

## **SCHEME FOR EVALUATING JUDICIAL SYSTEMS**

Country : **TURKEY**

Contact Name : **MEHLİKA AYTAÇ**

### **I. General information**

#### 1. Number of inhabitants

Number: **70.173.000** year of reference: **2002**

Source : **State Statistics Office**

#### 2. Total annual State/regional public budget

Budget: **98.131.000.000.000 TL.** year of reference: **2002**

Source: **State Statistics Office**

#### 3. Average gross annual salary

Salary : **550 049 000 TL.(350 Euro)** year of reference:**2002**

Source: **State Statistics Office**

## **II. Access to Justice and to all courts**

### **II.A. Legal aid/cost of justice**

4. Annual public budget spent on legal aid

Annual budget: **16.996.391.120.000 TL.** Year: **2002**  
Source : **the Head of Association of Bars**

5. If possible, specify

-the annual public budget spent on legal aid in criminal cases

Annual budget: **13.300.548.060.000 TL.** Year: **2002**  
Source : **the Head of Association of Bars**

-annual public budget spent on legal aid in criminal cases

Annual budget: **3.695.843.060.000 TL.** Year: **2002**  
Source : **the Head of Association of Bars**

6. Total number of legal aid cases (in a year)

Number of cases: **242252** Year: **2002**  
Source : **the Head of Association of Bars**

7. If possible, specify:

-the total number of legal aid cases in criminal matters (in a year)

Number of cases: **238544** Year: **2002**  
Source : **the Head of Association of Bars**

-the total number of legal aid cases in criminal matters (in a year)

Number of cases: **3708** Year: **2002**  
Source : **the Head of Association of Bars**

8. Does your country have an income and asset test for granting legal aid?  
Yes/No: **Y**

9. If yes, what is the maximum income level for granting legal aid?  
Income level: **250.875.000 TL** Year: **2002**

10. Is it possible to refuse legal aid for lack of the merit of the case?  
(eg. for frivolous or vexatious actions, or cases without merit)  
Yes/No: **Y**

If yes, is the decision taken by: - the court **Y**  
- a body external to the court **N**  
(Please indicate the right answer) - a mixed decision-making body (court and external) **N**  
- other: **N**

What factors are taken into account?

Factors: **Anyone who is unable to meet the costs of the proceedings without affecting his subsistence and that of his family is entitled to free legal aid. The case must not be without any prospect of success.**

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?  
Yes/No/Otherwise: **Y**

If yes, is this true for: - criminal cases? Yes/No **N**  
- other than criminal cases? Yes/No **Y**

12. Does your country have a private system of legal expenses insurance for individuals?  
Yes/No/Otherwise: **N**

13. Do judicial decisions have an impact on who bears legal costs which are paid by the parties during the procedure?  
Yes/No/Otherwise: **N**

If yes, is this true for: - criminal cases? Yes/No **Y**  
- other than criminal cases? Yes/No **Y**

14. In your country, have studies been carried out on the costs of cases brought to courts

concerning: - users? Yes/No **Y**  
- the State? Yes/No **NA**

If yes, please indicate the references of these studies published in the year 2002 or 2003:

(Author/instance)	(Title)	(Type of courts or costs reported on):
<b>Hasan Özkan</b>	<b>Judicial in the civil cases</b>	<b>all civil courts</b>
<b>Zekeriya Yılmaz</b>	<b>Costs and charges in the civil Law</b>	<b>all civil courts</b>

## ***II.B.Users of the courts and victims***

15. Are there official internet sites/portals (eg.Ministry of justice, etc..) through which the general public may have free access to:

-legal texts (eg.codes, laws, regulations, etc..)? Yes/No **Y**  
internet address:

-to the case-law of the higher court/s? Yes/ No **Y**  
internet address:

-to other documents (for examples legal forms)? Yes/No **Y**  
internet address:

If yes, please give the internet address: [www.adalet.gov.tr](http://www.adalet.gov.tr)

16. Is there a public and free-of charge specific information system to inform and to help victims of crimes? Yes/No **N**

Comments:

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? Yes/No **N**

18. Does your country have a public compensation fund to compensate financially victims of crimes? Yes/No **N**

Comments: According to the Turkish Law, the victims of crimes may bring a case for being compensate financially.**Also some studies have been carrying out on a draft law in which stipulates to being established a public compenstation fund to compensate financially victims of crimes.**

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.)

surveys to measure public trust and satisfaction with the services delivered by the judiciary?  
Yes/No **Y**

If yes, are these surveys

- at national level Yes/No **Y**

- at court Level Yes/No **N**

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg.through an ombudsman)? Yes/No **Y**

Please specify:

- at court level/internal procedure Yes/No

- at court level/external procedure Yes/No

- at national level/internal procedure Yes/No **Y**

- at national level/external procedure Yes/No

Comments:

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit?

- time limit to respond: Yes/No **Y**

- time limit for dealing with the complaint: Yes/No **Y**

### **III. Functioning of courts and efficiency of justice**

#### **III. A. Functioning**

22. Total number of courts

Number of courts: **4141 (penal and civil)**

**149 (administration courts)**

23. Number of general jurisdiction first instance courts

Number of courts: **2508**

24. Number of specialised first instance courts

Please specify the different areas of specialisation

(area of specialisation)	(number of courts)
<b><u>criminal courts</u></b>	
<b>State Security Courts</b>	<b>22</b>
<b>Juvenile Courts</b>	<b>10</b>
<b>Intellectual Property Criminal Courts</b>	<b>4</b>
<b>traffic courts</b>	<b>5</b>

<b>Enforcement courts</b>	<b>140</b>
<b><u>Civil courts</u></b>	
<b>Enforcement courts</b>	<b>130</b>
<b>Labour courts</b>	<b>71</b>
<b>Lands Registration courts</b>	<b>838</b>
<b>Family courts</b>	<b>95</b>
<b>Consumer courts</b>	<b>4</b>
<b>Administrative courts</b>	<b>59</b>
<b>Tax courts</b>	<b>62</b>

25. Number of professional judges sitting in courts  
(present the information in full time equivalent and for permanent posts)

Number of judges:	fte	year:
<b>4744</b>	<b>(civil and penal)</b>	<b>2002</b>
<b>511</b>	<b>(administrative)</b>	

Source : **General Directorate of the Personnel, Ministry of Justice**

26. Number of non-professional judges sitting in courts  
(present the information in full time equivalent and for permanent posts)

Number of judges: N	fte	year:

Source:

Please give details: **In Turkish law system, non-professional Judges are not sitting in courts.**

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

Number of judges: <b>21458</b>	fte	year: <b>2002</b>
--------------------------------	-----	-------------------

Source: **General Directorate of the personnel, Ministry of Justice**

28. Annual budget allocated to all courts

Annual budget: **478.872.750.000.000 TL.** year: **2002**

Source: **Department of Administrative and Financial Affairs, Ministry of Justice**

29. Annual budget allocated to the Ministry of justice or the institution (for example Judicial Council) which is responsible for the functioning of the courts

Annual budget: **808.141.000.000.000 TL** year: **2002**

Source: **Department of Administrative and Financial Affairs, Ministry of Justice**

30. Has the budget for justice increased during the last 5 years? Yes/No **Y**

What are the figures?

Budget **360.828.000.000.000 TL**. Year: **2000**  
Budget **451.414.000.000.000 TL**. Year: **2001**  
Budget **808.141.000.000.000 TL**. Year: **2002**  
Budget **1.109.931.000.000.000 TL**. Year: **2003**  
Budget **1.368.435.000.000.000 TL**. Year: **2004**

31. Which institution is formally responsible for setting up the budget devoted to courts?

- the ministry of Justice (or equivalent) Yes/No **N**
- the Government Yes/No **N**
- the Parliament Yes/No **N**
- the Judicial Council Yes/No **N**
- the Courts Yes/No **N**
- other : **the Ministry of Finance**

32. Who manages the budget of the courts?

- the President of the Court Yes/No **N**
- the person administratively responsible for the court Yes/No **N**
- other : **the chiefs of Public Prosecutors and President of Regional Administrative courts**

33. Which institution is responsible for arranging and scheduling the court hearings/sessions?

- in criminal cases: **the court**
- in other than criminal cases **the court**

### **III.B.Efficiency**

34. Total number of criminal cases received by the public prosecutor (in a year)

Number of cases : **2.935.300** Year: **2002**  
Source : **General Directorate of Judicial Registration and Statistics,  
Ministry of Justice**

35. Total number of criminal cases dropped by the public prosecutor (in a year)

Number of cases : **779.691** Year: **2002**  
Source : **General Directorate of Judicial Registration and Statistics, Ministry of  
Justice**

Please indicate also, out of this total, those dropped as the offender has not been identified  
Number of cases : **124.079** Year: **2002**  
Source : **General Directorate of Judicial Registration and Statistics, Ministry of Justice**

36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

Number of cases : **NA** Year:  
Source

37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

Number of cases : **791.992** Year: **2002**  
Source : **General Directorate of Judicial Registration and Statistics, Ministry of Justice**

38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)

Number of cases : **138.951** Year: **2002**  
Source : **General Directorate of Judicial Registration and Statistics, Ministry of Justice**

39. Total number of judicial decisions, involving robbery (in a year)

Number of cases : **118.116** Year: **2002**  
Source : **General Directorate of Judicial Registration and Statistics, Ministry of Justice**

Please indicate, if possible:

Number of convicted persons : **101.721** % of convicted persons: **% 56.8**

Number of acquitted persons : **42.702** % of acquitted persons : **% 23.8**

40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)

Percentage of decisions : **NA** Year:  
Source :

41. Total number of incoming criminal cases in the courts, involving intentional homicide (in a year)

Number of cases : **7.191** Year: **2002**



Source : **General Directorate of Judicial Registration and Statistics,**

42. Total number of judicial decisions, involving intentional homicide (in a year)

Number of decisions : **6.677** Year: **2002**

Source : **General Directorate of Judicial Registration and Statistics,**

Please indicate also if possible:

Number of convicted persons : **9.475** % of convicted persons: % **71.4**

Number of acquitted persons : **2.011** % of acquitted persons : % **15.2**

43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

Percentage of decisions : **NA** Year:

Source :

44. Total number of incoming civil and administrative cases in the courts (in a year)

Number of cases : **1.559.963** Year: **2002**

Source : **General Directorate of Judicial Registration and Statistics,**

45. Total number of judicial decisions in civil and administrative matters (in a year)

Number of decisions : **1.518.847** Year: **2002**

Source : **General Directorate of Judicial Registration and Statistics,**

46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)

Percentage of decisions : % **32** Year: **2002**

Source : **General Directorate of Judicial Registration and Statistics**

47. Total number of incoming divorce cases in the courts (in a year)

Number of cases : **153.409** Year: **2002**

Source : **General Directorate of Judicial Registration and Statistics**

48. Total number of judicial decisions in divorce cases (in a year)

Number of decisions : **149.613**

Year: **2002**

Source : **General Directorate of Judicial Registration and Statistics,**

49. Total number of incoming employment dismissal cases in the courts (in a year)

Number of decisions : **NA**

Year:

Source:

50. Total number of incoming employment dismissal cases in the courts (in a year)

Number of cases : **NA**

Year:

Source:

51. Total number of judicial decisions of employment dismissal cases (in a year)

Number of decisions : **NA**

Year:

Source:

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher courts (in a year)

Percentage of decisions : **NA**

Year:

Source :

#### **IV. Use of Information Technology in the court**

53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget : **28.481.125.000 Euros**

Year: **2004**

Source: **Department of Information and communication, Ministry of Justice**

54. In general, do the courts in your country have computer facilities?

- for judges Yes/No **Y**

- for non-judges court staff Yes/No **NA**

55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary? Yes/No **Y**

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

(Name) **General Directorate of** (Address) **Tuna cad.No:10 Yenisehir/ANKARA  
Judicial Registration and Statistics, Ministry of Justice**

56. What kind of facilities can be used by the clients of the courts to communicate with the courts?

- Telephone Yes/No **Y**
- Mail Yes/ No **Y**
- Fax Yes/No **Y**
- E-mail Yes/No **Y**
- Internet Yes/No **Y**

57. Is there an electronic form to carry out certain procedural steps? Yes/No **NA**

## **V. Fair trial**

58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements: **NA**

Year:

Source:

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? Yes/No **Y**

60. Is there an effective remedy to a superior jurisdiction for all cases? Yes/No **Y**

61. Are reasons given for all prison sentences Yes/No **Y**

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment

Average length : **293** days year: **2002**

Source : **General Directorate of Judicial Registration and Statistics,**

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment

Average length : **432** days year: **2002**

Source: **General Directorate of Judicial Registration and Statistics,**

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment

Average length : **137** days year: **2002**

Source: **General Directorate of Judicial Registration and Statistics,**

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment

Average length : **204** days year: **2002**

Source: **General Directorate of Judicial Registration and Statistics,**

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

Average length : **NA** days year:

Source:

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgment

Average length : **NA** days year:

Source:

68. Do you, on a regular basis, measure the size of backlog cases in the courts?  
Yes/No **N**

69. Do you have a way of analysing queuing time during court procedures?  
Yes/ No **N**

If yes, please specify:

## VI. Judges

70. Gross annual salary of a first instance professional judge at the beginning of his/ her career

Annual salary : **NA** Year:

Source:

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary : **NA** Year:

Source:

72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)? Yes/No **N**

If yes, please specify:

73. Are judges recruited and nominated by an independent institution? Yes/No **Y**

(if yes), who are represented in this institution:

- the members of the judiciary Yes/No **N**
- officials not part of the judiciary Yes/No **N**
- a mixture of the two categories referred to above Yes/No **Y**

Is the process of selection and nomination of judges carried out according to pre-established procedures? Yes/No **Y**

74. Is there a system of induction and continuation training for judges?

No / Yes, but not compulsory / Yes, compulsory **Y**

What is the average percentage of judges who have attended a continuation training Session each year?

Percentage of judges : **% 47** Year: **2002**

Source: **Department of Training, Ministry of Justice**

75. Is there a system of supervision and control on the courts-other than through appeal? Yes/ No **Y**

If yes, please specify: **The Ministry of Justice of the Head of the Inspection Board has supervision and control on the courts also the judges are subject to the Ministry of Justice with respect to the administrative matters.**

76. Is there in your country a system of temporary judges? Yes/No **N**

If yes, are these temporary judges paid on the basis of their activity? Yes/No

If yes, please specify:

77. Annual number of disciplinary proceedings against judges

Number of proceedings: **252** Year: **2002**

Source: **The General Directorate of Personnel and Genel Directorate fo Penal Affairs,**

78. Annual number of sanctions against judges

Number of sanctions: **72** Year: **2002**

Source: **The General Directorate of Personnel and Genel Directorate fo Penal Affairs,**

### **VIII:Public prosecutors**

79. Annual budget for the public prosecution

Annual budget: **NA** year:

Source:

80. Number of professional public prosecutors (in full time equivalent)

Number of prosecutors : **3358** Year:

Source: **General Directorate of the Personnel,**

81. Gross annual salary of a public prosecutor at the beginning of his/ her career

Annual salary: **NA** Year:

Source:

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

Annual salary: **NA** Year:

Source:

83. Can public prosecutors combine their work with other professions? Yes/No **N**

If yes, please specify:

84. Are public prosecutors recruited and nominated by an independent institution? Yes/ No

(If yes), who are represented in this institution:

- the public prosecutors? Yes/No **N**

- other stakeholders outside? Yes/No **N**

- a mixture of the two categories referred to above? Yes/No **Y**

Is the process of selection and nomination of public prosecutors done according to pre-Established procedures? Yes/No **Y**

85. Is there a system of induction and continuation training for public prosecutors?

No/ Yes, but not compulsory / yes, but compulsory **Y**

What is the average percentage of prosecutors who have participated in continuation Training each year?

Percentage of prosecutors: **% 40** Year: **2002**

Source: **Department of training, Ministry of Justice**

86. Is there a system of supervision and control on public prosecutors? Yes/No **Y**

If yes, please specify: **Chief of the Public prosecutor of the Supreme Court has supervision and control on the Public prosecutors of the Supreme court, the chiefs of the Public Prosecutors within the Jurisdiction area where a heavy penal court is there, has supervision over the other public prosecutors, the Head of Inspection Board of the Ministry of Justice has supervision on the Public Prosecutors. Also the Public Prosecutors are subject to the Ministry of Justice with respect to their administrative duties.**

Source: **General Directorate of Personnel and General Directorate of Penal Affairs,**

87. Annual number of disciplinary proceedings against public prosecutors

Number of proceedings: **161** Year: **2002**

88. Annual number of sanctions against public prosecutors

Number of sanctions: **54** Year: **2002**

Source: **General Directorate of Personnel and General Directorate of Panel Affairs,**

### **VIII: Lawyers**

89. Number of lawyers practising in your country

Number of lawyers: **46.552** Year: **2002**

Source: **The Head of Association of Bars**

90. Is there a national bar association? Yes/No **Y**

91. Have quality standards been formulated for lawyers? Yes/No **Y**

If yes, who is responsible for formulating these quality standards?

- the bar association Yes/No **Y**
- the legislature Yes/No
- other Yes/No

92. Can disciplinary proceedings be instituted against lawyers? Yes/No **Y**

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings: **1226** Year: **2002**

Source: **The Head of Association of Bars**

94. Annual number of sanctions against lawyers

Number of proceedings: **365** Year: **2002**

Source: **The Head of Association of Bars**

95. Is it possible to complain about the performance of lawyers? Yes/No **Y**



If yes, please specify: **a party may complain about the performance of Lawyers to the local bar associations or Ministry of Justice.**

96. What is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case?

Amount: **200.000.000 TL**                      Year: **2002**

Source: **The Head of Association of Bars**

### **IX. Mediators and mediation proceedings**

97. Number of accredited or registered mediators    **N**

Number of mediators:              Year:

Source:

98. How much public budget is devoted to mediation?    **N**

Amount:                      Year:

Source:

99. Number of incoming mediation cases (in a year)    **N**

Number of cases:                      Year:

Source:

100. Number of cases solved through mediation (in a year)    **N**

Number of cases:                      Year:

Source:

If possible, please specify: **In Turkey it does not exist the system of mediation for criminal or civil cases**

- number of criminal cases solved through mediation:

- number of cases other than criminal solved through mediation:

101. In which areas of law is mediation most practised and successful in your country?

- in criminal cases? Yes/No

- in other than criminal cases? Yes/No

Year:

Source:

## **X.Enforcement agents and execution of court decisions**

102. Number and types of enforcement agents

- in criminal cases:

(Type)	(Number)	(Year)	(Source)
<b>Public prosecutors</b>	<b>854</b>	<b>2003</b>	<b>General Directorate of personnel</b>

- in other than criminal cases:

<b>Bailiffs</b>	<b>904</b>	<b>2003</b>	<b>General Directorate of personnel</b>
-----------------	------------	-------------	---

103. Is there an institution to supervise or control the activities of enforcement agents?

Yes/No **Y**

If yes, please specify: **The Judges of civil Enforcement courts, the public Prosecutors where the activities of bailiffs have been carried out, the Head of Inspection Board have supervision and control on the activities of the bailiffs**

104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings: **674**

Year: **2002**

Source: **General Directorate of Personnel**

105. Annual number of sanctioned enforcements agents

Number of agents: **96**

Year: **2002**

Source: **General Directorate of Personnel**

106. Is it possible to file a complaint against an enforcement agent? Yes/No **Y**

If yes, please specify: **parties may file a complaint an enforcement agent to the Public Prosecution, Judges of the enforcement courts and Ministry of Justice.**

107. Does the court play a role in the execution of court decisions? Yes/No **Y**

If yes, please specify: **The parties can appeal to the Enforcement courts against the executing cases for a re-view.**

108. Are the courts competent to decide against public authorities? Yes/No **Y**  
Are the courts involved in executing decisions against public authorities? Yes/ No **Y**