

EXTENDED SUMMARY

The year 2023 coincides with the 100th anniversary of the founding of the Republic of Turkey and the 75th anniversary of the adoption of the United Nations Universal Declaration of Human Rights. Our Republic has left a century behind. The most ideal republics are those crowned with human rights, rule of law and democracy. Article 21 of the UDHR, declared as a human rights ideal, encourages states towards democracy by regulating the “right to take part in the government” and the “the right of equal access to public service”.

The basis of the study is the rights to participate in state administration and to hold public office, regulated in Article 21 of the UDHR. The UDHR has taken a leading role in understanding, accepting and disseminating these rights and their nature around the world. Our work is based on this leading role. Undoubtedly, this document is a result of the developments that took place before it. It is possible that these developments can be traced back to Ancient Greece. Nevertheless, the spread of the idea of human rights, which emerged in the Age of Enlightenment, through constitutionalism, forms the intellectual foundations of the UDHR. The fact that the European continent was the battle field of two world wars in the first half of the 20th century and millions of people became victims of the conflict between dictatorships were the factual basis for the creation of the UDHR.

The UDHR is a human rights ideal and highlights democracy as the ideal regime. For this reason, the right to take part in the government has been regulated and offered to the nations of the world. This right includes not only the right to vote or be elected as representatives to parliament, but also to participate directly. For this reason, the right to take part in the government should not be considered limited only to elections. The necessary freedom environment must be provided for the exercise of the right to vote and right to be elected. All participation rights, especially the right to information and freedom of expression, must be constitutionally guaranteed. Everyone should have the right of equal access to public service.

In this study, the discussions that took place during the drafting of Article 21 of the UDHR are included in detail. Thus, it is important to have information about how states envisioned right to take part in the government

and the right of equal access to public service in the conditions of 1946-48. Article 21 is one of the articles that underwent the most changes during the construction process. Making detailed examinations of the construction process and knowing which state representatives put forward reservations and suggestions for changes are helpful in terms of historical and literal interpretation of the article. The final version of Article 21 is as follows:

- 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.*
- 2. Everyone has the right of equal access to public service in his country.*
- 3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.*

Türkiye participated in the drafting process of the UDHR. The UDHR inspired the constitute powers in the constitutions made after the UDHR. Türkiye's first democratic election law included the principles set forth by the UDHR in 1950. Türkiye brought the right to vote and be elected to women in 1934. In this sense, we have to say that Turkey is one of the leading states in the world. There have always been no voting restrictions in Türkiye due to race or wealth. Gender discrimination was resolved in 1934. Thus, the "everyone" mentioned in the UDHR for the right to take part in the government was achieved as of 1934. The principles of free and fair elections set out in the 3rd paragraph of Article 21 were included in the election law made in 1950. The Supreme Election Council and lower-level boards have been established for the purpose of judicial supervision of elections. The universal principles of elections were constitutionally guaranteed in the constitutions made in 1961 and 1982. There cannot be much of a problem other than the fact that the election threshold in Turkish domestic law is as high as 7%. However, in recent years, elections have been a matter of controversy. It has been included in various international reports that the elections were unfair and that the current government used state power to win elections, and this created a disadvantage for the opposition. Some decisions of the Supreme Election Council are still controversial.

In exercising the right of equal access to public service, security investigations and interviews that are not related to the applied profession are criticized. However, in a democratic state, equality must be ensured in the exercise of this right and the government must cease to its partisan approach.

This study discusses whether Turkish law and practice are in accordance with the UDHR principles. It is methodologically based on an accounting of Türkiye's democracy, especially within the scope of Article 21 of the UDHR. As Turkey leaves a century behind in its democratic republic regime, it should internalize democracy more and determine a policy that increases the participation of its citizens.