



**STRENGTHENING THE CAPACITY OF TURKISH  
JUDICIARY ON FREEDOM OF EXPRESSION  
EUROPEAN UNION - COUNCIL OF EUROPE JOINT PROJECT  
FOLLOW-UP SURVEY REPORT**

24.02.2017



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**The views and opinions expressed in this study do not engage the responsibility of the Council of Europe, the European Union and/or the beneficiary institutions.**

## Document Check

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### Authors

<b>Editors</b>	Oğuzhan Akyıldırım Dilan Oran Oğuz Önel
<b>Quality Assurance</b>	Gülper Kırac

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## List of Abbreviations

ECtHR	European Court of Human Rights
ECHR	European Convention on Human Rights
EU	European Union
CoE	Council of Europe
OFS	Online Follow-up Survey
HCJP	High Council of Judges and Public Prosecutors
HUDOC	European Court of Human Rights Judgments Database
DHR	Department of Human Rights
FoE	Freedom of Expression
NGO	Nongovernmental organizations
JAT	Justice Academy of Turkey

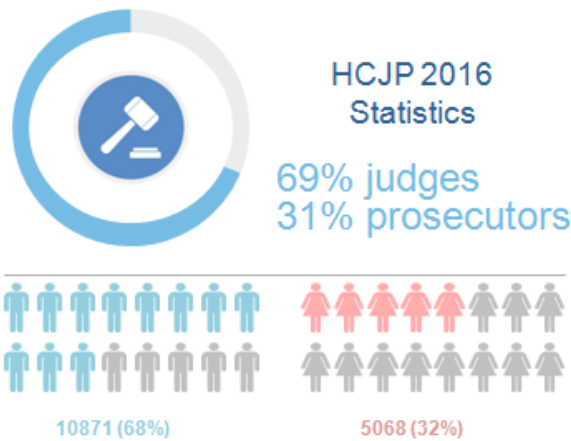
## EXECUTIVE SUMMARY

The follow-up survey was conducted to determine and assess the attitudes of judges and prosecutors to freedom of expression as explained in the Strengthening the Capacity of the Turkish Judiciary on Freedom of Expression EU-CoE Joint Project Description of Action. Online surveys were conducted in two stages, and findings were used to measure the outcomes of project activities and determine opportunities for improvement.

Between September – October 2015, a total of 939 participants including 562 judges and 377 prosecutors were reached and the online questionnaire used in the baseline survey\* was designed in order to obtain preliminary data on awareness and approaches of the judges and prosecutors on freedom of expression. The survey used for the follow-up survey was designed for, and succeeded in, measuring the changes and improvements achieved throughout the project activity implementation phase. The dedication of the judges in the Justice Academy of Turkey (JAT) and the continued support of the CoE Project officers and consultants were instrumental in the success of the Follow-up Survey.

When preparing the online questionnaire for the follow-up survey, the tools used in measuring the results of the pilot survey, baseline survey and project training activities were considered and the survey was designed to allow for comparisons.

1104 judges and prosecutors from 79 Turkish provinces took part in the follow-up survey. Among the participants, 76% were men and 24% were women. 65% of the respondents were judges and 35% were prosecutors. According to HCJP statistics, the combined number of judges and prosecutors in Turkey as of December 31, 2016 is 15939. 69% are judges, and 31% are prosecutors. Among them, 68% are men and 32% are women. Although the rate of participation among all judges and prosecutors is 7%, the sample of the Follow-up Survey closely mimics the composition of judges and prosecutors in Turkey. This is significant in terms of the representative capacity and comparability of survey results. More than half of the participants (53%) have been in office for more than 8 years. 83% of the participating judges and prosecutors are assigned to first-instance or regional administrative courts.



The online survey completed by users whose profile has been outlined above provides a significant finding: that participation in project activities has proven to be useful regarding the protection of freedom of expression. Among the respondents, 90% have taken part in project activities, and 10% have not taken part in any activity. This ratio is adequate to measure the impact of participation in project activities. It has been proven that participation in project activities resulted in important positive differences, especially in knowledge of ECHR provisions and ECtHR case law, access to the European Court of Human Rights Database (HUDOC),

frequency of applying the three-part test, and referring to ECtHR decisions. Participation in project activities has been proven to increase average level of knowledge by 20%. The fundamental reason that the adequacy of pre-service and in-service training has increased by almost twofold may be the fact that 90% of the respondents have attended these trainings. It is possible to interpret this level of attendance as satisfaction with the training provided during the project.

\*For detailed information please refer to the baseline survey report submitted to the CoE.



The baseline survey had revealed the correlation between frequency of referring to ECtHR decisions with knowledge of ECHR provisions and ECtHR case law, and access to HUDOC. The Follow-up Survey also revealed a direct and positive correlation between the use of the three-part test and access to HUDOC database and references to ECtHR decisions. Compared to baseline results, the frequency of referencing the ECtHR has increased by one-third.

Approximately 90% of the respondents to the Follow-up Survey agree that there is a need for strengthening capacity in freedom of expression. This is likely tied to increased awareness of freedom of expression as a result of participating in project activities, especially in trainings. The key reason for the necessity of capacity improvement in freedom of expression as stated by respondents is the lack of knowledge and training on the subject.

Related to the above, one other issue revealed by the Follow-up Survey is that the Justice Academy of Turkey (JAT) plays a key part in strengthening capacity in freedom of expression. 79.6% of the respondents to the Follow-up Survey state that law school curriculum on freedom of expression is inadequate. The impact observed between the Baseline Survey and the Follow-up Survey, created through project activities and mainly the in-service training activity, is evidence of the special position of the Justice Academy of Turkey regarding capacity improvement in freedom of expression.

According to the results of the Follow-up Survey, the inadequacy of curricula on freedom of expression in law schools can only be overcome by improving the curriculum of the Justice Academy of Turkey (JAT) and placing more emphasis on the matter. Nine out of ten respondents state that extended coverage of freedom of expression in the JAT curriculum will contribute to strengthening capacity in this area.

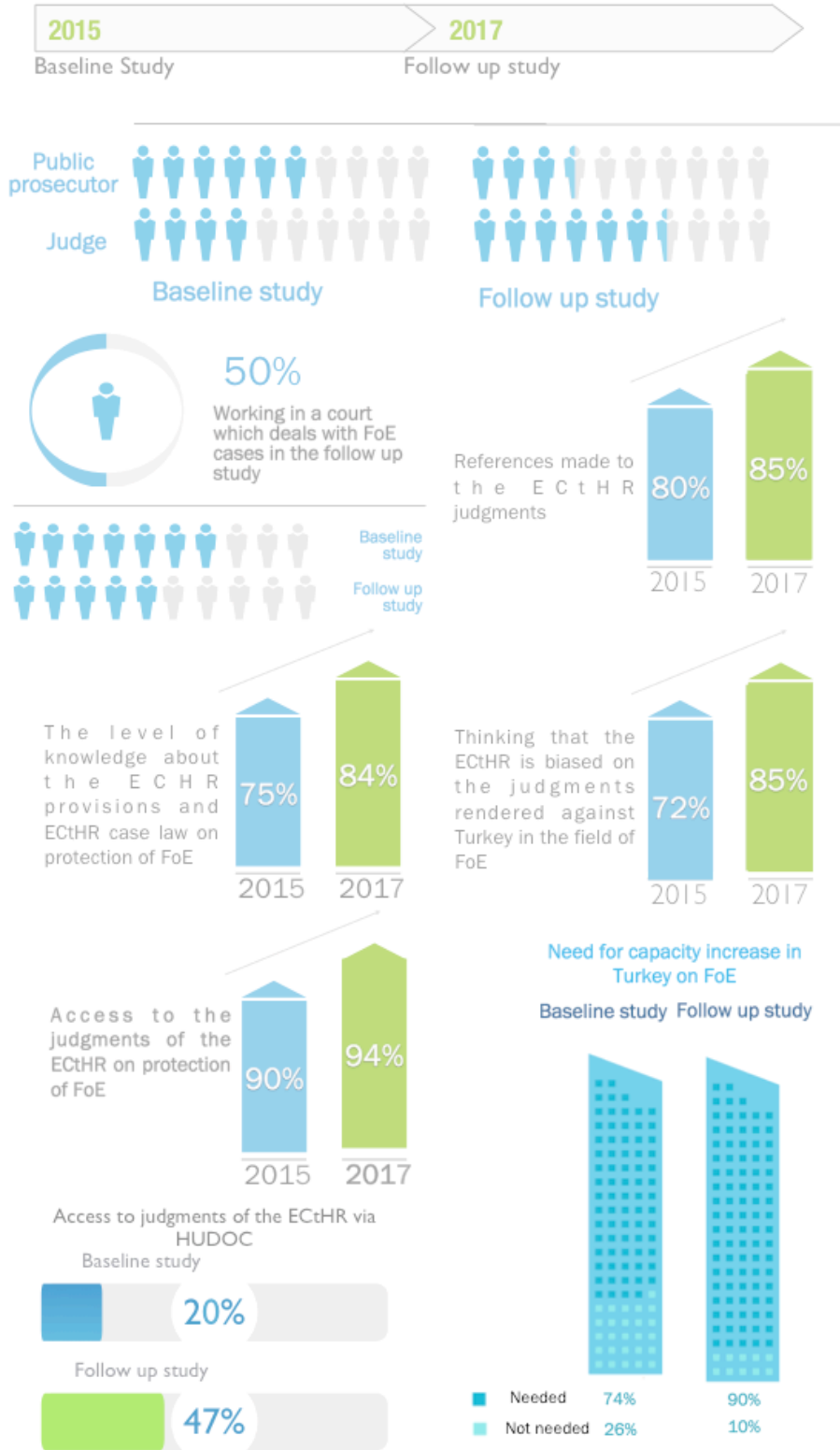
The most surprising outcome of the Follow-up Survey is the emphasis on the thought that the ECtHR is biased in its judgments against Turkey. Only 15% of the respondents of the Follow-up Survey believe that the Court is not biased in its judgments. This has been almost halved since the Baseline Survey. However, there is also a positive effect of participation in project activities in thinking that the Court is unbiased in its judgments.

Another finding is that the view on the compatibility of the practices of Turkish courts with ECtHR case law on freedom of expression changes as a result of project activities. While 55% of the respondents to the Baseline Survey thought that the practices were compatible, this ratio decreased to 32% in the Follow-up Survey.

Information gained as a result of surveys conducted during both stages will contribute not only to the process of following up on and assessing project activities, but also to the continuous improvement of the approaches to freedom of expression after the conclusion of the project.

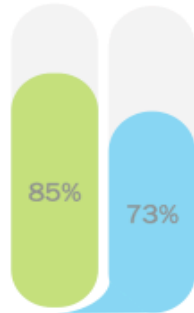
Basic findings on baseline and follow up survey were presented schematically in graphs. Important issues were summarised in the report under the heading of "Findings".

## EU – CoE JP on Strengthening the Capacity of Turkish Judiciary on Freedom of Expression

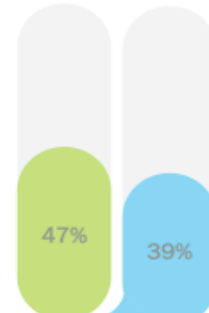


- 1 The level of knowledge about the ECHR provisions and ECtHR case law
- 2 Access to the judgments of the ECtHR via HUDOC
- 3 Use of 3 part test
- 4 Frequency of making reference

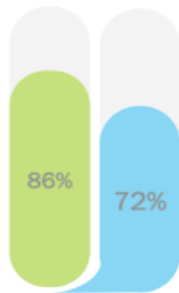
● Participating in the project activities    ● Not participating in the project activities



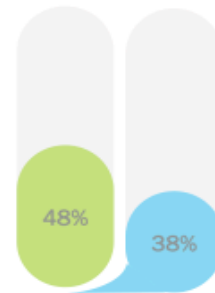
The level of knowledge about the ECHR provisions and ECtHR case law



Access to the judgments of the ECtHR via HUDOC



Use of 3 part test



Frequency of making reference



Evaluating the compliance of any judgment with the principles of the ECtHR judgments by using the 3 part test

## 1. INTRODUCTION

### 1.1 BACKGROUND

The main objective of the Online Follow-up Survey (OFS) conducted within the Strengthening the Capacity of Turkish Judiciary on Freedom of Expression Project was to collect the opinions of judges and prosecutors assigned to different courts on freedom of expression, and measure the impact of project activities on the opinions of judges and prosecutors as the building blocks of the judiciary.

The survey used in the OFS was prepared with the close cooperation of the Project team from the Council of Europe and judges of the Justice Academy of Turkey. Survey questions were carefully designed to both measure the change in the data collected during the baseline survey conducted online in September and October 2015, and to reveal the impact of trainings. The survey, being online, was kept concise and focused on the intended measurements.

The OFS began on January 10, 2017. It was completed by 1040 respondents in just 10 days. The survey was completed by a further 64 members of the judiciary during the Administrative Law In-Service Pilot Training held on January 19 and 20, 2017, and the results were entered into the system on January 23 and 24. The total number of completed surveys is 1104. However, since not all questions were answered in all surveys, the number of responses varies between questions, and the results were indicated in percentages as a result.

The ultimate objective of the Strengthening the Capacity of Turkish Judiciary on Freedom of Expression Project is to contribute to the better protection of human rights and fundamental freedoms in Turkey, especially freedom of expression. Project activities aim to ensure that legislation is interpreted and implemented according to European standards. To this purpose, members of the judiciary are encouraged to apply the European Convention on Human Rights (ECHR) and the case law of the European Court of Human Rights (ECtHR) on freedom of press and freedom of expression, and improve the implementation of human rights standards.

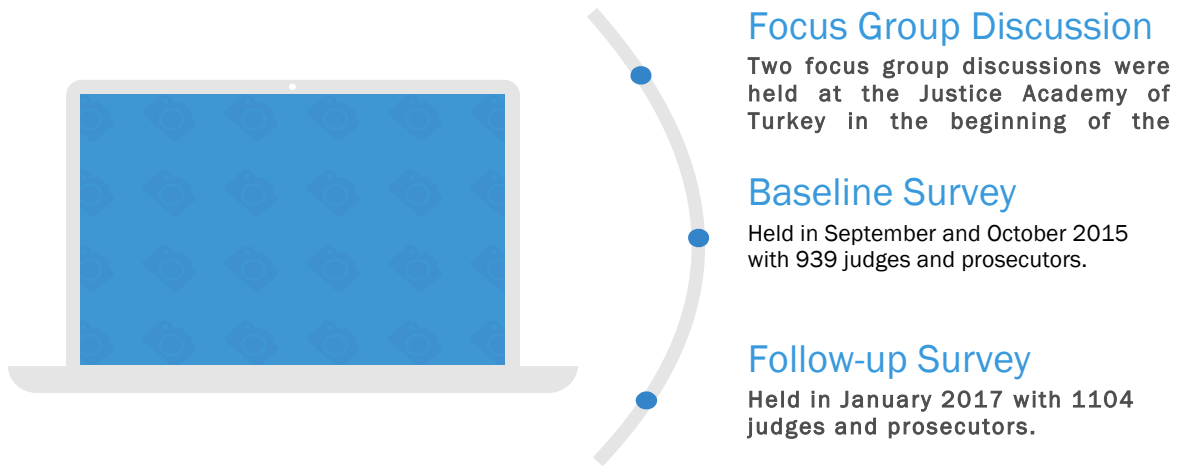
### 1.2 PURPOSE AND CONTENT OF THE REPORT

The online follow-up survey was conducted to determine and assess the attitudes of judges and prosecutors to freedom of expression as explained in the project Description of Action. The outcomes of the survey will be an indicator for the impact of the curriculum and training modules developed under the project, and the effectiveness of the trainings and awareness campaigns for judges and prosecutors regarding freedom of expression.

The online survey collected data on the current situation, and information for assessing, analyzing and reporting conditions. The information gained in the OFS will contribute to the continuous improvement of the approaches to freedom of expression after the conclusion of the project.

### 1.3 METHOD

The OFS is an activity that follows up on the baseline survey and other activities implemented within the project. As explained before, it was designed to both compare the results of the baseline survey and to measure the learning outcomes.



*Figure 1 - Follow-up Survey*

The data collection process began with focus group discussions in 2015, continued with the baseline survey, and ended with the follow-up survey in 2017.

The results of the Follow-up Survey were compared to the findings of the baseline survey. In addition to the comparison, the report contains a contrast between how judges and prosecutors approach subjects related to freedom of expression. A general survey of whether the opinions of judges and prosecutors on freedom of expression change depending on their assignment to a court competent on issues concerning freedom of expression, and the means of access to information available to them. Discussions on whether participating in project activities has made any difference in issues related to freedom of expression are provided in the relevant sections of the report.

## 1.4 CONFIDENTIALITY AND RESEARCH ETHICS

This survey was designed exclusively for the Council of Europe, and the Justice Academy of Turkey and Council of Europe have sole discretion in the use of its findings. TANDANS adheres to the CONFIDENTIALITY REQUIREMENTS established by national and international professional organizations (GAB, ISO 20252). Therefore, the findings of the baseline and follow-up surveys will not be given to third parties other than the managers and consultants responsible for the surveys.

Once data collection is complete for the follow-up, all electronic transfers between the Data Collection Team and the CoE and JAT personnel responsible for data collection will be deleted and verified with reports. Information and documents to be obtained in all phases of the survey will be kept confidential and not disclosed to third parties.

The approach to data collection was based on human rights and results-based management strategies that were appropriately integrated into the project. The survey was conducted with respect for regional customs, religious faith and practices, rules of interpersonal interaction, and ethical values that may vary according to gender, disability, age and ethnicity. All required disclosures were made to obtain the consent of all participants and protect confidentiality.

All researchers and consultants involved in this survey exercise maximum caution in "sensitivity to faith, privacy, modes of conduct and customs, and acting with integrity in relationships with all target groups included in the survey," "respectful communication with individuals" and "protecting the confidentiality of names and personal information".

## 2. ANALYSIS SECTION

This section first discusses the respondents of the follow-up survey. Further discussions are on participation in project activities, the need and reasons for strengthening capacity in freedom of expression, the protection of freedom of expression, and perceptions related to freedom of expression.

Figure 2 - Participation by Provinces

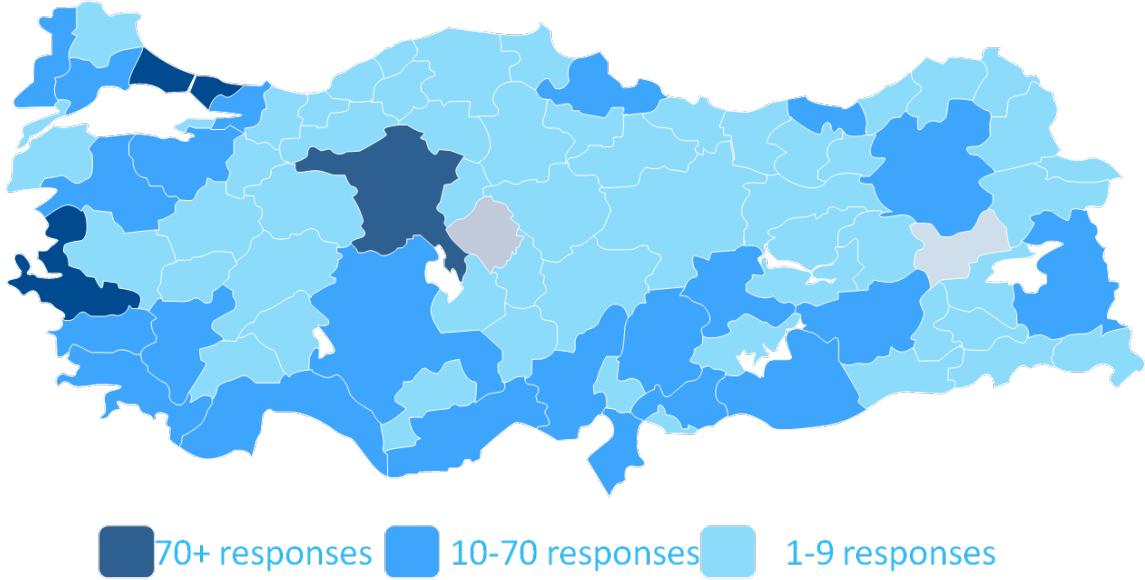


Figure 2 shows that the survey had a wide base of participants. Judges and prosecutors in all Turkish provinces other than Kırşehir and Muş have responded to the survey. As shown on the map, more than 10 judges and prosecutors have responded to the survey in 25 provinces. This further shows the wideness of the respondent base.

- Among the participants, 76% were men and 24% were women.
- 65% of the respondents were judges and 35% were prosecutors.

Figure 3 - Participation by Profession and Gender (%)

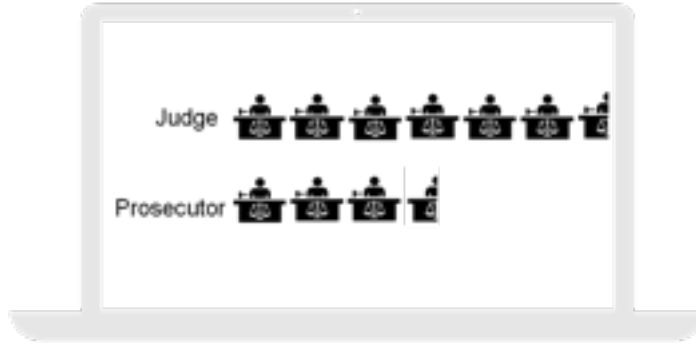
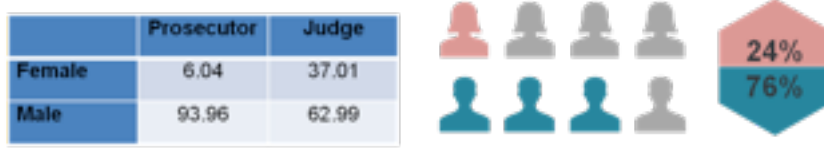


Table 1 - Participant Profiles (%)

<i>Demographics</i>	<b>Prosecutor</b>	<b>Judge</b>
<i>Female</i>	6.04	37.01
<i>Male</i>	93.96	62.99
<b>Total</b>	<b>100</b>	<b>100</b>
<i>Less than 1 year</i>	9.42	21.57
<i>1 - 3 years (incl. 1 year)</i>	10.21	15.27
<i>4 - 7 years (incl. 4 years)</i>	12.04	12.18
<i>8 - 10 years (incl. 8 years)</i>	10.21	9.1
<i>11 years and above (incl. 11 years)</i>	58.12	41.88
<b>Total</b>	<b>100</b>	<b>100</b>
<i>First Instance Court</i>	86.95	70.87
<i>Court of Appeals or Regional Administrative Courts</i>	7.57	11.9
<i>High Courts</i>	3.13	14.15
<i>HCJP</i>	1.04	0.98
<i>Ministry of Justice</i>	1.31	1.4
<i>Other</i>	0	0.7
<b>Total</b>	<b>100</b>	<b>100</b>

Figure 3 and Table 1 provide information about the profiles of respondents.

- Among the participants, 24% were women and 76% were men.
- 65% of the respondents to the follow-up survey were judges and 35% were prosecutors.
- 47.6% of the respondents had 11 or more years of experience in their professions, while prosecutors were more experienced than judges by 3 to 4 years on average.

- Three out of four respondents were assigned to courts of first instance. An analysis of courts shows that more prosecutors were assigned to first instance courts than judges, and more judges were assigned to regional administrative or civil courts than prosecutors

Figure 4 - Institutions of Respondents (%)

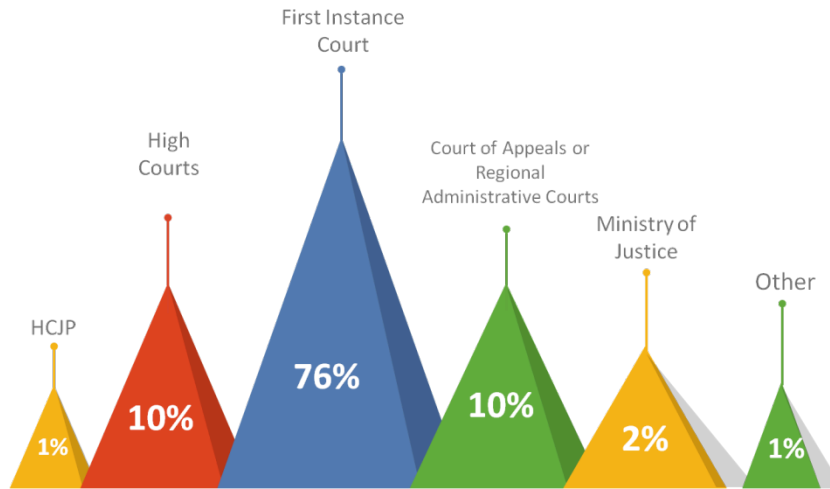
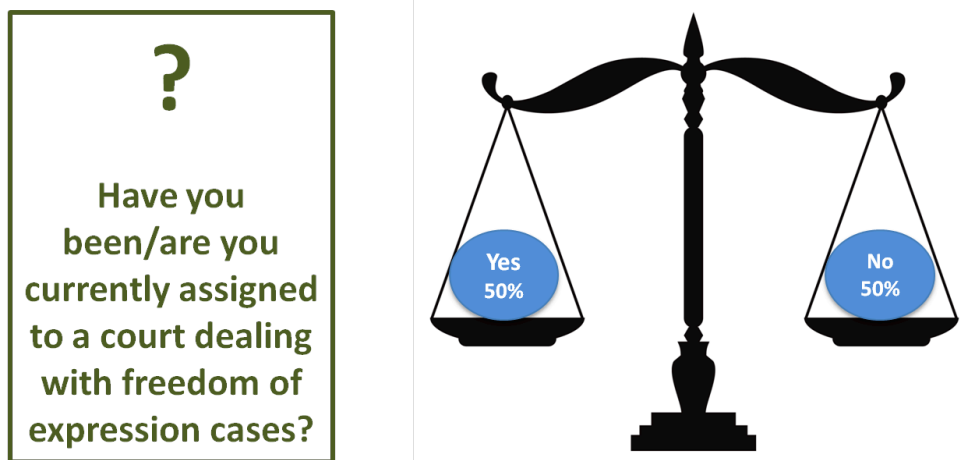


Figure 5 - Rate of Assignment to Courts Dealing with Freedom of Expression Lawsuits (%)



As seen in Figure 5, exactly one-half of the respondents were currently assigned to courts handling lawsuits on freedom of expression.

## 2.1 STRENGTHENING CAPACITY IN FREEDOM OF EXPRESSION

Figure 6 shows participation in project activities. 970 of the 1104 respondents (90.9%) have stated that they took part in project activities.



Figure 6 – Participation in Project Activities by Profession



The activity attended by most judges and prosecutors was in-service training (91%). This was followed by roundtable meetings (10.9%).

Table 2 compares the need for strengthening capacity on freedom of expression in Turkey to the baseline survey.

*Table 2 - The Need for Strengthening Capacity on Freedom of Expression in Turkey (%)*

<b>Need Status</b>	<b>Baseline Survey</b>	<b>Follow-up Survey</b>
<i>Yes, there is need</i>	73.5	90.1
<i>No, there is no need</i>	26.5	9.9
<b>Total</b>	<b>100</b>	<b>100</b>

As seen in Table 2, three out of four respondents (73.5%) had said that there was a need for strengthening capacity on freedom of expression in Turkey at the time of the baseline survey. This ratio increased by 23% until the follow-up survey to 90%. It is clear that trainings and activities within the project have improved awareness on freedom of expression. There is no difference between opinions of judges and prosecutors on this matter. Nine out of ten judges and prosecutors in the follow-up survey believe that there is a need for strengthening capacity on freedom of expression in Turkey. There is no significant difference in terms of gender.

Table 3 compares the baseline and follow-up surveys on the correlation between assignment to a court dealing with freedom of expression issues and the belief that there is a need for strengthening capacity on freedom of expression in Turkey.

*Table 3 - Need for Strengthening Capacity Based on Assignment to a Court Dealing with Freedom of Expression (%)*

<b>Assignment Status</b>	<b>Baseline Survey</b>		<b>Follow-up Survey</b>	
	Yes, there is need	No, there is no need	Yes, there is need	No, there is no need
<i>Previously/currently assigned</i>	82.2	17.8	91.78	8.22
<i>Never assigned</i>	69.63	30.37	88.24	11.76

According to Table 3, the vast majority of respondents believe that there is a need for strengthening capacity on freedom of expression in Turkey regardless of whether they have ever been assigned to a court dealing with freedom of expression. Among those assigned to a court dealing with freedom of expression, more judges and prosecutors believe that there is a need for capacity improvement compared to those never assigned to such courts.

Comparing the results of the baseline and follow-up surveys, it can be deduced that the need for strengthening capacity on freedom of expression in Turkey increased in correlation to the increase in awareness. Table 4 lists the reasons for the need for strengthening capacity on freedom of expression for the baseline and follow-up surveys.

Table 4 – Comparison of Reasons for Strengthening Capacity on Freedom of Expression (%)

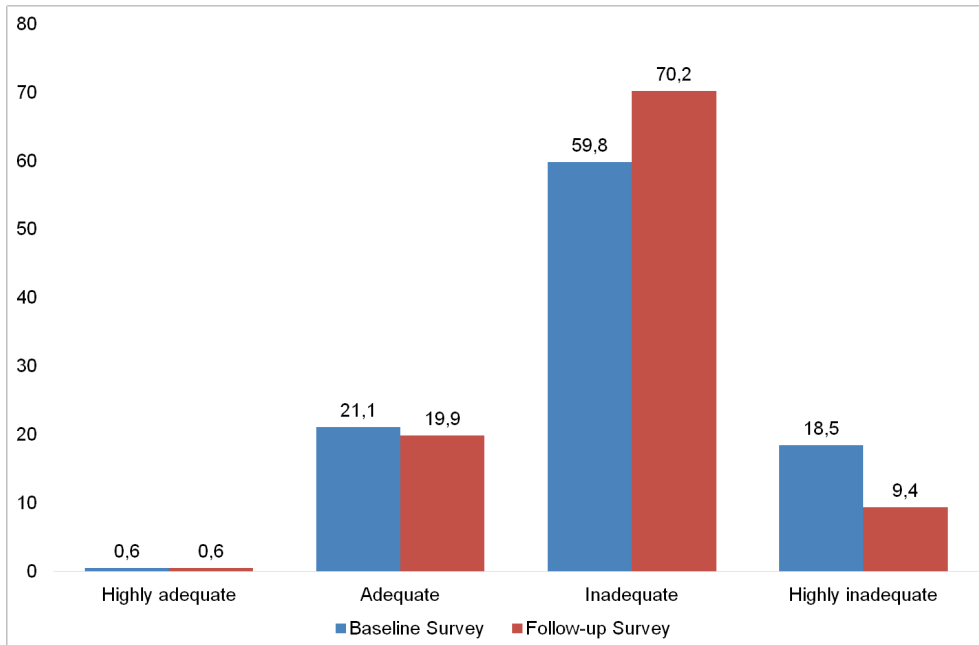
<i>Reason</i>	<b>Baseline Survey</b>	<b>Follow-up Survey</b>
<i>Lack of education and knowledge on the subject</i>	64	78.8
<i>Court practices</i>	54.7	72.9
<i>Socio-cultural reasons</i>	60.8	55
<i>Law enforcement practices</i>	47.3	52.5
<i>Legislation</i>	39.2	38.2
<i>Constitution</i>	21	19.7

Similar to the other tables, Table 4 represents the increase in awareness as manifest in the follow-up survey. While socio-cultural issues were viewed as the primary reason in the baseline survey, it comes third after lack of training and knowledge (78.8%) and court practices (72.9%) in the follow-up. Law enforcement practices as a reason for improving freedom of expression has had a 10% increase.

There is no significant difference between the professions with respect to the ranking and percentages of reasons in Table 4 in either survey.

Figure 7 provides a comparative presentation of the participants in the baseline and follow-up studies regarding the adequacy of law school curricula on freedom of expression.

Figure 7 - The Adequacy of Law School Curricula on Freedom of Expression (%)



As shown in Figure 7, the majority of respondents think that curricula are inadequate compared to only 21% who believe that the curricula are adequate. Judges tend to find freedom of expression curricula inadequate more often compared to prosecutors. The thought that curricula are inadequate has become more prevalent in the follow-up survey, albeit by a few percentile points.

Table 5 - Adequacy of Pre-service and In-service Training on Freedom of Expression (%)

<b>Level of Adequacy</b>	<b>Baseline Survey</b>	<b>Follow-up Survey</b>
<i>Highly adequate</i>	0.9	2.77
<i>Adequate</i>	23.3	39.16
<i>Inadequate</i>	58.2	54.15
<i>Highly inadequate</i>	17.6	3.92
<b>Total</b>	<b>100</b>	<b>100</b>

As seen in Table 5, while three out of four respondents to the baseline survey viewed pre-service and in-service trainings on freedom of expression as inadequate, this ratio declined to 58% among the respondents of the follow-up survey. The fundamental reason that the adequacy of pre-service and in-service has increased by almost twofold may be the fact that 90% of the respondents have attended these trainings. It is possible to interpret this as satisfaction with the training provided during the project.

Table 6 compares the adequacy of pre-service and in-service training on freedom of expression according to professions

Table 6 - Views of Judges and Prosecutors on Adequacy of Pre-service and In-service Training on Freedom of Expression (%)

<b>Level of Adequacy</b>	<b>Baseline Survey</b>		<b>Follow-up Survey</b>	
	<b>Prosecutor</b>	<b>Judge</b>	<b>Prosecutor</b>	<b>Judge</b>
<i>Highly adequate</i>	0.9	0.7	2.5	2.9
<i>Adequate</i>	22.3	24.1	40.2	38.7
<i>Inadequate</i>	57.5	58.6	53.4	54.5
<i>Highly inadequate</i>	19.3	16.6	3.9	3.9
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

As shown in Table 6, 40% of judges and prosecutors found training adequate in the follow-up survey, while 60% found it inadequate. However, the level of adequacy was 23% for the baseline survey. Despite nearly a twofold increase in the perception of adequacy of trainings from the baseline survey to the follow-up, the majority of judges and prosecutors still find trainings inadequate and think that they should be improved.

The findings in Figure 8 support this finding. According to the results of the Follow-up Survey, the inadequacy of curricula on freedom of expression in law schools can only be overcome when the JAT places more emphasis on the matter.

Figure 8 – Opinions on More Weight on Freedom of Expression in JAT Curriculum (%)

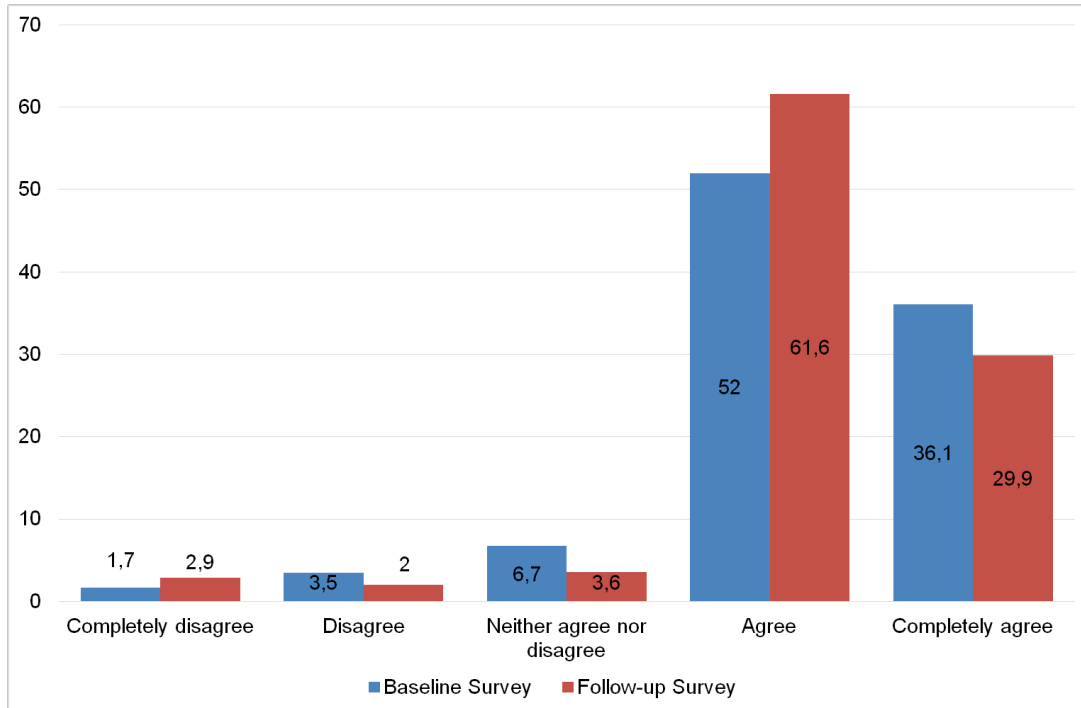
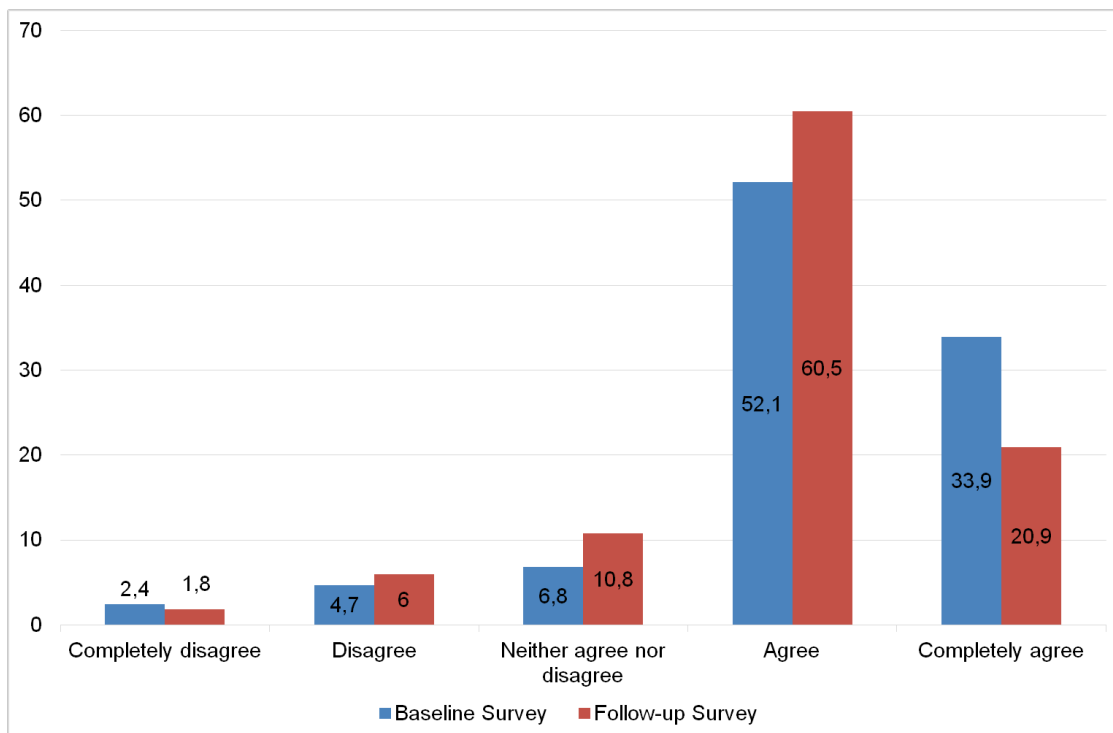


Figure 8 shows that the issue was of greater significance in the follow-up survey compared to the baseline. 91% of respondents state that extended coverage of freedom of expression in the JAT curriculum will contribute to strengthening capacity in this area. There is no significant difference in terms of professions or level or experience on this subject.

Figure 9 - Opinions on Improving Cooperation with Nongovernmental Organizations (NGOs) (%)



The opinion that better relationships with nongovernmental organizations will help to strengthen capacity on freedom of expression was in relative decline in the follow-up survey. The decline indicates that respondents are somewhat undecided about cooperating with nongovernmental organizations. There was no significant difference in terms of gender, professions or level or experience on this subject.

## 2.2 PROTECTION OF FREEDOM OF EXPRESSION

This section discusses the questions on the protection of freedom of expression in the survey. Table 7 captures respondents' level of knowledge on the European Convention on Human Rights and the case law of the European Court of Human Rights on the protection of freedom of expression, and compares this to the baseline survey.

*Table 7 - Knowledge about ECHR Provisions and ECtHR Case Law on the Protection of Freedom of Expression (%)*

<i>Level of Knowledge</i>	<b>Baseline Survey</b>	<b>Follow-up Survey</b>
<i>I am very knowledgeable</i>	8.5	7.5
<i>I am knowledgeable</i>	65.9	76.1
<i>Neither knowledgeable nor unknowledgeable</i>	18	12.8
<i>I am not knowledgeable</i>	7.2	3.4
<i>I do not have any knowledge at all</i>	0.4	0.2
<i>Total</i>	100	100

According to the table, nearly 84% of the respondents to the follow-up survey state that they have good knowledge of the European Convention on Human Rights and the case law of the European Court of Human Rights on the protection of freedom of expression. This rate was 74% in the baseline survey. It can be deduced that the 10 percentile point increase is associated with the trainings provided during the project.

*Table 8 - Comparison of Knowledge on ECHR Provisions and ECtHR Case Law according to Professions (%)*

<i>Level of Knowledge</i>	<b>Baseline Survey</b>		<b>Follow-up Survey</b>	
	<b>Prosecutor</b>	<b>Judge</b>	<b>Prosecutor</b>	<b>Judge</b>
<i>I am very knowledgeable</i>	9.7	7.9	7.1	7.7
<i>I am knowledgeable</i>	63.5	67.5	79.2	74.5
<i>Neither knowledgeable nor unknowledgeable</i>	19.9	16.6	11.2	13.6
<i>I am not knowledgeable</i>	6.6	7.6	2.5	3.9
<i>I do not have any knowledge at all</i>	0.3	0.4	0	0.3
<i>Total</i>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Table 8 captures respondents' level of knowledge on the ECHR and the case law of the ECtHR on the protection of freedom of expression, and compares this to the baseline survey according to their profession. Judges and prosecutors taking part in the follow-up survey state that their level of knowledge on ECHR and the case law of the ECtHR has increased. However, prosecutors claim a higher level of knowledge increase compared to judges. The increase in level of knowledge was 10% in judges while it was 20% in prosecutors. The key reason for this is the greater overall level of seniority of responding prosecutors compared to judges.

Table 9 compares the level of participation in activities conducted by CoE in association with JAT to the level of knowledge on ECHR provisions and ECtHR case law.

*Table 9 - Effect of Participation in Project Activities on Knowledge about ECHR Provisions and ECtHR Case Law (%)*

<i>Level of Knowledge</i>	<b>Participating respondents</b>	<b>Non-participating respondents</b>
<i>I am very knowledgeable</i>	7.83	4.08
<i>I am knowledgeable</i>	76.83	69.39
<i>Neither knowledgeable nor unknowledgeable</i>	12.21	18.37
<i>I am not knowledgeable</i>	2.92	8.16
<i>I do not have any knowledge at all</i>	0.21	0
<i>Total</i>	100	100

As shown in Table 9, participation in project activities has provided a statistically significant contribution to the increase of knowledge about ECHR provisions and ECtHR case law. The relation between participation and level of knowledge has been verified with statistical tests. While 85% of activity participants state that they are knowledgeable on ECHR provisions and ECtHR case law, this rate is at 73% for those who have not participated in any activity, and similar to baseline measurements. Participation in project activities has been observed to increase average level of knowledge by 20%.

Table 10 - Comparison of Job Experience and Knowledge about ECHR Provisions and ECtHR Case Law (%)

<i>Demographics</i>		<b>I am very knowledgeable</b>	<b>I am knowledgeable</b>	<b>Neither knowledgeable nor unknowledgeable</b>	<b>I am not knowledgeable</b>	<b>I do not have any knowledge at all</b>
<i>Seniority</i>	3 years or less	4.92	76.92	13.54	4.31	0.31
	4 to 7 years	5.38	73.85	16.15	4.62	0
	8+ years	9.36	76.09	11.71	2.68	0.17

Table 10 shows levels of knowledge on ECHR provisions and ECtHR case law according to seniority in years. It is obvious that the greatest factor in knowledge is seniority. Participants with 8 years and more experience are at least 10% more knowledgeable than others.

Table 11 - Comparison of Assigned Institution and Knowledge about ECHR Provisions and ECtHR Case Law (%)

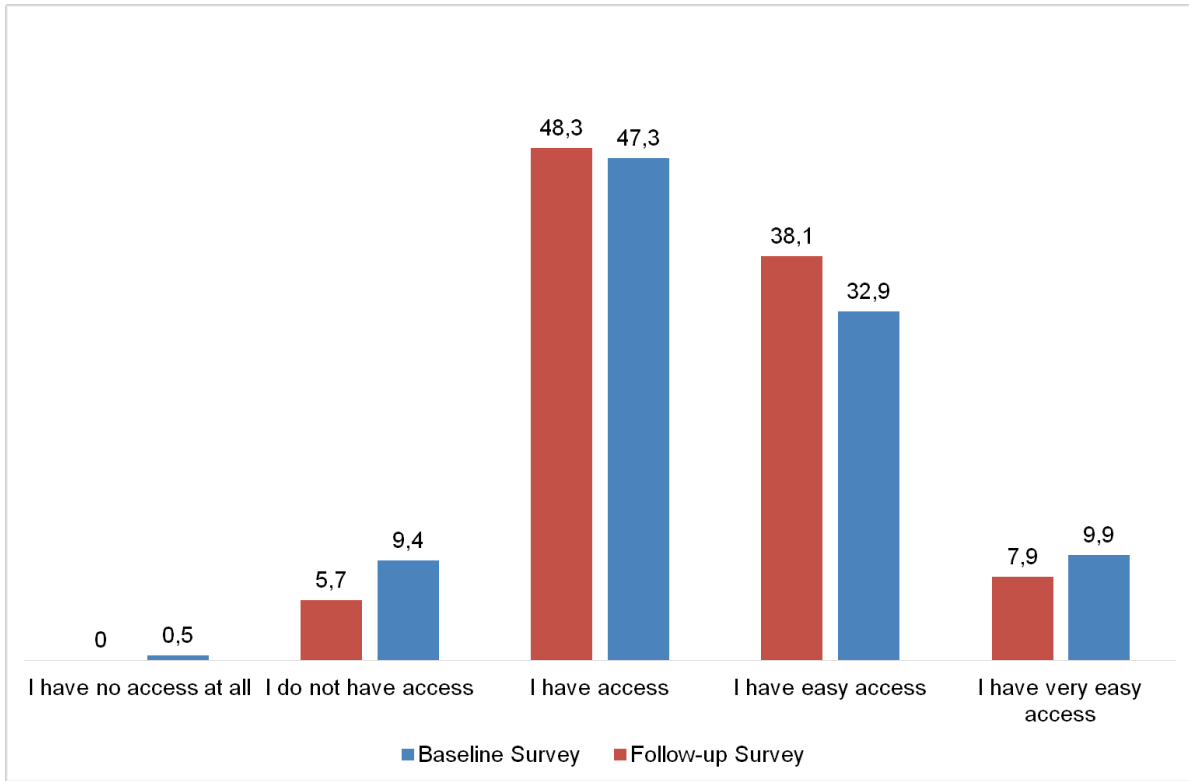
	<b>I am very knowledgeable</b>	<b>I am knowledgeable</b>	<b>Neither knowledgeable nor unknowledgeable</b>	<b>I am not knowledgeable</b>	<b>I do not have any knowledge at all</b>
<i>First Instance Court</i>	6.85	76.34	13.2	3.49	0.12
<i>Court of Appeals or Regional Administrative Courts</i>	10.91	78.18	10	0.91	0
<i>High Court and HCJP</i>	7.38	73.77	13.11	5.74	0
<i>Ministry of Justice</i>	7.14	71.43	14.29	0	7.14

As seen in Table 11, respondents assigned to Courts of Appeals or Regional Administrative Courts state that they are more knowledgeable on ECHR provisions and ECtHR case law than others.



Figure 10 shows the access of respondents of the follow-up survey to the judgments of the ECtHR on the protection of freedom of expression.

Figure 10 - Levels of Access to the Judgments of the ECtHR on the Protection of Freedom of Expression (%)



94% of the judges and prosecutors responding to the survey have stated that they have access to the judgments of the ECtHR on the protection of freedom of expression. Level of access has improved by 5% compared to the baseline.

Table 12 shows the level of access of respondents to the baseline survey to ECtHR judgments according to their gender, profession, experience, and assigned institution.

Table 12 - Access to ECtHR Judgments according to Various Demographics (%)

<b>Demographics</b>	<b>I have very easy access</b>	<b>I have easy access</b>	<b>I have access</b>	<b>I do not have access</b>
<i>Prosecutor</i>	10.16	40.93	44.78	4.12
<i>Judge</i>	6.7	36.54	50.22	6.55
<i>Female</i>	7.64	33.45	51.27	7.64
<i>Male</i>	8.01	39.53	47.42	5.04
<i>Up to 3 years</i>	6.81	38.08	49.54	5.57
<i>4 to 7 years</i>	6.92	40	44.62	8.46
<i>8 years and above</i>	8.74	37.31	48.74	5.21
<i>First Instance Court</i>	8.24	37.2	48.44	6.12
<i>Court of Appeals or Regional Administrative Courts</i>	5.5	35.78	54.13	4.59
<i>High Court and HCJP</i>	8.33	40.83	45.83	5
<i>Ministry of Justice</i>	0	64.29	35.71	0

Access to ECtHR judgments on the protection of freedom of expression is above 90% for all groups: However, in terms of ease of access, prosecutors have better access than judges, men have better access than women, more experienced respondents have better access than the less experienced, and respondents assigned to the Ministry of Justice or HCJP have better access than others.

Table 13 compares the participation of judges and prosecutors in activities conducted by CoE in association with JAT, and their ease of access to ECtHR judgments on the protection of freedom of expression.

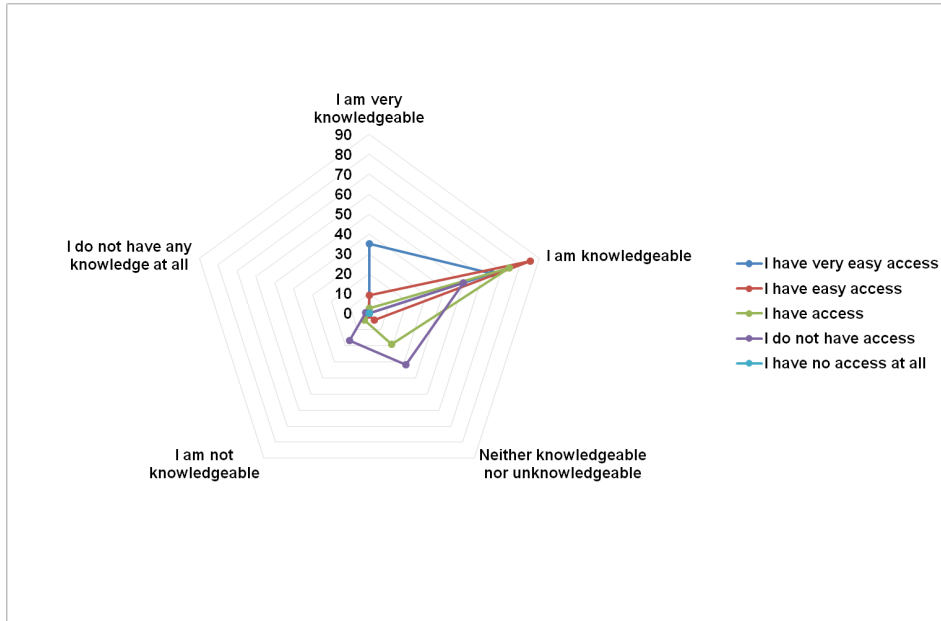
Table 13 - Comparison between Participation in Activities and Ease of Access to ECtHR Judgments (%)

<b>Ease of Access</b>	<b>Participating respondents</b>	<b>Non-participating respondents</b>
<i>I have very easy access</i>	7.94	7.45
<i>I have easy access</i>	39.18	26.6
<i>I have access</i>	47.23	59.57
<i>I do not have access</i>	5.64	6.38

Table 13 shows that taking part in project activities is associated with having easier access. Although all respondents to the Follow-up Survey stated that they were able to access judgments, those who participated in activities found it easier by one-third to access judgments on the protection of freedom of expression.

Figure 11 compares the level of access to ECtHR judgments to the level of knowledge on ECHR provisions and ECtHR case law.

Figure 11 - Comparison between Level of Access to ECtHR Judgments and Level of Knowledge on ECHR Provisions and ECtHR Case Law (%)



As seen in Figure 11, respondents with access to ECtHR judgments state that they are more knowledgeable. Half of those with no access to ECtHR judgments state that they are not knowledgeable. It has been observed that there is a direct but moderate correlation between ease of access to ECtHR judgments and level of knowledge on ECHR provisions and ECtHR case law.

Figure 12 shows the means with which respondents access ECtHR judgments.

Figure 12 - Respondents' Means of Access to ECtHR Judgments (%)

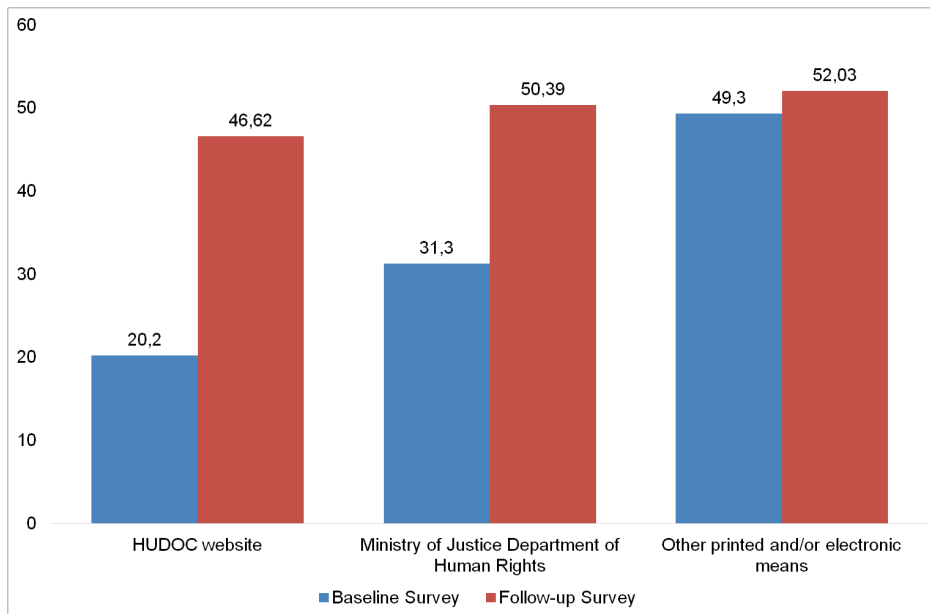


Figure 12 shows the greatest impact of taking part in project activities. Since it is known that 90% of the respondents to the follow-up survey have participated in one or more project activities, it is not surprising that access to ECtHR judgments on the HUDOC website has more than doubled. Participants also access judgments through the Ministry of Justice website. Nevertheless, half of the respondents have said that they still use other printed and/or electronic means to access judgments.

Table 14 shows the means of access of respondents to the follow-up survey to ECtHR judgments according to their gender, profession, experience, and assigned institution.

*Table 14 - Means of Access to ECtHR Judgments according to Various Demographics (%)*

<i>Demographics</i>	<b>HUDOC website</b>	<b>Ministry of Justice Department of Human Rights</b>	<b>Other printed and/or electronic means</b>
<i>Prosecutor</i>	43.37	57.73	51.93
<i>Judge</i>	48.37	46.44	52.08
<i>Female</i>	52.96	41.48	48.89
<i>Male</i>	44.37	53.53	53.01
<i>Up to 3 years</i>	64.06	36.88	43.13
<i>4 to 7 years</i>	54.33	47.24	46.46
<i>8 years and above</i>	35.49	58.36	58.19
<i>First Instance Court</i>	45.39	50.82	52.72
<i>Court of Appeals or Regional Administrative Courts</i>	29.25	56.6	57.55
<i>High Court and HCJP</i>	66.1	42.37	42.37
<i>Ministry of Justice</i>	64.29	50	57.14

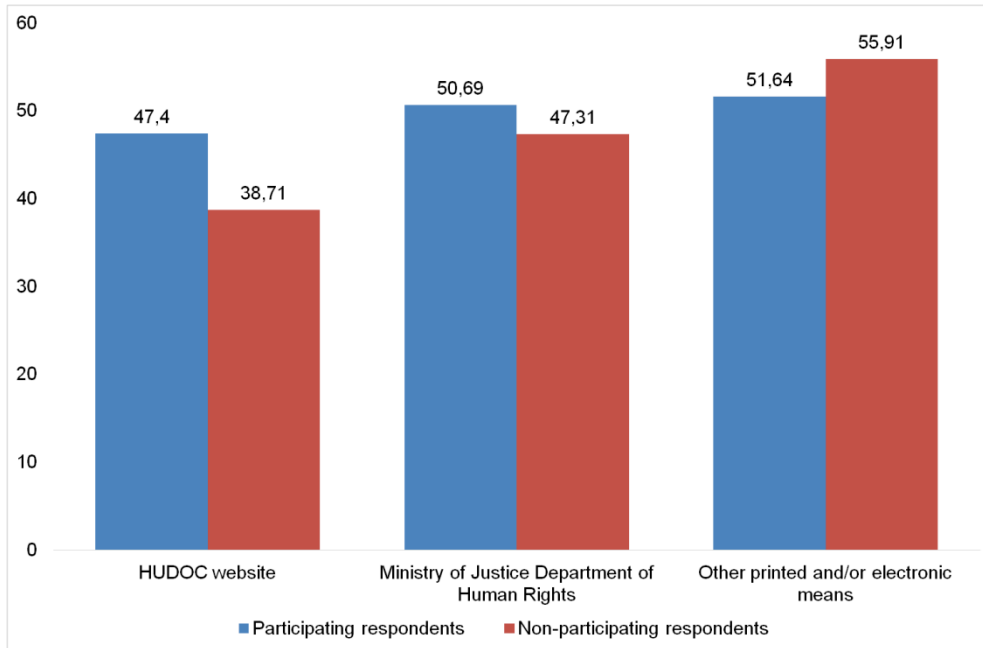
Table 14 shows the means of access of respondents to the follow-up survey to ECtHR judgments according to their gender, profession, experience, and assigned institution. HUDOC is the preferred means of accessing ECtHR judgments for judges, women, less experienced respondents, and those assigned to high courts, HCJP or Ministry of Justice compared to the others.

The Ministry of Justice Department of Human Rights is the preferred means of access for prosecutors, men, more experienced respondents, and those assigned to first instance and regional administrative courts.

The use of means other than HUDOC and Ministry of Justice Department of Human Rights is almost equal between prosecutors and judges. However, male respondents, more experienced respondents, and those assigned to institutions other than High Courts or HCJP prefer these means more than others.

Figure 13 compares the means of access to ECtHR judgments with participation in activities conducted by CoE in association with JAT. This comparison reveals the success of project activities. Those who participated in project activities state that they use the HUDOC website more than those who have not.

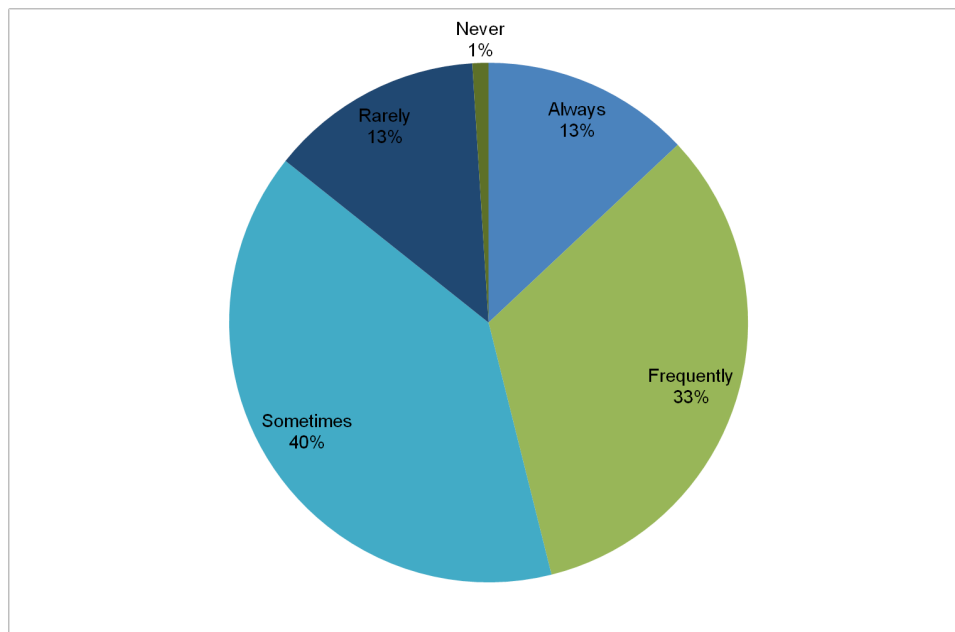
Figure 13 - Comparison of Participation in Project Activities and Means of Accessing ECtHR Judgments (%)



As seen in Figure 13, those who participated in project activities use all three means almost equally, while those who did not mostly use printed and electronic sources. However, as explained before, the use of HUDOC to access ECtHR judgments increased by nearly 2.5 times despite the short implementation phase.

Figure 14 shows the frequency with which judges and prosecutors responding to the survey used the three-part test to check if a judicial decision is compatible with the principles in ECtHR judgments.

Figure 14 - Frequency of Use of the Three-Part Test (%)



As shown in Figure 14, 45% of the respondents state that they mostly use the three-part test to understand whether a judicial decision is compatible with the principles in ECtHR judgments. More than half of the respondents do not use the test frequently.

Table 15 shows the frequency of applying the three-part test according to a number of demographic variables.

*Table 15 - Frequency of Three-Part Test Use according to Job, Gender and Experience (%)*

<b>Demographics</b>	<b>Always</b>	<b>Frequently</b>	<b>Sometimes</b>	<b>Rarely</b>	<b>Never</b>
<i>Prosecutor</i>	11.39	28.06	44.17	14.72	1.67
<i>Judge</i>	13.13	35.84	37.02	12.54	1.47
<i>Female</i>	13.28	40.22	31.73	12.92	1.85
<i>Male</i>	12.29	30.72	42.09	13.46	1.44
<i>Up to 3 years</i>	8.83	40.69	37.54	11.36	1.58
<i>4 to 7 years</i>	6.98	24.81	46.51	20.93	0.78
<i>8 years and above</i>	15.79	30.73	39.05	12.73	1.7
<i>First Instance Court</i>	11.81	31.91	40.45	14.07	1.76
<i>Court of Appeals or Regional Administrative Courts</i>	19.23	25.96	46.15	6.73	1.92
<i>High Court and HCJP</i>	11.86	44.92	28.81	14.41	0
<i>Ministry of Justice</i>	7.69	46.15	30.77	15.38	0

As seen in Table 15, judges and women use the three-part test more frequently compared to prosecutors and men, respectively. Seniority provides surprising results. More experienced judges and prosecutors use the three-part test less frequently compared to less experienced respondents. Respondents working in High Courts, HCJP or the Ministry of Justice use the three-part test more frequently compared to their colleagues in other institutions.

Table 16 shows the level of knowledge of judges and prosecutors regarding ECHR provisions and ECtHR case law on the protection of freedom of expression, and the frequency with which they apply the three-part test to check whether a judicial decision is compatible with the principles in ECtHR judgments.

*Table 16 - Effect of Level of Knowledge on the Frequency of Three-Part Test Application (%)*

<b>Level of Knowledge</b>	<b>Always</b>	<b>Frequently</b>	<b>Sometimes</b>	<b>Rarely</b>	<b>Never</b>	<b>Total</b>
<i>I am very knowledgeable</i>	45.57	37.97	15.19	1.27	0	<b>100</b>
<i>I am knowledgeable</i>	11.77	36.71	39.87	10.63	1.01	<b>100</b>
<i>Neither knowledgeable nor unknowledgeable</i>	0.76	12.88	50.76	31.06	4.55	<b>100</b>
<i>I am not knowledgeable</i>	0	14.71	44.12	35.29	5.88	<b>100</b>
<i>I do not have any knowledge at all</i>	0	50	50	0	0	<b>100</b>

As seen in both Figure 14 and Table 16, only 46% of the respondents to the follow-up survey state that they use the three-part test frequently. Another fact revealed by Table 15 is that there is a strong and direct correlation between the level of knowledge on ECHR provisions and ECtHR case law, and the use of the three-part test. Respondents who are more knowledgeable tend to use the three-part test more frequently.

A similar finding is illustrated in Table 17 where a comparison is made between the frequency of three-part test application and frequency of making references to ECtHR judgments.

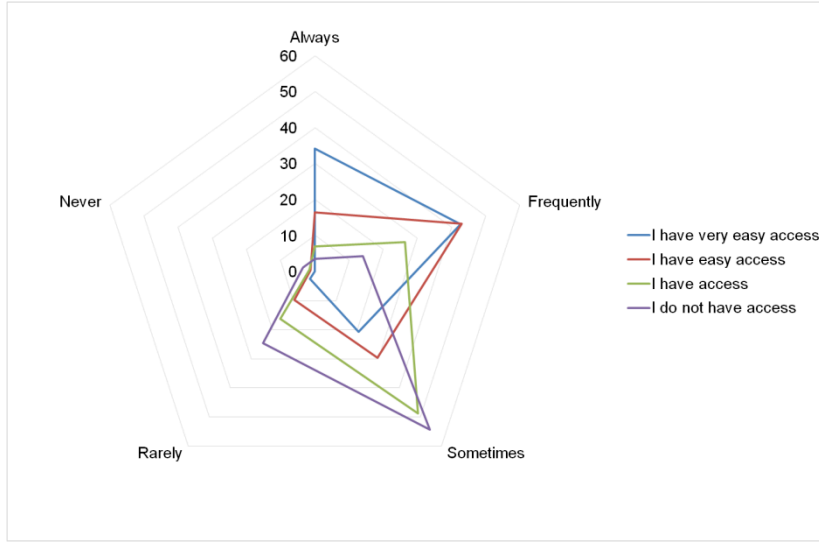
*Table 17 - Comparison of Three-Part Test Use and ECtHR Judgment Reference Frequencies (%)*

<i>Three-Part Test Use Status</i>	<b>Reference Status</b>				
	Always	Frequently	Sometimes	Rarely	Never
<i>Always</i>	8.73	19.05	38.1	29.37	4.76
<i>Frequently</i>	0.59	15.63	42.48	30.97	10.32
<i>Sometimes</i>	0.25	4.02	37.19	41.46	17.09
<i>Rarely</i>	0	2.19	24.09	50.36	23.36
<i>Never</i>	0	0	18.75	50	31.25

As seen in Table 17, application of the three-part test and making references to ECtHR judgments are consistently related. There is a strong direct correlation between using the three-part test and references made to ECtHR judgments. As the test is used more frequently, references are made more frequently as well. Conversely, those who rarely use the three-part test never or rarely refer to ECtHR judgments.

Figure 15 shows the level of access of respondents to ECtHR judgments on the protection of freedom of expression, and the frequency with which they apply the three-part test to check whether a judicial decision is compatible with the principles in ECtHR judgments.

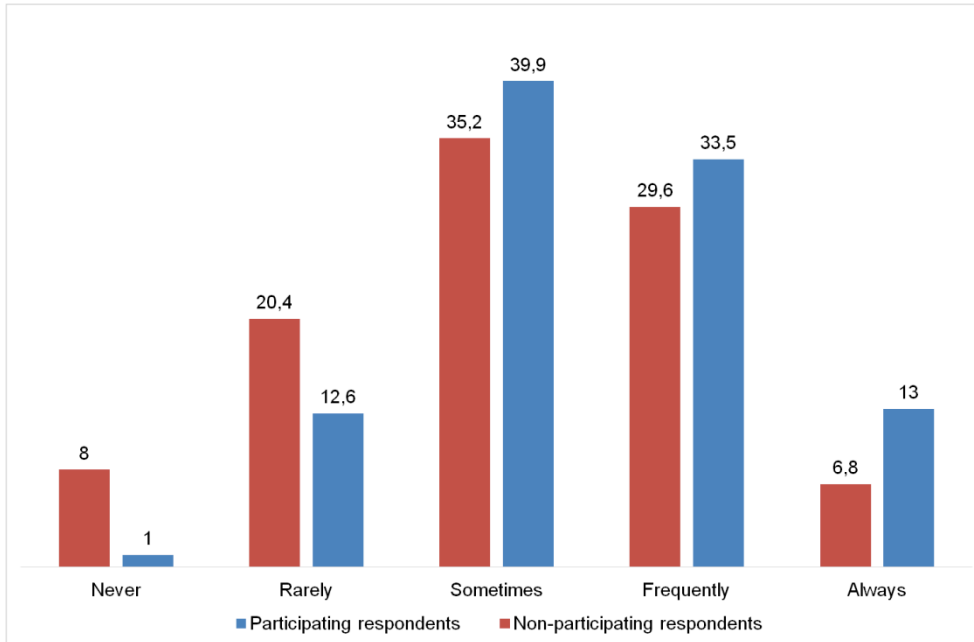
Figure 15 - Level of Access to ECtHR Judgments on the Protection of Freedom of Expression and Frequency of Three-Part Test Use (%)



As seen in Figure 15, respondents who have very easy access to ECtHR judgments use the three-part test always or frequently, while those who have easy access use the test frequently or sometimes. In general, all respondents tend to use the three-part test, even if rarely.

Figure 16 compares participation in project activities with frequency of three-part test use. As in other metrics, project activities have resulted in measurable benefits in this case as well.

Figure 16 - Comparison of Participation in Project Activities with Frequency of Three-Part Test Use (%)





As shown in Figure 16, judges and prosecutors who have taken part in project activities are able to use the three-part test to check whether a judicial decision is compatible with the principles in ECtHR judgments more than those who have not participated in any activity. There is a correlation between activity participation and frequency of three-part test use.

Figure 17 – Opinions on the Compatibility of Turkish Legislation with the ECHR on Freedom of Expression (%)

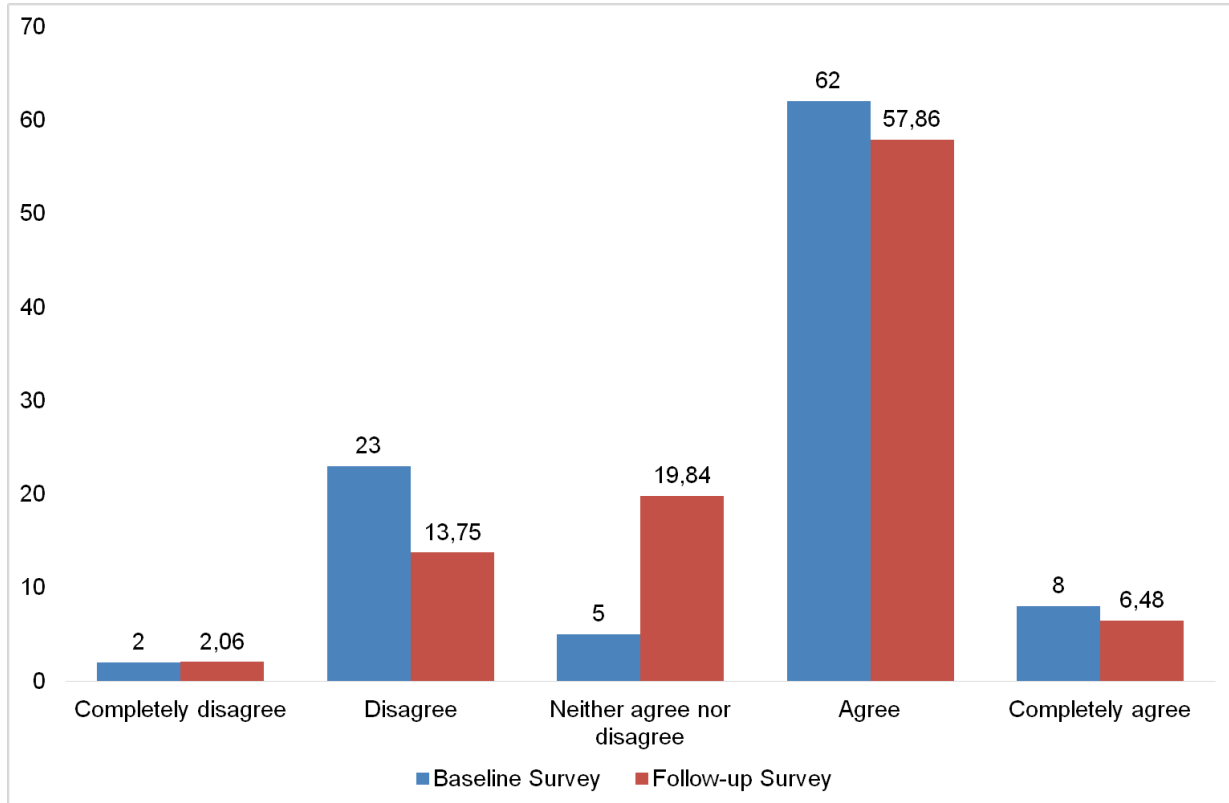
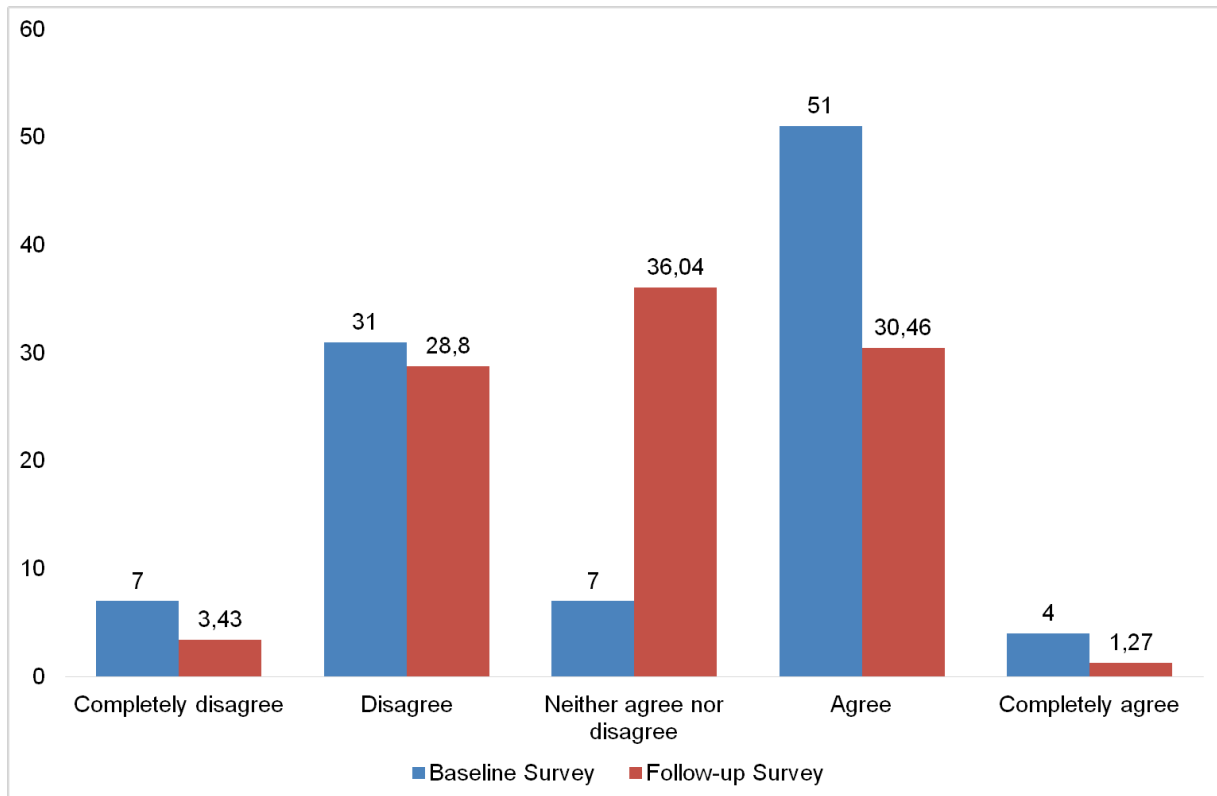


Figure 17 compares the level of agreement with the statement "Turkish legislation is compatible with the ECHR in terms of its provisions on protection of freedom of expression" against baseline results.

As shown in Figure 17, 65% of the respondents to the follow-up survey agree with this statement while 15% do not. Approximately 20% are undecided. Compared to the baseline survey, the level of agreement has declined to 63% while the number of undecided respondents has increased by almost four times. Based on this indicator, it can be argued that the activities attended by judges and prosecutors until the follow-up survey have been effective. The trainings and activities have enabled respondents to make more rational judgments regarding the compatibility of Turkish legislation with ECHR provisions.

Figure 18 compares the level of agreement with the statement "The practices of the Turkish courts are harmonized with the ECtHR case law in terms of protection of freedom of expression" against baseline results.

*Figure 18 – Opinions on the Compatibility of the Practices of Turkish Courts with ECtHR Case Law on Freedom of Expression (%)*

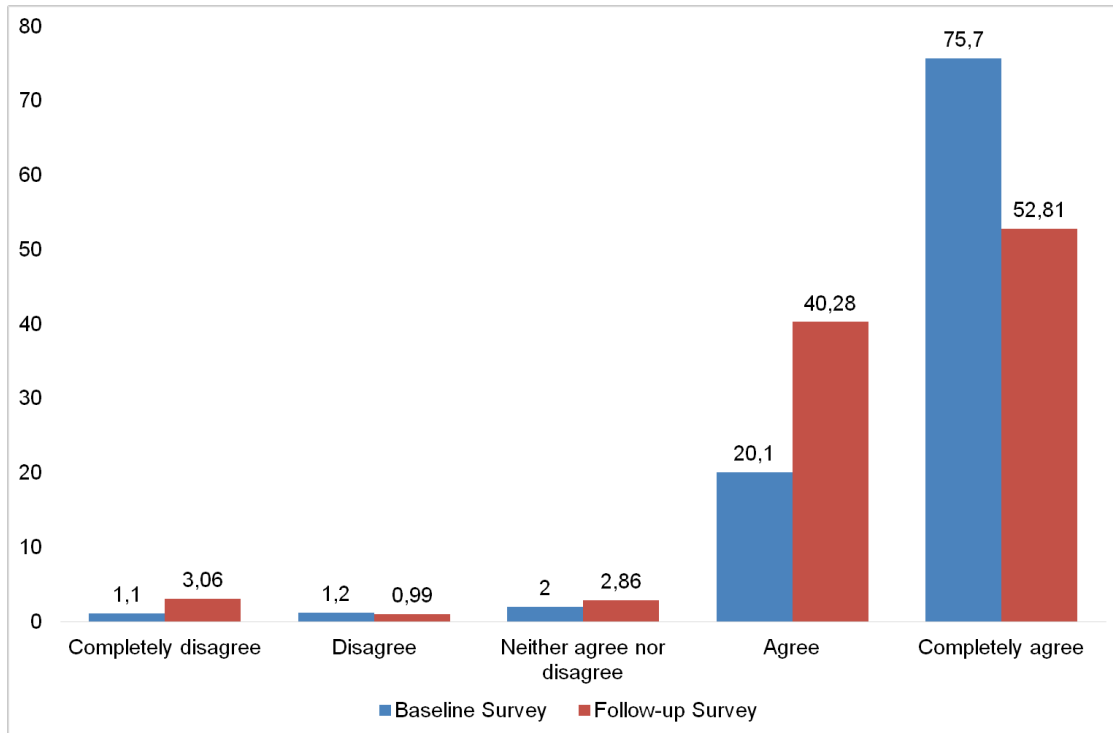


As shown in Figure 18, respondents are almost equally divided between agreement and disagreement with this statement. Meanwhile, a large number of respondents are undecided. In the baseline survey, 55% of respondents agreed with the statement while 38% did not. In the follow-up survey, the number of undecided respondents has increased by almost five times. This is a significant change. It can be deduced that respondents were more confident in their existing knowledge prior to attending activities and trainings, and that their views changed over time.

The view on the compatibility of the practices of Turkish courts with ECtHR case law on freedom of expression changed as a result of project activities. While 55% of the respondents to the Baseline Survey thought that the practices were compatible, this ratio decreased to 32% in the Follow-up Survey.

No significant differences were observed when the responses were broken down into jobs and genders in the follow-up survey.

Figure 19 – Effect of the Protection of Freedom of Expression and Press on Democratic Society (%)



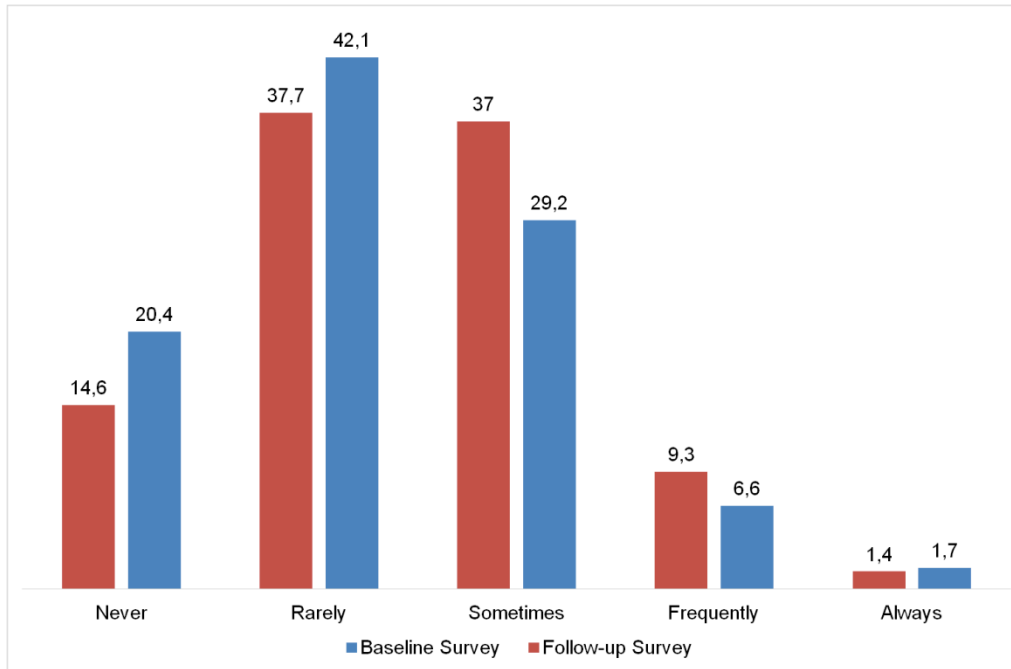
As shown in Figure 19, almost all (94%) participants in the baseline or follow-up studies agree that protecting freedom of press and expression is vital for a democratic society. The high level of agreement in both surveys shows the importance attached to freedom of press and freedom of expression regardless of project activities. This will greatly facilitate achieving project objectives. No significant differences were observed when the responses were broken down into job and gender variables in the follow-up survey.

### 2.3 PERCEPTION OF FREEDOM OF EXPRESSION

This section discusses the responses given to questions on the perception of freedom of expression in the survey.

Figure 20 shows the frequency with which judges and prosecutors make references to ECtHR judgments in their decisions.

Figure 20 - Frequency of ECtHR Judgment References by Judges and Prosecutors (%)



As seen in Figure 20, the frequency of references to ECtHR judgments made by judges and prosecutors increased from the baseline value of 8.3% by approximately 30% to 10.7% in the follow-up survey. The number of respondents who sometimes make references has increased by almost one-third. Project activities having direct implications on practice is an important indicator of project success.

Table 18 shows the frequency of references made to ECtHR judgments according to the respondents' gender, profession, experience, and assigned institution.

Table 18 - Frequency of ECtHR Judgment References according to Various Demographics (%)

Demographics	Always	Frequently	Sometimes	Rarely	Never
Prosecutor	1.69	7.3	35.11	42.13	13.76
Judge	1.19	10.4	38.04	35.36	15.01
Female	0.37	7.49	34.46	37.83	19.85
Male	1.71	10	37.89	37.63	12.76
Up to 3 years	0.32	6.35	37.14	38.1	18.1
4 to 7 years	0	5.43	33.33	51.94	9.3

<i>Demographics</i>	<b>Always</b>	<b>Frequently</b>	<b>Sometimes</b>	<b>Rarely</b>	<b>Never</b>
<i>8 years and above</i>	2.23	11.84	37.74	34.48	13.72
<i>First Instance Court</i>	1.65	8.5	35.91	39.21	14.72
<i>Court of Appeals or Regional Administrative Courts</i>	0.93	16.82	39.25	28.97	14.02
<i>High Court and HCJP</i>	0	7.96	40.71	37.17	14.16
<i>Ministry of Justice</i>	0	7.14	64.29	14.29	14.29

As seen in Table 18, judges and male respondents tend to make references to ECtHR judgments more often than prosecutors and female respondents, respectively. As job experience increases, a slight increase is observed in the frequency of references.

Table 19 compares the level of knowledge regarding ECHR provisions and ECtHR case law on the protection of freedom of expression, and the frequency of making references to ECtHR judgments.

*Table 19 – Effect of Levels of Knowledge on ECHR Provisions and ECtHR Case Law on Referring to ECtHR Judgments (%)*

<i>Level of Knowledge</i>	<b>Always</b>	<b>Frequently</b>	<b>Sometimes</b>	<b>Rarely</b>	<b>Never</b>	<b>Total</b>
<i>I am very knowledgeable</i>	10.39	33.77	32.47	19.48	3.9	<b>100</b>
<i>I am knowledgeable</i>	0.77	8.82	41.43	37.85	11.13	<b>100</b>
<i>Neither knowledgeable nor unknowledgeable</i>	0	0.76	21.21	48.48	29.55	<b>100</b>
<i>I am not knowledgeable</i>	0	0	8.57	31.43	60	<b>100</b>
<i>I do not have any knowledge at all</i>	0	0	50	50	0	<b>100</b>

As seen in Table 19, the more respondents know about ECHR provisions and ECtHR case law, the more likely they are to refer to ECtHR judgments. In other words, improving participants' level of knowledge on ECHR provisions and ECtHR case law by activities and in-service trainings will increase the frequency of ECtHR judgment references significantly.

Figure 21 compares references to ECtHR judgments with participation in activities conducted by CoE in association with JAT.

Figure 21 - Effects of Participation in Project Activities on Frequency of References to ECtHR (%)

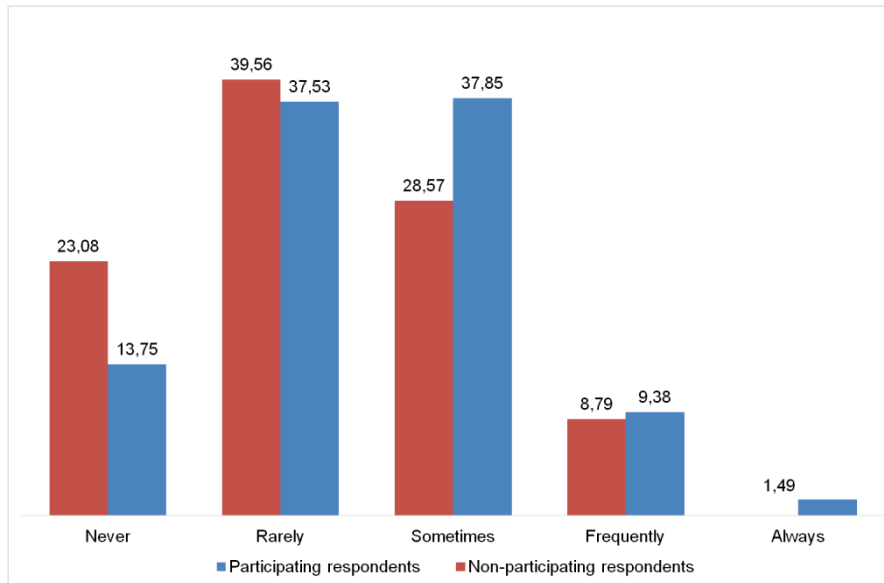
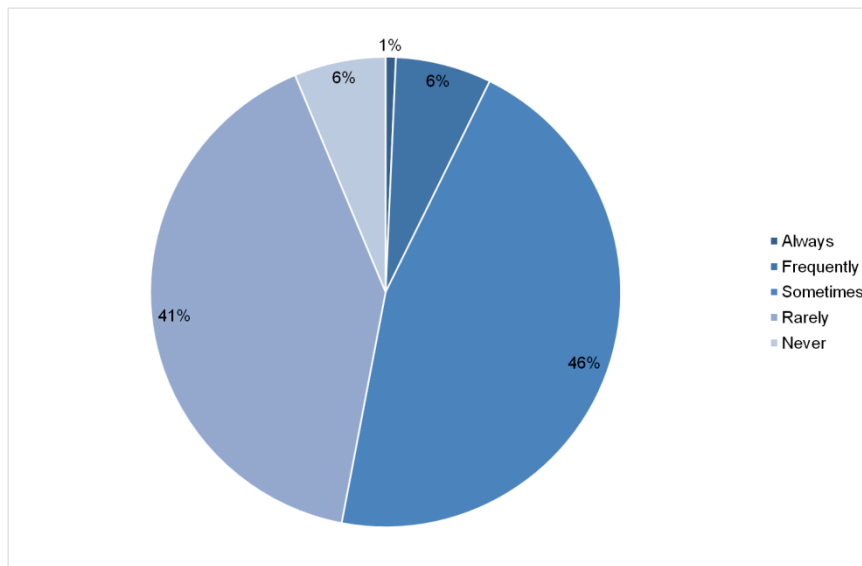


Figure 21 is another graph that illustrates the success of project activities conducted by CoE in association with JAT. While the frequency with which respondents cited ECtHR judgments was low during the baseline, an increase is observed in the follow-up survey.

Figure 22 shows the opinions of judges and prosecutors on how frequently ECtHR judgments on freedom of expression are referenced by the Turkish judiciary.

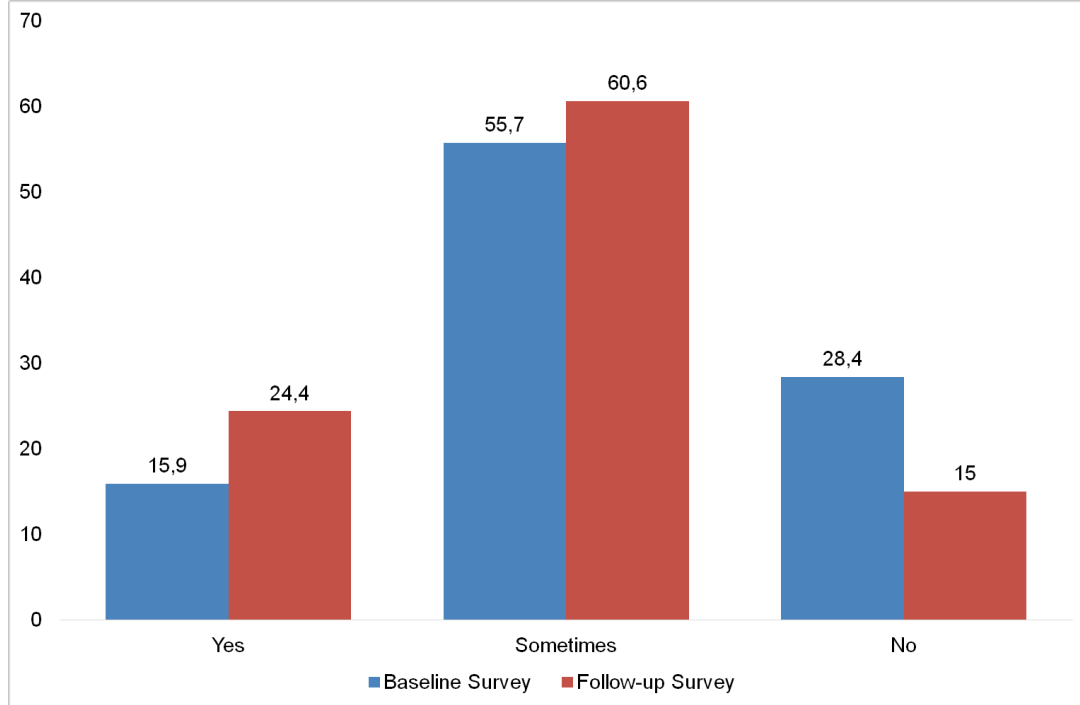
Figure 22 - Frequency of References to ECtHR Judgments on Freedom of Expression by the Turkish Judiciary (%)



According to Figure 22, 7% of judges and prosecutors hold the opinion that ECtHR judgments on freedom of expression are always referred by the Turkish judiciary, while 46% state that they are sometimes referred to. According to another 47%, almost no references are made.

Figure 23 shows the answers of respondents to the question “Do you think the ECtHR is biased in the freedom of expression violation judgments rendered against Turkey?”

Figure 23 - Bias in ECtHR Judgments of Freedom of Expression Violation against Turkey (%)

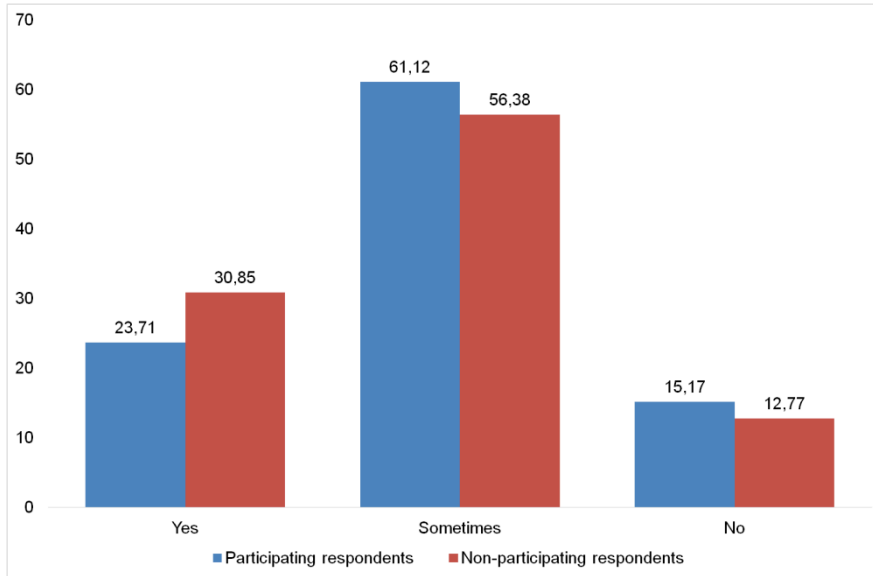


As shown in Figure 23, 60% of respondents believe that ECtHR is sometimes biased, while 15% believe that it is not biased. The number of respondents who believe that ECtHR is not biased has been halved since the baseline survey. The belief that ECtHR is biased in its decisions has become more extensive in the period between the baseline and follow-up studies. No significant differences were observed when the data in Figure 23 was broken down by jobs.

No significant percentage differences were observed when the data for the follow-up survey was broken down by jobs.

Figure 24 compares perceived bias of ECtHR in judgments on freedom of expression with participation in activities conducted by CoE in association with JAT.

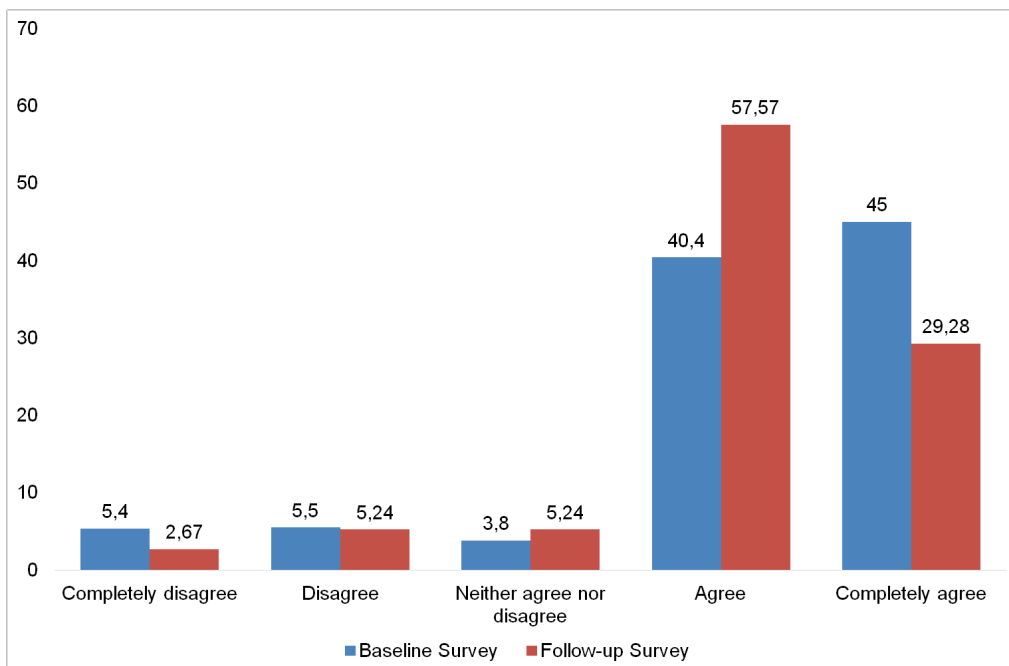
Figure 24 - Opinions on ECtHR Judgments against Turkey according to Participation in Activities (%)



As shown in Figure 24, judges and prosecutors who have not participated in activities find judgments against Turkey biased. Those who have participated in activities state that ECtHR judgments against Turkey are sometimes biased. Meanwhile, those who have not participated have a different opinion, and they believe that ECtHR judgments are mostly biased.

Figure 25 compares baseline and follow-up survey data on agreement with the statement "Cultural sensitivities of the society and the meaning attributed by the general public to the expressions which are claimed to include defamation should be taken into consideration."

Figure 25 - Consideration of Cultural Sensitivities in Defamation Claims (%)



As shown in Figure 25, respondents in both the baseline and follow-up surveys believe that cultural



sensitivities must be a factor for consideration. The time period between the two studies has not had a significant effect on opinions. The only difference is that while agreement with the statement was fairly strong in the baseline survey, it has become less pronounced in the follow-up survey.

### 3. FINDINGS

The following findings were obtained as a result of the follow-up survey conducted as part of the Strengthening the Capacity of Turkish Judiciary on Freedom of Expression EU-CoE Joint Project in Turkey:

- 90% of the respondents of the survey have stated that they took part in project activities. The most common activity was in-service trainings.
- Approximately 74% of respondents had said that there was a need for strengthening capacity on freedom of expression in Turkey at the time of the baseline survey. By the time of the follow-up survey, this rate was at 90%.
- Comparing the results of the baseline and follow-up surveys, it was observed that the need for strengthening capacity on freedom of expression increased in correlation to the increase in respondent awareness brought by project activities and trainings.
- In both the baseline and follow-up surveys, respondents have stated that the greatest need for strengthening capacity was in lack of knowledge and education on the subject.
- 74% of the respondents to the baseline survey and 84% of the respondents to the follow-up survey stated that they have good knowledge of the ECHR provisions and ECtHR case law on the protection of freedom of expression.
- Respondents assigned to Courts of Appeals or Regional Administrative Courts stated that they are more knowledgeable on ECHR provisions and ECtHR case law than others.
- Participation in project activities has been observed to increase average level of knowledge by 20%.
- Seniority is the greatest factor in level of knowledge about ECHR provisions and ECtHR judgments on the protection of freedom of expression.
- Respondents with access to ECtHR judgments stated that they were more knowledgeable, while half of the respondents with no access to ECtHR judgments stated that they were not knowledgeable.
- It has been observed that there is a direct but moderate correlation between ease of access to ECtHR judgments and level of knowledge on ECHR provisions and ECtHR case law.
- 94% of the judges and prosecutors responding to the survey have stated that they have access to the judgments of the ECtHR on the protection of freedom of expression. Level of access has improved by 5% in the follow-up survey compared to the baseline.
- Respondents who participated in project activities found it easier to access judgments on the protection of freedom of expression.
- Law school curricula on freedom of expression is generally viewed inadequate.
- The fundamental reason that the perceived adequacy of pre-service and in-service training has increased by almost twofold may be the fact that 90% of the respondents have attended these trainings. It is possible to interpret this level as satisfaction with the training provided during the project.

- According to the results of the Follow-up Survey, the inadequacy of curricula on freedom of expression in law schools can only be overcome when Justice Academy of Turkey (JAT) places more emphasis on the matter.
- 91% of respondents state that extended coverage of freedom of expression in the JAT curriculum will contribute to strengthening capacity in this area.
- Since it is known that 90% of the respondents to the follow-up survey have participated in one or more project activities, it is not surprising that access to ECtHR judgments on the HUDOC website has more than doubled.
- There is a strong and direct correlation between the level of knowledge on ECHR provisions and ECtHR case law, and the use of the three-part test. Respondents who are more knowledgeable tend to use the three-part test more frequently.
- There is a strong direct correlation between using the three-part test and citing ECtHR judgments. As the test is used more frequently, citations are made more frequently as well.
- In general, all respondents tend to use the three-part test, albeit occasionally.
- Respondents who are more knowledgeable on ECHR provisions and ECtHR case law on the protection of freedom of expression make references to ECtHR judgments in any case.
- According to the follow-up survey, judges are more inclined to refer to ECtHR judgments than prosecutors.
- As job experience increases, so does frequency of references to ECtHR judgments.
- The number of respondents who believe that ECtHR is not biased has been halved since the baseline survey.
- The belief that ECtHR is biased in its decisions has become more extensive in the period between the baseline and follow-up studies. Participation in activities may be a factor in overcoming the perception that ECtHR is biased in its judgments.
- It can be deduced that respondents were more confident in their existing knowledge prior to attending activities and trainings, and that their views changed over time.
- When follow-up survey data is broken down by profession, judges are more inclined to refer to ECtHR judgments than prosecutors. As job experience increases, so does frequency of references to ECtHR judgments.
- The more respondents know about ECHR provisions and ECtHR case law, the more likely they are to cite ECtHR judgments. In other words, improving participants' level of knowledge on ECHR provisions and ECtHR case law through activities and in-service training will increase the frequency of references to ECtHR judgment significantly.

## ADDITIONAL TABLES

Table 20 - Levels of Agreement with Statements (%)

<i>Statement</i>	<i>Response</i>	<i>Percentage</i>
<i>The right to freedom of expression of journalists and other media actors should be interpreted with a wider approach in order to ensure that they can fulfill the tasks given to them in a democratic society.</i>	Completely disagree	3.26
	Disagree	7.21
	Neither agree nor disagree	14.12
	Agree	51.23
	Completely agree	24.19
<i>The press is free to impart all ideas and information other than the exceptions stated under Article 10/2 of the ECHR.</i>	Completely disagree	3
	Disagree	13.6
	Neither agree nor disagree	21.1
	Agree	46.9
	Completely agree	15.4
<i>The limits of criticism directed at a politician should be wider than an ordinary citizen.</i>	Completely disagree	2.96
	Disagree	2.27
	Neither agree nor disagree	4.44
	Agree	50.2
	Completely agree	40.14
<i>In a democratic society interventions into freedom of expression are permissible only when it is prescribed by law and to the extent that it is required and necessary to fulfill one of the legitimate aims listed under the ECHR.</i>	Completely disagree	2.47
	Disagree	2.57
	Neither agree nor disagree	3.56
	Agree	55.79
	Completely agree	35.61
<i>When defamation cases are interpreted, cultural sensitivities of the society and the meaning attributed by the general public to the expressions which are claimed to include defamation should be taken into consideration.</i>	Completely disagree	2.67
	Disagree	5.24
	Neither agree nor disagree	5.24
	Agree	57.57

<i>Statement</i>	<i>Response</i>	<i>Percentage</i>
	Completely agree	29.28
<i>Statements which are regarded as hate speech can be restricted in accordance with Article 10/2 of the ECHR. The most extreme examples of hate speech do not benefit from the protection of Article 10 in accordance with Article 17 of the Convention. However, it does not mean that statements of criticism against a cultural or religious belief or practice can be prohibited even if it is disturbing, shocking and offending.</i>	Completely disagree	4.02
	Disagree	17.89
	Neither agree nor disagree	21.41
	Agree	43.92
	Completely agree	12.76
<i>Statements having no contribution to a public debate and made only to offend and humiliate the other party should not be afforded protection under freedom of expression.</i>	Completely disagree	2.99
	Disagree	4.18
	Neither agree nor disagree	5.17
	Agree	52.94
	Completely agree	34.73
	<b>Total</b>	<b>100</b>
<i>Statements which do not aim to glorify and justify terrorist acts should be evaluated in the scope of freedom of expression even if they are disturbing and shocking.</i>	Completely disagree	14.91
	Disagree	24.25
	Neither agree nor disagree	16.3
	Agree	34.2
	Completely agree	10.34

Table 21 - Levels of Agreement with Statements According to Professions (%)

<b>Statement</b>	<b>Response</b>	<b>Prosecutor</b>	<b>Judge</b>
<i>The right to freedom of expression of journalists and other media actors should be interpreted with a wider approach in order to ensure that they can fulfill the tasks given to them in a democratic society.</i>	Completely disagree	3.12	3.34
	Disagree	7.93	6.84
	Neither agree nor disagree	15.86	13.22
	Agree	47.88	53.04
	Completely agree	25.21	23.56
<i>The press is free to impart all ideas and information other than the exceptions stated under Article 10/2 of the ECHR.</i>	Completely disagree	3.14	2.93
	Disagree	16.29	12.19
	Neither agree nor disagree	19.43	22.07
	Agree	46	47.38
	Completely agree	15.14	15.43
<i>The limits of criticism directed at a politician should be wider than an ordinary citizen.</i>	Completely disagree	2.54	3.19
	Disagree	2.26	2.28
	Neither agree nor disagree	6.78	3.19
	Agree	50.56	50.15
	Completely agree	37.85	41.19
<i>In a democratic society interventions into freedom of expression are permissible only when it is prescribed by law and to the extent that it is required and necessary to fulfill one of the legitimate aims listed under the ECHR.</i>	Completely disagree	2.27	2.59
	Disagree	1.99	2.89
	Neither agree nor disagree	3.69	3.5
	Agree	57.67	54.95
	Completely agree	34.38	36.07
<i>When defamation cases are interpreted, cultural sensitivities of the society and the</i>	Completely disagree	2.83	2.59

<i>Statement</i>	<b>Response</b>	<b>Prosecutor</b>	<b>Judge</b>
<i>meaning attributed by the general public to the expressions which are claimed to include defamation should be taken into consideration.</i>	Disagree	5.1	5.34
	Neither agree nor disagree	6.23	4.73
	Agree	60.34	55.95
	Completely agree	25.5	31.4
<i>Statements which are regarded as hate speech can be restricted in accordance with Article 10/2 of the ECHR. The most extreme examples of hate speech do not benefit from the protection of Article 10 in accordance with Article 17 of the Convention. However, it does not mean that statements of criticism against a cultural or religious belief or practice can be prohibited even if it is disturbing, shocking and offending.</i>	Completely disagree	3.72	4.19
	Disagree	18.34	17.7
	Neither agree nor disagree	20.34	21.89
	Agree	46.13	42.7
<i>Statements having no contribution to a public debate and made only to offend and humiliate the other party should not be afforded protection under freedom of expression.</i>	Completely disagree	3.97	2.46
	Disagree	4.53	4
	Neither agree nor disagree	5.67	4.92
	Agree	58.64	49.85
	Completely agree	27.2	38.77
<i>Statements which do not aim to glorify and justify terrorist acts should be evaluated in the scope of freedom of expression even if they are disturbing and shocking.</i>	Completely disagree	16.76	13.96
	Disagree	26.99	22.85
	Neither agree nor disagree	10.8	19.33
	Agree	35.23	33.44
	Completely agree	10.23	10.43

Table 22 - Levels of Agreement with Statements According to Gender (%)

<b>Statement</b>	<b>Response</b>	<b>Female</b>	<b>Male</b>
<i>The right to freedom of expression of journalists and other media actors should be interpreted with a wider approach in order to ensure that they can fulfill the tasks given to them in a democratic society.</i>	Completely disagree	3.04	3.35
	Disagree	3.42	8.58
	Neither agree nor disagree	13.31	14.48
	Agree	57.79	48.93
	Completely agree	22.43	24.66
<i>The press is free to impart all ideas and information other than the exceptions stated under Article 10/2 of the ECHR.</i>	Completely disagree	1.96	3.37
	Disagree	13.73	13.63
	Neither agree nor disagree	25.1	19.84
	Agree	48.24	46.29
	Completely agree	10.98	16.87
<i>The limits of criticism directed at a politician should be wider than an ordinary citizen.</i>	Completely disagree	2.65	3.08
	Disagree	1.14	2.68
	Neither agree nor disagree	4.17	4.56
	Agree	49.62	50.54
	Completely agree	42.42	39.14
<i>In a democratic society interventions into freedom of expression are permissible only when it is prescribed by law and to the extent that it is required and necessary to fulfill one of the legitimate aims listed under the ECHR.</i>	Completely disagree	1.14	2.96
	Disagree	3.41	2.29
	Neither agree nor disagree	3.03	3.77
	Agree	58.71	54.91
	Completely agree	33.71	36.07
<i>When defamation cases are interpreted, cultural sensitivities of the society and the meaning attributed by the general public to the expressions which are claimed to include defamation should be taken into consideration.</i>	Completely disagree	1.14	3.23
	Disagree	6.06	4.98
	Neither agree nor disagree	3.79	5.79
	Agree	59.47	56.8
	Completely agree	29.55	29.21

<i>Statement</i>	<b>Response</b>	<b>Female</b>	<b>Male</b>
<i>Statements which are regarded as hate speech can be restricted in accordance with Article 10/2 of the ECHR. The most extreme examples of hate speech do not benefit from the protection of Article 10 in accordance with Article 17 of the Convention. However, it does not mean that statements of criticism against a cultural or religious belief or practice can be prohibited even if it is disturbing, shocking and offending.</i>	Completely disagree	3.49	4.23
	Disagree	19.38	17.46
	Neither agree nor disagree	24.81	20.19
	Agree	43.02	44.07
	Completely agree	9.3	14.05
<i>Statements having no contribution to a public debate and made only to offend and humiliate the other party should not be afforded protection under freedom of expression.</i>	Completely disagree	1.91	3.38
	Disagree	4.96	3.92
	Neither agree nor disagree	6.49	4.74
	Agree	51.53	53.45
	Completely agree	35.11	34.51
<i>Statements which do not aim to glorify and justify terrorist acts should be evaluated in the scope of freedom of expression even if they are disturbing and shocking.</i>	Completely disagree	14.62	15.09
	Disagree	26.15	23.72
	Neither agree nor disagree	19.23	15.36
	Agree	33.46	34.1
	Completely agree	6.54	11.73



Table 23 - Levels of Agreement with Statements According to Years of Experience (%)

<b>Statement</b>	<b>Response</b>	<b>Up to 3 years</b>	<b>4 to 7 years</b>	<b>8 years and above</b>
<i>The right to freedom of expression of journalists and other media actors should be interpreted with a wider approach in order to ensure that they can fulfill the tasks given to them in a democratic society.</i>	Completely disagree	1.61	2.38	4.37
	Disagree	6.75	8.73	7.17
	Neither agree nor disagree	19.29	18.25	10.31
	Agree	53.7	53.97	49.3
	Completely agree	18.65	16.67	28.85
<i>The press is free to impart all ideas and information other than the exceptions stated under Article 10/2 of the ECHR.</i>	Completely disagree	1.63	3.2	3.72
	Disagree	13.68	16.8	12.94
	Neither agree nor disagree	28.34	20.8	17.38
	Agree	46.91	47.2	46.63
	Completely agree	9.45	12	19.33
<i>The limits of criticism directed at a politician should be wider than an ordinary citizen.</i>	Completely disagree	0.65	1.59	4.52
	Disagree	2.91	2.38	1.91
	Neither agree nor disagree	7.12	2.38	3.48
	Agree	46.93	62.7	49.39
	Completely agree	42.39	30.95	40.7
<i>In a democratic society interventions into freedom of expression are permissible only when it is prescribed by law and to the extent that it is required and necessary to fulfill one of the legitimate aims listed under the ECHR.</i>	Completely disagree	0.65	0.79	3.84
	Disagree	3.25	3.17	2.09
	Neither agree nor disagree	4.87	3.17	2.97
	Agree	59.09	61.11	53.05
	Completely agree	32.14	31.75	38.05
<i>When defamation cases are interpreted, cultural sensitivities of the society and the meaning attributed by the general public to the expressions which are</i>	Completely disagree	1.29	0.8	3.84
	Disagree	3.24	4.8	6.46
	Neither agree nor disagree	6.8	7.2	4.01
	Agree	55.02	56.8	59.16

<i>Statement</i>	<b>Response</b>	<b>Up to 3 years</b>	<b>4 to 7 years</b>	<b>8 years and above</b>
<i>claimed to include defamation should be taken into consideration.</i>	Completely agree	33.66	30.4	26.53
	Completely disagree	2.31	4.07	4.96
<i>Statements which are regarded as hate speech can be restricted in accordance with Article 10/2 of the ECHR. The most extreme examples of hate speech do not benefit from the protection of Article 10 in accordance with Article 17 of the Convention. However, it does not mean that statements of criticism against a cultural or religious belief or practice can be prohibited even if it is disturbing, shocking and offending.</i>	Disagree	18.48	16.26	18.05
	Neither agree nor disagree	28.71	22.76	17.17
	Agree	39.27	44.72	46.02
	Completely agree	11.22	12.2	13.81
	Completely disagree	0.98	2.4	4.21
<i>Statements having no contribution to a public debate and made only to offend and humiliate the other party should not be afforded protection under freedom of expression.</i>	Disagree	2.94	4.8	4.74
	Neither agree nor disagree	7.52	7.2	3.51
	Agree	51.96	60	51.75
	Completely agree	36.6	25.6	35.79
	Completely disagree	17.59	17.6	12.98
<i>Statements which do not aim to glorify and justify terrorist acts should be evaluated in the scope of freedom of expression even if they are disturbing and shocking.</i>	Disagree	24.43	26.4	23.68
	Neither agree nor disagree	24.1	14.4	12.63
	Agree	27.69	30.4	38.25
	Completely agree	6.19	11.2	12.46
	Completely disagree	17.59	17.6	12.98

Table 24 - Levels of Agreement with Statements According to Assigned Institution (%)

<i>Statement</i>	<i>Response</i>	<b>First Instance Court</b>	<b>Court of Appeals or Regional Administrative Courts</b>	<b>High Court and HCJP</b>	<b>Ministry of Justice</b>
<i>The right to freedom of expression of journalists and other media actors should be interpreted with a wider approach in order to ensure that they can fulfill the tasks given to them in a democratic society.</i>	Completely disagree	3.35	2.04	3.42	0
	Disagree	7.73	8.16	3.42	7.69
	Neither agree nor disagree	15.08	14.29	5.98	30.77
	Agree	50.64	41.84	62.39	53.85
	Completely agree	23.2	33.67	24.79	7.69
<i>The press is free to impart all ideas and information other than the exceptions stated under Article 10/2 of the ECHR.</i>	Completely disagree	2.87	3.09	3.48	0
	Disagree	13.82	13.4	12.17	25
	Neither agree nor disagree	21.64	16.49	21.74	25
	Agree	46.41	46.39	52.17	25
	Completely agree	15.25	20.62	10.43	25
<i>The limits of criticism directed at a politician should be wider than an ordinary citizen.</i>	Completely disagree	2.7	3	3.45	8.33
	Disagree	2.19	2	2.59	8.33
	Neither agree nor disagree	4.89	2	3.45	8.33
	Agree	49.94	52	50	50
	Completely agree	40.28	41	40.52	25
<i>In a democratic society interventions into freedom of expression are permissible only when it is prescribed by law and to the extent that it is required and necessary to fulfill one of the legitimate aims listed under the ECHR.</i>	Completely disagree	2.45	2.02	2.59	0
	Disagree	2.97	2.02	0.86	0
	Neither agree nor disagree	3.74	3.03	2.59	8.33
	Agree	56	51.52	57.76	75
	Completely agree	34.84	41.41	36.21	16.67

<i>Statement</i>	<b>Response</b>	<b>First Instance Court</b>	<b>Court of Appeals or Regional Administrative Courts</b>	<b>High Court and HCJP</b>	<b>Ministry of Justice</b>
<i>When defamation cases are interpreted, cultural sensitivities of the society and the meaning attributed by the general public to the expressions which are claimed to include defamation should be taken into consideration.</i>	Completely disagree	2.58	4	1.72	0
	Disagree	5.17	7	4.31	8.33
	Neither agree nor disagree	6.2	2	1.72	8.33
	Agree	56.2	62	61.21	66.67
	Completely agree	29.84	25	31.03	16.67
<i>Statements which are regarded as hate speech can be restricted in accordance with Article 10/2 of the ECHR. The most extreme examples of hate speech do not benefit from the protection of Article 10 in accordance with Article 17 of the Convention. However, it does not mean that statements of criticism against a cultural or religious belief or practice can be prohibited even if it is disturbing, shocking and offending.</i>	Completely disagree	3.82	5.05	5.22	0
	Disagree	17.76	20.2	16.52	33.33
	Neither agree nor disagree	21.97	18.18	19.13	33.33
	Agree	44.08	43.43	45.22	16.67
	Completely agree	12.37	13.13	13.91	16.67
<i>Statements having no contribution to a public debate and made only to offend and humiliate the other party should not be afforded protection under freedom of expression.</i>	Completely disagree	2.99	2	3.48	0
	Disagree	4.55	3	3.48	0
	Neither agree nor disagree	5.33	3	4.35	25
	Agree	52.54	59	51.3	58.33
	Completely agree	34.59	33	37.39	16.67

<i>Statement</i>	<b>Response</b>	<b>First Instance Court</b>	<b>Court of Appeals or Regional Administrative Courts</b>	<b>High Court and HCJP</b>	<b>Ministry of Justice</b>
<i>Statements which do not aim to glorify and justify terrorist acts should be evaluated in the scope of freedom of expression even if they are disturbing and shocking.</i>	Completely disagree	14.92	10.1	17.39	25
	Disagree	26.72	22.22	13.04	8.33
	Neither agree nor disagree	15.82	12.12	22.61	25
	Agree	32.81	42.42	35.65	25
	Completely agree	9.73	13.13	11.3	16.67

## QUESTIONNAIRE

Sayın katılımcı,

Bu anket, Avrupa Birliđi (AB), Avrupa Konseyi (AK) ve Türkiye Cumhuriyeti tarafından birlikte finanse edilen ve Avrupa Konseyi tarafından yürütölen "Türk Yargısının İfade Özgürlüğü Konusunda Kapasitesinin Güçlendirilmesi" Avrupa Birliđi-Avrupa Konseyi Ortak Projesi kapsamında düzenlenmektedir. Türkiye Adalet Akademisi (TAA) Projenin ana faydalanıcısıdır.

Ekim 2014 tarihinden itibaren Avrupa Konseyi Ankara Program Ofisi ve Türkiye Adalet Akademisi ile Türk yargı mensuplarının günlük işlerinde ifade ve basın özgürlüğü ile ilgili Avrupa İnsan Hakları Sözleşmesi (AİHS) ve Avrupa İnsan Hakları Mahkemesi (AİHM) içtihatlarını daha etkin ve doğru bir şekilde uygulamalarına katkıda bulunmak amacıyla farkındalık yaratmaya yönelik proje faaliyetlerini yürütmektedir. Lütfen ayrıntılı bilgi için "Türk Yargısının İfade Özgürlüğü Konusunda Kapasitesinin Güçlendirilmesi" AB/AK Ortak Projesi web sitesini ziyaret ediniz <http://ifadeozgurluguu.taa.gov.tr/>

Bu araştırmanın amacı proje faaliyetlerine katılan hâkim ve savcılarının ifade özgürlüğü mevzuatının Avrupa standartlarına uygun şekilde yorumlaması ve uygulaması konusundaki kazanımlarının ölçülmesidir.

Bu nedenle sorulara tam ve doğru yanıtlar vermeniz çalışmaların ve proje çıktılarının sürdürülebilirliğinin planlanmasında önemli rol oynayacaktır.

Projenin bir faaliyeti olan bu çalışmayı, bağımsız bir araştırma şirketi olan TANDANS Türkiye yürütmektedir. Görüşleriniz sonucu sizlerden elde edilen veriler sadece istatistik üretmek amacıyla kullanılacak olup, hiçbir şekilde resmi, özel kişi veya kuruluşlara açıklanmayacak, vermiş olduğunuz bilgiler gizli tutulacak, kimlik bilgileriniz sorgulanmayacak ve başkaları tarafından ulaşım sağlanamayacaktır.

Görüşlerinizi paylaşımınız, katılımınız, ayırmış olduğunuz zaman ve vermiş olduğunuz destekten dolayı teşekkür ederiz.

S1. Lütfen mesleđinizi belirtir misiniz?

Savcı

Hâkim

S2. Lütfen cinsiyetinizi belirtir misiniz?

- Kadın  
 Erkek

S3. Lütfen mesleğinizde ne kadar süredir görev aldığınızı belirtir misiniz?

- 1 yıldan az  
 1 -3 yıl (1 yıl dahil)  
 4-7 yıl (4 yıl dahil)  
 8-10 yıl (8 yıl dahil)  
 11 yıl ve üzeri (11 yıl dahil)

S4. Lütfen görev yaptığınız kuruma ilişkin seçeneği belirtiniz.

- İlk Derece Mahkemesi  
 Bölge Adliye veya Bölge İdare Mahkemesi  
 Yüksek Mahkeme  
 HSYK  
 Adalet Bakanlığı  
 Diğer (lütfen belirtin)

S5. İfade Özgürlüğü ile ilgili davalara bakan bir mahkemede görev aldınız/yaptınız mı?

- Evet  
 Hayır

S6. İfade özgürlüğü ile ilgili davalara bakan hangi mahkemede görev aldınız veya görev yapmaktasınız?

S7. Lütfen hangi şehirde çalıştığınızı belirtir misiniz?

A1. Avrupa Konseyinin Türkiye Adalet Akademisi ile birlikte yürüttüğü "Türk Yargısının İfade Özgürlüğü Konusunda Kapasitesinin Güçlendirilmesi Projesi" kapsamında herhangi bir faaliyete katıldınız mı? (Birden fazla cevap verilebilir)

- Meslek içi eğitim
- Meslek öncesi eğitim
- Yuvarlak masa toplantıları
- Uluslararası çalıştay
- Yurtdışı çalışma ziyaretleri

A2. İfade Özgürlüğü konusunda Türkiye'de kapasite artırımına ihtiyaç olduğunu düşünüyor musunuz?

- Evet
- Hayır

A3. Eğer bir önceki soruya cevabınız evet ise, kapasite artırılması ihtiyacının gerekçeleri sizce neler olabilir? (Birden fazla cevap verilebilir)

- Anayasa
- Yasalar
- Mahkeme uygulamaları
- Kolluk kuvvetlerinin uygulamaları
- Konuya ilişkin eğitim ve bilgi eksikliği
- Sosyo kültürel nedenler
- Diğer (lütfen belirtin)



A8. Avrupa İnsan Hakları Mahkemesinin ifade özgürlüğü alanında verdiği kararlara Türk yargı yapıldığını düşünüyor musunuz?

- Her zaman  
 Sıklıkla  
 Ara Sıra  
 Nadiren  
 Hiçbir zaman

A9. Üç aşamalı test ile herhangi bir yargı kararının AİHM kararlarındaki prensiplere uygunluğunu değerlendirebilirim.

- Her zaman  
 Sıklıkla  
 Ara Sıra  
 Nadiren  
 Hiçbir zaman

A10. Hâkim ve savcıların ifade özgürlüğüne dair meslek öncesi ve meslek içi eğitim çalışmalarının yeterli olduğunu düşünüyor musunuz?

- Çok yeterli  
 Yeterli  
 Yetersiz  
 Çok yetersiz

A11. Hukuk fakültelerinin ifade özgürlüğüne ilişkin müfredatının yeterli olduğunu düşünüyor musunuz?

- Çok yeterli  
 Yeterli  
 Yetersiz  
 Çok yetersiz

A12. AİHM'nin İfade Özgürlüğü alanında Türkiye aleyhine verdiği kararlarda tarafı davrandığını düşünüyor musunuz?

- Evet  
 Bazen  
 Hayır

## Aşağıdaki İfadelere "Katılma Derecenizi" Belirtiniz.

	Kesinlikle katılmıyorum	Katılmıyorum	Ne katılıyorum ne katılmıyorum	Katılıyorum	Kesinlikle katılıyorum
Türk mevzuatı, ifade özgürlüğünün korunmasına ilişkin hükümleri bakımından AİHS ile uyumludur.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Türk mahkemelerinin uygulamaları ifade özgürlüğünün korunması bakımından AİHM içtihatları ile uyumludur.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Anayasa Mahkemesi ve diğer yüksek mahkemelerin içtihatları ifade özgürlüğü ile ilgili AİHM standartlarının ilk derece mahkemeleri tarafından daha etkin ve doğru yorumlanmasına katkı sağlayabilir.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
TAA müfredatında ifade özgürlüğüne ilişkin konulara daha fazla ağırlık verilmesi, bu alanda kapasitenin güçlendirilmesine katkı sağlar.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sivil toplum kuruluşları ile işbirliğinin geliştirilmesi, ifade özgürlüğü alanında kapasitenin güçlendirilmesine önemli ölçüde katkı sağlar.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
İfade ve basın özgürlüğünün korunması demokratik toplumun olmazsa olmaz unsurlarındadır.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Kesinlikle katılmıyorum	Katılmıyorum	Ne katılıyorum ne katılmıyorum	Katılıyorum	Kesinlikle katılıyorum
Demokratik toplumda kendilerine verilen görevleri yerine getirmelerini sağlamak amacıyla gazeteciler ve diğer medya aktörlerinin ifade özgürlüğü hakkı kapsamı geniş yorumlanmalıdır.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Basın, AİHS madde 10/2'de yer alan istisnalar dışında her türlü görüş ve bilgiyi vermekte serbesttir.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bir politikacı hakkında yapılan eleştirinin sınırı sıradan vatandaşın nazarında daha geniş olmalıdır.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Demokratik bir toplumda ifade özgürlüğüne ancak kanunla ve AİHS'de öngörülen meşru amaçlardan birini yerine getirmek için zorunlu ve gerekli olduğu ölçüde müdahale edilebilir.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hakaret davaları yorumlanırken toplumun kültürel hassasiyetleri ile hakaret teşkil ettiği iddia edilen sözlere toplumun geneli tarafından yüklenen anlam göz önüne alınmalıdır.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>