



November 7, 2016

Board of Directors
Kimse Yok Mu Association
Turkey

Re: Letter of Concern dated September 16, 2016

Dear Members of the Board:

On behalf of the Criteria and Standards Subcommittee, I would like to thank you for your letter dated September 16, 2016 to the Steering Committee of the Open Government Partnership. The "[Policy on Upholding the Values and Principles of OGP, as articulated in the Open Government Declaration](#)"¹ (henceforth 'Response Policy') was approved by the Steering Committee on September 25, 2014 in order to safeguard the Open Government Declaration, including to protect "the ability of not-for-profit and civil society organizations to operate in ways consistent with our commitment to freedom of expression, association and opinion." Henceforth, when needed, the policy seeks to provide assistance to countries that allows them to overcome difficulties and re-establish an environment for government and civil society collaboration.

As per the terms of the Response Policy, an inquiry into whether an OGP participating country is acting in a manner that undermines OGP values and principles can be triggered when:

- 1. A Steering Committee member – government or civil society – brings to the attention of the chair of Criteria and Standards concerns, including details on which country and why.*
- 2. One of the official OGP multilateral partners or Working Group co-anchors brings to the attention of the OGP Steering Committee or Support Unit concerns, including details on which country and why.*
- 3. The OGP Steering Committee or Support Unit receives a letter of concern from a civil society, not-for-profit organization, or media organization involved in OGP at the national or international level, including details on which country and why.*

The Criteria and Standards Subcommittee discussed this case during their October 11, 2016 call and came to the following conclusions regarding your letter:

¹ <http://www.opengovpartnership.org/how-it-works/response-policy>

1. The Subcommittee reiterates its commitment to contribute to protect civic space in OGP participating countries, as there cannot be a truly open government without freedom of speech, association or opinion. The Response Policy has shown its value in this regard over the last two years.
2. The Subcommittee is dedicated to ensuring that the current Response Policy adheres to the principles enshrined in the Articles of Governance and its procedures and protocols. It is important that the application of the Response Policy closely follows firmly established processes, rules and mandates and is seen as consistent, fair and trustworthy.
3. The Subcommittee noted that the OGP process in Turkey has been stalled for over 18 months. The language of the response policy requires that an organization or individual filing a letter must be “involved in OGP at the national or international level”. Since no OGP process exists in Turkey, the Subcommittee notes that Kimse Yok Mu Association could not be involved in it.
4. The Subcommittee therefore has concluded that this letter of concern falls outside the scope of the Response Policy, and will not trigger an inquiry at this time. This decision does not in any way refute the information provided in the letter of concern.

The Subcommittee notes that on September 21, 2016, the Steering Committee of the Open Government Partnership resolved that Turkey should be designated as inactive in OGP, having failed to deliver a National Action Plan since 2014. The decision follows a resolution approved unanimously by the OGP Steering Committee during their May 4, 2016 ministerial level meeting in Cape Town, South Africa (Please see [resolution](#))². That resolution called for the government of Turkey to take steps to re-engage in OGP to avoid being automatically placed in inactive status. The requested steps included developing a National Action with broad civil society participation by September 1, 2016. As the government of Turkey did not deliver this National Action Plan and did not engage civil society by the prescribed date, the status of inactive was automatically applied. The government of Turkey will have one year to deliver a National Action Plan.

We would also like to inform you that the Subcommittee will shortly undertake a review of the Response Policy in order to improve our ability to respond to concerns raised by our stakeholders. As this is the first letter of concern relating to a country where there has been no ongoing OGP process, we will use the case as input for our review. We hope this will give us better understanding of how to address legitimate concerns which fall outside the scope of the current policy.

With kind regards



Sanjay Pradhan
Chief Executive Officer
Open Government Partnership

² <http://www.opengovpartnership.org/sites/default/files/Revised%20Turkey%20Resolution%20for%20SC%20May%20.pdf>