOs can directly participate in is the Specialized Commissions of the GNAT. However, the qualitative research data of the field research shows that **CSOs' participation in legislative processes is also problematic.**

LEGISLATIVE LABYRINTH

Number of regulations in Türkiye that enable CSO participation in the decision-making processes of public institutions and organisations **203**



Approximately 90% of the legislation that allows CSO participation in central decision-making mechanisms grants a wide discretionary power to the administration. This means that CSO participation in decision-making processes is at the hands of the administration.



Number of participation mechanisms established by legislation in Türkiye **309**

The 3 ministries with the highest number of participation mechanisms:



Ministry of Agriculture and Forestry **25**



Ministry of Trade **10**



Ministry of Industry and Technology **10**

The report showed that the participation mechanisms of these ministries were largely dominated by associations or umbrella organisations of companies or professionals operating in a particular field, which could be called **sectoral associations.**

Views of CSOs regarding the legislation that regulates the participation in the decision-making processes:



"... the participating parties' power, responsibility and rights are evident in the participation's highest steps. If you participated in something, how much influence you will have, how much will you be taken into account and at what level and limits are determined? There is no such cooperation based on a standard working principle. You are always very weak against the public."

"...some mechanisms are required to have an impact for a word you have created locally on this city and, therefore, this country. Such a participative mechanism does not exist."



CIVIL SOCIETY ORGANISATIONS IN TÜRKİYE: FREEDOM OF ASSOCIATION AND RIGHT TO PARTICIPATION

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