

Turkey should urgently implement key reforms to boost fight against foreign bribery, including to preserve independence of investigations and prosecutions

29/06/2021 - Turkey has not taken sufficient steps to address the OECD Working Group on Bribery's concerns about its implementation of the OECD Anti-Bribery Convention or its very low level of enforcement of the foreign bribery offence. The Working Group has, since 2014, urged Turkey to ensure that foreign bribery is effectively investigated and prosecuted, including by protecting the independence of prosecutions, strengthening its legislation on liability of legal persons for foreign bribery, and implementing adequate protection for whistleblowers who report suspicions of foreign bribery.

On 21-22 June 2021, a High-Level Mission of the Working Group discussed these serious issues in virtual meetings with senior officials of Turkey's Ministry of Justice, Ministry of Foreign Affairs, Ministry of Interior, Ministry of Treasury and Finance, Ministry of Labour and Social Security, the Ankara Chief Public Prosecutor's Office, the Council of Judges and Prosecutors, the Permanent Delegation of Turkey to the OECD and the Justice Commission of the Turkish Grand National Assembly.

The High-Level Mission, led by the Working Group Chair with delegates from Colombia, Germany, New Zealand, Russia, Sweden and the United States, expressed their gratitude to the Turkish authorities for responding positively to the Working Group's invitation, despite challenging conditions due to the COVID-19 pandemic. In particular, they noted the high level of attendance of Turkish representatives, including the Minister of Justice, who emphasised Turkey's serious commitment to implement its obligations under the Anti-Bribery Convention.

Regarding the liability of legal persons for foreign bribery, the High-Level Mission welcomed the December 2020 amendment to the Code of Misdemeanour, including an increase in sanctions. Turkey further explained that these amendments have clarified that prosecution of a natural person is not necessary to initiate proceedings against a legal person for foreign bribery; the WGB delegation considers this still needs to be demonstrated in practice. Members of the High-Level Mission are encouraged by proposed additional amendments that would clarify that state-owned enterprises can be held liable for foreign bribery. They hope that such amendments will be promptly adopted.

The High-Level Mission emphasised the importance of enforcement and urged Turkey to strengthen its efforts in this regard, noting that despite its economic importance, Turkey has yet to successfully conclude a foreign bribery case. Turkey should more proactively gather information from diverse sources to initiate investigations, rather than relying solely on mutual legal assistance requests. Additionally, members of the Working Group delegation remain seriously concerned that Turkey has not taken measures to protect the independence of investigations and prosecutions, in light of the successive waves of large-scale suspensions and reassignments of judicial and law enforcement officers, which took place in 2014 and 2016.

Finally, the High-Level Mission deeply regrets that Turkey did not amend its legislation to adequately protect whistleblowers, as contemplated in Turkey's 2016 Anti-Corruption Plan. They are however encouraged by Turkey's assurance that steps will be taken to ensure that whistleblower protection is included in the new Anti-Corruption Strategy, which should be drafted by October 2021.

The Working Group on Bribery – made up of the 38 OECD Member countries plus Argentina, Brazil, Bulgaria, Peru, Russia and South Africa – comprises the Parties to the Anti-Bribery Convention. The Working Group conducts a systematic programme for monitoring implementation of the Convention by all its Parties. The Working Group decided to urgently conduct a High-Level Mission at its October 2019 meeting. The Working Group will closely follow developments in Turkey to implement the Anti-Bribery Convention and to enforce the foreign bribery offence in practice, in particular in the context of Turkey's Phase 4 evaluation, currently scheduled for June 2023.

For further information, journalists are invited to contact [Amelia Godber](#) of the OECD Anti-Corruption Division (tel. + 33 1 45 24 97 00).

For more information on the implementation of the Anti-Bribery Convention in Turkey, go to: <https://www.oecd.org/daf/anti-bribery/turkey-oecdanti-briberyconvention.htm>.

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