



# 10<sup>TH</sup> CIVIL SOCIETY FORUM REPORT



# CIVIL SOCIETY FORUM REPORT

**13 March 2018, 15:00 – 18:00**  
**Civic Space Premises, Nicosia**

The 10<sup>th</sup> Civil Society Forum of Civic Space was held at Civic Space Premises, in Nicosia on 13<sup>th</sup> March 2018 with 19 Participants from 14 CSOs. The Forum started with the welcoming speech of Marija Jancic-Amberg, Civic Space Team Leader and continued with the presentation of agenda topics (*Please see Forum Agenda in Annex 1 and Transparency and Accountability Conference Report in Annex 2.*)

## INFO-SESSION: TRANSPARENCY AND ACCOUNTABILITY CONFERENCE FOLLOW-UP

The first session of the Forum was dedicated to an information session on the Transparency and Accountability Conference that was organized by Civic Space on the 1<sup>st</sup> of March 2018 in Bedestan, Nicosia.

Mine Atlı non-key expert, summarized the opening speeches of Mr. Alessandro Bianciardi- Head of Section at EUPSO and Emine Dizdarlı “Ombudsperson” and gave information about the topics discussed during plenary sessions: i) “Concepts of Transparency and Accountability & Holistic Approaches in Assessing the Integrity of Different Sectors”, ii) “Complaints and Ombudsperson Committee”, and iii) “Indicators of Assessment and Lessons Learnt in Assessing and Enhancing the Integrity of Different Sector”.

Mine Atlı also provided information about the Working Group Session: “Priority Setting & Mapping of Institutions and Stakeholders” in which the participants worked to provide recommendations for a more transparent and accountable “public sector” and “judiciary” (Please see International Transparency and Accountability Conference Report in Annex 2).

## PRESENTATION OF THE CIVIL SOCIETY (CS) COALITION PLATFORM (SCOCP) & DISCUSSIONS

The next session of the Forum was dedicated to the brief presentation of Hassan Vahib about the Civil Society Coalition Platform. The presentation included the topics below:

- ✚ Role of Civil Society Organizations
- ✚ Role and responsibility of CSOs as development actors
- ✚ Who are CSOs?
- ✚ General Categories of CSOs
- ✚ Alliances, Coalitions and Networks
- ✚ Creating a CS Coalition Platform in the northern part of Cyprus, purposes of the platform

Hassan Vahib mentioned the time plan for the CS Coalition Platform as follows:

- ✚ Draft constitution, code of practice, declaration, with clear purpose or mission, objectives (April/May 2018)
- ✚ Circulate these documents for consultation (April 2018)
- ✚ Involve individuals CS activists and organizations (Sept 2018).
- ✚ Commitment to participatory process and collaboration (Sept 2018)
- ✚ Organise an International Civil Society Conference in Cyprus (Sept 2018)
- ✚ Formally register the SCOCP, locally as well as internationally (Sept/Oct 2018)

Hassan Vahib invited the participants to the SCOCP meeting which will be held on 20<sup>th</sup> March 2018. He added that they are still working on membership and board membership criteria, which will be one of the main topics to be discussed in the next meeting.

Emete Imge from Universal Patient Rights Association reminded that “assembly” budget discussions are still going on, and advised the CSO representatives to submit the inquiries related to their sector of intervention (health, youth, gender...etc.). Participants decided to discuss it in the next Civil Society Coalition Platform Meeting on 20<sup>th</sup> March 2018.

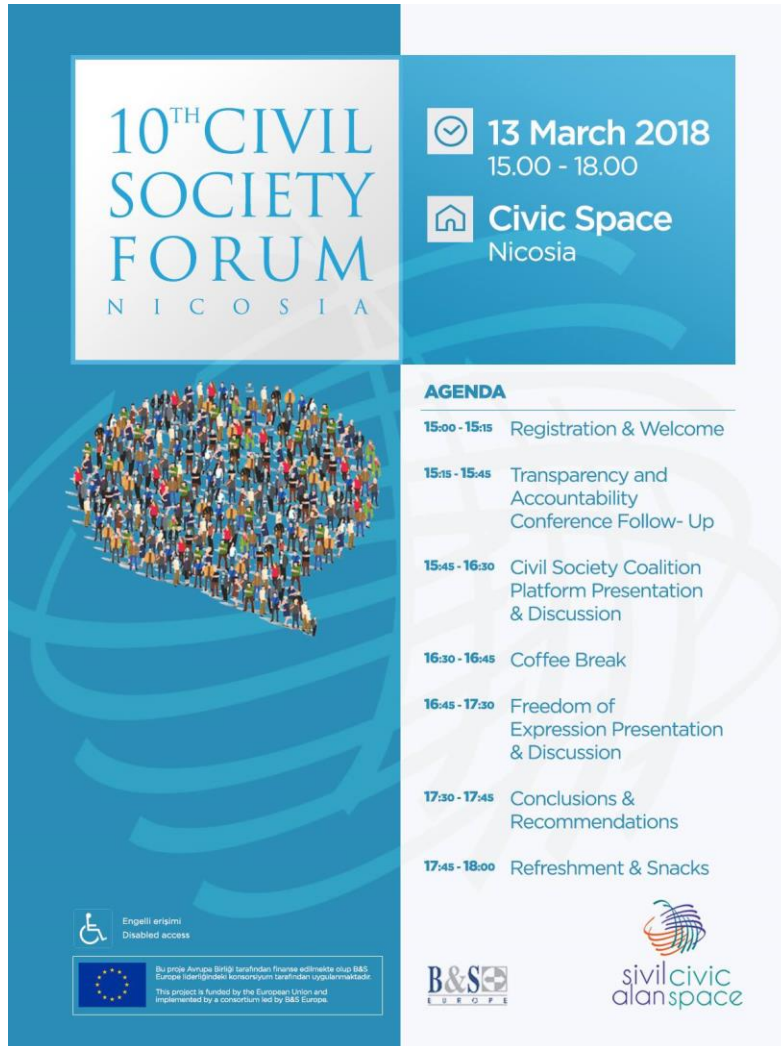
Melis Erođlu, Civic Space Steering Committee CSO member as well as the active member of the Working Group on Enabling Environment, explained the process of the Open Call for CSOs to draft the strategy for the Civil Society Enabling Environment, the content of the document and reminded that the deadline for consultations is 16<sup>th</sup> of March. She emphasized that the draft strategy was shared prior the elections to several political parties and individual candidates.

### FREEDOM OF EXPRESSION PRESENTATION & DISCUSSION

Öncel Polili, lawyer, member of Human Rights Foundation made a presentation on Freedom of Expression. In his presentation he covered the topics below:

- ✚ Relation of Freedom of Expression with other Human Rights
- ✚ What Freedom of Expression includes?
- ✚ Why Freedom of Expression is important?
- ✚ The mission of the press
- ✚ Freedom of Press and Public Benefit
- ✚ How and on what grounds the freedom of expression can be limited? (based on ECHR and ECtHR case law)

## ANNEX I – Agenda



**10<sup>TH</sup> CIVIL SOCIETY FORUM**  
NICOSIA

**13 March 2018**  
15.00 - 18.00

**Civic Space**  
Nicosia

**AGENDA**

- 15:00 - 15:15** Registration & Welcome
- 15:15 - 15:45** Transparency and Accountability Conference Follow- Up
- 15:45 - 16:30** Civil Society Coalition Platform Presentation & Discussion
- 16:30 - 16:45** Coffee Break
- 16:45 - 17:30** Freedom of Expression Presentation & Discussion
- 17:30 - 17:45** Conclusions & Recommendations
- 17:45 - 18:00** Refreshment & Snacks

Engelli erişimi  
Disabled access

Bu proje Avrupa Birliği tarafından finanse edilmekte olup B&S Europe liderliğindeki konsorsiyum tarafından uygulanmaktadır.  
This project is funded by the European Union and implemented by a consortium led by B&S Europe

**B&S EUROPE**

**sivilcivic  
alanspace**

## ANNEX II – Transparency and Accountability Conference Report

The International Conference on Transparency and Accountability took place at the Bedesten Hall in Nicosia on the 1<sup>st</sup> of March 2018.

The conference commenced with opening remarks by Mr. Alessandro Bianciardi, Head of Section at EUPSO, on the European Union's approach to transparency and accountability.

Among other points, Mr. Alessandro Bianciardi stated that the EU considers transparency and accountability as vital for a pluralistic democracy. The EU aims for better governance and has measures in place to maintain it. EU Treaties are clear legal structures that demand decisions are taken as openly as possible. Binding Charters such as the Charter of Fundamental Rights maintain

that citizens have access to all EU documents, a vital aspect of both transparency and accountability.

Mr. Bianciardi mentioned the value and significance of such an event in the northern part of Cyprus stating his eagerness to learn from local and international speakers what the existing tools that prevent corruption are and the status of transparency in the northern part of Cyprus.

The closing remarks ended with an emphasis on how transparency and accountability were essential for the enhancement of integrity and democracy.

Mr. Bianciardi was followed by the "Ombudsperson" of the northern part of Cyprus, Ms. ***Emine Dizdarlı***.

Ms. Dizdarlı began by making the point that transparency and accountability are terms that we are all familiar with, but can mean different things to different people. Ms. Dizdarlı continued:

"There are no basic answers to the questions of how transparency can be obtained and what it means exactly. It contains complex answers. Transparency entails decisions made by the administration or public bodies to be made within the scope of legal regulations, with full access to the public in an accessible, comprehensible, clear and visible way. I believe that transparency is the sine qua non of democracy. If institutions are open, visible and accessible to the public, it maintains that the public can monitor and evaluate them and if they are monitored the public are likely to feel trust towards them. If an administration is transparent it is likely to be accountable. The most effective method of insuring that public funds are used in an economic and effective manner is ensuring accountability. It maintains that all those using authority do so in complete knowledge and awareness of their responsibilities. The role of the "Ombudsperson" is to monitor, evaluate and report on how these responsibilities are met and whether services and duties are being carried out within the scope of the legal requirements and frameworks. The reports prepared by the "Ombudsperson" are presented to the "prime minister" and "president", if the report is prepared as a result of the application or complaint of an individual then the report is also served to them.

Every report that has been prepared and presented since 2015 has also been given to the press (upon request) and published on the "Ombudsperson" website. The "Ombudsperson" is in direct contact with the "president", the head of "parliament", "prime minister", "council of ministers" and public "institutions". She is able to obtain information directly, she can ask for all information relevant to her investigation, she can obtain all relevant documents and if she believes any information or evidence is deliberately withheld from her, distorted or wrongly submitted, a person convicted for such an act can be imprisoned for up to three years, or given a fine or both.

"Article 12 of the Ombudsperson Act" states that the "Ombudsman" cannot be sued for any statement, opinion, announcement or finding she makes whilst carrying out her role. It is easy to identify the value of this article: If the "Ombudsperson" states that the administration has faulted in their practice and the administration can then press charges for libel or slander, this is a foreseeable pressure that would hinder the role and performance of the "Ombudsperson".

Alongside the role of the "Ombudsperson" and the "Ombudsperson act", another mechanism utilized in the northern part of Cyprus to maintain transparency and accountability is the recently passed 'Right to Information Act'. According to this "legislation", all members of the public are entitled to obtain information. With this "legislation", the administration is under the scrutiny of the public eye and must comply with both "legislation" and the "constitution". "Article 13 of the legislation" makes a direct reference to transparency and the administration is obliged to comply with the notion of transparency. Also within the scope of this law the public are granted access to all official documents.

Another mechanism in the northern part of Cyprus that contributes to the upholding of transparency and accountability is that the administration and all public bodies are legally obliged to compensate the individual for any harm that is caused by their error. Of course this right can only be obtained once this is asserted by a “court of law”.

We can see the concepts of transparency and accountability developing in the Turkish Cypriot Community. Although the concepts were there from the very beginning it has taken some time for them to be developed. For example, the “76<sup>th</sup> article of the Turkish Cypriot Constitution” has the right of petition, although this was a step to ensure accountability and transparency the first ever “legislation” to refer to these terms directly was the “1996 Right to Information Act” and the “2013 Good Administration Act”. Both “laws” show that there is in fact “legal framework in state” to maintain transparency and accountability yet there is still time needed to maintain a deeper understanding of the concepts and see the “laws” being effectively utilized.”

10:00 – 11:00

### **Plenary: Concepts of Transparency and Accountability & Holistic Approaches in Assessing the Integrity of Different Sectors**

This plenary was moderated by Ms. Emete Imge. Ms. Imge initiated the plenary by voicing her enthusiasm for the topic with her 25 year experience in both the public and civil society sectors.

The plenary began with a speech by Ms. *Oya Özarlan*, founder and Chair of the Transparency International Turkey since 2008. Ms. Özarlan expressed her gratitude for the invitation to speak at this event which she stated to be an important contribution to a countries’ journey to transparency.

Ms. Özarlan gave a brief outline of her background in the field of Transparency and Accountability: “I am a board member of the Transparency International and I am both the founder and chair of the Transparency International Turkey. We are now celebrating our tenth year in Turkey and we have spent the last decade conducting activities in Turkey and around the world in regard to transparency and accountability.”

Ms. Özarlan introduced the NIS Assessment Toolkit as a method that was identified by Transparency International to contribute to the struggle against corruption. Ms. Özarlan continued her presentation as follows:

“In order to discuss transparency and accountability we need to be able to identify the reason why there is a need for these terms: These terms are valuable in our struggle against corruption. What is corruption? Corruption has a general definition adopted by Transparency International and the definitions employed by the EU and other international organizations are similar: Corruption is the abuse of entrusted power for private gain. It can be classified as grand, petty and political, depending on the amounts of money lost and the sector where it occurs.

In general, when we refer to entrusted power we refer to public resources however we cannot be limited by this. Corruption is not only limited to the public sector but can also occur in the private sector within organisations.

One of the most prominent tools we have to tackle corruption is integrity. This term does not even directly translate in Turkish. It is a state of having very high moral standards. To be able to fight corruption means to be able to lead the public sector with these standards.

Why do we make such an effort? What is the price of corruption? When we look at corruption on a global scale there are a few indicators that reveal the scope of the problem. In 2008 the World Bank stated that the sum of bribes paid globally was 1 trillion US dollars, that 40 billion dollars were

stolen through high level corruption from public budgets in developing countries and that illicit financial flows has reached one trillion.”

Ms. Özarslan emphasized in particular the huge negative impact that corruption has on humanitarian aid:

“According to the World Bank at least 20 Billion dollars of humanitarian aid evaporates. This is a huge attack on human rights. It is also an indicator of the various levels of life that corruption has infiltrated. It is an indicator of how all ethical values are violated.”

Ms. Özarslan continued her presentation with information of Transparency International:

‘Transparency International is composed of 91 National Chapters. 22 Chapters in formation contact groups, 28 individual members, the Transparency International Secretariat, Board of Directors and Advisory Council. Although it is a global organisation it is founded entirely on the idea of monitoring local corruption. The committee has 28 members all of which have extensive experience in monitoring local corruption. We exist in many countries around the world such as France and Nigeria.

Transparency International attempts to study and analyse corruption. We lead advocacy campaigns around corruption. We lead public awareness and multi stakeholder initiatives including monitoring, research and advocacy. We not only cooperate with central governments but also work together with private sectors. We attempt to maintain transformation and change by forming varying coalitions with a variety of organisations.

For example we work closely both with the UN and watchdog bodies to monitor UN conventions and how well they are being applied in member states. We achieve our monitoring with various indexes.

Our most well-known index is the Corruption Perceptions Index. This is a global index that compares and evaluates the public’s perceptions of the public sector and their governments in 180 countries. In other words, it is an index that reveals how clean a government is perceived to be by its people. Some people refer to this index as a ‘Corruption Map’. The Perceptions Index of 2017 recently published only a few days ago shows us that countries such as New Zealand, Denmark and Finland are leading countries with low corruption scores. Whereas countries like Syria and Somalia have the highest corruption perception scores showing that their people have little or no trust for the government or its bodies. An advantage of the Index and its annual production is that it allows us to monitor the development or rescission of a countries corruption perception. For example, countries like Senegal, Greece and England are the main movers in a positive sense, all showing progress in their corruption perception index.”

Ms. Özarslan put forward her opinion regarding Greece’s development score progress to be the austerity measures and strong EU monitoring influence and continued:

‘The countries that show a significant move in a negative sense over the last 6 years are Bahrain and Turkey. The way Turkey dealt with the most recent events regarding corruption severely eroded its corruption perception score.

The mean score globally out of 180 countries is 43. The lowest score is 32 and belongs to the African continent. However, what can be said is that if we consider the average to be 43 it means that globally we still have a long way to go in our struggle against corruption. Imagine your child comes home with a score card, and all of her results are around 4. It would be a huge disappointment and you would be genuinely concerned for her future.

When we look at the world, countries like New Zealand have the highest scores, whereas Afghanistan has one of the lowest.

The average score of America is 44, with North America and Canada having the highest scores.

When we look at the area with the highest score across the globe it is Europe. The area in the world that is considered by its people to be the cleanest is Europe. Its general average is 66 with Denmark ranking highest and its average being brought down by countries like Bulgaria. Turkey's score in 2017 was 40, making it rank 80<sup>th</sup> of the international scale. As mentioned before this is a drop compared to its points six years ago. Of all of the EU accession countries it is the one with the lowest score and if the government continues to neglect showing the appropriate response to corruption scandals it is likely to reduce even further.

The perception index is our most renowned tool however we do have other indexes. For example we have an index for the private sector who are one of our stakeholders. We have monitored and evaluated the 100 biggest companies of the world."

Ms. Özarslan continued with a detailed description of the National Integrity System Tool:

"The NIS tool is a qualitative assessment that offers a comprehensive evaluation of a country's integrity system. They are conducted by local in-country organizations generally TI national chapters. The methodology of the tool was developed by Transparency International and has so far been conducted in more than 50 countries.

The primary aim of the assessment is to evaluate the effectiveness of institutions in preventing and fighting corruption and fostering transparency and integrity. It is a system that monitors and evaluates how strong a community is due to the strength of its institutions.

It analyzes several pillars, the judiciary, legislature, executive, public sector, law enforcement agency, electoral management body, ombudsman, supreme audit institution, anti-corruption agency, political parties, media, civil society and business. The institutions are what the administrative system of a state. Once the TIS is implemented in each one of the pillars it allows you to take a photograph of the country's struggle against corruption.

Each pillar is assessed in terms of its role in fostering integrity, there are three main approaches during the assessment. 1) The capacity of institutions, 2) How transparency and accountability are maintained within the institution 3) What is the role of the institution in the struggle against corruption. For example, questions are asked regarding honesty and scores are given according to the answers provided. This achieves a true mapping/photograph of the situation of the country as a whole in its struggle against corruption.

In addition it helps maintain a relationship between anti-corruption organizations around the world as well as help them identify exactly which areas are most in need of improvement in each area.

In general, when we look at the EU we can see that the strongest pillars are the supreme audit institution, the electoral management body and the ombudsman, whereas the weakest are political parties, the public sector and ironically anti-corruption agencies.

Although the legal framework in the EU is generally strong in its ability to address and tackle corruption, there are countries such as Sweden that still don't have legislation regarding donations to political parties which brings down the NIT score. Thus, the key strengths of the EU are considered to be legal frameworks, whereas the weaknesses are identified as public expenditure oversight and electoral processes whereby political party financing is inadequately regulated. In 25



countries in the EU only 6 have laws regulating lobbying (remains veiled in secrecy in all other countries). Parliaments in Europe do not live up to ethical standards and in 11 countries members of parliament are not obliged to declare their assets. In countries like Ireland, access to information is limited in practice due to the very high fees involved in applications for information. In countries like the Czech Republic, the public have little to no awareness regarding how they can access information.

In some countries, the protection of whistleblowers are severely lacking which deters particularly public servants from coming forward when they witness corruption.

All countries in Europe even those considered to be the cleanest of the clean have deficits in their anti-corruption frameworks. Some countries seriously place themselves at risk in this regard. In countries like Romania the risk area becomes greater and countries like Macedonia demonstrate rescission. Thus the EU still have a long way to go to improve their anti-corruption standards."

Ms. Özarslan ended her presentation with information on Turkey's NIT score. She stated: 'Turkey did not show a strong standard in any of the pillars. In particular it was observed that the separation of powers in Turkey is weak which has an overall negative effect on all of the pillars. In particular over the last few years we have been able to observe why the separation of powers is so important.'

***Fazilet Özdenefe, Chairwoman of the "Complaints and Ombudsperson Committee"***

"The Turkish Cypriot community have recently undergone a general "election" period that entailed many 'firsts' for us: Not only is it the first time that the "government" is formed with a coalition of four, but it was the first time during the general "elections" of northern Cyprus that thousands of dollars were found in the "prime minister's" bank account (as a result of the details of his divorce being leaked), many accusations were made in regard to how the money was obtained, yet no explanation was made by the "prime minister". Unfortunately, the "elections" were burdened with the weight of this discussion and the alleged corruption performed by the "prime minister". Despite this, the "prime ministers" Party UBP obtained the highest votes and won the "elections" with 35%. Despite this, particularly with the effect of the "pm" not providing a single explanation regarding how the funds were obtained, three of the then opposition parties stated they would be willing to form a coalition.

Thus, the main factor that brought these parties with different ideologies and different political pasts together in a "government" was its promise to fight against corruption. This promise was then reflected in the newly formed "governments" manifesto.

The first sentence of the "government's" program reads as follows:

"In respect of our Democracy, it is nothing to be proud of that the Turkish Cypriot Public have begun to loose trust for political "institutions" and politicians. It is one of the main priorities of this "government" to struggle against corruption, unlawfulness, irregularity and partisanship that the public have so closely affiliated Turkish Cypriot politics with and to increase the trust of the public towards politics.

The terms transparency and accountability were used on multiple occasions in the "government" manifesto. In particular, the fact that this "power" has been shared by four parties who will check and balance one and other, together with the emphasis on accountability and transparency has led

to an approach different to the traditional administrative take and we can already see its effects on the trust perceptions of the people.

The Turkish Cypriot public now have begun to demand accountability and transparency and hold them closely with the term monitoring and auditing. The public are aware of the dangers of power being used for bad.

Following the 2004 "referendum" period, in 2006 the "Right to Information Act" was passed as one of the many "legal" initiatives to attempt to bring the Turkish Cypriot administration closer to compliance with the EU acquis. Although the right to petition is, the right to information is not codified in the Turkish Cypriot "constitution". What is codified however is the "rule of law" and democratic principles, all under severe threat with the existence of corruption.

Although the "law" in 2006 on the right to information was passed, the "Right to Information Council" was not formed and the "legislation" was somewhat ineffective. In 2013 progress was made in this regard but we will see its actual functioning in the next few months. The evaluation committee of the "Right to Information Council" has changed. It used to consist of 9 members and bureaucrats which made it less likely to meet. We have now changed this to 5 members with only two members from the "executive". We borrowed vital information from the legal framework and discussions in Turkey and ensured that all "institutions" connected to the administration were covered by the "law".

This "law" was limited to private and legal foreign bodies who were only allowed to obtain information relevant to themselves directly. We revised the "legislation" to maintain, in accord with international human rights principles that they too were able to benefit from the "law" as locals. One of the biggest problems of our "country" was that the public would ask for information with written requests but "institutions" would not reply. We made providing answers to the public a "legal" obligation."

Ms. Özdenefe continued to talk about the changes that were made in regard to progressing transparency and accountability.

"In 2014 the Right to Information Council was finally established and with it passed many statutes, the administration was now legally obliged to provide information at a lower cost (previously a monthly minimum wage now reduced to one third of the minimum wage). 75 Applications to the council were made with 52 of them reaching a decision. 23 of the applications that did not reach a decision were withdrawn due to passing of legal deadlines.

During the term of the previous "governing" the functioning of the "council" halted entirely. Since then it is entirely dormant. As stated in the "government" program the necessary appointments will be made very soon and the "council" will regain its function.

In addition, the reason why I am here to present to you today is that the petition and "Ombudsman Committee" was formed (of which I am the Chair). It must be noted that this position was empty in the Turkish Cypriot Community for many years, now with the appointment of the "Ombudsman" it has gained functionality. Although its decisions are not binding, as a "committee" we exert the necessary pressure to maintain that in practice the decisions of the "Ombudsperson" are applied by "institutions". In addition, many amendments to "laws" and "statutes" have been made with the suggestion of the "Ombudsperson"."

Finally, Ms. Özdenefe discussed transparency in regard to "parliamentary" proceedings stating:

"All proceedings in "parliament" are published through the web site, between 2013 and 2015 all "council of ministers" decisions were published not only in the "legal" gazette (a "legal" prerequisite) but also on the internet. Since 2015 this practice was abandoned entirely and we have been informed that some of the "CoM" decisions were not even published in the "legal" gazette. We are now going back and checking whether each decision made was in fact published.

I believe the "Good Administration act" has a positive contribution to accountability and transparency, it encourages participation and makes it obligatory to have open meetings with those who would be effected on issues such as environment and architecture which formed the basis of "legal" action for civil society on issues like the Kyrenia "decree" (revoked through "legal" action). This "government" has begun research on corruption in every "ministry" and so far 28 commercial licenses have been revoked on accounts relating to corruption."

Ms. Özdenefe closed by stating the importance of the role of the "public prosecutor" in overcoming corruption stating many applications have been made, including those regarding the Paracambio and the accounts of the "prime minister" and that they will be monitoring the progress made.

**Adil Şeytanoğlu**, Clean Society Association (Temiz Toplum Derneği), Chairman

Mr. Şeytanoğlu began his speech by expressing his appreciation for the re-establishment and functioning of the "Right to Information and Review Council" and stated his positive opinions for the "Right to Information Act". Mr. Şeytanoğlu stated that:

"In cases when the "council" does not function the public has two other options, the "Ombudsperson" and "court" and both are lengthy procedures and accessing the "court" in particular is very difficult due to the high fees. With regard to the corruption that took place in the procurement relating to Ercan we had no other option but to go to "court" and this proved to be a very expensive process that was a burden on our organization. Moreover, the process ended with failure due to our lack of locus standi.

The "council" was definitely a positive step in the right direction however as mentioned it halted. Another suggestion I would make in this regard is that the person who was given the authority to call meetings was the oldest member of the group. This was another reason why the "council" didn't meet at all in the previous term. If this role were to be given to civil society, it is more likely that the "council" will meet.

Mr. Şeytanoğlu continued:

"I am not surprised by the fact that not all "council of minister" decisions have not been published and it is good to hear they will be researched."

Mr. Şeytanoğlu then expressed that the Clean Society Association had in fact made an application regarding the corruption claims and accounts of the "prime minister" to the head of the "parliament" Ms. Sibel Siber, member of the CTP and that her response in relation to their application was not one that they agreed with. Mr. Şeytanoğlu stated that it was not only the "Right of Information council" that was obliged to provide information but also the "parliament" and expressed his desire for improvement in this regard.

Mr. Şeytanoğlu continued:

"In the northern part of Cyprus it is not enough to merely talk about accountability and transparency, both "legal" frameworks and existing mechanisms seem to be unsatisfactory. For

example, we have cases where there is an “Ombudsman” report, a report that discloses how public resources were spent for the gain of private individuals, thus there is a specific individual that must be accountable. When we looked at the perception index we can see that in the countries that are yellow politicians would quit their positions even with claims of corruption. In the northern part of Cyprus there are reports clearly revealing the corruption but politicians are merely able to push the report to one side with the backs of their hands and then get re-elected.’

Mr. Şeytanoğlu then discussed the importance of the Clean Society Association as an NGO to develop the perception around corruption: “If the public are able to re-elect these people then we as an NGO need to self-reflect and seriously consider which aspects we have neglected. We studied the indexes of Transparency International and we are very curious to see where northern part of Cyprus would rank.”

Mr. Şeytanoğlu then said that the “Right to Information Act” was a very good piece of “legislation” but the public are still very unaware of how it can be utilized. He also gave information on the changes made to the “criminal code” in 2014 which offered protection to whistleblowers.

“As an organization we do our best to review all reports published by the “Ombudsperson”, we have gone to “court” on more than one occasion, however like with the Ercan case, the Mercedes case also failed in “court” due to our lack of locus standi. This is a huge problem for civil society. It is difficult to see how this can be overcome unless “amendments” are made in the “legislation”, in addition we need to improve our financial resources.”

The plenary ended with questions from the mediator and participants:

Ms. Emete Imge asked whether necessary resources were allocated to the “Ombudsman” for their research and reporting on corruption and Mr. Hasan Vahib asked whether any studies were conducted to measure the level of corruption in northern part of Cyprus.

Mr. Dizdarlı responded stating that the “legislation” surrounding the “Ombudsman” was established in 1996 and the department was founded in 1997. She continued: “However, for many years there was no “Ombudsman” appointed and so unfortunately the “Ombudsman body” is not at the level it should be today. Since the first day of my duty I have had to face problems relating to the lack of infrastructure of the office, even the building was problematic when I first came to the position. Then we had to set up a team of experts who would carry out the investigations. Now both the building and the team are appropriate. We are still under staffed and the only way we are able to work the way we do is through the great effort of the team. Even when one person is off sick it affects us and we share responsibilities. We have known, that since the first day of our duty the most important aspect is surveillance and audit. Without these we cannot be successful. Two years ago when we first began our duty the feedback was not great, now, when we send a letter requesting for information we hear there is a great panic in the department which is a positive thing. It not only maintains that we receive the response of the “institution” in question rather rapidly, but also means that they trust that we will prepare an accurate report making any mistakes or corruption public. As an office, we are not exactly where we would like to be however I am sure that we have begun to raise the necessary awareness and that we will improve.”

Ms. Dizdarlı was then asked who the “Ombudsperson” was accountable to where she responded:

“As an “institution”, the “constitution” demands that we are independent and there is no “institution” that monitors or evaluates us. We do however have our own internal audit mechanism. We are also responsible to the “parliament” where there is an “ombudsman committee” where

reports and opinions are discussed. We publish our reports on our website and give them to the press and the “president”, the content of our reports is entirely transparent.

Mr. Şeytanoğlu attempted to answer Mr. Vahib’s question stating that as civil society we are in a very difficult position: “Legally” speaking our lack of locus standi maintains that we are unable to obtain “court” orders which are the binding solution the public seek. It is difficult to pursue “legal remedies” when “court” fees are so high.”

Ms. Özdenefe added: “The problem of locus standi is felt by political parties too. I believe that civil society needs to explore stronger methods of cooperation with one and other. Networks and platforms will not only improve financial capacities but also enhance their advocacy effect.”

Ms. Özerslan responded to Mr Vahib’s question:

‘The republic of Cyprus was given 57 points out of 100, when we look at countries that ranked lower we can see Spain, so in some regards the RoC is in one of the better positions in Europe. Corruption is a global problem and places where corruption happens to produce tax havens. The main aspect that keeps these heavens alive is secrecy. We can see a lot of secrecy and lack of transparency in a lot of NGOs. For example, following the tsunami in Haiti hundreds of NGOs were formed and it was reported that a lot of the funds and resources donated evaporated before reaching the survivors. Enhancing the transparency of NGOs themselves is a good way to start enhancing the capacity of NGOs in fighting corruption. “

11:50 – 13:00

#### **Plenary: Indicators of Assessment and Lessons Learnt in Assessing and Enhancing the Integrity of Different Sectors**

The plenary was moderated by Süreyya Çelmen Değer, member of PeacePlayers NGO.

**Slagjana Taseva**, Transparency International FYRoM, Chairwoman. Ms. Taseva is a professor of criminal law and has been chair of the Transparency International FYRoM for the last 8 years. She is the founder of the chapter and has had experience in working with the ministry of interior fighting against corruption.

Ms. Taseva began by expressing that her country was a country in transition and experienced vast problems in establishing their own system of good governance.

Ms. Taseva explained: “We had big discussions on transparency and integrity – it is an ongoing discussion and we are still working to raise awareness on this issue. When we raise people’s awareness, it engages the people and government and civil society do more for transparency and accountability:

Ms. Taseva stated that not being a member of the EU could not be a justification for not caring about the status of corruption and continued: “If we want a future for our children we need to adjust to the global picture, we cannot say we are not a member of the EU so they can’t impose this on us. It took some time for us to realize as a country that we were not struggling against corruption for the EU – but because we want to live in a society which will allow us to do our work without people using the public budget for their own good, or to live without bribes.”

She continued:

‘In 1991 former Yugoslavia collapsed and we built a state – since then as a state we have been going up and down on the transparency index. We have various problems such as weak governments, lack of strong civil society and lack of power on the side of the people because of the lack of

development of the economy. If you are not secure in your daily life it is difficult to deal with other issues.

A lot of the struggle against corruption depends on the political will of politicians. This is why the National Integrity System was so effective for us. This tool takes a very holistic approach because it goes deep into every pillar in every sector and looks at real evidence of the existing situation. It allowed us to take a picture of the problem, set goals and monitor how far this political will was present.

The NIS survey was done twice in Macedonia, in 2002 when it was done for the first time the Ombudsman was a very new institution. This meant that we were able to do the NIS at the very beginning and it gave us a very good picture of the situation at the time. The methodology not only gave us the opportunity to look at perceptions and civil society, it also encouraged us to look at all of the established facts. The tool allowed us to see how far we were in compliance with the legal system; We spoke to practitioners to hear if the laws are actually implemented and we were able to get a thorough understanding of what the role of each institution was in maintaining accountability and transparency.”

Ms. Taseva discussed the importance of the NIS in mapping out the situation regarding accountability and transparency in FYRoM:

“Once the situation was fully mapped it was possible to make clear recommendations to improve and develop the situation. The last study we did was with colleagues from the region – it was a regional study because we wanted to see how we stand in the region – which is all a region of EU candidate countries. We wanted to see how we could move forward. All members of CoE, other countries in the region including Kosovo, FYRoM and Turkey, the NIS showed that all of the countries in the region had issues with democracy and other issues. It was a good opportunity to see the opportunities for collaboration.

Ms. Taseva continued with the benefits of the NIS as a tool:

‘The NIS is a very strong evaluation tool that will evaluate clear actors. Some institutions like the Ombudsman have clear roles in their struggle against corruption, however sometimes it is not easy to make a connection with anticorruption and the institution. The NIS allows us to see the connection. This methodology will reveal strengths and weaknesses. Once we completed ours there were 1100 footnotes in the references showing that every statement is supported by a reference. The tool allows you to go into the system very deeply. Following the first NIS we did another one to see years later, what the institutions did with the recommendations, by the second one all institutions were in place. This time we were able to see that the problem was implementation and capacity. The institutions were weak, there was little budget and thus not enough capacity to do what they ought to.

I strongly approve of the metaphor of the Temple being used for the NIS toolkit. For me the most important part of the temple is the roof. Only if the pillars are strong will the roof ‘The National Integrity System’ be in place. If the pillars are weak then there will be no roof. All pillars are accountable to one and other, the basis of all of the pillars of course are good politics and political will together with a thriving economy, a peace culture and healthy society.

Ms. Taseva continued by showing what the NIS temple in FYRoM looks like:

“This is our temple, there is no pillar that can hold the roof. In our case the ombudsman was the strongest pillar and state audit – they are both independent. However, our studies show that the executive has the strongest effect on everybody else. They have a strong role, it is the executive that controls parliament and other bodies, in our country one person who is the leader of political

party can become a prime minister or hold majority in parliament and then can use this power to do whatever they want and control both the judiciary and other sectors. This was our most important finding showing us that the system is not functional because other pillars don't have power to control their own duties. The fact that I can make this diagnosis in my country is also a result of the strength of the methodology, as it is through this that I am able to extract such information."

The presentation ended with empowering remarks by Ms. Taseva:

"The struggle continues, we do our best to hold institutions accountable with press statements, reports and public announcements all revealing findings we reach through NIS. All of our reports are also submitted to the EU and are all based on real evidence. We were able to make strong recommendations based on the outcome of our findings such as amendments to the electoral law. We will work on the issue case by case to overcome corruption and you can do the same."

**Aysun Önet İleri**, Turkish Cypriot "Chamber of Commerce", Secretary General

Ms. İleri gave a presentation on how corruption was also a phenomenon for businesses.

Following a brief summary of the role of the Turkish Cypriot Chamber of Commerce in combating corruption on a "national" scale, she put forward three aspects that she believed were essential in maintaining transparency and accountability in northern part of Cyprus.

- 1) Companies must be transparent. They must produce reports and all rights of all shareholders must be protected. All shareholders must be treated equally and every company must approach ethical values with importance and respect. A good and accurate administration is vital and the concept of 'trade secrets' (other than financial) must be abandoned providing accessible and easily comprehensible information relating to the company to the public.
- 2) Accountability: The Board of directors must be monitored by an independent body. The board of directors must be accountable to all shareholders. All information must be shared.
- 3) International standards must be followed and complied with. Companies incomes and outputs, cash flow tables, footnotes with important information must all be shared. All information, other than financial must be accessible. Risks, environmental factors must all, like they are in international models be entirely transparent to both shareholders and the public.

Ms. İleri closed with a summary of the situation in the northern part of Cyprus: "We are a small economy and companies are either micro or medium. The concepts of institutionalization and corporate identity are still new and we can see a significant gap when we compare our companies with regional economies. Although bigger companies are developing quickly in this aspect, there is still a long way to go to improve the capacities of smaller companies. As the Chamber of Commerce we are doing our best to enhance the capacity of our members. In addition, there are many "amendments" that need to be made in "legislation" surrounding transparency and accountability in relation to how companies function and are governed. As a civil society organization we have a large role to play in the shaping of these legal recommendations.

**Metin Ersoy**, Eastern Mediterranean University, Department of Journalism, Asst. Prof.

Mr. Ersoy began his presentation with a criticism of the Turkish Cypriot Press officials.

He expressed his disappointment for not seeing media officials present at such a conference: "As a community it is the press and media officials who we expect to expose corruption and to hold those responsible accountable. However, from the turnout today and their lack of participation we can

come to an important conclusion that our media do not give the issue the significance and importance that it deserves.'

Mr. Ersoy gave a brief summary of the status of Turkish Cypriot Press:

"We have 16 daily newspapers in Turkish, a number very high in comparison to our population. We have over 50 online newspapers and it is these papers that we receive the most complaints about. We have 14 TV channels including education channels and 30 radio stations. The fact that we have so many media channels in such a small geography is a good indicator of our medias multiculturalism and democracy. When we look at The World Press Freedom Index prepared by Reporters Without Borders the northern part of Cyprus ranks somewhere in the middle, after the recent events it may have increased a little. Partisan reporting continues greatly and we can see entirely partisan papers and TV channels.

When we look at the level of transparency we have a few indicators to show us that we do have some problems, for example when we read news such as "according to diplomatic resources" but we don't find a source this shows us that there is a low transparency aim. Moreover, we see that ethical standards are often scrapped when there is news covering foreigners. This can be because the media outlet assumes they won't be held accountable.

Another aspect that allows us to look at the transparency involved in the TC media is the financing of media. In some cases there are newspapers entirely funded by hotel casinos, how far can we talk of transparency in these contexts? All you need to open a media channel in northern part of Cyprus is to establish a ltd company. This may seem very democratic but it causes implications when we look at funding and interests behind reporting.

Another issue we have is accountability. Some online newspapers don't even use the authors names when publishing articles. Articles are released under nick or false names. Thus they are not transparent neither are they accountable. When we look at the relationship between politicians and press officers we are faced with yet another problem. We sometimes see very close relationships. This may not be perceived to be worrying but imagine a journalist and politician have dinner together one night in a tavern, how likely is it that that journalist will expose that politician in the face of corruption. In the media our roles are all about contact and distance. We need to maintain a distance without breaking contact."

Finally, Mr Ersoy discussed the role of civil society in making the press more accountable:

"The Media Ethics "Council" in the northern part of Cyprus was established with media NGO's entirely and its sole aim is to monitor itself. This is the place where we complain about press standards. There are two types of models for this kind of body, we have adopted model one where there is no intervention from the "government". It is also a body that provides trainings to journalists. The second model belongs to that of Scandinavian countries where the government appoints a manager or president and all authority is granted by the government, of course here this would not be a preferred model. The biggest criticism it has is that it doesn't meet as often as it should and that it doesn't have the authority to impose fines.

The only paper in the northern part of Cyprus that has a media "ombudsman" is the Yeni Düzen newspaper. It self-reviews itself and allows the public to hold it accountable."

Mr. Ersoy ended with concrete recommendations for a transparent and accountable system:

"A more trustworthy media is necessary; the media must put the overall welfare of the public before the overall welfare of any of the institutions. The media must be the sole check of the separation of powers and must form the fourth power in this regard. It must have a voice in shaping



the democratic context of society and a more rights based approach must be adopted with emphasis on peace journalism.”

**Nurcan Gündüz**, Eastern Mediterranean University, Department of Law, Asst. Prof.

Ms. Gündüz discussed how criminal law dealt with corruption in the northern part of Cyprus. She started by giving a brief outline of criminal law stating “criminal law is an area that involves the state using punishment to prevent something it doesn’t like happening because there is no other way it can prevent it.”

Ms. Gündüz continued: “There is an attempt to protect both the system and the individual. In the struggle against corruption criminal law can be perceived to be trying to protect the system but in fact it is protecting the individual too. Corruption related crimes can be committed not only by public officials but by regular citizens too. According to the type of crime, the fact that the person is a civil servant could aggravate the crime.”

Ms. Gündüz stated that she was more interested to share her opinions relating to corruption crimes committed by “civil servants”.

“In 2014 there were drastic changes made to corruption related “laws” in the northern part of Cyprus. Corruption was given a clear definition and was termed to be a crime that attacked the trustworthiness of “government” administration.

The crime itself introduced in 2014 was for a public officer to use their office to maintain a benefit for themselves or another. Another change was making a “civil servant” exerting force or pressure on another “civil servant” to maintain personal benefit being also made criminal. All crimes relating to corruption were explained in more thorough detail. This was important in particular because sometimes prior to 2014 people would be a part of corruption without knowing it. Now the public are clearly aware of what the implications of their corruption based activities are.

The changes also brought a “clause” to protect whistleblowers under the name of ‘effective regret’. In particular, this was necessary for the effective utilization of the “law” when we discuss the crime of bribery.

The main aspect of transparency and accountability when we refer to the “law” is that we expect justice. So if a criminal activity takes place, and the criminal activity is all over the news and the public are aware of it, we expect the “prosecution” to also have heard about it. Once they are made aware of it they have the authority to investigate and prosecute. When we see this does not happen the public become less sensitive to the idea that that is a crime. The best “laws” can be in place, if they are not utilized to prosecute it is less likely the public will consider it an offence. Such crimes referred to ‘black points’ then become crimes that people are not even aware are crimes whilst committing them.”

During the Question and Answer session the moderator Ms. Değer asked about the procurement systems in the northern part of Cyprus and asked whether they were accountable and transparent. Another question from the participants was regarding whether the media ethics “council” ever identified their own mistakes and took necessary steps to rectify them. Speakers discussed the positive and negative examples faced regarding procurement, positives including aspects like them being published openly and negatives including information leakage. The Media ethics “council” referred to by Mr. Ersoy was said to have few examples of this happening stating that the remedy at the moment was limited to papers publishing corrected versions of news however at times this was limited as the space used for the correction would often be far less than the actual news.

The participants were able to choose between the “legislature”, “executive”, “judiciary”, Public Sector, “ombudsperson”, Media and the “public prosecution/police force”. Large sheets with each pillar title were placed in the conference hall and participants were asked to write their names on the sheet that had the title that interested them the most.

There was a consensus among participants that they preferred to work on the “public sector” however then spent the final half an hour briefly discussing the “judiciary”.

**The following discussion was lead with the question of whether the “public service” ought to be accountable at all.**

**Below are the recommendations of the group in regard to the “public service”:**

- The “public service” must be accountable
- It must be accountable both to the public and to “institutions” they are connected to
- Every “civil servant” must be accountable
- The “supreme audit body” ought to monitor and audit all “public institutions” but this is not happening in the northern part of Cyprus
- “Bodies” should have self-monitoring systems but these are easily overridden because of the community ties and relationships. For example, a complaint can be overseen if the person in question is a friend or a friend of a friend of the “minister”.
- Both the “ombudsperson” and “supreme audit body” are understaffed and do not have the capacity to carry out regular and healthy audits.
- The biggest problem faced are political appointments – there is no sustainability or continuity of “public offices” or projects.
- There must be independent structures that perform without the meddling of politics.
- Evaluation and audit mechanisms must be put into place.

**Below were contributions regarding symptoms of a transparent and accountable “public service” according to participants:**

- A high level of knowledge of “civil servants”
- The number of political appointees (Participants felt the lower the number of appointees there were the more transparent and accountable “institutions” would become)
- The existence of “legislation” regulating rights of “civil servants” – the extent the “law” is applied
- The quality of service offered
- A standard performance criteria
- A quality control mechanism, clear indicators showing what leads to a strong and what leads to a weak mechanism
- The measurability of the quality of service provided – for example to measure the quality of service at hospitals there needs to be a key measuring and giving scores for things like waiting times etc.
- The transparency of procurement systems
- The vision and mission statements of bodies and their commitment to it or how reliant they are on individual ideology and vision
- The existence of a strategic work program

- The frequency and intervals of “auditing” – one participant stated the audits in the northern part of Cyprus occurred ten years after a “complaint”
- “Institutional” memory
- The level of wages
- The knowledge and awareness of corruption

**Below were contributions regarding who the “public service” is accountable to:**

- The “supreme audit body” but this is only for show.
- “Legally” internal audits should happen but we do not see this in reality
- Newcomers particularly political appointees are unaware and have a lack of experience
- NGO’s limited due to their capacity
- The audit body tied to the “prime minister”
- The northern part of Cyprus is not accountable to international bodies which is problematic
- The “public service” is accountable to the “Ombudsperson” but as we saw the “Ombudsperson” may not have the capacity to hold these “institutions” accountable

In the last half an hour of the workshop, participants had a brief discussion surrounding the “judiciary”; below is a summary of the suggestions and remarks:

In general, the “judiciary” is perceived to be transparent and accountable. Participants believed the “judiciary” was accountable to the “ombudsperson”, lawyers and the public. The perception among participants was that Turkish Cypriot “judgments” were not accountable to any kind of international court. The facilitator intervened and explained “court” decisions could be taken to the European Court of Human Rights.

Although there was little knowledge regarding the fact that ‘some decisions’ were made public the participants were not clear as to which decisions and how and where they were publicized.

All participants agreed that overall the “judiciary” played a role in combatting corruption but that the high legal fees and long “court” processes were a strong deterrent for the public to take “legal” action.

Many participants put forward that although the “judges” part of the “judiciary” still seemed to be reliable and transparent, there was a problem with the “police” and “prosecution”.

One participant stated:

‘The “police” and “prosecution” can see that some crimes are being committed but we know that they are not taken to “court” and nor persecuted. How can we trust the “judiciary” as an “institution” when they pick and choose who to “prosecute”?’

The participants wanted to have more information regarding how the “judiciary” functioned and what the reasons behind the slow and delayed “legal proceedings” were. Participants mentioned that the “high court” should explain the situation: “Are there enough “judges”? Is there a problem with the number of “court” staff? Is the problem relating to the infrastructure of the “court”?”

Overall, the participants believed the “judiciary” was an independent “body” not officially accountable to anybody but still a reliable “institution”.

Closing remarks were made by Slagjana Taseva:

“I was impressed with how knowledgeable you are on these issues despite the very short presentations. This means that the notions are here they just need more development.

It is important to talk about cross cutting sectors – when we talk about internal audit we talk about all sectors. If we want to improve this, it means we are affecting accountability in all sections. Some people asked for a road map = this means we are eager to learn about the main priorities.

When we talk about public administration, it is something that effects everything – the frequent changing of the people, etc. How can citizens ask for their rights? This is a priority – you you have been able to identify it.

When we talk about the foundations of a system – The people want to see corrupt politicians accountable and to be convicted and to even have the money they stole taken away from them. We need to strategize = to decide what to do first. Do we establish the law? Make trainings? Prioritisation exercise is important. Don't try to look at all the pillars at the same time. I am sure you have a great support group here to help you build this road map."

Thank you for your participation.



Civic Space project is funded by the European Union and implemented by a consortium led by B&S Europe. The contents of this document are the sole responsibility of the B&S Europe Consortium and do not necessarily reflect the views of the European Union.

