

Guiding Principles for EC Support of the Development of Civil Society in Turkey

2011-2015

General Motivation

The commitment for effective pluralism implies the respect for human rights, the rule of law and the possibility for political change. Civil society activities – often defined as primarily non-state, non-business and non-private activities – mirror this pluralism, stimulate and expand the space for discourse on societal choices and thus strengthen the social consensus for a pluralistic society. Dialogue ultimately enhances trust as a social fabric. Thereby, a lively and vibrant civil society contributes to a more open, participatory and thus more dynamic democratic society.

Specific Motivation

For this reason, the European Commission encourages citizens¹ to actively participate in social and political life, also in Turkey. A broad citizen participation in collective choices fills the system with life at all stages, from agenda-setting through legislation to implementation and monitoring, as well as at local, regional, national, European or other levels. It is thus key to fulfilling and sustainably anchoring the Copenhagen political criteria in Turkey, before and beyond accession. Similarly, a dynamic civil society can contribute to the accession process becoming more than a technical process between the candidate country's and the EU's institutions. Instead, it should be a process driven by citizens, and making the institutional, political and economic changes that are part of the accession process more understood and sustainable.

The Commission's policy for civil society in candidate countries and potential candidate countries was formulated in the 2007 Enlargement Strategy² and outlines a specific Civil Society Facility (CSF)³. While the civil society *dialogue* aspects under the Enlargement Strategy have been specified for Croatia and Turkey in the Commission Communication on Civil Society Dialogue⁴, the present document outlines in more concrete terms the CSF's civil society *development* aspects for Turkey, including financial support under the CSF and under the European Instrument for Democracy and Human Rights in Turkey.

Thus, this document is also to be seen in relation with the objectives formulated in existing strategy and programming documents, including the Accession Partnership⁵ and the Multi-annual Indicative Planning Document (MIPD 2009-2011)⁶. In order to better focus and communicate its support towards its objectives, the EC has commissioned two evaluation studies⁷. Both studies as well as the recent special report by the European Court of Auditors⁸ diagnosed an insufficiency in the EU's strategic approach. The present document is to address these criticisms for the area of civil society development by outlining the multi-annual approach. By publicly sharing its motivation, strategy and operational priorities, the EC aims to improve the transparency and the impact of its support for civil society in Turkey.

¹ Turkish translation for the concept of "citizen": "birey", respectively "aktif bireyler" for "active citizens"

² Communication "Enlargement Strategy and Main Challenges 2007-2008", 6.11.2007, COM(2007) 663

³ See COM(2008)127: Commission Communication on the Western Balkans: Enhancing the European Perspective, 5 March 2008

⁴ Commission Communication on Civil Society Dialogue between the EU and Candidate Countries, COM(2005)290; see also annex I

⁵ See 2008/157/EC: Council Decision of 18.2.2008: Principles, priorities and conditions contained in the Accession Partnership with the Republic of Turkey

⁶ See Instrument for Pre-Accession Assistance, Multi-annual Indicative Planning Document (2009-2011), Turkey, 29 June 2009.

⁷ Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Civil Society Dialogue, April 2009; Evaluation of Civil Society Development Programmes, Turkey, Final Report, June 2008.

⁸ European Court of Auditors, Special Report 16-2009

Situation in Turkey

There are over 80.000 associations in Turkey with a total of over 7 million members, only 16 per cent of them women⁹. Most attractive are political parties, chambers and sports clubs; religious organisations are also popular. Moreover, there are over 4.000 foundations¹⁰; they are mostly asset-based and/or raise funds and implement them for mostly charitable purposes. Only few organisations make themselves grants¹¹.

With regards to the legal **environment** in which CSOs operate, there remain bureaucratic obstacles with regards to, in particular, operation, funding and, in some cases, legal establishment. For example, there continue to be high fines or severe punishments for failing to comply with the Law on Associations and its regulations; there is an administrative requirement to notify authorities before receiving financial support from abroad; at times inspections of those CSOs receiving financial support from abroad is disproportionate; the legal framework for collection of donations and tax exemptions for CSOs remain to be improved¹²; the procedures to obtain the status of public benefit that allows donors to deduct grants from their taxes remain problematic and hence are granted to a few CSOs; grants by employees – as opposed to institutions – are effectively not tax-deductible. Participatory governance supportive of active citizenship¹³ is another area that remains to be strengthened. Systematic stakeholder consultation would underpin the transparency, individuals ownership and thus the sustainability of legislative processes, including the accession process. Overall, the legal framework on associations is broadly in line with European standards. However, considerable progress needs to be made as regards its implementation, as associations still face disproportionate scrutiny of their activities, which in some cases has led to judicial proceedings¹⁴.

In terms of the *financial* environment, it is worth noting that financial resources of CSOs depend largely on philanthropy, and actions funded through philanthropy are concentrated on social or educational activities. According to a study by TÜSEV¹⁵, the amount of individual charity and institutional philanthropy totals to approximately € 1.5 billion annually. According to that study, giving appears mostly motivated by religious obligations (1/3), custom (1/4) or serving society (1/9). A third of the donors, however, give directly to individuals because their donations are typically small or unplanned; only 1/8 of donors make donations to organisations¹⁶. The majority of the rights-based CSOs single out the lack of funding as their biggest problem, which forces them to direct most of their energy and resources to fundraising¹⁷. Hence, the dearth of financial resources available emerges as a major challenge in terms of the financial environment in which active citizens operate. There may be a potential for increased private grants to organisations promoting active citizenship.

With regards to **capacities**, organised citizens' activities are often limited by the institutional management systems, human resources and weak external relations of their organisations, as well as their generally weak membership base¹⁸. Only one out of ten Turkish citizens is member of a CSO, one out of 14 is a volunteer and one out of 13 donates to a CSO. One out of five organisations has a paid employee and of these organisations five out of six considers the capacity of its employees as inadequate. One out of three CSOs indicates that it has no cooperation with another organisation in Turkey during the preceding three month-period. Where networks are established, they often have serious problems of sustainability¹⁹. According to a survey conducted by YADA, 69.6 per cent of members are aged between 31 and 50, whereas only 13.8 per cent are under 30²⁰.

⁹ Department of Associations, 2008

¹⁰ Foundations Directorate, 2007

¹¹ "The landscape of Philanthropy and Civil Society in Turkey" by Filiz Bikmen / TÜSEV, Istanbul, December 2006;

¹² SEC(2009) 1334: Commission Staff Working Document, Turkey 2009 Progress Report, 14 October 2009.

¹³ The concept does not exclude non-citizens of Turkey

¹⁴ Turkey 2009 Progress Report, p.20

¹⁵ "The landscape of Philanthropy and Civil Society in Turkey" by Filiz Bikmen / TÜSEV, Istanbul, December 2006; and A. Carkoglu: "Trends in Individual Giving and Foundation Practices in Turkey" in "Philanthropy in Turkey", Bikmen and Zincir (eds), TÜSEV 2006

¹⁶ Direct giving to beneficiaries, i.e. without involvement of intermediary organisations, amounts to 35% of the total. Donations to secular and government agencies account for 23%, while giving to religious oriented institutions is 14% and other religious giving accounts for 22%. Categorization by TÜSEV.

¹⁷ Aktan, İrfan, Serap Öztürk, et al. "Issues and Resolutions of Rights Based NGOs in Turkey." 2007

¹⁸ Third Sector Foundation of Turkey: CIVICUS Civil Society Index Report for Turkey – Civil Society in Turkey: An Era of Transition (2006) and "CIVICUS Civil Society Index Report for Turkey 2009."

¹⁹ Aktan, İrfan, Serap Öztürk, et al. "Issues and Resolutions of Rights Based NGOs in Turkey." 2007.

²⁰ "Civil Society Culture in Voluntary Organizations of Turkey", YADA Foundation, unpublished research report, April 2010, Ankara, Turkey."

Commission Strategy for Civil Society Development in Turkey

The EC aims at contributing to a more open, participatory and dynamic democracy in Turkey and places active citizenship at the heart of its efforts to that end. Within the frame of this document, the concept of active/organized individual is to be understood as more than one person working for a joint objective, that being organized²¹ does not require having a legal status or an institutional structure, such as platforms, initiatives etc. Civil Society may include a vast range of activities, e.g. from the participation in sports clubs or in spontaneous parents' initiatives for schools to supporting petitions or membership of a CSO. While encouraging Turkish authorities to facilitate all forms of active citizenship, the EC has a particular focus on that part of active citizenship which is directed towards influencing collective choices, at local, regional, national or European levels.

The EC believes that the involvement of active citizens from different parts of society in the making of collective choices can further enrich the political agenda and debate in Turkey. Dialogue on societal choices ultimately strengthens social cohesion and trust and is both in the interest of Turkish society and important for the success of Turkey's accession process. While not supporting party political activities, the EC thus aims at contributing to a more open, participatory and more dynamic Turkish democracy. Under the present guidelines, the EC will work towards this objective through supporting the creation of a more enabling legal and financial environment for active citizenship, as well as through strengthening the capacities of organised citizens.

The EC's financial assistance can also play an important, though ultimately ancillary role in achieving these objectives. In spite of a strong tradition of giving in Turkey, active citizens working to influence collective choices, such as the advocacy-oriented spectrum of civil society, have so far benefited from this tradition only to a limited extent. Building on existing traditions of giving, the EC will encourage their extension towards such non-traditional areas.

More precisely, the EC will implement its strategy according to the priorities described below. For all these objectives a particular attention will be paid to supporting specific actions in order to increase women's economic, social and political participation as active individuals.

Objective 1: Improvement of the **environment** for active citizenship

a) Full effective enjoyment of the freedom of expression, peaceful assembly and association.

Possible EC Actions:

- Encourage authorities in Turkey in bilateral meetings and Progress Reports for further improvements in the legal framework and related administrative implementation,
- Support strengthening the concept of active citizenship in Turkish society,
- Support public authorities and organized individuals in strengthening their technical knowledge of issues related to freedom of expression, peaceful assembly and association as well as the role of civil society in general,
- Support organized individuals in advocating for improvements in the legal environment,
- Support furthering of legal literacy among organized individuals.

²¹ "Turkish translation to be used for "organized": "örgütlü"

Possible Progress Indicators:

- Effective improvements regarding the freedom of expression and assembly
- Positive feedback from CSOs concerning the implementation of relevant legislation
- Increase in the number of associations and foundations, voluntary work and individuals engaging in honorary offices
- Decrease in the number of associations and foundations closed and penalised
- Decrease in the number of closure cases brought before courts against CSOs

b) Financial regulations, public and private funding mechanisms for CSOs

Possible EC Actions:

- Support public authorities in strengthening their technical knowledge on public choices and best practices in financial regulation and state financial support mechanisms for associations and foundations e.g. in devising more equitable and transparent financial support to CSOs (tax breaks, grants, matching grants, etc).
- Encourage domestic philanthropy, institutional or individual, towards CSOs
- Facilitate donor coordination in ways that promote sequencing, joint action, complementarity and an increase in the number of private national donors.
- Help strengthen the independence and sustainability of CSOs through innovative funding mechanisms

Possible Indicators:

- Implementation of legislation leading to broader, more transparent and more equitable financial support of CSOs
- Increase in the number of domestic public and private donors supporting organized citizens, as well as of its total volume.
- Decrease in the share of income of selected associations originating from a single donor
- Increase in the number of joint actions and cases of sequencing among donors

c) Administrative practices promoting effective civic participation in local, regional and national-level policy processes and in the programming under the Instrument for Pre-Accession Assistance (IPA)

Possible EC Actions:

- Support public authorities and organized citizens in strengthening their technical knowledge on good practices in civic participation, including for public bodies involved in IPA implementation
- Encourage Turkey in the creation of a comprehensive framework including dialogue mechanisms for civic participation,
- Support relevant public authorities in practicing effective civic consultation including consulting right-based CSOs,
- Support trust building and the advocacy efforts of organized citizens for improving civic participation,
- Support information activities for organized citizens on programming processes and EC policies on civic participation,
- Encourage Turkey to widen and deepen civic involvement in the overall IPA programming process and in individual projects supported under IPA,
- Encourage Turkey to establish a permanent working group to accompany IPA programming with the participation of representatives from organized citizens and relevant public institutions,

Possible Indicators:

- A comprehensive civic participation framework is in place
- Increase in the number of local, regional and national civic participation mechanisms
- Improvement in the performance of local, regional and national civic participation mechanisms
- Increase in the number of projects with civic participation during design, implementation, monitoring and evaluation stages of the IPA programming cycle
- Improvement in the quality of civic participation in the IPA programming cycle
- Increase in the participation of organized citizens to debating platforms on *acquis* related issues

Objective 2: Strengthening the **capacity** of organised active citizens

a) Organised citizens more effectively mobilise support from citizens and decision makers

Possible EC Actions:

- Support structures helping organised citizens to acquire knowledge in the areas of human rights, democracy and the *acquis communautaire*
- Support organised citizens in building trust in the role of CSOs in a pluralistic society and in acquiring effective advocacy skills, including in research, monitoring, reporting and public communication
- Encourage the development of CSOs through linking EC grants to indicators of sustainability, corresponding to size and objective of the organization, such as a strong membership base, diversification of funding, strategic development plans.
- Support organised citizens in developing knowledge and skills for fundraising.support improvements in organisational democracy ;
- strengthen communicational skills and provide institutional coaching

Possible Indicators:

- Improvement in the quality of communication materials produced by organised citizens
- Increase in the number of citizens who volunteer in CSOs and initiatives
- Increase in the number of public campaigns organised by organised citizens
- Improvement in the media visibility of organised citizens
- Increase in the number of members of associations
- Increase in the income of selected associations from its members
- Improvement of the public perception with regards to civil society
- increase in the number of CSO reports taken into consideration by public authorities

b) Organised citizens more effectively network, share information and collaborate.

Possible Activities:

- Encourage the creation of a civil society networking facility that provides financial support on a comprehensive basis to organised citizens (i) to participate in networks and events in Turkey that enable CSOs to support each other and exchange of good practices, (ii) to organise cross-institutional fellowship and internship programmes in Turkey and in the EU, (iii) to create and expand citizen networks, initiatives and platforms, and (iv) to participate in European roof organisations and civil society platforms
- Provide support targeting civil initiatives and platforms
increase the frequency and scope of support for EU-wide CSO networking programmes

Possible Indicators:

- increase in the number of CSO networks
- Increase in the number of joint public campaigns

Constraints and Conditions

With regards to its financial assistance, which is largely implemented together with the Turkish authorities, the EC will continue to assess the risks that may jeopardise the success of this strategy. First, the EC is aware that its financial assistance *alone* will not suffice to create lasting change. Secondly, the EC will aim at adapting the size of its individual funding measures to the capacity of CSOs, with a particular attention to the instrument of small grants or other innovative schemes. Moreover, in implementing the strategy, the EC will take due account of the cross cutting themes integrated into all IPA components, particularly equal opportunities for men and women, and regional disparities²². Well-understood sustainability should, in the longer term, allow the EC to gradually reduce its funding for civil society activities in Turkey.

Procedure

To make this strategy a success, communication with all stakeholders, state and non-state, is key: the EC is subject to the same principles it advocates, i.e. by those of openness, participation, accountability, coherence and sustainability. This strategy has been shared with stakeholders. The Commission would like to thank all contributors, some of whose comments are reflected in this final version of the document. A global summary of the consultation's comments will be made available. The reader's attention is drawn to the fact that this final version is at the European Commission's sole responsibility.

This document provides guidance for the EC's support to civil society development in Turkey, which will be implemented through the available political and financial instruments (see Annex I). A baseline study will be conducted in 2011, based on the indicators listed above; progress will be assessed in 2012 through public consultations and a follow-up study. The strategy will then be re-assessed and revised as appropriate. The results of baseline study will be made public.

²² See Commission Decision of 2008 on a Multi-annual Indicative Planning Document (MIPD) 2008-2010 for Turkey.

Annex I - EC to Support Civil Society Development in Turkey

The EC uses following political and financial instruments in support of the development of civil society:

- **Political Meetings** with the Government of Turkey to monitor and assess Turkey's progress;
- **Progress Reports** are annual reviews prepared by the EC to monitor and assess the achievements of each candidate and potential candidate country over the preceding year. Progress reports are published in parallel to the Commission's annual strategy document explaining its policy on EU enlargement;
- The **Instrument for Pre-Accession Assistance (IPA)** is a financial instrument for the pre-accession process for the period 2007-2013. The five components of IPA for Turkey are "support for transition and institution-building", "cross-border cooperation", "regional development", "human resources development" and "rural development"; "**Civil Society Facility (CSF)**" is the term for the overall financial strategy in support of civil society development under IPA. It includes both the multi-beneficiary programmes as well as support under the national envelopes. The CSF has three strands:
 - Support to domestic civil society initiatives and capacity building, reinforcing the role of civil society
 - Programmes bringing journalists, young politicians, trade union leaders, teachers, etc. into contact with EU institutions; and
 - Support to building partnerships and developing networks between the civil society organisations, businesses, trade unions and other social partners and professional organisations in the beneficiary countries and their counterparts in the EU to promote transfers of knowledge and experience.

The **Technical Assistance and Information Exchange Instrument (TAIEX)** is a financial instrument for enlargement that aims to help countries with regard to the approximation, application and enforcement of EU legislation. TAIEX provides short-term technical assistance and advice, technical training and peer assistance, and database tools. As a component of TAIEX, the **People to People Programme (P2P)** aims to strengthen the role of civil society organisations by offering to individuals and non-governmental organisations the possibility to visit the EU institutions, relevant EU umbrella non-governmental organisations, and other European, national and international organisations, in order to familiarise themselves with the vast set of EU policies, programmes, initiatives and best practices; The **European Union Visitors Programme (EUVP)** aims to increase mutual understanding between professionals from non-EU countries and their EU counterparts by organising individual 5- to 8-day programme of meetings with EU officials in Brussels, Strasbourg and/or Luxembourg.

- The **European Instrument for Democracy and Human Rights (EIDHR)** is a financial instrument that supports civil society organisations in particular in the area of human rights;

Annex 2: Civil Society Dialogue

Apart from the *development* objective for civil society, which is the issue of this paper, the EC also supports civil society "*dialogue*" between candidate countries and EU member states²³. This includes not only project financing, but also contributions to Turkey's participation in certain Community programmes such as Erasmus. The *dialogue* window pursues the objectives²⁴ to:

- Strengthen contacts and mutual exchange of experience between *all* sectors of civil society in the member states and candidate countries;
- Ensure a better knowledge and understanding of the candidate countries concerned within the EU, including their history and their cultures, thus allowing for a better awareness of the opportunities and challenges of future enlargement;
- Ensure a better knowledge and understanding of the EU within the candidate countries, including the values on which it is founded, its functioning and its policies.

Thus, the objectives under the dialogue window differ from those under civil society development: civil society dialogue addresses both citizens and CSOs from Turkey and EU Member States; it uses a broad definition of civil society²⁵, and includes e.g. the media and universities to achieve its objectives.

²³ Commission Communication on Civil Society Dialogue between the EU and Candidate Countries, COM(2005)290

²⁴ COM(2005)290

²⁵ The definition used originates from the European Economic and Social Committee (EESC) and defines civil society organizations as "all organisational structures whose members have objectives and responsibilities that are of general interest and who also act as mediators between the public authorities and citizens."