



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Turkey**National correspondent**

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Phone Number :

1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

73425000

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	54099521205
Regional / entity level	

3) Per capita GDP (in €)

4361

4) Average gross annual salary (in €)

8405,62

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

1.8559 YTL

Please indicate the sources for the questions 1 to 4

1- Turkish Statistics Institution.

2- Turkish Statistics Institution.

Please note that this amount is in New Turkish Liras.

This amounts includes,

a- the final consumption expenditure of the state: 75.636.787.125 New Turkish Liras

b- the consumption for the public investments: 24.766.514.280 New Turkish Liras.

3- Turkish Statistics Institution.

4- You will be informed as soon as we receive an answer from the competent authority.

1. 2. Budgetary data concerning judicial system

1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

522486876,448

7) Please specify

Please note that in Turkey there is not a separate budget allocated to all courts. This amount includes the budget of the public prosecution system.

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned

- Annual public budget allocated to (gross) salaries Yes
- Annual public budget allocated to computerisation (equipment, investments, maintenance) Yes
- Annual public budget allocated to justice expenses Yes
- Annual public budget allocated to court buildings (maintenance, operation costs) Yes
- Annual public budget allocated to investments in new (court) buildings Yes
- Annual public budget allocated to training and education Yes
- Other (please specify): Yes

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

- Yes
- No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

In 2002 the annual public budget of the courts: 362.260.350 YTL

In 2003 the annual public budget of the courts: 542.114.200 YTL

In 2004 the annual public budget of the courts: 589.129.000 YTL

In 2005 the annual public budget of the courts: 683.240.000 YTL

10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- for criminal cases?
- for other than criminal cases?

If yes, are there exceptions? Please specify:

If the litigant is granted legal aid, she/he is not required to pay a court tax and fee to start a proceeding at a court of general jurisdiction. According to articles of the Law of Charges numbered 492 and the specific laws there are several exemptions. For instance, the cases which are brought by the public prosecutors in the civil courts, the cases which are brought by the Social Security Organization for Artisans and the Self-Employed and the cases which are brought by soldiers, corporals and sergeants are exempt from charges.

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)

279094188,081

12) Total annual approved budget allocated to the whole justice system (in €)

1255196514

13) Total annual approved public budget allocated to legal aid (in €)

14) If possible, please specify

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount		

15) Is the public budget allocated to legal aid included in the court budget ?

Yes

No

16) Total annual approved public budget allocated to the public prosecution system (in €)

17) Is the budget allocated to the public prosecution included in the court budget?

Yes

No

18) Authorities formally responsible for the budget allocated to the courts:

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other ministry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parliament	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Supreme Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judicial Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

Ministry of Justice, Ministry of Finance and State Planning Organization is responsible for the preparation of the total court budget.

Parliament is responsible for the adoption of the total court budget.

Ministry of Justice is responsible for the allocation of the budget among courts. Public Prosecution Offices are responsible for the management of the budget among courts. Parliament, Ministry of Justice and Turkish Court of Accounts are responsible for the evaluation of the use of budget at a national level.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Please note that the total annual approved budget allocated to all courts is within the budget of the Ministry of Justice. Total annual approved budget allocated to all courts covers the budget of the first instance courts of general jurisdiction, regional administrative courts, administrative courts and tax courts. As Constitutional Court, Court of Cassation and Council of State have their own budgets, the total annual approved budget allocated to all courts does not cover the budgets of the mentioned courts. This figure also does not cover the amount that is allocated for the expenditure of the Court of Jurisdictional Disputes and the High Election Board.

Public Finance Administration and Control Law numbered 5018 entered into force on December 24, 2003. The purpose of this Law is to regulate the structure and functioning of the public financial management, the preparation and implementation of the public budgets, the accounting and reporting of all financial transactions, and financial control in line with the politics and objectives covered in the development plans and programs, in order to ensure accountability, transparency and the effective, economic and efficient collection and utilization of public resources. The law stipulates that the budgets should be prepared on the basis of strategic future vision rather than the figures of previous years. New public finance administration concept envisages the implementation of the performance based budgeting and thus transition from the input based budgeting to the output oriented budgeting. By the Law, new budget classification compatible with IMF's Government Financial Standards is implemented. Hence, Turkey has made a transition from the programme budget implementation to an analytic budget implementation.

Please indicate the sources for the questions 6, 7, 13 et 16

6- Ministry of Justice, Head of the Strategy Development

7- Ministry of Justice, Head of the Strategy Development

13- Ministry of Justice, Head of the Strategy Development

16- Ministry of Justice, Head of the Strategy Development

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>

21) If other, please specify (in regards to question 20):

According to the article 466 of the Civil Procedural Law,
Legal aid includes,

- Temporary exemption from costs of the proceedings,
- Advance payment made by state on costs of the witnesses and experts,
- Exemption from guarantee for costs of the proceedings,
- Payment for costs of the notifications,
- Appointment of the lawyer,
- Payment for the costs of the execution,
- Exemption for transactions concerning stamps and
- Temporary exemption from charges of documents and their copies prepared by notaries

22) Does legal aid foresee the covering or the exoneration of court fees?

- Yes
 No

If yes, please specify:

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

Yes No

If yes, please specify:

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

	Number
Total	na
Criminal cases	na
Other than criminal cases	na

25) In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer? Yes No**26) Does your country have an income and asset test for granting legal aid:**

	No	Yes	Amount
for criminal cases?	X		
for other than criminal cases?		X	

27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)? Yes No**28) If yes, is the decision for granting or refusing legal aid taken by:** the court? an authority external to the court? a mixed decision-making authority (court and external)?**29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?**

Yes

No

Please specify:

30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

	yes	no
criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Other than criminal cases legal aid is regulated under these

- 1- Civil Procedure Law (No: 1086)
- 2- Attorneyship Law (No: 1136)
- 3- Legal Aid Regulation of the Union of Bar Associations of Turkey

In civil cases legal aid will be requested in accordance with articles 465-472 of the Turkish Civil Procedural Law. The person who can not pay the costs of the proceedings can obtain legal aid. If it becomes clear that if the person is lack of financial means to pay the costs of the proceedings and if there is a strong belief that the person is likely to be justified at the end of the case, the request for the legal aid can be accepted. Legal aid in civil matters covers attorney fees and all costs of the proceedings.

According to the article 176 of the Attorneyship Law, legal aid means that costs of advocacy are met for those who are not able to pay for costs of the advocacy and proceedings.

Request for legal aid is filed to the Legal Aid Office, constituted from lawyers of the Bar Association or representatives of the legal aid. The applicant should bring forward evidence to make sure that he/she needs legal aid.

Decision on request for legal aid may be appealed to the president of the Bar Association. The Decision of the president of the Bar Association is final. (Article 178)

In criminal matters, if the suspect or suspect states that she/he is unable to retain a lawyer, she/he is provided a lawyer if she/ he requests so. If the suspicious or suspect is deaf or dumb or she/he is disabled that she/he is unable to defend himself and has no lawyer then a defence lawyer will be appointed for her/him without his request. The defence lawyer will be appointed for crimes which have an upper limit not less than five years' imprisonment.

According to the New Turkish Code of Criminal Procedure which came into force on June 1, 2005 at the investigation and prosecution period victim or complainant has a right to request a lawyer who will be designated for him by the bar. If the victim or complainant is under eighteen years old or she/he is deaf or dumb or disabled to express himself and has no lawyer, then a lawyer will be appointed for him without seeking

her/his request.

Please indicate the sources for the questions 24 and 26

24-
26- Ministry of Justice, General Directorate of Civil Law Affairs

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to (Please specify the Internet addresses):

legal texts (e.g. codes, laws, regulations, etc.)?	<input checked="" type="checkbox"/> yes	www.adalet.gov.tr
case-law of the higher court/s?	<input checked="" type="checkbox"/> yes	www.yargitay.gov.tr
other documents (for example forms)?	<input checked="" type="checkbox"/> yes	www.barobirlik.org.tr. Please note that each local bar has its own web site.

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

- Yes
 No

If yes, please specify:

Please note that the efforts are underway for realizing the the project called "Expert Systems" in order to inform the parties concerning the foreseeable timeframe.

33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

- Yes
 No

If yes, please specify:

Within the framework of the National Judiciary Network Project (UYAP) there is a public and free of charge private information system called Citizen Portal. Citizens can get information concerning the phase of their lawsuits via internet through the mentioned portal. Furthermore efforts are underway in order to ensure the citizen's to examine their files in a comprehensive way and to be informed via SMS by means of their electronic signatures.

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Victims of terrorism	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of domestic violence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ethnic minorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Juvenile offenders	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35) Does your country have a compensation procedure for victims of crimes?

- Yes
 No

36) If yes, does this compensation procedure consist in:

- a public fund?
 a court decision?
 private fund?

If yes, which kind of cases does this procedure concern?

The Law on Compensation for Damage Arising from Terrorism and Combating Terrorism numbered 5233 came into effect on 27 July 2004. The objective of this law is to lay down the principles and procedures for the compensation of material damages suffered by persons due to terrorist acts or activities undertaken during the fight against terror. On the other hand, the victims of crime can file a case for compensation pursuant to the general provisions of Turkish Code of Obligations.

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- Yes
 No

If yes, please specify:

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

- Yes
 No

If yes, please specify:

39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?

- Yes
 No

If yes, please specify:

According to the article 234 of the Turkish Penal Procedure Code victim has the right to plea against decision of non-prosecution given by public prosecutor. Article 173 of the mentioned Code regulates this situation. According to this article titled "Objection to decision of the public prosecutor" the party injured by the crime may lodge an objection against the decision not to prosecute within fifteen days after he was notified of the decision to the president of the assize court nearest in the judicial district to the assize court to which the public prosecutor giving the decision is attached.

2. 2. 2. Confidence of citizens in their justice system

40) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

If yes, please specify (fund, daily tariff):

According to the article 141 of the Turkish Code of Criminal Procedure, at the investigation and prosecution period, a person who have been detained, arrested or whose arrest period has been extended under the conditions incompatible with the law can request the recovery of her/his all pecuniary damages and non- pecuniary damages from the state. Furthermore, according to the article 323 of the Turkish Code of Criminal Procedure, a person can request the recovery of her/his all pecuniary and non-pecuniary damages stemming from the completely or partially execution of the wrongful condemnation decision. The amount of the compensation which will be determined by the court depends on the individual situation of the plaintiff and circumstances of the case.

According to the article 28 of the Code of Administrative Procedure, in the case of failure to comply with the judgements of Council of State, regional administrative courts, administrative courts and tax courts, a case may be brought against the administration before the Council of State or the competent administrative court in order to claim compensation for pecuniary and non-pecuniary damages. If the public officer intentionally fails to comply with the judgements within 30 days, a case may be brought against the administration and a case for compensation be also brought against the public officer who fails to comply with the judgement.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

Turkey has a survey conducted by Turkish Statistics Institution in 2004 aimed to measure the satisfaction of the citizens with the services delivered by the judicial system. However this is a general opinion survey. Therefore this survey is not aimed at the persons who had a direct contact with a court and are directly involved in proceedings.

42) If yes, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input type="checkbox"/>	<input type="checkbox"/>

Surveys at court level

43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?

Yes

No

44) If yes, please specify:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input type="checkbox"/>	<input type="checkbox"/>
Higher court	<input type="checkbox"/>	<input type="checkbox"/>
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>
High Council of the Judiciary	<input type="checkbox"/>	<input type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input type="checkbox"/>	<input type="checkbox"/>

Can you give information elements concerning the efficiency of this complaint procedure?

In Turkey there are different ways for the person who thinks contrary to the good functioning of the judicial system. The person can make an objection to the court against the decision of this court. He can complain about the judge concerned as well. Additionally, he can appeal against the decision of the court. He can denounce the judge to the General Directorate of Criminal Affairs and Head of the Inspection Board. On the other hand the person can file a complaint against the judicial system to the Turkish Grand National Assembly Commission of Human Rights and Committee for Petitions.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)

	Total number
First instance courts of general jurisdiction (legal entities)	4723
Specialised first instance courts (legal entities)	868
All the courts (geographic locations)	5767

46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

Please note that as for administrative judiciary there are 176 courts. 28 Regional administrative courts, 89 administrative courts and 59 tax courts. The number of all courts covers the courts in administrative judiciary.

First Instance Courts of General Jurisdiction are as follows:

Peace Criminal Court: 844
 General Criminal Court: 1152
 High Criminal Court: 227
 Peace Civil Court: 824
 General Civil Court: 970
 Land Registry Court: 706

Specialized First Instance Courts are as follows:

Enforcement Court: 196
 Labour Court: 146
 Family Court: 166
 Commercial Court: 61
 Consumer Court: 26
 Intellectual Property Civil Court: 12
 Juvenile Court: 70
 Juvenile High Criminal Court: 20
 Specialized High Criminal Court: 20
 Intellectual Property Criminal Court: 9
 Execution Court: 141
 Maritime Court: 1

47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

Yes

No

If yes, please specify:

48) Number of first instance courts competent for a case concerning:

	Number
a debt collection for small claims	824
a dismissal	1116
a robbery	1152

Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):

According to Turkish Civil Procedural Law, the small claims can be defined as the claims that are less than 2.959 € (5.490 YTL) and tried at the civil courts of peace.

Please indicate the sources for the question 45

45- Ministry of Justice, General Directorate of Personnel.

3. 1. 2. Judges, courts staff**49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)**

6593

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	nap
if possible, in full time equivalent	nap

51) Please specify (answer only if the information has changed compared to the previous evaluation round):

Please note that this number covers the number of judges working in the Court of Cassation, Constitutional Court and in field of administrative judiciary.

52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):

In Turkish law system there is not a professional judge sitting in courts on an

occasional basis. In Turkey judges perform their duty on a permanent basis.

53) Does your judicial system include trial by jury with the participation of citizens?

Yes

No

If yes, for which type of case(s)?

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

55) Number of non-judge staff who are working in courts (present the information in full time equivalent and for permanent posts)

23832

56) If possible, could you distribute this staff according to the 4 following categories:

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input type="checkbox"/> Yes	
non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars	<input checked="" type="checkbox"/> Yes	20050
staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	<input checked="" type="checkbox"/> Yes	138
technical staff	<input checked="" type="checkbox"/> Yes	229

Please indicate the sources for the questions 49, 50, 52, 53 and 55

49-General Directorate of Personnel, Ministry of Justice
 50-General Directorate of Personnel, Ministry of Justice
 52-General Directorate of Personnel, Ministry of Justice
 53-General Directorate of Personnel, Ministry of Justice
 55-General Directorate of Personnel, Ministry of Justice

3. 1. 3. Prosecutors

57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)

3936

58) Do any other persons have similar duties as public prosecutors?

Yes

No

If yes, please specify:

59) Number of staff (non prosecutors) attached to the public prosecution service (present the information in full time equivalent and for permanent posts)

Please indicate the sources for the questions 57 and 59

Ministry of Justice, General Directorate of Personnel.

Please note that Justice Commission entitles the non-judge staff and the staff working for the prosecution system, the same number of staff which we informed you regarding the question 55 are both attached to the courts and the public prosecution system.

3. 1. 4. Budget and New technologies

60) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court administrative director	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

61) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

The budget of the Ministry of Justice includes the budget of the courts and the public prosecution system. In Turkish judicial System there is not an individual court budget. Total court budget is prepared by the Ministry of Justice, Ministry of Finance and State Planning Organization. Parliament is responsible for the adoption of the total court budget. Ministry of Justice is responsible for the allocation of the budget among courts. Public Prosecution Offices are responsible for the management of the budget among courts. Parliament, Ministry of Justice and Turkish Court of Accounts are responsible for the evaluation of the use of budget at a national level.

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

63) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

64) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Special Website	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?

- Yes
 No

If yes, please specify the name and the address of this institution:

Ministry of Justice, General Directorate of Judicial Registration and Statistics
 Address: Tuna Caddesi No: 10 Yenisehir/ANKARA

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 62, 63 and 64

- 62) Ministry of Justice, Department of Information and Communication
- 63) Ministry of Justice, Department of Information and Communication
- 64) Ministry of Justice, Department of Information and Communication

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and Evaluation

66) Are the courts required to prepare an annual activity report?

- Yes
- No

67) Do you have a regular monitoring system of court activities concerning the:

- number of incoming cases?
- number of decisions?
- number of postponed cases?
- length of proceedings (timeframes)?
- other?

Please specify:

Please note court activities are monitored by the General Directorate of Judicial Registration and Statistics and the Department of Information and Communication (by UYAP). General Directorate of Judicial Registration and Statistics keeps the judicial statistics concerning:

- incoming cases
- closed cases
- workload of the courts
- number of decisions
- pending cases
- filing dates of the case.

Furthermore, by the help of UYAP, judicial central network project, cases can be monitored from the preliminary phase to the final decision in an electronic form.

68) Do you have a regular system to evaluate the performance of each court?

- Yes
- No

Please specify:

Judges and prosecutors undergo regularly throughout the inspection process in every two year by the inspectors who are attached to the Head of Inspection Board of the Ministry of Justice. During these inspections, information is gathered from the courts concerning the workload of the courts and the nature of the cases. At the end of the inspection process reports regarding the performances of the judges are prepared and sent to the General Directorate of Personnel of Ministry of Justice which is the secretariat of the High Council of Judges and Prosecutors. As a consequence there is a regular system by which the performance of each court is analyzed.

69) Concerning court activities, have you defined performance indicators?

- Yes
 No

70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.

- Incoming cases
 Length of proceedings (timeframes)
 Closed cases
 Pending cases and backlogs
 Productivity of judges and court staff
 Percentage of cases that are treated by a single sitting judge
 The enforcement of penal decisions
 Satisfaction of employees of the courts
 Satisfaction of clients (regarding the services delivered by the courts)
 Judicial and organisational quality of the courts
 The costs of the judicial procedures
 Other

Please specify:

Please note that these indicators are selected by the Head of Inspection Board. Four main indicators are defined by the mentioned Board pursuant to the principal clauses settled in Regulation of the Inspection Board.

71) Are there performance targets defined for individual judges?

- Yes
 No

72) Are there performance targets defined at the level of the courts?

- Yes

No

73) Please specify who is responsible for setting the targets:

- executive power (for example the Ministry of Justice)
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

Please specify

Please note that the High Council of Judges and Prosecutors is responsible for setting the performance targets of the courts and the judges. Performance targets of judges and the courts are determined by the resolutions of High Council of Judges and Prosecutors pursuant to the Law on Judges and Prosecutors (numbered 2802). Furthermore, Regulation of Inspection Board defines performance targets of judges.

74) Please specify the main targets applied:

- workload of judges
- number of decisions which are appealed to the Court of Cassation
- given marks about their decisions which are appealed to the Court of Cassation pursuant to Article 21 of the Code of Judges and Public Prosecutors (No. 2802)
- professional ethics

75) Which authority is responsible for the evaluation of the performances of the courts:

- the High Council of judiciary
- the Ministry of Justice
- an Inspection authority
- the Supreme Court
- an external audit body
- other?

Other, please specify:

76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

Yes

No

If yes, please specify:

77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

Yes

No

78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:

civil cases?

criminal cases?

administrative cases?

79) Do you have a way of analysing waiting time during court procedures?

Yes

No

If yes, please specify:

Please note within the frame of the project called UYAP, inspectors can reach all information in an electronic environment.

Inspectors can access to:

- inspection reports
- list of the files hearings of which have not been held on the fixed date
- work schedules
- cash reports
- list of the files reasoned decisions of which have not been written within the time prescribed by the law.

Thus backlogs and waiting time during court procedures can be analyzed.

Furthermore, waiting time during court procedures is analysed through the inspections of the local courts which is held regularly in every two year. The inspectors appointed among the judges and public prosecutors and attached to the Head of Inspection Board of the Ministry of Justice are entitled to visit and observe all local courts in every two year. (Once a judge is appointed as an inspector she/he can no longer go on working as a judge.) During this inspection period they are also analysing the queuing time of the court files and examine the reason of their queuing.

80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- Yes
 No

Please specify (including an indication of the frequency of the evaluation):

According to the Inspection Board Regulation and Inspection Board Bylaw courts are regularly inspected in every two year.

81) Is there a system for monitoring and evaluating the functioning of the prosecution services?

- Yes
 No

If yes, please specify:

Like judges, public prosecutors undergo regularly throughout the inspection process in every two year by the Head of Inspection Board of the Ministry of Justice. At the end of the inspection process reports regarding the performances of the public prosecutors are prepared and sent to the General Directorate of Personnel of Ministry of Justice which is the secretariat of the High Council of Judges and Prosecutors.

Apart from this, under Article 5 of the Code of Judges and Public Prosecutors, each chief public prosecutor of a city centre is entrusted to monitor and supervise the other public prosecutors at the same court centre as well as the chief public prosecutors and public prosecutors of the attached towns.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

Please indicate the sources for the the question 70,71, 72 and 76

70- Ministry of Justice, Head of Inspection Board.

71- Ministry of Justice, Head of Inspection Board and Ministry of Justice, Head of the Strategy Development.

72- Ministry of Justice, Head of Inspection Board and Ministry of Justice, Head of the Strategy Development.

76- Ministry of Justice, Head of Inspection Board.

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?

83) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

Yes

No

If possible, number of successful challenges (in a year):

Not available

84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	4	5	38	
Civil proceedings - Article 6§1 (non-execution)				
Criminal proceedings - Article 6§1 (duration)				

Please indicate the sources for the questions 82 and 84

82- Ministry of Justice, General Directorate of Judicial Registration and Statistics.

84- Ministry of Justice, General Directorate of International Law and Foreign Relations. Please note that the data is not available regarding the separation of civil and criminal proceedings made under the violation of Article 6§1 of the ECHR. All the data submitted here includes both civil and criminal proceedings.

4. 2. Timeframes of proceedings

4. 2. 1. General information

85) Are there specific procedures for urgent matters as regards:

civil cases?

criminal cases?

administrative cases?

If yes, please specify:

There is a specific procedure for urgent matters in relation to civil cases which is set up in Articles 501-506 of Code of Civil Procedure. This procedure is applicable only on certain conflicts stated in the law. An accelerated procedure is, for example, applied to cases concerning perishable goods or to cases against persons having no determinable domicile, who are about to escape.

According to the Article 27 of the Procedure of Administrative Justice Act, bringing an action to the administrative courts shall not prevent the execution of the administrative act which is the subject of the action. But, if the implementation of an administrative act should result in damages which are difficult or impossible to compensate for, and if this act is clearly unlawful, the administrative court may decide to stay the execution of the act, stating the reasons thereof. The time limits about notification and response might be shortened in actions which a stay of execution order is requested, it might also be decided to make the notification through an employee.

86) Are there simplified procedures for:

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

There is simplified procedure for civil cases which is set up in Articles 507-511 of the Code of Civil Procedure. This procedure is applicable only on certain conflicts stated in the law. The simplified procedure is used in the group of cases such as alimony, parental authority and guardianship, etc.

There is not any simplified procedure for criminal cases (petty offences). But according to the Article 195 of the Code of Criminal Procedure, if the penalty of the offence is only judicial fine or judicial fine with others, or confiscation, it is possible to continue to the hearing even the accused person is not present. On the other hand, the public prosecutors do not attend the hearings of the peace courts of first instance in which the petty offences are handled.

87) Do courts and lawyers have the possibility to conclude agreements on the modalities for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- Yes
- No

If yes, please specify:

4. 2. 2. Penal, civil and administrative law cases

88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)

--	--	--	--	--

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil, commercial and administrative law cases (1-7)	888646	1774747	1702445	960948
1 Civil (and commercial) litigious cases*	682186	1307698	1264886	724998
2 Civil (and commercial) non-litigious cases*	-	-	-	-
3 Enforcement cases	44916	157246	158509	43653
4 Land registry cases**	30458	54339	32870	51927
5 Business register cases**	-	-	-	-
6 Administrative law cases	131086	255464	246180	140370
7 Other				
Total criminal cases (8+9)	1050626	1659143	1571930	1137839
8 Criminal cases (severe criminal offences)	730117	692987	725418	697686
9 Misdemeanour cases (minor offences)	320509	966156	846512	440153

89) * The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.

**** if applicable**

Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".

Explanation

Business registry cases are especially carried out by the commercial courts. So, special statistic is not available. Special statistic for non-litigious civil and commercial cases is not available. The mentioned information includes both litigious and non-litigious civil and commercial cases.

The total number of administrative cases includes the number of cases handled by the Administrative Courts and Tax Courts.

The cases handled by the Peace Criminal Courts, Enforcement Criminal Courts and Traffic Courts are included under "misdemeanour cases (minor offences)". The other case categories are included under "severe criminal cases".

Please note that, The Act of Misdemeanours (Law number: 5326) was adopted in 30 March 2005 and pursuant to Article 2 of this Act "misdemeanour" means, injustice which is punished by an administrative sanction. The number of such misdemeanours is not available and the number of misdemeanours (minor offences) mentioned in the 88th question does not include the misdemeanours sentenced by administrative sanctions.

90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)				
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				

5 Business register cases**				
6 Administrative law cases	13180	69578	67294	15464
7 Other				
Total criminal cases (8+9)				
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	150955	412519	390141	171161
1 Civil (and commercial) litigious cases*	69421	325641	144204	141005
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	81534	86878	71786	94454
7 Other				
Total criminal cases (8+9)	136135	149974	144204	141005
8 Criminal cases (Severe criminal offences)	136135	149974	144204	141005
9 Misdemeanour cases (minor offences)				

92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases	-	155182	154945	-
Employment dismissal cases	-	-	-	-
Robbery cases	-	11699	11562	-
Intentional homicide case	-	10463	10718	-

93) Average length of proceedings (from the date of lodging of court proceedings)

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases			153 days		
Employment dismissal cases			-		
Robbery cases			311 days		
Intentional homicide			333 days		

94) Where appropriate, please specify the specific procedure as regards divorce:

Divorce cases are handled by the family courts. According to the Article 7 of the Law on The Establishment, Functions and Trial Procedure of Family Courts, before entering to the merits of the case, the family courts, where appropriate by benefiting from the specialists, shall encourage the parties to solve the problems peacefully. If the conflict is not solved by this way, then the court is entitled to hear the case. In the same Article, it is also stated that, save for the provisions of special laws, the procedural provisions related to family law of the Turkish Civil Code and the provisions of Code of Civil Procedure shall be applied in these cases. According to the Article 184 of the Turkish Civil Code, the judge is not, as a rule, bound by the declarations of the parties in a divorce suit, unless he personally is convinced about the facts and he is not entitled to offer an oath to the parties ex officio or upon a request of them. Also, upon a request of the parties, the judge may decide to hear the case in a closed session.

95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)

The length of proceedings is calculated from the date of bringing a suit into the court of first instance and to the date of the decision of that court.

96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- to conduct or supervise police investigation?
- to conduct investigation?
- when necessary, to demand investigation measures from the judge?
- to charge?
- to present the case in the court?
- to propose a sentence to the judge?
- to appeal?
- to supervise the enforcement procedure?
- to end the case by dropping it without the need for a judicial decision?
- to end the case by imposing or negotiating a penalty without a judicial decision?
- other significant powers?

Please specify:

The public prosecutor is entitled to act himself as a mediator and he may also appoint a lawyer or a law school graduate person as a mediator in order to administer the mediation process.

97) Does the prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

Under the Turkish legal system, there exist certain situations specified in various codes regarding civil matters where the public prosecutor is entitled not only to file a case to a civil court but also to be present during the proceedings. Generally speaking, these types of cases are considered to be the cases where the public interest is paramount, such as parental affiliation cases, cases regarding personal status, annulment of the marriage where there are absolute annulment grounds pursuant to the Turkish Civil Code.

As to administrative cases, specific public prosecutors are in charge at the Council of State.

98) Functions of the public prosecutor in relation to criminal cases – please complete this table:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	2733767	-	-	-	-	725210

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

In relation to Question 90, The Law on Establishment, Duties and Competences of the Civil Courts of First Instance and the Regional Courts of Appeal (Law No:5235) was accepted by the Parliament and published in the Official Gazette dated 07.10.2004, numbered 25606. It will be the legal basis for the establishment of the regional courts of appeal for civil and criminal cases in Turkey. But these courts didn't start to function yet. So, the number of civil, commercial and criminal cases in the second instance (appeal) courts is not available. Also, please note that the Regional Administrative Courts are not typical second instance (appeal) courts. These courts examine all of the decisions delivered by one judge at the tax courts and all of the decisions delivered by one judge and specified decisions delivered by panel of judges at the administrative courts upon an appeal raised by one of the parties. Decisions of the Regional Administrative Courts in this procedure are definite. These courts also solve the disputes on competence and jurisdiction among administrative and tax courts in its jurisdictional territory.

In relation to Question 91, please note that the number of administrative law cases mentioned above includes both the tax cases and administrative cases. In the answer of this question, only the total numbers of civil (and commercial) cases and criminal cases are mentioned, since the specific statistics are not available. So, the number of civil (and commercial) litigious law cases mentioned above includes the civil (and commercial) non-litigious cases, enforcement cases, land registry cases and business register cases in the first instance courts. Also, the number of criminal cases (severe criminal offences) includes the number of misdemeanour cases (minor offences).

In relation to Question 93, please note that the special statistics for the average length of proceedings about employment dismissal cases is not available. But employment dismissal cases are generally handled by the Labour Courts and the average length of proceedings in these courts is 191 days.

In relation to Question 98, please note that the total number of decisions taken by the public prosecutors in relation to criminal cases is 2.419.798. The charged cases by the public prosecutors before the courts is included in this number. The total number of non-prosecution decisions is 1.406.992 and the number of other decisions (lack of jurisdiction decision, combination of investigations decision etc.) is 287.596.

Please indicate the sources for the questions 92 to 94 and question 98

The General Directorate of Judicial Registration and Statistics of Ministry of Justice.

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recrutement, nomination and promotion

99) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

The number of candidate judges and public prosecutors to be appointed in a year is designated by the Ministry of Justice by taking opinion of the Turkish Justice Academy and taking into account of the needs and vacant posts. The number of candidate judges and public prosecutors to be appointed to candidateship is declared in publication for the exam.

Written exam aims to evaluate legal knowledge on related fields and general culture of the candidates. Since 1998 the written exam has been held by Student Selection and Placement Centre (OSYM) which is an independent institution and holds all important exams in Turkey. It is compulsory to get a mark of 70 out of 100 to be invited to the interview.

Law on Judges and Public Prosecutors left the criteria for interview to "By-law on Written Examination, Interview and Appointment of Candidate Judges and Public Prosecutors in Civil, Criminal and Administrative Judiciary" dated 09.09.1991 and published in the Official Gazette No: 20986. Interview is not a second examination, but an assessment to determine whether the person who wants to be a judge is suitable for the profession of judge.

Interview Committee is composed of 5 first class judges qualified to be selected to High Courts, Undersecretary of Ministry of Justice or Deputy Undersecretary, Director General for Criminal Affairs, Director General for Law Affairs, Director General for Personnel and Chairman of Inspection Committee.

The interview is evaluated out of 100 and to be successful at least 70 is compulsory. The average of the written exam and interview is calculated and a list is formed according to points scored by the candidates. Finally, successful candidates are appointed as candidate judge and prosecutor by Ministry of Justice.

Training period is regulated in line with the Law on Turkish Justice Academy No: 4954. Pre-service training shall be given in accordance with the Law on Turkish Justice Academy. A report is given for each candidate by every court or other unit in which they spent their training. Candidates shall attend two courses in Turkish Justice Academy, first term training and last term training. At the end of the last term training Turkish Justice Academy holds a written and final exam to evaluate the performance of the candidates. Candidates who fail the exam cannot be accepted to the profession by the High Council.

At the end of the training period, High Council of Judges and Public Prosecutors decides on whether to accept candidates to profession of judge and public prosecutor.

Candidates who are inappropriate to the profession because of their behaviour or other reasons or unsuccessful in the training period, are not accepted to the profession by the High Council.

100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of judges only?
- an authority composed of non-judges only?

an authority composed of judges and non-judges?

101) Is the same authority competent for the promotion of judges?

Yes

No

If no, please specify which authority is competent for promoting judges:

The High Council of Judges and Public Prosecutors is competent for the promotion of judges.

102) Which procedures and criteria are used for promoting judges? (please specify).

The fundamental principles for promotion of judges, qualification in the profession, seniority and judicial ethics. The profession of judges is composed of four classes. From higher to lower, these classes are, first class, designated as first class, second class and third class. The seniority of judges is designated in accordance with their degrees and grades. Judges get one grade every year and get one degree in two years if they are qualified. There are three types of promotion which are, distinguished (the best promotion), preferential (the medium promotion) and ordinary (the minimum type of promotion).

The main criteria for promotion of judges are: accuracy in the judgments and rapidity in finalizing a case. The evaluation is based on number of cases reviewed by High Courts (Court of Cassation or Council of State) and the assessment is also made by the High Courts.

For all cases reviewed by the High Courts a mark is given by filling a form in respect of Accuracy of the judgment, rapidity in finalizing the case, including not causing unnecessary delays, implementing procedural provisions in full and on time, comprehension ability regarding the subject of the case, success in the reasoned opinion, taking into account precedent cases. The marks given by the High Courts are: very good, good, medium or poor.

Ratio of incoming and finalized cases by a judge is a criterion for promotion. However, the ratios are at the discretion of the High Council of Judges and Public Prosecutors.

103) How are prosecutors recruited?

Through a competitive exam? (for example after a law degree)

A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?

A combination of both

Other

If other, please specify:

The recruitment of prosecutors is the same as judges which is mentioned at the 99th question.

104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of prosecutors only?
- an authority composed of non-prosecutors only?
- an authority composed of prosecutors and non-prosecutors?

105) Is the same authority formally responsible for the promotion of prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors.
The High Council of Judges and Public Prosecutors is competent for promoting prosecutors.

106) Which procedures and criteria are used for promoting prosecutors (please specify)

The procedures and criteria used for promoting prosecutors are mostly the same as the judges as mentioned at the 102nd question. In addition to these, the main criteria for promotion of the prosecutors is the qualification and content of the prosecution

107) Is the mandate given for an undetermined period for judges ?

- Yes
- No

Are there exceptions? Please specify:

Under Article 139 and 140 of our Constitution, judges may not be dismissed. Unless they so desire, they may not be retired before they are sixty-five years old. They may not be deprived of their salaries, even if their court or post is abolished. The termination of professional life of the members of the judiciary can be confined to these case where they have been convicted by a felony which justifies the termination or where there is a health problem, unabling to exercise his job or by the decision of the High Council of Judges and Public Prosecutors.

108) Is the mandate given for an undetermined period for prosecutors?

- Yes

No

Are there exceptions? Please specify:

The situation of prosecutors is the same as judges as mentioned at the previous question.

**109) If no, what is the length of the mandate?
Is it renewable?**

for judges

yes, please
specify the length -

for prosecutors

yes, please
specify the length -

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

In relation to 109th question we may give the following information:

Civil and criminal judges and public prosecutors and administrative judges are transferred in accordance with the By-law on Appointment and Transfer. They shall be transferred with their acquired rights and salaries to an equal or higher post.

Turkey is divided into certain judicial regions on the basis of geographical and economic conditions, social and cultural facilities, etc. All judges and public prosecutors have to work and complete minimum terms of service in those regions designated for criminal and civil judiciary as well as for administrative judiciary.

According to the By-law on Appointment and Transfer the minimum terms of service for the designated 5 class of regions of criminal and civil judiciary are: Fifth region (minimum 2 years of service), Fourth Region (minimum 2 years of service), Third Region (minimum 3 years of service), Second Region (minimum 5 years of service), First Region (minimum 7 years of service).

Transfers are made from lower region to higher region in accordance with the seniority, success and personal records of judges and public prosecutors. Judges and public prosecutors cannot request their transfer before completing their minimum term of service in their region. Unsuccessful or inharmonious judges and public prosecutors may be transferred to an equal or lower region. Transfers depend on vacant posts and qualifications of the judges and public prosecutors. Requests of the judges and public prosecutors are also taken into consideration.

Judges and public prosecutors who are not designated to the first class cannot be transferred to the first regions without exceptions stated in the By-law. Judges and public prosecutors who completed their service in the fifth and fourth regions and had 3 successful promotions and also completed 8 years in the profession can be transferred to first regions taking into account the needs of the first regions.

In order to maintain their service in the first regions, judges and public prosecutors should be successful in their post and act in accordance with judicial ethics. Judges and public prosecutors outstandingly successful in the profession and who completed their service in the fifth region may be transferred to a higher region than usual. Judges and public prosecutors against whom a disciplinary sanction of changing the location is imposed are immediately transferred to a lower region. Judges and public prosecutors who have an excuse such as health problems, marriage, education or natural disaster can be transferred to another place without taking into account their service term. Also, a judge can be appointed as a prosecutor or a prosecutor can be appointed as a judge taking into account the needs.

According to By-law on Appointment and Transfer the administrative judiciary are divided into 3 classes of regions with the same criteria mentioned in criminal and civil judiciary. Minimum terms of service in the regions are, Third Regions (minimum 5 years of service), Second Regions (minimum 7 years of service) and First Regions (minimum 10 years of service).

5. 1. 2. Training

110) Nature of the training of judges.**Is it compulsory?**

- Initial training
- General in-service training
- In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- In-service training for management functions of the court (e.g. court president, court managers)
- In-service training for the use of computer facilities in the court

111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for specialised judicial functions	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

112) Nature of the training of prosecutors.**Is it compulsory?**

- Initial training
- General in-service training
- Specialised in-service training (e.g. specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service

113) Frequency of the training of prosecutors:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for management functions of the prosecution services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years

In relation to Questions 110 and 112, please note that initial training and general in-service training is compulsory, others are optional.

The characteristics of our training system for judges and prosecutors is as follows:

Judges and public prosecutors are supported by life-time in-service training programs. These in-service training programs are conducted by three different groups of institutions:

1. Justice Academy of Turkey.
2. Training Department of the Ministry of Justice
3. High Courts of Appeals (Council of State and Court of Cassation)

The Justice Academy of Turkey has been established by the Law on Justice Academy of Turkey and started to function as of 31.10.2003. (Law No: 4954) It is autonomous from scientific, administrative and financial points of view. The Justice Academy has the responsibility and role for organizing and implementing candidacy programs and pre-service training among other tasks.

Organization of pre-service and in-service training programs for civil, administrative and military judges is among the main tasks of the Justice Academy. The in-service training programs had been mostly implemented by the Training Department until the Justice Academy have been set up. The Justice Academy has undertaken the responsibilities of the Training Department partially and broadens its activities step by step.

Having broad experience in the field of training organizations, the Training Department continues to organize some training activities together with the Justice Academy. Despite the fact that the Training Department is a unit under the Ministry of Justice, all of the in-service activities organized for judges and prosecutors are subject to the approval of the High Council for Judges and Prosecutors. Without the consent of the High Council, judges and prosecutors cannot be invited to attend any activity of the Training Department.

Initial (pre-service) training for candidate judges and prosecutors is conducted in two parts which are given at the Justice Academy and pre-training period is regulated in line with the Law on Turkish Justice Academy.

5. 2. Practice of the profession

5. 2. 1. Salaries

114) Salaries of judges and prosecutors (complete the table)

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	17250,92	13940,40
Judge of the Supreme Court or the Highest Appellate Court	28988,05	22990,95
Public prosecutor at the beginning of his/her career	17250,92	13940,40
Public prosecutor of the Supreme Court or the Highest Appellate Instance	28988	22991

115) Do judges and public prosecutors have additional benefits?

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input type="checkbox"/>	<input type="checkbox"/>
Housing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other financial benefit	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

116) If other financial benefit, please specify:

In big cities such as Ankara, İstanbul, izmir free transportation from tehir home to work and vice versa in working days.

117) Can judges combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

118) If other function, please specify:**119) Can prosecutors combine their work with any of the following other professions?**

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

120) If other function, please specify:**121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?**

Yes

No

If yes, please specify:

Please indicate the source for the question 114

Strategic Development Department of Ministry of Justice.

5. 2. 2. Disciplinary procedures

122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

The Constitution provides that investigations of judges or public prosecutors may be possible in the following conditions:

- If they have committed offences in connection with, or in the course of their duties,
- Whether or not their behaviour and attitude are in conformity with their status and duties.

Initiating disciplinary investigation on behaviour and conduct not conforming with profession and initiating criminal investigation on offences in connection with the profession of judges and prosecutors is subject to the permission of the Ministry of Justice. Disciplinary investigation or criminal investigation may be initiated upon a complaint or denunciation. The denunciation or complaint petitions on judges/prosecutors are submitted to the Directorate General for Criminal Affairs. In the DG for Criminal Affairs a judge is appointed to examine the complaint and make an assessment on whether to investigate or not.

On complaints which are processed, a senior judge/prosecutor or judicial inspector conducts a preliminary investigation. According to the report prepared after the preliminary investigation, if the events claimed against the judge/prosecutor cannot be proved, it is decided not to proceed further. If the events are proved, it is decided to give permission for initiating investigation.

Upon permission for investigation, a senior judge/prosecutor or judicial inspector leading the investigation, takes the statement of judge/prosecutor and prepares a report. This report is submitted to the DG for Criminal Affairs and examined therein. Upon assessment of this unit, if it is necessary to impose disciplinary sanction, the investigation file is sent to the High Council of Judges and Prosecutors. If it is decided to open a criminal investigation, the investigation file is sent to Prosecution Office concerned.

If the choices mentioned above are not applied, the investigation file is finalized and after this phase Ministry of Justice shall not intervene in investigation. At this phase all transaction relating to disciplinary or criminal investigation are conducted by a judge discharged in Ministry of Justice. It is possible to object or appeal to Administrative Courts against the transactions conducted during the investigation.

123) Which authority has the disciplinary power on judges and prosecutors? Please specify:

The power to impose disciplinary sanctions against judges and public prosecutors is vested in the High Council of Judges and Public Prosecutors. The report, prepared by the Ministry of Justice is examined by the High Council of Judges and Public Prosecutors and a decision is taken on disciplinary matter. The report is not binding for the High Council.

The conditions under which judges may be subjected to disciplinary sanctions are prescribed in Law on Judges and Prosecutors (No 2802) Article 62-69. Accordingly, these disciplinary sanctions may be applied depending on the nature and gravity of disciplinary actions: warning, deduction from salary, condemnation, suspension of grade development, suspension of degree promotion, change of location and dismissal from profession.

Judges and public prosecutors can request re-examination of the case from the High Council. Furthermore an objection can be made to the Council of Examination of Objections. But, no objection or appeal may be made to any court against decisions of the Supreme Council.

124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)	-	-
1. Breach of professional ethics	-	-
2. Criminal offence	-	-
3. Professional inadequacy	-	-

4. Other	-	-
----------	---	---

125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)	184	-
1. Reprimand	121	-
2. Suspension	18	-
3. Withdrawal of cases	-	-
4. Fine	-	-
5. Temporary reduction of salary	1	-
6. Degradation of post	24	-
7. Transfer to another geographical (court) location	20	-
8. Dismissal	-	-
9. Other	-	-

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

The numbers mentioned above include the disciplinary proceedings and sanctions against both of judges and prosecutors.

The number of suspension sanctions includes the number of dismissal sanctions.

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

126) Total number of lawyers practising in your country

57.552

127) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

- Yes
 No

128) Number of legal advisors?

Not available.

129) Do lawyers have a monopoly of representation:

- Civil cases*
 Criminal cases - Defendant*
 Criminal cases - Victim*
 Administrative cases*

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

Lawyers don't have a monopoly of representation. In civil cases, member of family or NGO may represent a client before a court. In criminal cases, defendants and victims may be represented by a member of family. Also in administrative cases, member of family may represent a client.

130) Is the lawyer profession organised through:

- a national Bar?
 a regional Bar?
 a local Bar?

Please specify:

A local bar association is established in every capital of province where a minimum of thirty attorneys are present. The Union of Bar Associations of Turkey is an organisation

formed with the participation of all the bar associations in Turkey. The Union is a professional organisation in the nature of a public agency with legal personality.

Please indicate the source for the question 126

The Union of Bar Associations of Turkey

6. 1. 2. Training

131) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes
- No

132) Is there a mandatory general system for lawyers requiring continuing professional training?

- Yes
- No

133) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

- Yes
- No

If yes, please specify:

In order to be a trade mark or patent lawyer, the person has to pass an examination and get a specific certificate that he/she is entitled to represent as a trade mark or patent lawyer.

6. 1. 3. Fees

134) Can users establish easily what the lawyers' fees will be?

- Yes
- No

135) Are lawyers fees:

- regulated by law?
- regulated by the Bar association?
- freely negotiated?

6. 2. Evaluation**6. 2. 1. Complaints and sanctions****136) Have quality standards been formulated for lawyers?**

- Yes
- No

137) If yes, who is responsible for formulating these quality standards:

- the Bar association?
- the legislature?
- other?

Please specify (including a description of the quality criteria used):

138) Is it possible to complain about :

- the performance of lawyers?
- the amount of fees?

Please specify:

It is possible for users to complain to The Union of Bar Associations of Turkey as well as to the General Directorates of Criminal and Civil Affairs of Ministry of Justice.

139) Which authority is responsible for disciplinary procedures:

- the judge?
- the Ministry of Justice?
- a professional authority or other?

Please specify:

The Disciplinary Board and Executive Board of The Union of Bar Associations of Turkey and disciplinary boards of each local bar are responsible for the disciplinary procedures.

140) Disciplinary proceedings and sanctions against lawyers:**Disciplinary proceedings initiated**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	105	-	-	-

141) Disciplinary proceedings and sanctions against lawyers:**Sanctions pronounced**

	Reprimand	Suspension	Removal	Fine	Other
Annual number	105	16	15	25	86

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

143) Is there a possibility to receive legal aid for mediation procedures?

Yes

No

If yes, please specify:

144) Can you provide information about the number of accredited mediators?

Yes

No

If yes, please provide the number of mediators:

145) Can you provide information about the total number of judicial mediation procedures concerning:

civil cases?

yes,
number:

family cases?

yes,
number:

administrative cases?

yes,
number:

- employment dismissals? yes,
number:
- criminal cases? yes,
number:

Please indicate the source for the question 145

7. 1. 2. Other forms of alternative dispute resolution

146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:

Arbitration is envisaged on civil matters in Article 516 and its following Articles under the Code of Civil Procedure. However, the preparations of a specific draft for alternative dispute resolutions are underway.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

Mediation is newly and solely adopted on criminal matters for the time being. According to Article 253 of the Code of Criminal Procedure dated 26 October 2004, numbered 5271, the public prosecutor is authorized to apply mediation procedure prior to court proceedings specifically in cases where the crime in question is subject to complaint and where it is appropriate. The public prosecutor is entitled to appoint a lawyer attached to a bar in order to administer the mediation process.

Some amendments have been made for the conditions of mediation procedure by the law dated 06 December 2006 and numbered 5560, in order to make this procedure applied easier. According to the amendments, now it is possible for the public prosecutor to act himself as a mediator or to appoint a law school graduate person as a mediator, besides the possibility to appoint a lawyer in order to administer the mediation process. Also, the scope of the mediation procedure has been extended to some specific crimes which are ex officio prosecuted. The details of the mediation procedure have been regulated by the "By-Law On The Implementation Of The Mediation Pursuant To Criminal Procedure Code" (date 26 July 2007).

In relation to 145th question, the total number of judicial mediation procedures is not available. But, for the criminal cases, the total number of non prosecution decisions taken by the public prosecutors because of the mediation agreement is 52949 in the year 2006.

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

147) Number of enforcement agents

1138

148) Are enforcement agents:

- judges?
- bailiff practising as private profession ruled by public authorities?
- bailiff working in a public institution?
- other enforcement agents?

Please specify their status:

149) Is there a specific initial training or examination to enter the profession of enforcement agent?

- Yes
- No

150) Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

151) Can users establish easily what the fees of the enforcement agents will be?

- Yes
- No

152) Are enforcement fees:

regulated by law?

freely negotiated?

Please indicate the source for the question 147

The General Directorate of Personnel of the Ministry of Justice.

8. 1. 2. Supervision

153) Is there a body entrusted with the supervision and the control of the enforcement agents?

Yes

No

154) Which authority is responsible for the supervision and the control of enforcement agents:

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

The enforcement agents are regularly monitored and supervised by the relevant public prosecutor and judge as well as by the inspector judges attached to the Ministry of Justice.

155) Have quality standards been formulated for enforcement agents?

Yes

No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

The General Directorate of Personnel of Ministry of Justice is responsible to formulate these quality standards. Enforcement agents are selected from the graduates of faculty of law, high school of justice or justice division of high vocational school.

156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?

- Yes
 No

If yes, please specify:

The court decisions (decisions of both the civil and criminal courts and the administrative court decisions related to full remedy actions) up to a certain amount rendered against public authorities are executed pursuant to the general rules.

Administrative court decisions related to annulment actions rendered against public authorities are executed pursuant to the provisions of the article 28 of the Procedure Of Administrative Justice Act. According to this provision, the administration must implement the acts and take the actions required by the judgments and stay of execution orders given by the administrative courts without delay. This period, under no circumstances, can exceed thirty days from the notification of the decision to the administration.

There is no specific mechanism for monitoring the execution of court decisions. But a compensation action might be brought for pecuniary and non-pecuniary damages caused by the failure of the administration to execute the court decisions. Also a compensation action against the public servant who deliberately failed to fulfill the requirements of the court decision might be brought.

Please indicate the sources for the questions 155 and 156

The General Directorate of Personnel of the Ministry of Justice.

8. 1. 3. Complaints and sanctions

157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)

- no execution at all?
 non execution of court decisions against public authorities?
 lack of information?
 excessive length?
 unlawful practices?
 insufficient supervision?
 excessive cost?
 other?

Please specify:

Besides excessive length, excessive work load and insufficiency of the number of personnel working at the enforcement agents are the main complaints of users concerning the enforcement procedure.

158) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

Yes

No

If yes, please specify:

159) Is there a system measuring the timeframes of the enforcement of decisions:

for civil cases?

for administrative cases?

160) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more

Please specify:

161) Disciplinary proceedings initiated against enforcement agents:

Breach of professional ethics	<input checked="" type="checkbox"/> yes, number:	82
Professional inadequacy	<input checked="" type="checkbox"/> yes, number:	2
Criminal offence	<input checked="" type="checkbox"/> yes, number:	75
Other	<input type="checkbox"/> yes, number:	

162) Sanctions pronounced against enforcement agents:

Reprimand	<input checked="" type="checkbox"/> yes, number:	44
Suspension	<input checked="" type="checkbox"/> yes, number:	7
Dismissal	<input checked="" type="checkbox"/> yes, number:	2
Fine	<input type="checkbox"/> yes, number:	
Other	<input checked="" type="checkbox"/> yes, number:	29

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 157 and 160

The source of the question 157 is the General Directorate of Personnel of Ministry of Justice.
The source of the question 160 is the Postal Service.

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

163) Is there a judge who is in charge of the enforcement of judgments?

- Yes
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

Basically, the enforcement of judgments is implemented by the public prosecutors. However, in case any complaint or objection is made by any persons concerned, then the enforcement judge handles this complaint or objection and decides whether it is justifiable or not. Thus, these judges have control functions over the enforcement procedures of judgments.

164) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

- Yes
 No

If yes, please specify:

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

165) Do you have notaries in your country? If no, go to question 170.

- Yes
 No

166) Is the status of notaries:

a private one (without control from public authorities)?

yes,
number:

a status of private worker ruled by the public authorities?

yes,
number:

a public one?

yes,
number:

other?

yes,
number and
specify:

1473. Sui generis legal
status.

167) Do notaries have duties:

- within the framework of civil procedure?
 in the field of legal advice?
 to authenticate legal deeds?
 other?

Please specify:

Under The Code of Public Notaries, they prepare deeds and other documents such as wills, send official notices and perform other similar functions.

Please indicacte the source for the question 166

The Head of Notary Associations of Turkey.

9. 1. 2. Supervision

168) Is there an authority entrusted with the supervision and the control of the notaries?

Yes

No

169) Which authority is responsible for the supervision and the control of the notaries:

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

The notary service is deemed as public service. According to The Code of Public Notaries they are appointed by the Ministry of Justice and controlled by the same Ministry although they receive no salary, but only a fee for each transaction.

10. Functioning of justice

10. 1. Foreseen reforms

10. 1. 1. Reforms

170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.

The most important draft laws on the current debate in our country regarding the functioning of justice are as follows:

Draft Act on the Amendment of the Code of Civil Procedure

Draft Act on the Amendment of the Procedure of Administrative Justice Act

Draft Act on Mediation in Civil Conflicts

Draft Act on the Amendment of the Law of Court Of Cassation

Draft Act on the Amendment of the Notary Public law

Draft Act on the Amendment of the Law of Organization and Functions of the Ministry of Justice