

Civil Society Participation to the policy making process of the Turkish Government in relation to the development of an Information Society in Turkey.

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0110 0101 0100 1100 0101 0100 0110 0111
1001 **CYBER-RIGHTS & CYBER-LIBERTIES**
1111 0100 1011 **A NON PROFIT CIVIL LIBERTIES ORGANISATION**

The fellowship project examined and analysed the developments and **models and modes of governance** in Turkey.

It is hoped that this initial investigation will lead into the **building of a civil society movement** working in the field of **law and policy issues** involving e-democracy, human rights and the Internet in Turkey.

AGENDA SETTING

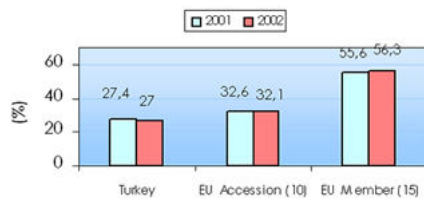
POLICY MAKING PROCESS

e-Readiness Index

Rank	Country	Point
1	Finland	5.92
2	USA	5.79
3	Singapore	5.74
4	Sweden	5.58
5	Iceland	5.51
6	Canada	5.44
7	UK	5.35
8	Denmark	5.33
9	Taiwan	5.31
10	Germany	5.29
...
50	TURKEY	3.57
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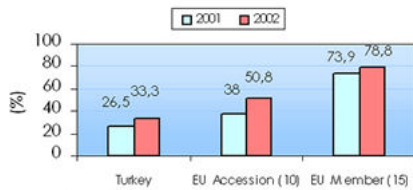
Source: World Economic Forum

PSTN Subscriber Penetration (%)



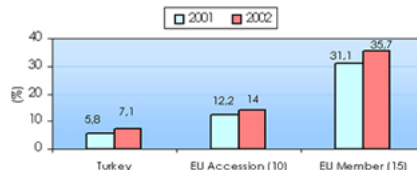
Source: SPO, Turk Telekom, ITU

Mobile Subscriber Penetration (%)

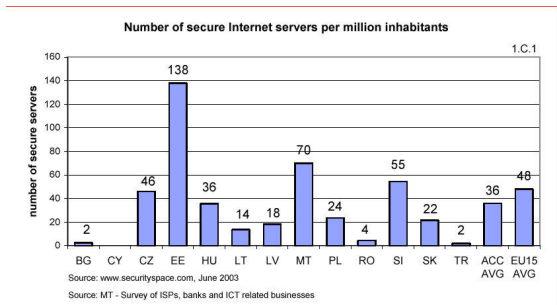
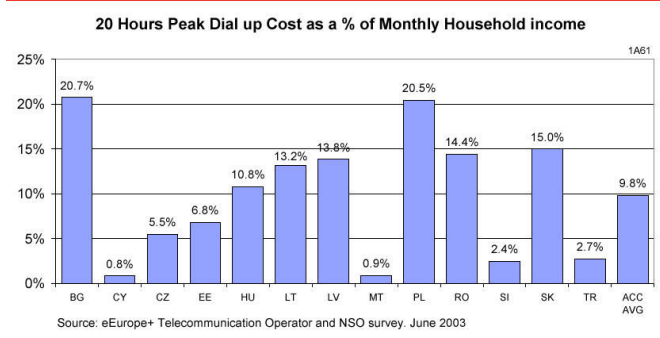
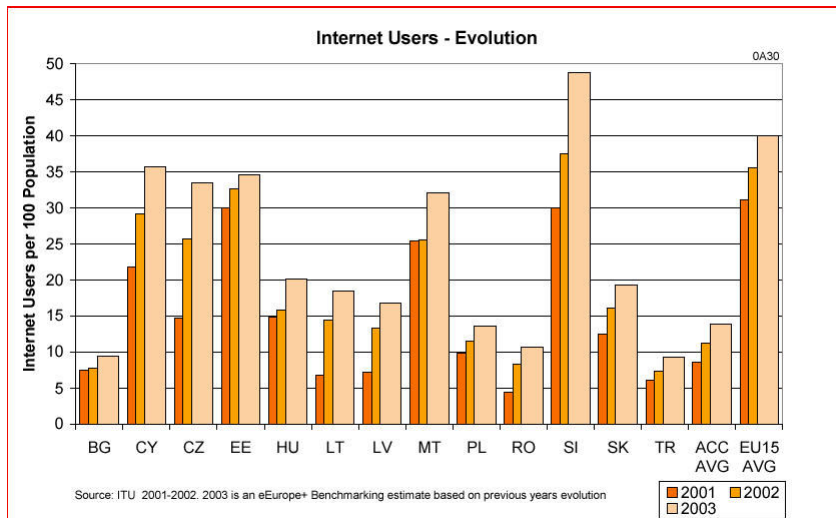


Source: SPO, Telecommunications Authority, ITU

Internet Penetration (%)



Source: SPO, ITU



Internet Governance



Agenda Setting ?

- **Infrastructure development**
- **Access - Digital Divide**
- **Telecom Liberalisation**
- **Protection of Personal Data (and SPAM)**
- **Digital Signatures**
- **Authentication, Security, and Privacy**
- **Consumer trust and confidence**
- **Illegal and Harmful Content**
- **ISP Liability**
- **CyberCrimes**

Turkish Policy Making Process - Slow progress in 2003

- **Administrative Constraints**
The Turkish political landscape has undergone changes as a result of the parliamentary elections of November 2002. New government (single party AKP - the Justice and Development Party) took over enjoying a large majority in Parliament.
- **Political Constraints**
War in Iraq - Cyprus Problem - EU Membership
Apart from the packages of political reforms, Parliament adopted **143 new laws** and ratified several international and European conventions such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and Protocol No 6 of the ECHR.

Result of Government Intervention

Positive Impact

- Right to Information Act has been enacted in October 2003: Will come into force in April 2004
- Digital Signatures Act has been enacted in late 2003: Will come into force in June 2004
- Draft Data Protection Bill has been published during the course of 2003. No date has been set for Parliamentary debate.

Turkish State Planning Organisation, Information Society Department

BİLGİ TOPLUMU DAİRESİ e-Dönüşüm Türkiye Projesi
DEVLET PLANLAMA TEŞKİLATI MÜSTEAŞARLIĞI

ANA SAYFA

GELECEK TOPLANTILAR

e-Dönüşüm Türkiye İzce Kurulu III. Toplantısı yapıldı. (12 Şubat 2004) •YENİ

eAvrupa+ İlerleme Raporu'na Türkiye Katkısı Hazırlandı (12 Şubat 2004) •YENİ

e-Dönüşüm Türkiye Projesi Kısa Dönem Eylem Planı, 4 Aralık 2003 tarih ve 25306 sayılı Resmî Gazete'de yayımlanan 2003/48 sayılı Başbakanlık genelgesi ile yürürlüğe girmiştir.

E-Transformation Turkey Project

INFORMATION SOCIETY DEPARTMENT e-Transformation Turkey Project
T.R. PRIME MINISTRY - STATE PLANNING ORGANIZATION

For Turkish Home Page Documents / Reports Contact Us

- DOCUMENTS/REPORTS -

DOCUMENTS

- eEurope 2005 Action Plan
- OECD Country Paper, SPO-ISD
- e-Transformation Turkey Project Short-Term Action Plan, SPO-ISD, October 2003

REPORTS

- eEurope+ 2003 Progress Report, SPO-ISD, January 2004 New
- OECD IT POLICY QUESTIONNAIRE - TURKEY, October 2003
- EU Broadband Questionnaire-TURKEY, SPO-ISD, October 2003
- eEurope 2003 Interim Report, SPO-ISD, June 2003

E-Transformation Turkey Project - Aims and Objectives

- Policies, laws, and regulations regarding ICT will be re-examined and changed if necessary, with respect to the EU acquis; eEurope+ Action Plan, initiated for the candidate countries, will be adapted to Turkey.
- Mechanisms that facilitate the participation of citizens to decision-making process in the public domain via using ICT will be developed.
- Transparency and accountability for public management will be enhanced.
- Good governance principles will be put in place in government services through increased usage of ICT.
- ICT diffusion will be promoted.
- Public IT projects will be coordinated, monitored, evaluated and consolidated if necessary in order to avoid duplicating or overlapping investments.
- Private sector will be guided according to the above mentioned principles.

Short Term Action Plan (STAP) - Vision and Goals

STAP came into effect with a Prime Minister's Circular 2003/48 published in the Turkish Official Gazette, No: 25306, 04 December, 2003

STAP has the following main topics:

- Legislation regarding regulatory and legal framework (13 projects)
- Technical infrastructure and information security (5 projects)
- Education and human resources for planning of required human capital (8 projects)
- eGovernment for introducing electronic services to citizens without bureaucratic barriers (23 projects)
- Standards for integrated and interoperable services (1 project)
- eHealth, which is one of the important thematic issues in eEurope (15 projects)
- eCommerce for the development of eBusiness environment, especially for SMEs (6 projects)

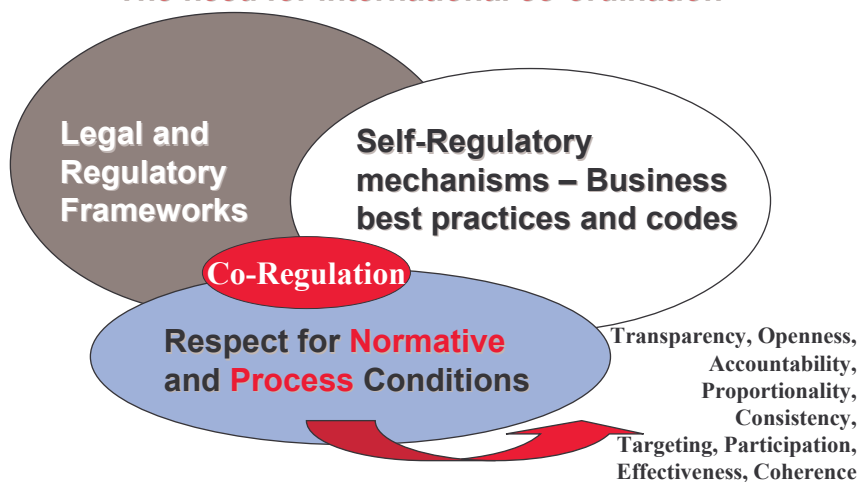
Result of Government Intervention

Negative Impact?

- In May 2002, the Parliament approved the Supreme Board of Radio and Television (RTUK) Bill (No 4676).
- A total of 9 web sites are currently filtered/censored in Turkey. Only one of these sites is politically oriented. Filtering is requested by “court orders” and communicated to the ISPs via the State Prosecutors Office

Developing a working mechanism?

The need for international co-ordination



Normative Conditions

Privacy and freedom of expression are fundamental human rights recognised in all major international and regional agreements and treaties:

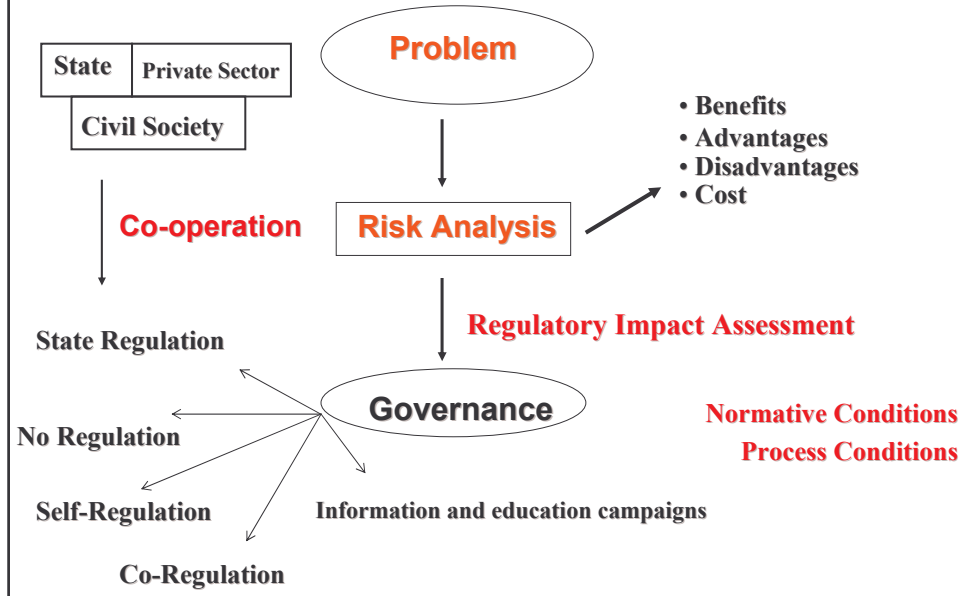
- Universal Declaration of Human Rights, articles 12, and 19
- The International Covenant on Civil and Political Rights, articles 17, and 19 (Turkey signed in August 2000)
- European Convention on Human Rights, articles 8, and 10
- European Union Charter of Fundamental Rights, articles 7, 8, and 11
- Turkish Constitution, articles 20, 22, and 26

Process Conditions: Transparency, Openness, Accountability, Proportionality, Consistency, Targeting, Participation, Effectiveness, Coherence

Alternatives to State Legislation

- **Do Nothing!**
- **Self-Regulation**
- **Co-Regulation**
- **Awareness campaigns**

Towards a Better Policy Making Process in Turkey



White Paper / Report



- Türkiye Bilisim Vakfı ("TBV"), a Turkish charity published my report as a book both in Turkish and English in October 2003: **Internet Governance: Towards the modernization of policy making process in Turkey**, Turkish Informatics Society, Istanbul: Papatya Yayıncılık, 2003, ISBN 975-6797-44-4. It is intended that this will be used as a document for lobbying the Turkish government during 2004.
- **1200 copies** of the report were sent to the members of the Turkish Parliament, civil servants working in various ministries, to the key members of the media, academics, and NGOs. Together with TBV, we are now in the process of organising a political conference in Ankara in either April or May 2004 (depending upon the availability of the Minister of Justice).
- So **advocacy** is the next stage in terms of the publication of this report. However, I am planning to **update** the report to coincide with my final OSI report and I am hoping that TBV will publish this as a second and updated edition.

Recommendations

The Turkish Government should

- Modernise the Turkish policy making process in the short term.
 - Provide an open and transparent policy making process
- Conduct risk analysis prior to regulation and consider the alternatives to state legislation.
- Ensure that policymaking in this field is undertaken by policymakers who are well informed about the unique nature of the Internet and have direct experience with its use.
 - Ensure that such policies are developed with substantial input and comment from all interested parties including the Internet industry, the academia, non governmental organisations, and Internet users.
 - Respect fundamental human rights enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the European Convention on Human Rights.

Recommendations

The Turkish Government should

- Enable access to government information including legislative, judicial and executive branch information through the Internet. Public authorities should comply with the requirements of the Right to Information Act 2003 which came into force on 24 April, 2004.
- Ensure access by Turkish citizens to the Internet and enable full participation in the global information society. In particular, access to the Internet by schools, libraries and other public institutions should be viewed as a policy goal, subsidised as necessary.
- Ensure that the eEurope+ 2003 Turkey plan (as part of the European Commission's eEurope+ 2003 Plan) is fully implemented in the short term.
- Ensure that the recently launched E-Transformation Turkey project's Short Term Action Plan is compatible with the normative and process conditions explained in this report.

Recommendations

The Turkish Government should

- Ensure that Turkish policy is inline with EU policy.
- Monitor systematically international legal and policy initiatives.
- Ensure systematic representation and participation of Turkey within the international forums that develop Internet related policies (including but not exclusively at the Council of Europe, United Nations, the OECD, and the European Union level)

Cyber-Rights.Org.TR

- The project also involved a critical assessment of the nature of civil society participation to the current policy making process in Turkey.
- Civil society participation towards the establishment of an Information Society in Turkey is extremely important and the project established the foundations for working towards this goal in Turkey.
- However, there is more to be done as negotiations are continuing with various interested organisations.

