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# Road Map

# for an Improved Administrative Justice System

## 2020-2023

Project on Improving the Effectiveness of the Administrative Judiciary and  
Strengthening the Institutional Capacity of the Council of State



REPUBLIC OF TÜRKİYE  
MINISTRY OF TREASURY  
AND FINANCE  
CENTRAL FINANCE &  
CONTRACTS UNIT





The background of the title section features a dark, textured map with a circular seal or emblem overlaid on it. The seal appears to be a judicial or governmental emblem. The text is overlaid on this graphic in white, bold, sans-serif font.

**Road Map**

**for an Improved  
Administrative  
Justice System**

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Strengthening the Institutional Capacity of the Council of State

March 2022

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## LIST OF ABBREVIATIONS

CoS	Council of State
CJP	Council of Judges and Prosecutors
DoA	Description of Action
ECHR	European Convention on Human Rights
ECtHR	European Court on Human Rights
HRAP	Human Rights Action Plan
HREI	Human Rights and Equality Institution
MoJ	Ministry of Justice
OI	Ombudsman Institution
TCA	Turkish Court of Accounts
TCC	Turkish Constitutional Court



# PREFACE

It is a great honour to present this Road Map for an Improved Administrative Justice System prepared within the framework of the Project on “Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State”.

The project contributes to fostering public confidence in justice through increasing public awareness in the field of administrative justice, strengthening the professional capacity of judges and court staff, implementing measures to increase the quality, performance and efficiency of courts, and strengthening citizens’ access to courts.

The administrative justice system includes the Council of State, Regional Administrative Courts, first instance administrative and tax courts; and also decision-making and review processes of public authorities and Ombudsman Institution are part of the administrative justice system as alternative methods for resolution of disputes and complaints.

The administrative judiciary has been subjected to important reforms in recent years. Within this framework, introduction of second instance in 2016 has been an important step with regards to increase in efficiency and effectiveness and to decrease in the workload of the Council of State. While this reform process is ongoing, many activities defined by Judicial Reform Strategy 2019-2023 of Turkey and by Human Rights Action Plan published in March 2021 will continue to demonstrate their impacts in administrative justice system.

This Road Map prepared under the Project presents a valuable strategic perspective to the ongoing reform activities in the field of administrative judiciary pointing out to all institutions leading these studies with a reformist approach based on the need to restructure public administration parallel to changes and developments in the world and in Turkey, and addresses administrative judiciary with a wholesome perspective by assembling all institutions and parties involved in the administrative justice system.

Studies on many activities have already progressed successfully and this Road Map, as a living document, will be updated.

I present this Road Map prepared under the Project to the service of all stakeholders interested in the ongoing reforms in the field of the administrative judiciary in Turkey.

**Hakan Öztatar**

*Director General of Legal Affairs  
Ministry of Justice*



# INTRODUCTION

This Road Map for an Improved Administrative Justice System has been prepared within the scope of the EU/ CoE Joint Project **Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State** in Turkey.

The overall objective of this project is to foster public confidence in the administrative judiciary by further strengthening its independence, impartiality and effectiveness, and by increasing public awareness of it. This objective is being pursued by assisting the Turkish authorities in identifying and giving effect to practices and procedures that support the independence and impartiality of the judiciary, and that strengthen the responsiveness and efficiency of the administrative justice system.

**The project is expected to achieve the following results:**

**ER1**

Approaches to and policies for improving the effectiveness of the administrative judiciary are agreed, evidence-based and its implementation supported.

**ER2**

The institutional and professional capacity of the administrative judiciary is strengthened, thereby increasing public confidence in the administrative judiciary.

**ER3**

The measures to relieve the administrative justice system and courts of their heavy workload are identified and supported, the existing pre-trial resolution mechanisms are strengthened, and appropriate ADR mechanisms are introduced.

**ER4**

The length of appellate proceedings is reduced by more efficient and effective case management by the Regional Administrative Courts (RACs) and the Council of State (CoS), and any necessary changes to the systems and processes are introduced.

The Road Map has been developed on the basis of an in-depth review of the administrative justice system and provides the framework to enable the implementation of solutions to the issues identified in the review. Its purpose is to provide a shared understanding between the stakeholders and the project team of the actions required to implement solutions.



Content of the Road Map reflects the consultations made with the key stakeholders of the Project, i.e., the Ministry of Justice, the Council of State, the Council of Judges and Prosecutors, the Court of Accounts, the Ombudsman Institution and the Human Rights and Equality Institution.

The Road Map is a **'living document'** and will be periodically updated over the life of the project, as further analysis and planning activity takes place.

Some elements of the Road Map are focused on the public administration. The overall experience of citizens with an administrative dispute comprises the decision making and internal review mechanisms of public authorities in addition to their experience of the administrative justice courts, and the Road Map therefore reflects this. There is also a need to reduce the volume of cases reaching the administrative justice courts to prevent overload, and therefore improved decision-making and early dispute resolution by public authorities play a key part in this.

## JUDICIAL REFORM STRATEGY FOR TURKEY 2019-23

References in the Road Map to the Judicial Reform Strategy refer to the third Judicial Reform Strategy for Turkey adopted in May 2019, which sets out work towards a 'Judicial Vision 2023 - A Trustworthy and Accessible Justice System.' The aims of the strategy include:



The Judicial Reform Strategy concerns the Turkish judicial system as a whole. A number of reforms will impact the administrative and tax courts along with the civil and criminal courts. However, for successful implementation in administrative and tax courts some reforms may require tailored planning to accommodate differences or special circumstances. The administrative judiciary have some unique characteristics, including the relatively small number of judges, the geographical distribution of the workload, and the participation of at least one administrative authority in all cases. Other planned reforms are specifically focused on the administrative judiciary and relate to the administrative trial procedure.

All reforms relevant to the administrative justice courts either directly or indirectly are reflected in this Road Map for ease of reference and to highlight the interrelationship between project objectives and reform priorities.

## COUNCIL OF STATE STRATEGIC PLAN 2019 -23

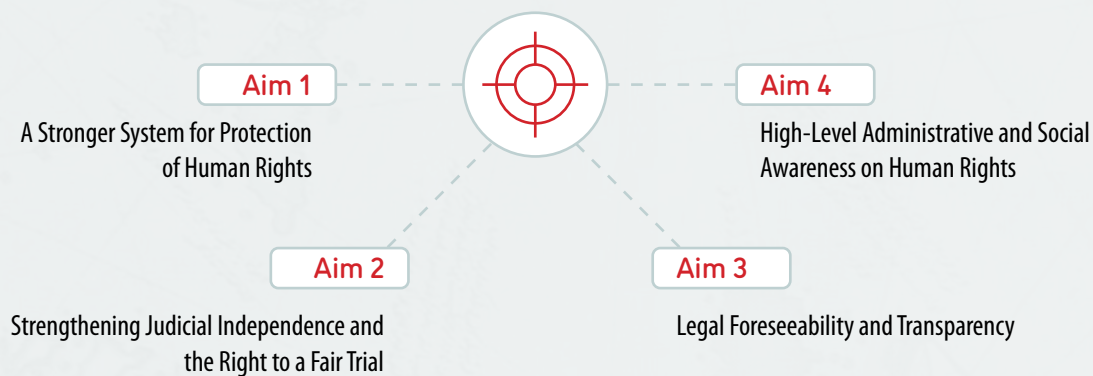
The Council of State (CoS) is a key stakeholder both in the Turkish administrative justice system and in the project, not least in view of its role in ensuring the unity of case law - a role which has a substantial impact on the work of the first instance administrative justice courts and the RACs.

The Council of State has published its own Strategic Plan for the period 2019-23 and include targets concerning such matters as ensuring the unity of case law, reducing workload, enhancing the method of decision writing and strengthening justifications for decisions, strengthening its advisory and review functions and strengthening institutional communication and collaboration. These reforms have a potential impact throughout the administrative justice system.

The Road Map includes references to the reforms that the Council of State is implementing where these inter-relate to the project. The Council of State is actively supporting the project and the project team will be collaborating closely with the Council of State as work proceeds.

## HUMAN RIGHTS ACTION PLAN - MARCH 2021

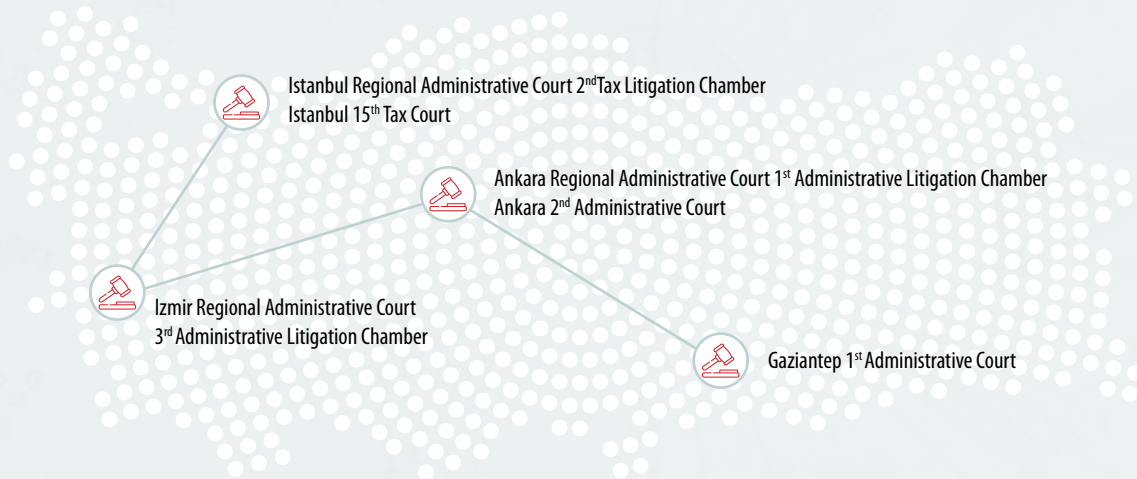
In March 2021, the Turkish Government published an Action Plan on Human Rights (HRAP). The aims of the HRAP include the following:



The HRAP set out a number of Goals and Activities, some of which link directly or indirectly to this Road Map. The implementation period of the Action Plan is two years i.e. it is anticipated that Action Plan activities will be completed within the life of the current Judicial Reform Strategy and the Road Map. The Implementation Schedule published in April 2021 to support the HRAP set out a concrete timetable for the various Activities, and these are referred to in this Road Map where relevant.

## PILOT COURTS

A number of project activities concerning the design and implementation of procedures and practices to support the implementation of Road Map measures refer to the involvement of 'pilot courts.' Six pilot courts have been selected to participate in the project. These are:



The judiciary and staff of the pilot courts are working closely with the project team to assist with ongoing analysis and to test new materials in a live environment as they are developed. The results of the work of the test/pilot courts will be disseminated at a later stage of the project to inform decisions about their wider implementation.



## STRUCTURE OF THE ROAD MAP

The overall structure of the Road Map is intended to reflect and complement the Judicial Reform Strategy for Turkey 2019-23.

The “**Activities**” column of the Road Map lists the activities planned by the Turkish authorities, included in the project Description of Action (DoA) or identified in the initial project In-Depth Review.

Some activities are identified as a **Pilot Court Activity**. These activities form part of an agreed list annexed to an Initial Assessment Report produced as part of the project. Full details of these activities are set out in other planning documents.

**Lead/Supporting Institutions** refers to the project stakeholder(s) which will be responsible jointly or solely to support the implementation to reach an intended outcome.

**Supporting project activity** refers to specific project activity or relevant sub-activity to be implemented in the defined period of time to reach intended outcome.

**Aims** refers to the changes or concrete results that will be realised through implementing the Project.

An **Initial Assessment Report** (DoA Activity A.1.1) was completed in May-June 2020 which aims to provide general framework and introductory analysis of the administrative justice system.

**Interim Assessment and Final Assessment Reports** (DoA Activity A.1.1) refer to an ongoing in-depth assessment of the policy, legal and institutional frameworks of the administrative justice system and measure the progress of the activities and makes recommendations for further reforms, where appropriate, by legislative means.



## OTHER JUDICIAL REFORM ACTIVITIES IMPACTING ON ADMINISTRATIVE JUSTICE

Some activities planned by the Turkish authorities will contribute significantly to the reform of the administrative justice system, or the Turkish justice system more generally, but go beyond the scope of the project and do not therefore appear in the Road Map. They include the following:

**Reform of ‘peace commissions’** - the Judicial Reform Strategy (Introduction to Aim 9) states that:

*“The majority of the disputes in which the administration is a party can be solved through peace. It is understood that the regulation on the method of peace in the legislation cannot be operated effectively. According to the regulation in the legislation, the administration must invite the opposing party to make peace before initiating a judicial action or enforcement procedure.”*

*The administration could further invite the opposing party to make peace in the case they learned that an action or enforcement procedure will be brought against them. Anyone who claims that their right was violated due to administrative actions may apply to the administration and request compensation of the damage incurred through peace within the time limit for bringing an action. Reregulation of the commissions formed in the administrations for the operation of this regulation and peace procedures will reduce the workload of the courts while ensuring more effective protection of the beneficiaries' rights."*

Objective 9.4 of the Judicial Reform Strategy is to ensure effective implementation of the institution of peace in disputes in which the public administration is a party.

**Appointment, transfer and promotion of judges** - Objective 2.1 of the Judicial Reform Strategy is to review arrangements for the appointment, transfer and promotion of administrative judges to reflect the need for a merit-based system. Further details of proposed reforms are set out in the list of Activities supporting HRAP Goal 3.3. *'Improving the Effectiveness and Quality of the Judiciary.'* This work is led by the Council of Judges and Prosecutors.

## STRENGTHENING SPECIALISATION

HRAP Goal 3.4 is supported by a number of Activities to designate new areas for specialised courts, which will include specialised courts for zoning and expropriation. The Implementation Schedule envisages that these will be introduced by October 2021.

**Procedural and operational reforms impacting on the Turkish courts generally** - these include the following Judicial Reform Strategy objectives and HRAP Activities:

- Address problems related to notification through legislative reform, training, and wider use of e-notification (JRS 4.6; HRAP 2.4.h.)
- Improve Target Time Limits in the Judiciary (HRAP 2.4.b)
- Enable the use of UYAP to issue disputes handled by the Council of State in its capacity as a first instance court (HRAP 2.7.d)
- Improve workload measurement through an accurate case 'scoring' system to enable fairer resource allocation and case distribution (JRS 3.7; 4.1)
- Increase publication of administrative court decisions shall be published after ensuring the protection of personal data (JRS 6.10; HRAP 3.2.d)
- Simplify fee/ costs structure for administrative courts (JRS 8.1)



## MONITORING OF THE ROAD MAP

An **Initial Assessment Report** (DoA Activity A.1.1) was completed in May-June 2020 providing a general framework and introductory analysis of the administrative justice system. This analysis informed the development of the Road Map.

An **Interim Assessment Report**, (DoA Activity A.1.1) will be published during the course of 2021. This will contain further analysis and recommendations, and report on progress towards Road Map aims. As a 'living document' the Road Map will also be updated to reflect the progress made and to refine future activities/ aims.

A **Final Assessment Report** (DoA Activity A.1.1) will be published at the conclusion of the project. This will assess the value of the changes and reforms introduced pursuant to the project and make recommendations for further reforms.

One of the actions for both the Interim and Final Assessment Reports will be to identify any legislative changes required to give effect to further reforms determined to be necessary in the course of the implementation of the project.

The Road Map will be further updated at the conclusion of the project to reflect the further progress made and to set out the reform activities that the Turkish authorities will be continuing to carry forward in the period between the conclusion of the project and 2023 (the time-frame for the JRS and the Road Map).

I

**REDUCING THE WORKLOAD OF THE FIRST INSTANCE  
ADMINISTRATIVE COURTS AND REGIONAL ADMINISTRATIVE  
COURTS IN ADMINISTRATIVE JUDICIARY**

1

**GOOD PUBLIC ADMINISTRATION DECISION MAKING<sup>1</sup>**


ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<p><b>1</b> Raise awareness within Turkish public authorities of basic principles of human rights and equality in the Turkish Constitution, international conventions and legislation; European standards concerning good administration and Turkish good practice guidance</p>	<p>OI CoS MoJ CoA HREI</p>	<ul style="list-style-type: none"> <li>- CoE handbook “The Administration and You” to be translated into Turkish</li> <li>- Publicity exercise and meeting/workshops targeted at public administration legal teams and relevant units of the Presidency</li> <li>- Project will support awareness-raising within Turkish public authorities of Ombudsman Institution “Handbook on Good Administration” (copies will be disseminated to public authorities in meetings/workshops)</li> <li>- HREI will prepare guidance materials on human rights and equality issues for administrators and citizens</li> </ul> <p>DoA Activity [A.3.4] - [A.3.5] - [A.3.1]</p>	<p>Greater awareness is provided among public authorities of basic principles of human rights and equality in the Turkish Constitution, international conventions and legislation; Council of Europe and Ombudsman Institution principles of good administration</p>
<p><b>2</b> Raise awareness of European standards on ‘internal review’<sup>2</sup> by the public administration (review by senior authority/ Law 2577, Art. 11)</p>	<p>MoJ CoS OI</p>	<ul style="list-style-type: none"> <li>- A Handbook for public authorities on European standards on internal review adapted to Turkish system will be drafted and published</li> </ul> <p>DoA Activity [A.3.1]</p>	<p>Greater awareness is provided among public authorities of European standards concerning internal review of administrative decisions</p>

<sup>1</sup> See also Good Administration Principles of the Ombudsman and the Ombudsman Institution Strategic Plan (2017-2021) Aim 1: Providing quick access to justice through law and equity compliance audit and producing more values and efficiency)

<sup>2</sup> The CoE handbook “The Administration and You” (p.47) states that “The opportunity given to individuals to apply for a review of decisions by public authorities is an important element of both modern democratic society and good administration. Appeals to the courts and judicial review of administrative acts are essential elements of a state governed by the rule of law and the separation of powers.... However, other avenues of review, which are quicker, cheaper and less formal are equally important for individuals, namely internal (or administrative) reviews undertaken by the public authority itself.”

**1 GOOD PUBLIC ADMINISTRATION DECISION MAKING**

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<p><b>3</b> Promote greater awareness by citizens of their right to review by senior authority following an adverse administrative decision (Law 2577, Art.11)</p>	<p>MoJ OI CoS</p>	<ul style="list-style-type: none"> <li>Opportunities to promote greater awareness of citizen rights will be explored, including the potential scope to include relevant information in e.g. court brochures; on court websites.</li> </ul> <p><b>DoA Activity</b> [A.4.2] - [A.3.1] - [A.3.5]</p>	<p>Improved information for citizens about their right to review by senior authority following an adverse administrative action</p>
<p><b>4</b> Consultation with Court of Accounts on understanding of 'public loss' practices by public authorities in relation to dispute resolution and opportunities to reduce unnecessary workload in the courts<sup>3</sup></p>	<p>MoJ CoA CoS OI</p>	<ul style="list-style-type: none"> <li>Consultation meeting will be arranged for the Court of Accounts, public authorities and judicial bodies to promote early dispute resolution by the public administration and reduce unnecessary appeals before the courts</li> </ul> <p><b>DoA Activity</b> [A.3.1] - [A.3.2] - [A.3.4] - [A.3.5]</p>	<p>Improved and more consistent application of "public loss concept" by public administration officials and practical barriers to early dispute resolution by public authorities reduced</p>


**See also**  
 Court of Accounts Strategic Plan 2019-2023 Fundamental Values, and Aim 1; Human Rights and Equality Institution Strategic Plan 2019-23  
 HRAP Goal 3.1 'Strengthening Legal Foreseeability and Transparency in the Acts and Procedures of the Administration'  
 Goal 9.1 'Raising the Awareness of Public Officials on Human Rights'

<sup>3</sup> This issue was highlighted during project In Depth Assessment phase. "Public loss" is a comprehensive mechanism that covers the process of collecting and/or retaliating against those involved in public loss, both through the control, audit and examination activities of public administrations and by court decisions (including those of the Court of Accounts). It has been expressed that in particular during the ex officio control, audit and examination activities performed by the public administration themselves for determination and collection of public loss at their own discretion, some misunderstandings or misinterpretations might occur that could be a barrier before the early resolution of disputes. This can lead to unnecessary court cases and increase pressure on the justice budget.



**2 PROMOTING ALTERNATIVE DISPUTE RESOLUTION**

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<p><b>1</b> Raise the profile of the Ombudsman Institution as a potential mechanism for dispute resolution</p>	<p>OI CoS MoJ</p>	<ul style="list-style-type: none"> <li>- Ongoing consultation with Ombudsman Institution and participation of Ombudsman Institution in project activities</li> <li>- Conducting a comparative review highlighting CoE member states in which the office of Ombudsman has been successful in reducing pressure on the administrative courts.</li> <li>- Project will publish a report comprising a comparative Report on relevant European standards and practices; recommendations for enhancing the role of the Ombudsman Institution; and guidelines concerning the Ombudsman and public authorities</li> </ul> <p><b>DoA Activity</b> [A.3.4]</p>	<p>Greater awareness of role and work of the Ombudsman Institution among project stakeholders is provided Greater awareness within Ombudsman Institution and among stakeholders of international examples of the contribution of ombudsman to reducing the work of the RACs, administrative and tax courts</p>
<p><b>2</b> Assess the value of pre-litigation resolution mechanisms and ADR procedures in the context of administrative disputes</p>	<p>MoJ CoS OI</p>	<ul style="list-style-type: none"> <li>- Consultation meeting is held for relevant stakeholders for Identifying ADR Mechanisms in Administrative Disputes</li> <li>- Produce proposals on the development of Alternative Dispute Resolution (ADR) mechanisms in the settlement of administrative disputes in Turkey and related national legislation</li> <li>- Test one or more new ADR mechanism in administrative justice disputes</li> <li>- Introduce one or more Protocol(s) agreed between public institutions to introduce ADR mechanisms</li> </ul> <p><b>DoA Activity</b> [A.3.2] - [A.3.4]</p>	<p>Work by Turkish authorities to explore and implement ADR mechanisms to promote early dispute resolution and reduce workload of RACs, administrative and tax courts is supported</p>



Judicial Reform Strategy Aim 9  
 HRAP Goal 3.5 'Improving the Effectiveness and Expanding the Use of Alternative Dispute Resolution'  
 Ombudsman Institution Strategic Plan, Aims 2 and 3


## 3

**SIMPLIFICATION AND ENHANCING THE EFFICIENCY OF  
ADMINISTRATIVE TRIAL PROCEDURE**

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<b>1</b> Introduce pilot case procedure for group actions concerning administrative disputes (JRS 8.7)	MoJ CJP CoS	<ul style="list-style-type: none"> <li>- Project will support creation of a pilot case procedure</li> <li>- Consultation meetings will be held to consider merits of pilot judgment procedure developed by the ECtHR; procedures for the speedy and early identification of unmeritorious cases; use of proactive case management systems</li> </ul> <p><b>DoA Activity</b> [A.3.3]</p>	Introduction of pilot case procedure for group actions supported/promoted; further analysis and recommendations made in project Interim/Final reports
<b>2</b> Extend range of disputes which may be decided by a single judge (JRS 8.7)	MoJ CJP CoS	<ul style="list-style-type: none"> <li>- Project will provide a forum to discuss relevant issues, if required, during meetings/ workshops</li> </ul> <p><b>DoA Activity</b> [A.1.1] - [A.1.2]</p>	Further analysis and recommendations made in project Interim/Final reports; Road Map further developed as necessary
<b>3</b> Possibility of hearing witnesses in some administrative disputes (JRS 8.7)	MoJ CJP CoS	<ul style="list-style-type: none"> <li>- Project will provide a forum to discuss relevant issues, if required, during meetings/ workshops</li> </ul> <p><b>DoA Activity</b> [A.1.1] - [A.1.2]</p>	Further analysis and recommendations made in project Interim/Final reports; Road Map further developed as necessary
<b>4</b> Reform of Procedure of Administrative Justice in consultation with relevant stakeholders to clarify and simplify procedures (JRS 2.4, 8.7)	MoJ CJP CoS	<ul style="list-style-type: none"> <li>- Project will arrange workshops / meetings with stakeholders to discuss possible changes and reform opportunities for law numbers 2575, 2576 and 2577</li> </ul> <p><b>DoA Activity</b> [A.1.1] - [A.1.2] - [A.1.4]</p>	Further analysis and recommendations made in project Interim/Final reports; Road Map further developed as necessary

**3 SIMPLIFICATION AND ENHANCING THE EFFICIENCY OF ADMINISTRATIVE TRIAL PROCEDURE**

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<p><b>5</b> Promote dialogue between judiciary and public administration legal advisers to promote improvements in the ‘end to end’ experience of citizens in the administrative justice system; the early resolution of disputes; and the efficiency and effectiveness of the administrative procedure</p>	<p>CoS MoJ CJP</p>	<ul style="list-style-type: none"> <li>- Consultation forums will be held for the judiciary and public administration representatives to exchange information and explore issues of common interest to identify opportunities to improve the operation of the system e.g. improving the application of case law, the exercise of administrative discretion, addressing systemic deficiencies, improving platforms for the exchange of information; promoting the role of the Ombudsman Institution; identifying of ADR mechanisms</li> </ul> <p><b>DoA Activity</b> [A.3.1] - [A.3.2] - [A.3.4] - [A.3.5]</p>	<p>Opportunities identified to improve efficiency and effectiveness of administrative procedure and overall experience of citizens; Further analysis and recommendations made in project Interim/Final reports; Road Map further developed as necessary</p>

 See also  
 Judicial Reform Strategy Aim 8 and Aim 9  
 HRAP Goals 2.2 ‘Strengthening the Right to a Reasoned Decision’, 2.4 ‘Strengthening the Right to a Trial within a Reasonable Time’, 2.5 ‘Improving the Standards with Regard to the Principle of Equality of Allegation and Defence’, 2.7 ‘Strengthening the Access to Justice’

## II

## HUMAN RESOURCES: IMPROVING PROFESSIONAL CAPACITY

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<p><b>1</b> Introduce compulsory continuous professional development model for administrative judiciary linked to performance assessment and promotion system (JRS 3.4)</p>	<p>CJP MoJ HREI</p>	<ul style="list-style-type: none"> <li>- Project will implement a training programme for administrative court judges based on a training needs analysis, including:               <ul style="list-style-type: none"> <li>- Legal reasoning and drafting of judgments</li> <li>- ECtHR and TCC rulings in the case-law of administrative justice</li> <li>- Fair trial/ reasonable time</li> <li>- HELP on-line course on Right to Property</li> <li>- HREI guidance on human rights/ equality issues</li> </ul> </li> </ul> <p><b>DoA Activity</b> [A.2.2] - [A.2.3] - [A.2.4]</p>	<p>Training provided to administrative judges to support continuous professional development</p>
<p><b>2</b> Raise awareness and sensitivity for human rights in the administrative judiciary and apply ECHR and ECtHR / Turkish Constitutional Court case law more consistently in administrative justice cases (JRS 1.3)</p>	<p>CJP MoJ TCC CoS</p>	<ul style="list-style-type: none"> <li>- Peer to peer training/round tables on ECHR / Turkish Constitutional Court / CJEU; setting up a network of judges to introduce and assess up-dates and (new) decisions of the ECtHR.</li> <li>- Publication in Turkish of the Casebook on European Fair Trial Standards in the Administrative Justice (CoE/ Folke Bernadotte Academy), together with a new addendum concerning the Right to a Fair Trial in Administrative Justice in accordance with caselaw of the ECtHR, TCC and CoS</li> </ul> <p><b>DoA Activity</b> [A.2.5] - [A.2.6]</p>	<p>Awareness and sensitivity for human rights within administrative judiciary raised</p>

II

HUMAN RESOURCES: IMPROVING PROFESSIONAL CAPACITY

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<p><b>3</b> Provide tailored judicial training on new practices, and to support any measures to introduce greater specialisation within the administrative judiciary (JRS 3.4)</p>	<p>CJP MoJ CoS</p>	<ul style="list-style-type: none"> <li>- Training needs analysis and training programme, to include alternative dispute resolution mechanisms</li> </ul> <p>DoA Activity [A.2.2] - [A.2.3] - [A.2.4] - [A.2.5] - [A.3.1] - [A.4.4]</p>	<p>Knowledge and skills among administrative judges concerning selected new practices and specialist administrative justice topics increased</p>
<p><b>4</b> Strengthen training activities for administrative and tax court / RAC staff (JRS 3.5)</p>	<p>MoJ</p>	<ul style="list-style-type: none"> <li>- Training needs analysis</li> <li>- Training programme, to include time/case management</li> </ul> <p>DoA Activity [A.2.2] - [A.2.3] - [A.2.4] - [A.4.1]</p>	<p>Existing training for administrative and tax court / RAC staff supplemented</p>
<p><b>5</b> Continue to promote the principle of gender equality in administrative and tax court/RAC personnel policy and practice (JRS 3.7)</p>	<p>MoJ HREI</p>	<ul style="list-style-type: none"> <li>- All project activities will be conducted in accordance with gender mainstreaming principles</li> </ul>	<p>Principle of gender equality in administrative and tax court/ RAC personnel policy and practice promoted. Support given to work of the HREI towards guaranteeing individuals' right to equal treatment, prevention of discrimination in the exercise of legally recognised rights and freedoms</p>
<p><b>6</b> Identify opportunities for greater specialisation of the administrative judiciary in first instance courts and RACs/ ongoing review / adjustment of RAC Chamber structures (JRS 4.3)</p>	<p>CJP MoJ RACs CoS Selected Pilot Courts</p>	<ul style="list-style-type: none"> <li>- Project will provide a forum to discuss specialisation issues, if required, during meetings/ workshops.</li> </ul> <p>DoA Activity [A.1.1] - [A.1.2] - [A.1.3] - [A.4.2] - [A.4.3]</p>	<p>Work towards increased specialisation of the administrative judiciary is supported</p>

## II

## HUMAN RESOURCES: IMPROVING PROFESSIONAL CAPACITY

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<b>7</b> Increase availability of procedural guidance materials for court staff	MoJ Selected Pilot Courts	<ul style="list-style-type: none"> <li>Pilot court activity/ review &amp; adapt material generated within other recent projects</li> </ul> <p><b>DoA Activity</b> [A.1.3] - [A.4.2] - [A.2.2] - [A.2.3] Training of court staff as a supplementary material in case-time management training module</p>	Relevant material from recent projects reviewed, adapted and developed as necessary and utility for RACs, administrative and tax courts tested in pilot courts
<b>8</b> Clarify job descriptions of registry and front office staff; consider opportunities for greater delegation of responsibilities to registrars and front office staff	MoJ Selected Pilot Courts	<ul style="list-style-type: none"> <li>Pilot court activity/ review &amp; adapt material generated within other recent projects</li> </ul> <p><b>DoA Activity</b> [A.1.3] - [A.4.2] - [A.2.2] - [A.2.3] Training of court staff as a supplementary material in case-time management training module</p>	Relevant material from recent projects reviewed, adapted as necessary and utility for RACs, administrative and tax courts tested in pilot courts
<b>9</b> Provide public relations and communication skills training for court staff (JRS 6.10)	MoJ	<ul style="list-style-type: none"> <li>Project will collaborate with MoJ to plan to provide training for pilot court staff</li> </ul>	Pilot court staff trained in public relations and communication skills through existing training module developed by the MoJ Training Department; recommendations made for wider rollout of training in project Interim/ Final Assessment Reports



See also

Judicial Reform Strategy Aims 1, 2, 3, 4

CJP Strategic Plan 2017-2021, Aim 5 -Increase efficiency and effectiveness of the judiciary

Human Rights and Equality Institution Strategic Plan 2019-23

HRAP Goals 2.1 'Strengthening the Independence and Impasrtiality of the Judiciary'

3.3 'Improving the Effectiveness and quality of the Judiciary', 9.2 'Raising the Awareness of Judges, Prosecutors and Lawyers on Human Rights'

III

ENHANCEMENT OF QUALITY, PERFORMANCE AND  
PRODUCTIVITY

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<p><b>1</b> Promote greater international collaboration on administrative justice issues; explore international standards and alternative policy approaches to commonly experienced administrative justice challenges (CoS Aim 4)</p>	<p>MoJ CoS</p>	<ul style="list-style-type: none"> <li>- International symposium to share international experience of administrative and tax court and RAC reform;</li> <li>- Report of recent administrative justice system reforms in selected CoE member states made available in Turkish</li> <li>- Study visits and placements will be provided for candidates from participant institutions to EU/ member state institutions</li> </ul> <p>DoA Activity [A.1.4] - [A.4.4]</p>	<p>Raised awareness within Turkish authorities of international standards and alternative policy approaches to commonly experienced administrative justice challenges. Turkish academic engagement with administrative justice policy making is increased (in support of JRS Objective 4.12 “Academic support and non-governmental contributions to the policy-making process, and carry out studies on e.g. comparative law”)</p>
<p><b>2</b> Introduce greater standardisation of workflow in administrative and tax court/RAC registries and front offices</p>	<p>MoJ</p>	<ul style="list-style-type: none"> <li>- Pilot court activity / review &amp; adapt material generated within other recent projects</li> </ul> <p>DoA Activity [A.1.3] - [A.4.2]</p>	<p>Relevant material from recent projects reviewed, is adapted as necessary and utility for RACs, administrative and tax courtstested in pilot courts, then revised and ready for wider implementation</p>
<p><b>3</b> Introduce guiding administrative and tax court/RAC petitions</p>	<p>MoJ Pilot Courts CJP</p>	<ul style="list-style-type: none"> <li>- Pilot court activity / Translation of international examples to support development of samples by pilot court teams; consultation on drafts and arrangements for pilot studies</li> </ul> <p>DoA Activity [A.1.3] - [A.4.2]</p>	<p>Examples of petition templates developed and piloted; impact on proportion of rejected petitions evaluated</p>

## III

ENHANCEMENT OF QUALITY, PERFORMANCE AND  
PRODUCTIVITY

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<p><b>4</b> Promote good practices in judicial decision making, consistent with the recommendations of CCJE and other relevant European/ CoE bodies</p>	MoJ CoS CJP	<ul style="list-style-type: none"> <li>- Project will support establishment of a Working Group of Judges to assess challenges and analyse good practice in judicial decision making</li> </ul> <p>DoA Activity [A.4.3]</p>	Working Group of Judges established; work to promote good practice in administrative judicial decision-making is started; progress/outcomes of the work are set out in project Interim/Final reports
<p><b>5</b> Enhance the method of decision writing and strengthening the justifications for decisions (JRS 8.7; CoS Obj. 1, Target 5)</p>	MoJ RACs CoS	<ul style="list-style-type: none"> <li>- Pilot court activity – introduce a guiding set of template judgment formats in first instance administrative courts and RACs; associated training will be provided under the project's training component; consultation meetings will explore good practice in decision writing</li> </ul> <p>DoA Activity [A.1.3] - [A.4.2] - [A.2.2] - [A.2.3] - [A.2.4] - [A.4.3]</p>	Guiding set of samples judgment formats is developed and piloted; good practice in decision writing is explored and promoted; progress/outcomes of the work are set out in project Interim/Final reports
<p><b>6</b> Improve accuracy of RACs, administrative and tax courts statistics to e.g. avoid multiple counting of transferred files; identify multiple cases all concerning identical issue; improve data collection concerning stages of administrative trial process JRS 4.2</p>	MoJ	<ul style="list-style-type: none"> <li>- Ongoing analysis in consultation with pilot courts and MoJ; provide further commentary/ recommendations in second project (Interim) Assessment Report</li> </ul> <p>DoA Activity [A.1.1] - [A.1.2] - [A.1.3] - [A.4.2]</p>	Work by Turkish authorities to improve quality of RACs, administrative and tax courts statistics is supported; progress/outcomes of the work is set out in project Interim/Final reports



III

ENHANCEMENT OF QUALITY, PERFORMANCE AND  
PRODUCTIVITY

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<p><b>7</b> Review, refine and increase monitoring of interlocutory trial process target times in administrative and tax court/RAC JRS 4.2</p>	<p>MOJ CJP</p>	<ul style="list-style-type: none"> <li>Ongoing analysis in consultation with pilot courts and MoJ; provide further commentary/ recommendations in second project (Interim) Assessment Report</li> </ul> <p><b>DoA Activity</b> [A.1.1] - [A.1.2] - [A.1.3] - [A.4.2]</p>	<p>Work by Turkish authorities to refine target times is supported; progress/outcomes of the work are set out in project Interim/Final reports</p>
<p><b>8</b> Introduce measures to ensure that institutions and organisations from which information and documents are requested during administrative court proceedings fulfil the requests as soon as possible JRS 4.2</p>	<p>MoJ CJP CoS</p>	<ul style="list-style-type: none"> <li>Workshops to be held for the senior judiciary, public administration legal department heads [and CoS, Court of Accounts, Ombudsman] will explore systemic barriers to ‘administrative silence’</li> <li>E-notification facilities will be promoted in project materials</li> <li>Work / research concerning potential procedural reform will discuss potential for reform of ‘deemed dismissal’ provision in Law 2577, Art. 11</li> </ul> <p><b>DoA Activity</b> [A.1.1] - [A.1.2] - [A.1.3] - [A.4.2] - [A.4.3] - [A.3.1] - [A.3.5]</p>	<p>Work by Turkish authorities is supported; greater use of e-notification facilities is promoted; progress / outcomes of the work is set out in project Interim/Final reports</p>
<p><b>9</b> Improve the efficiency and effectiveness of court experts system in the administrative and tax court/RAC JRS 4.6</p>	<p>MOJ CJP</p>	<ul style="list-style-type: none"> <li>Project will provide a forum to discuss relevant issues, if required, during meetings/ workshops</li> </ul> <p><b>DoA Activity</b> [A.1.1] - [A.4.2] - [A.4.3] - [A.4.5]</p>	<p>Work by Turkish authorities to improve efficiency and effectiveness of court experts system supported; progress/ outcomes of the work is set out in project Interim/Final reports</p>



See also

Judicial Reform Strategy Aim 4

HRAP Goals 2.4 ‘Strengthening the Right to a Trial within a Reasonable Time’, 3.3 ‘Improving the Effectiveness and Quality of the Judiciary’, 3.6 ‘Improving the quality of the Experts System and Ensuring Foreseeability’, 9.6 ‘Ensuring Cooperation with International Human Rights Mechanisms’


## IV

ENSURING ACCESS TO JUSTICE AND ENHANCING  
SATISFACTION FROM SERVICE

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<p><b>1</b> Introduce a court user satisfaction survey tailored for use by administrative and tax court/RAC and arrange for surveys to be conducted at regular intervals.</p> <p>JRS 6.8</p>	<p>MoJ CJP RACs</p>	<ul style="list-style-type: none"> <li>- Pilot court activity - Proposals for an administrative and tax court/RAC user satisfaction survey format will be developed</li> <li>- Format and methodology will be piloted. Recommendation will be made for further implementation of surveys</li> <li>- Recommendations made for further implementation of surveys</li> </ul> <p><b>DoA Activity</b> [A.1.3] - [A.4.2]</p>	<p>To develop a survey format and methodology suitable for use in administrative and tax courts/RACs and make recommendations for enhancing court user satisfaction based on pilot survey results</p>
<p><b>2</b> Raise public awareness on the work of administrative and tax courts/RACs through proactive media relations activity (6.9) development of administrative court websites, proactive media engagement and community outreach e.g. courthouse visits for students [and meetings with NGOs/ academicians]</p> <p>JRS. 6.11</p>	<p>MoJ Pilot Courts</p>	<ul style="list-style-type: none"> <li>- Pilot court activity - Opportunities for raising public awareness of the work of administrative and tax courts/RACs (community outreach and engagement with academic community etc.) will be explored.</li> <li>- Outreach to law students and media, and RAC annual reports will be extended</li> </ul> <p><b>DoA Activity</b> [A.4.2]</p>	<p>Best practice concerning media and public relations plans will be identified and shared. Communication and Public Awareness Consultancy to develop media and public relations plan for pilot courts</p>
<p><b>3</b> Promote greater citizen awareness of UYAP Citizen Portal and SMS e-notification service</p>	<p>MoJ</p>	<ul style="list-style-type: none"> <li>- Pilot court activity - Material generated within other recent projects will be reviewed &amp; adapted for administrative court purposes</li> </ul>	<p>The project will contribute to work to promote greater awareness of the UYAP citizen portal and SMS service</p>

**IV** ENSURING ACCESS TO JUSTICE AND ENHANCING SATISFACTION FROM SERVICE

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<p><b>4</b> Provide explanatory brochures concerning administrative and tax court/RAC processes and make these available online JRS 6.10</p>	<p>MoJ</p>	<ul style="list-style-type: none"> <li>- Pilot court activity - Brochures/booklets concerning administrative court procedure will be prepared and piloted</li> </ul> <p>[ DoA Activity [A.4.2]</p>	<p>Additional support for court users provided through the introduction of brochures/booklets; court efficiency increased through consequential reduction of documentation containing errors and reduced time pressures on front-office and registry court staff</p>
<p><b>5</b> Improve practices related to women's rights in the administrative justice system JRS. 6.4</p>	<p>MoJ</p>	<ul style="list-style-type: none"> <li>- A gender strategy will be implemented over the course of the project with a strategic overarching goal to ensure the equal access of women and men to justice.</li> </ul> <p>[ DoA – Gender Consultant will support implementation of the Gender Strategy</p>	<p>Equal access of women and men to justice promoted and supported</p>


 See also  
 Judicial Reform Strategy Aim 6  
 HRAP Goals 2.2 'Strengthening the Right to a Reasoned Decision', 2.4 'Strengthening the Right to a Trial within a Reasonable Time', 2.7 'Strengthening the Access to Justice', 3.2 'Strengthening Legal Feeseability and Transparency in Judicial Processes'

## V

STRENGTHENING THE INSTITUTIONAL CAPACITY OF THE  
COUNCIL OF STATE & PROMOTING UNITY OF CASE LAW

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<p><b>1</b> Ensuring the unity of case law (CoS Objective 1, Target 2)</p>	CoS RACs	<ul style="list-style-type: none"> <li>- Consultation with Council of State and inviting Council of State representatives to take leading role with the RACs and provide input in project activities/consultation exercises</li> <li>- The workshops on the mechanisms, consistent with the Turkish Constitution, which would allow the CoS to issue binding or persuasive judgments applying principled rules, so that similar legal issues or facts in subsequent cases would be decided consistently with the CoS jurisprudence thereby increasing the predictability of decisions and reducing the number of proceedings.</li> </ul> <p>[<b>DoA Activity</b> [A.4.5]</p>	Opportunities identified to improve unity of case law, including the work of the new CoS Case Law, Reporting and Statistics Unit. Further analysis and recommendations made in project Interim/Final reports; Road Map further developed as necessary
<p><b>2</b> Raising awareness of public administrations on the advisory and review functions of the CoS (CoS Objective 2, Target 1)</p>	CoS RACs	<ul style="list-style-type: none"> <li>- Consultation with Council of State and inviting Council of State representatives to lead/ participate in project activities/consultation exercises involving public administrations</li> </ul> <p>[<b>DoA Activity</b> [A.3.1] - [A.3.5] - [A.4.3] - [A.4.5]</p>	Awareness of public administrations of the advisory and review functions of the CoS raised.

**V** STRENGTHENING THE INSTITUTIONAL CAPACITY OF THE COUNCIL OF STATE & PROMOTING UNITY OF CASELAW

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<p><b>3</b> Strengthening CoS institutional communication and collaboration with national judicial institutions and universities; strengthening communication and co-operation with international and foreign judicial institutions (CoS Objective 4)</p>	<p>CoS</p>	<ul style="list-style-type: none"> <li>- Consultation with Council of State and inviting Council of State representatives to lead/ participate in project activities/consultation exercises</li> <li>- CoS nominees to participate in study visits/ placements to EU/member state institutions</li> <li>- CoS is supported in its study of “permission to appeal” provisions in RACs, administrative and tax courts in other jurisdictions</li> </ul> <p>[<b>DoA Activity</b> [A.1.4] - [A.4.4]</p>	<p>CoS objective to strengthen national and international communication and collaboration and improved functioning of the administrative judiciary supported</p>

 See also Council of State Strategic Plan 2019-2023  
HRAP Goal 9.6 ‘Enhancing Cooperation with International Human Rights Mechanisms’







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The Road Map for an improved administrative justice system has been prepared within the scope of the EU/ CoE Joint Project “Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State” in Turkey. The overall objective of this project is to foster public confidence in the administrative judiciary by further strengthening its independence, impartiality and effectiveness, and by increasing public awareness of it.

The purpose of the Road Map is to provide a shared understanding between the stakeholders and the project team of the actions required to implement solutions. It supports 3rd Judicial Reform Strategy for Turkey (May 2019), the Human Rights Action Plan (March 2021) and the Strategic Plan of the Council of State (2019-2023). Being a ‘living document’, it will be periodically updated over the life of the Project.

The Road Map periodically updated over addresses all elements related to administrative justice system including good decision-making in public authorities, supporting alternative dispute resolution, simplification, and improvement of administrative judicial procedures, enhancing capacity of judicial members and court staff, increasing efficiency and service quality in administrative and tax courts, supporting access to justice and increasing satisfaction level of court users, as well as supporting case law unity.

*The Joint Project on Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State is co-funded by the European Union, the Council of Europe and the Republic of Turkey, and implemented by the Council of Europe. The Turkish Ministry of Justice Directorate General for Legal Affairs is the end beneficiary of the Project. The Central Finance and Contracts Unit is the contracting authority of this Project.*

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