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FOURTH EVALUATION ROUND

Corruption prevention in respect of
members of parliament, judges and prosecutors

THIRD *INTERIM* COMPLIANCE REPORT

TÜRKIYE

Adopted by GRECO at its 90th Plenary Meeting
(Strasbourg, 21-25 March 2022)

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I. INTRODUCTION

1. The Fourth Round Evaluation Report on Türkiye was adopted at GRECO's 69th Plenary Meeting (16 October 2015) and made public on 17 March 2016, following authorisation by Türkiye ([Greco Eval IV Rep \(2015\) 3E](#)). GRECO's Fourth Evaluation Round deals with "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. In the [Compliance Report \(GrecoRC4\(2017\)16\)](#), which was adopted by GRECO at its 77th meeting (16-18 October 2017), it was concluded that two of the 22 recommendations had been implemented satisfactorily by Türkiye. In view of this result, GRECO concluded that the very low level of compliance with the recommendations was "globally unsatisfactory" in the meaning of Rule 31 revised, paragraph 8.3 of its Rules of Procedure.
3. In the [Interim Compliance Report](#), which was adopted by GRECO at its 82nd meeting (22 March 2019), GRECO found that concerning members of parliament, judges and prosecutors, no tangible progress had been made to implement its recommendations and that the shortcomings identified in the Evaluation Report remained. GRECO concluded that the level of compliance with the recommendations remained "globally unsatisfactory" within the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure.
4. In the [Second Interim Compliance Report](#), adopted by GRECO at its 86th plenary meeting (29 October 2020), GRECO concluded that three of the twenty-two recommendations had been implemented satisfactorily by Türkiye, nine have been partly implemented and ten have not been implemented. GRECO concluded that the current level of compliance with the recommendations remained "globally unsatisfactory" within the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure. In application of paragraph 2.i) of Rule 32 of the Rules of Procedure, GRECO asked the Head of the Turkish delegation to provide a report on measures taken to implement the outstanding recommendations (namely recommendations i to xiii, xv to xviii, xxi and xxii) by 31 October 2021 at the latest. That report, submitted on 29 October 2021 forms the basis of this report.
5. This [Third Interim Compliance Report](#) assesses the further implementation of the pending recommendations since the adoption of the Second Interim Compliance Report and performs an overall appraisal of the level of Türkiye's compliance with these recommendations.
6. GRECO selected the Netherlands and Croatia to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Ms Tessa Lansbergen, on behalf of the Netherlands, and Ms Maja Vitaljić, on behalf of Croatia. They were assisted by GRECO's Secretariat in drawing up this Report.

II. ANALYSIS

7. GRECO addressed 22 recommendations to Türkiye in its Evaluation Report. In its Compliance Report, GRECO concluded that recommendations xix and xx had been implemented satisfactorily, recommendations iii, iv, vii, x and xxii partly implemented and recommendations i, ii, v, vi, viii, ix, xi to xviii, and xxi not implemented. In the absence of developments, GRECO came to the same conclusion in its Interim Compliance Report as to the remaining recommendations. In the Second Interim Compliance Report GRECO concluded that recommendation xiv had been implemented satisfactorily and that recommendations xiii, xv, xviii and xxi had been partly implemented. Compliance with the outstanding recommendations is dealt with below.

Corruption prevention in respect of members of parliament

Recommendation i.

8. *GRECO recommended that the transparency of the legislative process be enhanced by (i) further developing the rules on public consultations in respect of civil society groups and citizens; and (ii) ensuring that draft legislation is presented in a reasonable format (e.g. avoiding that large quantities of unrelated pieces of legislation are treated as one single package) and within adequate timelines to allow for meaningful public consultation and parliamentary debate.*
9. GRECO refers to its conclusions in the previous compliance reports according to which this recommendation was not implemented. As regards the first part of the recommendation, it noted the continued absence of rules governing the organisation of public consultations in the legislative process, beyond the possibility of inviting experts or civil society representatives to hearings during the early stages of the preparation of legislation. Therefore, GRECO concluded that this part of the recommendation was not implemented. As to the second part of the recommendation, GRECO expressed its concerns about a worrying upward trend of the number of omnibus bills over the last three legislative sessions of the Grand National Assembly of Türkiye (GNAT) and, therefore, considered that this part of the recommendation was not implemented.
10. The Turkish authorities have provided no further information as to the progress of implementation of this recommendation but now state that the examination of this recommendation is underway.
11. In the absence of any concrete developments, GRECO concludes that recommendation i remains not implemented.

Recommendation ii.

12. *GRECO recommended that a code of ethics/conduct for members of parliament be adopted covering various situations of conflicts of interests (gifts and other advantages, accessory activities, post-employment situations, third party contacts, including with lobbyists, etc.).*
13. GRECO refers to its conclusions in the previous compliance reports according to which this recommendation was not implemented. GRECO noted that the proposed law on Ethical Conduct for Members of the GNAT was not adopted. Furthermore, GRECO stated that it appeared to be a framework text that was not very detailed in several aspects, including gifts. GRECO underlined that, in general, codes of conduct gained in being less static than legislation, containing more detail and providing guidance in a more flexible way and being capable of evolving over time. There was no indication that the bill would be presented to the current legislature.
14. The Turkish authorities have provided no further information as to the progress of implementation of this recommendation but now state that the examination of this recommendation is underway.
15. In the absence of any concrete developments, GRECO concludes that recommendation ii remains not implemented.

Recommendation iii.

16. *GRECO recommended that a requirement of "ad hoc disclosure" be introduced for members of parliament for situations of personal/financial conflicts of interest which may emerge during the parliamentary proceedings and that rules for such situations be developed.*
17. GRECO refers to its conclusions in the Second Interim Compliance Report according to which this recommendation was partly implemented. While the authorities mentioned that the draft law on Ethical Conduct for Members of the GNAT would call on the MPs to make the general interest prevail in case of any personal/financial conflict of interest and to inform the GNAT of potential conflicts of interest interfering with their legislative functions, GRECO noted that the formulation of the proposed law was not very precise, for example, as regards the timing of such declarations, which is an element of fundamental importance for *ad hoc* declarations. GRECO added that there was no indication that the bill would be examined by the current legislature.
18. The Turkish authorities have provided no further information as to the progress of implementation of this recommendation but now state that the examination of this recommendation is underway.
19. In view of the lack of tangible progress, GRECO concludes that recommendation iii remains partly implemented.

Recommendation iv.

20. *GRECO recommended that the accessory activities which are incompatible with the duties and functions of members of parliament be reviewed and that comprehensive and enforceable legislation be ensured, to remedy any conflicts of interest resulting from such activities.*
21. GRECO refers to its previous conclusion whereby the recommendation was partly implemented. It took note of Law No. 6771 on Amending the Constitution of the Republic of Türkiye (adopted on 21 January 2017) which had removed Article 82 of the Constitution, as well as of the draft Law on Ethical Conduct for Members of the GNAT, which listed accessory activities incompatible with being an MP, possible post-employment restrictions, procedure for examining alleged violations and available sanctions as required. GRECO observed that the draft Law had not been adopted by the previous legislature and had yet to be examined by the current legislature.
22. The Turkish authorities have provided no further information as to the progress of implementation of this recommendation but now state that the examination of this recommendation is underway.
23. In view of the lack of tangible progress, GRECO concludes that recommendation iv remains partly implemented.

Recommendation v.

24. *GRECO recommended (i) that the regime of asset declarations of members of parliament be accompanied by a system of verification of their accuracy and veracity as well as effective, proportionate and dissuasive sanctions for violations of the rules; and (ii) that the content of these declarations be made publicly available promptly after their submission to Parliament (it being understood that information concerning spouses and dependent family members would not necessarily need to be made public).*

25. GRECO refers to the conclusions in its previous compliance reports according to which the recommendation was not implemented. While the draft law on Ethical Conduct for Members of the GNAT would allegedly reduce the reporting period for asset declaration to once every two years and create an obligation on MPs to declare accessory activities, GRECO considered that the proposed bill fell short of addressing the full recommendation, in particular the fact that there was no reference to a system of verification of asset declarations or to the publicity of asset declarations.
26. The Turkish authorities have not provided any additional information as to the progress of implementation of this recommendation but now state that its examination is underway.
27. In the absence of any concrete developments, GRECO concludes that recommendation v remains not implemented.

Recommendation vi.

28. *GRECO recommended that determined measures be taken in order to ensure that the procedures for lifting parliamentary immunity are dealt with as matters of priority and do not hamper criminal investigations in respect of members of parliament suspected of having committed corruption offences.*
29. GRECO refers to its conclusions in the previous compliance reports according to which this recommendation was not implemented. In response to the provisional Article 20 of the Constitution, which the authorities had introduced by Law No. 6718 of 20 May 2016, and which provided that the second sentence of the first paragraph of Article 83 would not apply for the files concerning the lifting of the parliamentary immunity of deputies which had been submitted by the Ministry of Justice, Office of the Prime Minister, the Presidency of the GNAT or Chairmanship of the Joint Committee formed by the members of the Committees on Constitution and on Justice to the authorities empowered to investigate or to allow investigation and the Chief public prosecutor's offices and court, GRECO noted that the aim of the provisional Article 20 was first and foremost to allow prosecution of those MPs whose speech was deemed to support terrorism, even if it was to apply to all files against MPs, to see their immunity lifted. Furthermore, in view of its provisional character, all files not ready at the time of entry into force of the provisional Article 20 and during the 15 days of its implementation fell back into the regular system.
30. The Turkish authorities have provided no new information in respect of this recommendation but now state that its examination is underway.
31. In the absence of any concrete developments, GRECO concludes that recommendation vi remains not implemented.

Recommendation vii.

32. *GRECO recommended (i) that the parliamentary authorities establish dedicated induction and in-service training for members of parliament on corruption prevention, conflicts of interest and ethical conduct and (ii) that a mechanism for confidential counselling be established to provide advice on ethical questions and possible conflicts of interest in relation to their functions and duties.*
33. GRECO refers to its conclusions in the previous compliance reports finding this recommendation to be partly implemented. As regards the first part of the recommendation, while GRECO noted that MPs had general access to training on matters pertaining to their duties, on a voluntary basis, in addition to access to

written material that touched upon certain issues related to their ethical conduct, it found that it fell short of the requirement of the recommendation of a dedicated induction and in-service training for MPs. As to confidential counselling, GRECO noted that the proposed Law on Ethical Conduct for Members of the GNAT would establish a mechanism (a commission) for confidential counselling, which would represent a positive step. However, the bill had not been adopted by the previous legislature and was yet to be examined by the current legislature. GRECO also noted that counselling was possible as provided by the Presidency of the GNAT, although there were relatively few counselling requests.

34. The Turkish authorities have provided no new information in respect of this recommendation but now state that its examination is underway.
35. In view of the lack of concrete progress, GRECO concludes that recommendation vii remains partly implemented.

Corruption prevention in respect of judges and/or prosecutors

Recommendation viii.

36. *GRECO recommended that determined measures be taken to strengthen the independence of the High Council of Judges and Prosecutors (HCJP) in respect of potential threats to its independence from the executive authorities and political influence.*
37. GRECO refers to its previous conclusions according to which this recommendation was not implemented. GRECO recalls that the replacement of the High Council of Judges and Prosecutors (HCJP) by the Council of Judges and Prosecutors (CJP) in 2017 and the selection of all of CJP's members by the executive and legislative powers gave rise to serious concerns that the CJP appeared to be even less independent as a body than the defunct HCJP. This development resulted in the CJP clearly not being in line with the international standard calling for at least half of the members of self-governing judicial bodies to be elected by their peers, as enshrined in the Council of Europe Committee of Ministers' Recommendation CM/Rec(2010)12. Furthermore, GRECO noted that the CJP was still chaired by the Minister of Justice and the Deputy Minister of Justice was also a member.
38. The Turkish authorities reiterate their position that the CJP is independent, as provided for in the Constitution and domestic statute. In their view, the organisation and functioning of the CJP reflects the needs of the country and does not lend itself to any external political influence. It is composed of two chambers, each of which takes decisions by a simple majority. Decisions against judges/prosecutors can be challenged against before the CJP's General Assembly.
39. GRECO repeats its previous findings that the composition of the CJP is in direct contradiction with the standards of the Council of Europe as referred to in GRECO's previous compliance reports (see paragraph 37 above) as well as GRECO's practice, which require that at least half of the members of such self-governing bodies dealing notably with the career of judges should be judges elected by their peers. As it stands, the CJP is still chaired by the Minister of Justice and the Deputy Minister of Justice is also a member, whilst none of the other members is elected by judges amongst peers.
40. GRECO concludes that recommendation viii remains not implemented.

Recommendation ix.

41. *GRECO recommended that the involvement and the responsibility of the judiciary in respect of the process of selecting and recruiting candidates to become judges/prosecutors be considerably strengthened.*
42. GRECO refers to its conclusions in the previous compliance reports finding that this recommendation was not implemented. GRECO noted that the situation had not changed more than the HCJP being replaced by the CJP in the final phase of admission of new candidates. The situation that was described in the Evaluation Report, whereby the Ministry of Justice played a leading and decisive role throughout the recruitment process remained unchanged. In particular, apart from two members of the interview committee, namely the Secretary General of the CJP and one member selected from the advisory board of the Justice Academy, the remaining five members were representatives of the Ministry of Justice. The CJP, including the Deputy Minister of Justice, led the recruitment of candidate judges and prosecutors. In this respect, given the misgivings expressed concerning the composition of the CJP, which had no members elected by judges, GRECO was concerned that the process of selecting and recruiting judges was even more under the control of the executive.
43. The Turkish authorities have provided no new information in respect of this recommendation.
44. In the absence of any new developments, GRECO concludes that recommendation ix remains not implemented.

Recommendation x.

45. *GRECO recommended that all candidates to the judiciary be subject to checks concerning their ethical conduct and integrity, based on precise and objective criteria which are open to the public and in accordance with European standards.*
46. GRECO refers to its conclusions in the previous compliance reports according to which this recommendation was partly implemented. GRECO was satisfied that some form of checks applied to candidates from academia, which was previously the reason for considering this recommendation partly implemented. However, the question remained as to whether the existing criteria for integrity checks were sufficiently precise as required by the recommendation. GRECO examined a number of regulations and found that they did not directly address the issue of integrity tests before joining the judiciary. For example, while there were provisions relating to integrity issues in the Regulation on the Principles of Ethical Conduct for Public Officials and on Procedures and Principles for Application (e.g. a provision on conflict of interest), they were addressed to public officials in general whereas GRECO had specifically enquired about criteria clarifying the notions which were used in the assessment of candidates to the judiciary, in particular those of "honour", "dignity" and "moral conduct". Lastly, GRECO examined the principles contained in the Judicial Ethics Declaration, which had been published on 6 March 2019 by the CJP, and found that they were of such a general nature that they could not qualify as precise criteria. GRECO was hopeful that the guidance of the Judicial Ethics Declaration would provide such clarifications on the notions of "honour", "dignity" and "moral conduct".
47. The Turkish authorities have provided no new information in respect of this recommendation.
48. In view of the lack of progress, GRECO concludes that recommendation x remains partly implemented.

Recommendation xi.

49. *GRECO recommended that evaluations of judges/prosecutors concerning their ethical conduct and integrity be guided by precise and objective criteria, which are open to the public and in conformity with European standards.*
50. GRECO refers to its conclusions in the previous compliance reports according to which this recommendation was not implemented. GRECO considered that the Judicial Ethics Declaration (see paragraph 46 above) provided a list of principles rather than precise and objective criteria that could serve for the regular evaluation of all judges/prosecutors as required by this recommendation. Therefore, it could not consider the Judicial Ethics Declaration as an adequate response to this particular recommendation.
51. The Turkish authorities reiterate that the Judicial Ethics Declaration provides the criteria required by this recommendation for the evaluation of judges/prosecutors and it has been put on display in courthouses. The Judicial Ethics Declaration has been referred to in CJP's decisions and procedures as well as in reports produced by the CJP's Inspection Board. Thus, on 25 September 2019 the General Assembly of the CJP gave its first recommendation, and on 30 April 2020 the CJP General Assembly made a recommendation as regards the application of the Judicial Ethics Declaration and it laid down rules and principles on its application. A social media user's guide has been drafted for judges and prosecutors with a view to providing ethical guidance to judges and prosecutors on the use of social media.
52. GRECO recalls that the purpose of this recommendation is the establishment of precise and objective criteria for the evaluation of judges/prosecutors, which should be known to the public. This is not synonymous with an instrument of judicial ethics such as the Judicial Ethics Declaration, which GRECO previously found to lack precise and objective criteria for the evaluation of judges/prosecutors. GRECO sees no circumstances warranting a change of its prior conclusion. The authorities have not provided any additional documents in support of their position.
53. GRECO concludes that recommendation xi remains not implemented.

Recommendation xii.

54. *GRECO recommended (i) that the security of tenure for judicial officeholders be considerably strengthened, by reducing the possibility to transfer judges/prosecutors against their will, that such processes be guided by objective criteria and subject to a review mechanism (appeal); and (ii) that the powers of the Ministry of Justice to intervene in the process concerning temporary assignments be abolished.*
55. GRECO refers to its conclusions in the previous compliance reports according to which this recommendation was not implemented. As regards the first part of this recommendation, GRECO noted the role played by the CJP in deciding to transfer judges and prosecutors from one judicial district to another, whilst also acting as an appeal body in these matters. GRECO reiterated its misgivings about the new composition of the CJP and the negative impact on the independence and impartiality of what was meant to be the body governing careers in the judiciary. As to the second part of the recommendation, GRECO took note of the information whereby work had reportedly started on amending the relevant law with a view to abolishing the possibility for the Minister of Justice of transferring judges against their will. While this was a step in the right direction, GRECO also noted with concern once more that the Minister of Justice was well represented in the CJP.

56. The Turkish authorities reiterate their position regarding the power of the CJP to rotate judges/prosecutors from one jurisdiction to another as well as the possibility to have the decision reviewed by the relevant Chamber of CJP and, subsequently, the CJP General Assembly at the request of the concerned judge/prosecutor.
57. GRECO notes that there has been no change to the situation since the Second Interim Compliance Report, and refers to its previous findings. It considers that the first part of the recommendation has still not been implemented. As to the second part of the recommendation, the authorities have provided no new information as regards the possibility to abolish the powers of the Minister of Justice to intervene in the process concerning temporary assignments. It thus notes that this part of the recommendation has not been implemented.
58. GRECO concludes that recommendation xii remains not implemented.

Recommendation xiii.

59. *GRECO recommended (i) that a code of ethics be established for the particular functions of judges, including practical examples offering adequate guidance on conflicts of interest and other integrity related matters (gifts, recusal, third party contacts and handling of confidential information etc.) and (ii) that it be made accessible to the public and used in the training of all categories of judges.*
60. GRECO refers to its conclusion in the Second Interim Compliance Report that this recommendation was partly implemented. It took note of the adoption of the Judicial Ethics Declaration which had brought together general principles around notions such as respect for human rights, independence, impartiality, propriety, confidentiality, etc. GRECO observed that these principles were relevant but rather general and abstract and that a number of important issues were not tackled in one place but spread out over several principles, in particular the notions of conflict of interest and contact with third parties which were not clearly defined. Furthermore, the Judicial Ethics Declaration did not deal with recusals in situations of conflict of interest, contrary to what had been announced and was required by the recommendation. Lastly, the Judicial Ethics Declaration did not take into account the specificities of each profession, i.e. judges and prosecutors, and all principles applied to both without distinction, whereas the functions of judges and prosecutors are very different by nature. GRECO hoped that any guidance on this Declaration would be practical and concrete enough, distinctions being made between judges and prosecutors.
61. The Turkish authorities have provided no new information as to the content of the Judicial Ethics Declaration.
62. In view of the lack of progress, GRECO concludes that recommendation xiii remains partly implemented.

Recommendation xv.

63. *GRECO recommended (i) that the system of disciplinary proceedings against judges and prosecutors be subject to an in-depth evaluation aiming at establishing a process guided by objective criteria without undue influence from the executive powers and (ii) that this process, measures and sanctions be subject to review by judicial authorities.*
64. GRECO refers to its conclusions in the Second Interim Compliance Report that this recommendation was partly implemented. As regards the first part of the recommendation, GRECO noted that no in-depth evaluation of the system of disciplinary proceedings against judges and prosecutors with a view to establishing a

process guided by objective criteria without undue influence from the executive powers, notably the Minister of Justice, was undertaken. In addition, the Minister of Justice was to be involved in the process before commencing any disciplinary proceedings. As to the second part of the recommendation, GRECO noted that an appeal against dismissal decisions was possible before the Council of State under normal rules, which was in line with that part of the recommendation. However, GRECO noted with concern that no possible appeal lay against summary dismissals of judges and prosecutors by the CJP General Assembly, the powers of which for such dismissals had been extended until July 2021, if it was suspected that judges and prosecutors were members of a criminal organisation or had contacts with it. In this context, GRECO further repeated its misgivings about the composition of the CJP.

65. The Turkish authorities now indicate that, in accordance with the Law no. 7075, adopted on 1 February 2018 and published in the Official Gazette on 8 March 2018, the Council of State would act as court of first instance responsible for examining appeals lodged against summary dismissals of judges and prosecutors, provided that the appeals would be lodged within 60 days of the date on which the summary dismissal decisions had become final. They further provide that Law no. 7333 of 18 July 2021 extended the powers of the CJP's General Assembly to order summary dismissals of judges and prosecutors who are suspected of being members of, affiliated or related to a terrorist organisation, until 31 July 2022.
66. As regards the first part of the recommendation, in the absence of any concrete development, GRECO considers that it remains not implemented. Concerning the second part of the recommendation, in view of the new information provided by the authorities, GRECO notes that appeals to the Council of State are possible for ordinary and summary dismissal decisions. Therefore, GRECO finds that the second part of the recommendation has been implemented satisfactorily, although it regrets that the possibility for the CJP's General Assembly to order summary dismissals of judges and prosecutors has been extended for a further year.
67. GRECO concludes that recommendation xv remains partly implemented.

Recommendation xvi.

68. *GRECO recommended that the power of the Minister of Justice to grant permission for the lifting of functional immunity of judges and prosecutors be transferred to the judiciary (e.g. a panel of high-ranking judges or the High Council of Judges and Prosecutors - HCJP) and that the legislation be made clear to that end.*
69. GRECO noted in its previous compliance reports that this recommendation was not implemented. It considered that the authorities had not made any changes in the role of the Minister of Justice, as President of the CJP, in granting permission for the lifting of functional immunity of judges and prosecutors. GRECO reiterated the concerns about the composition of the CJP and its impact on its independence were also of importance in the context of this recommendation.
70. The Turkish authorities have not provided any updated information in respect of this recommendation.
71. In view of the lack of any new developments, GRECO concludes that recommendation xvi remains not implemented.

Recommendation xvii.

72. *GRECO recommended that the organisational links between the executive authorities and the Justice Academy be reviewed in order to strengthen the involvement of the judiciary as the main interlocutor of the Academy.*
73. GRECO refers to its conclusions in the previous compliance reports according to which this recommendation was not implemented. In the Second Interim Compliance Report, GRECO welcomed the re-establishment of the Justice Academy - which had been dissolved - as a body separate from the Ministry of Justice, further noting that the legal basis for its establishment was a presidential decree rather than a law therefore undermining its full independence from the executive from the outset. GRECO underlined that such a legal basis bound the Justice Academy's very existence to the executive's goodwill. In addition, GRECO noted that, according to Presidential Decree No. 34 of 2 May 2019 establishing the Justice Academy, the President of the Academy was to be appointed by the President of the Republic, and the Advisory Board was presided by the Deputy Minister of Justice while the Minister of Justice appointed three members of the Advisory Board from amongst the senior officials of the Ministry of Justice. This showed the continued influence of the executive over the Justice Academy. Consequently, it could not consider the situation as an improvement in view of the requirements of the recommendation.
74. The Turkish authorities reiterate their position that the Justice Academy is independent and free from the influence of the executive. The Justice Academy is composed of the Presidency and the Advisory Board. The Presidency comprises the President and the heads of departments. The President is a first category judge who is appointed by the President of the Republic and eligible for appointment to the Court of Cassation. Four departments and six academic centres serve under the Presidency. Judges and prosecutors who have eight years of professional experience may work as full-time members of the Justice Academy. The authorities reiterate the detailed composition of the Advisory Board which was described in the Second Interim Compliance Report (paragraph 93). In addition, they indicate that an Academics Board, which is composed of nine independent academic experts, has been set up to work for the provision of pre-vocational training. They also point to the Action Plan on Human Rights which states that "the Justice Academy will be restricted on the basis of pluralist, participatory and transparent norms, and its independence will be strengthened".
75. GRECO notes that, in spite of repeated information relating to the organisation of the Justice Academy provided by the authorities, the legal basis for the establishment of the Justice Academy remains the same and it binds the Academy's existence to a decision of the President of the Republic. It further notes that there have been no changes to the appointment of the leadership of the Academy, which continues to be controlled by the Executive. Thus, the President of the Academy is appointed by the President of the Republic, the chairmanship of the Advisory Board is presided over by the Deputy Minister of Justice and the appointment of some of its members is made by the Minister of Justice. The employment of administrative and technical staff members does not diminish the influence that the Executive continues to have over the management and leadership of the Justice Academy as well as over the development of the training programme. GRECO underlines the views expressed in the Evaluation Report that "the Justice Academy should preferably be seen as an arm of the judiciary and the Ministry's involvement be limited to a minimum concerning administrative matters, if at all" (paragraph 196).
76. GRECO concludes that recommendation xvii remains not implemented.

Recommendation xviii.

77. *GRECO recommended that the special in-service training developed for judges and prosecutors be extended to include regular training on corruption prevention and judicial ethics in line with ethical norms and codes of conduct yet to be established in respect of these two distinct professions.*
78. GRECO refers to its conclusions in the Second Interim Compliance Report that this recommendation was partly implemented. GRECO welcomed the progress that had been made by regularly holding lectures on the Judicial Ethics Declaration and integrity issues to both judges and prosecutors. However, it considered that for the recommendation to be fully implemented, practical training for each profession had to be more specific and updated on the basis of the future guidance to be adopted regarding the Judicial Ethics Declaration.
79. The Turkish authorities now report that a Personal Improvement Training Centre has been set up within the Justice Academy in order to provide candidate judges and prosecutors with ethics training and increase their knowledge, skills and competence in that area. Training is delivered to candidate judges and prosecutors as part of the preparatory training programme and at the final stage, the latter being specific to each profession. The course on Judicial Ethics is delivered subsequent to candidates selecting their future profession, as it is accompanied by examples specific to each profession. In addition, judicial ethics is addressed in detail during courses relating to "Disciplinary procedures of judges and public prosecutors" and the "International Convention Against Corruption" which are delivered as part of the curriculum of the Justice Academy.
80. GRECO takes note of the information provided by the authorities. It welcomes the fact that ethics trainings are being conducted with reference to the specificities of each profession at the final stage of the training programme. However, GRECO has not been made aware of any explanatory guidance adopted regarding the Judicial Ethics Declaration, which should serve as a basis for tailor-made regular in-service training in respect of each profession (i.e. not only for candidates but also serving judges and prosecutors).
81. GRECO concludes that recommendation xviii remains partly implemented.

Recommendation xxi.

82. *GRECO recommended (i) that a code of ethics be established for the particular functions of prosecutors, including practical examples offering adequate guidance on, specifically, conflicts of interest and other integrity related matters (gifts, recusal, third party contacts and handling of confidential information etc.) and (ii) that it be made accessible to the public and be used in the training of all categories of prosecutors.*
83. GRECO refers to its conclusion in the Second Interim Compliance Report according to which this recommendation was partly implemented. GRECO welcomed the adoption and publication of the Judicial Ethics Declaration. However, it regretted that contrary to what was previously announced there were no specific provisions for prosecutors that would take into account the particularities of their profession. Furthermore, the Judicial Ethics Declaration did not deal with recusals in situations of conflict of interest. Moreover, the principles contained in the declaration were rather abstract and the notion of conflict of interest was not clearly defined but touched upon in several provisions. Finally, guidance was still being developed. In this respect, considering the very general nature of the principles contained in the declaration (for instance regarding gifts) and the fact that they did not distinguish

between the professions of judge and prosecutor, GRECO considered it crucial that such guidelines, if they were to be truly practical and efficient, ought to contain concrete examples which would be adapted to the daily exercise of prosecutorial functions.

84. The Turkish authorities have provided no new information in respect of this recommendation.
85. In view of the lack of progress, GRECO concludes that recommendation xxi remains partly implemented.

Recommendation xxii.

86. *GRECO recommended (i) that clear rules/guidelines on recusal be developed in respect of public prosecutors, including an obligation to report such situations within the hierarchical structure of the prosecution service; and (ii) that measures to address a prosecutor's failure to adhere to such standards are ensured.*
87. GRECO refers to its conclusions in the previous compliance reports according to which this recommendation was partly implemented. In the Second Interim Compliance Report, GRECO regretted that, contrary to what had been previously announced, the Judicial Ethics Declaration did not deal with recusal in situations of conflict of interest. It did not set out a legal obligation that would require prosecutors to declare whether they had an interest in a case they were investigating and were to withdraw from the case, but only that the Chief Public Prosecutor had the power to remove a prosecutor from a case, *inter alia*, if s/he became acquainted with circumstances where there was a conflict of interest concerning the prosecutor in charge of a case, which the prosecutor might bring to his/her attention or the parties to the file dealt with by the said prosecutor. GRECO considered that there was a need for clear rules on recusal in respect of public prosecutors, notably setting out a requirement to report such situations within the hierarchical structure of the prosecution service and spelling out sanctions in case of breach.
88. The Turkish authorities have provided no new information in respect of this recommendation.
89. In view of the lack of progress, GRECO concludes that recommendation xxii remains partly implemented.

III. CONCLUSIONS

90. **In view of the foregoing, GRECO concludes that the level of implementation remains the same as in the previous report. Türkiye has implemented satisfactorily or dealt with in a satisfactory manner three of the twenty-two recommendations contained in the Fourth Round Evaluation Report.** Of the remaining recommendations, nine have been partly implemented and ten have not been implemented.
91. More specifically, recommendations xiv, xix and xx have been implemented satisfactorily, recommendations iii, iv, vii, x, xiii, xv, xviii, xxi and xxii have been partly implemented and recommendations i, ii, v, vi, viii, ix, xi, xii, xvi and xvii not been implemented.
92. With respect to members of parliament, no tangible progress has been made to implement GRECO's recommendations since the adoption of the Second Interim Compliance Report. GRECO regrets the fact that no developments have been reported since the Evaluation Report. The draft Law on Ethical Conduct for Members of

Parliament was not examined by the previous legislature and has yet to be tabled in the current legislature. Moreover, as noted previously by GRECO, this proposed law was a framework text that lacked sufficient detail on a number of relevant issues (e.g. gifts, *ad hoc* disclosure of conflict of interest, verification and publicity of asset declarations, etc.). Furthermore, as already underlined in the Compliance Report, a number of shortcomings highlighted in the Evaluation Report remain to be addressed, including the need to enhance the transparency of the legislative process, by laying down rules on public consultations in the legislative process and the lack of measures to ensure MPs' integrity (e.g. a permanent confidential counselling mechanism and operational induction and in-service training on parliamentary ethics).

93. Insofar as judges and prosecutors are concerned, the Judicial Ethics Declaration covers both judges and prosecutors without distinction. However, as previously noted by GRECO, it covers a number of general principles but is rather abstract; it needs to be accompanied by guidance that takes into account the specificities of the distinct functions of judges and prosecutors and provides concrete examples relevant to each profession, preferably in separate documents. There is no clear definition of conflicts of interest, and rules on gifts and contacts with third parties need to be significantly developed. Moreover, the issue of recusals has been left out of the Judicial Ethics Declaration, contrary to what was previously announced.
94. As stated previously, the underlying reasons for GRECO's recommendations remain the fundamental structural changes which have weakened judicial independence and also led the judiciary to appear even less independent from the executive and political powers than at the time of the adoption of the Evaluation Report. As underlined by GRECO in its previous reports, the fact that the newly established Council of Judges and Prosecutors (CJP) – replacing the former High Council of Judges and Prosecutors (HCJP) – is made up of members appointed by the President of the Republic and the GNAT and that none are elected by judges and prosecutors themselves, runs counter to European standards of an independent self-governing body of the judiciary. Furthermore, the executive has kept a strong influence on a number of key matters regarding the running of the judiciary: the process of selecting and recruiting candidate judges and prosecutors; reassignments of judicial officeholders against their will; disciplinary procedures; and training of judges and prosecutors. As regards the training of judges and prosecutors, lectures on the Judicial Ethics Declaration have started and more practical training is provided for candidate judges and prosecutors. GRECO however reiterates that similarly serving judges and prosecutors should be provided with practical and differentiated training for each profession based on guidance of the Judicial Ethics Declaration.
95. In the light of the foregoing, GRECO concludes that the current level of compliance with the recommendations remains "globally unsatisfactory" within the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure.
96. In application of paragraph 2.i) of Rule 32 of the Rules of Procedure, GRECO asks the head of the Turkish delegation to provide a report on measures taken to implement the outstanding recommendations (namely recommendations i to xiii, xv to xviii, xxi and xxii) by 31 March 2023 at the latest.
97. In addition, in accordance with Rule 32, paragraph 2, sub-paragraph (ii) (c), GRECO invites the Secretary General of the Council of Europe to send a letter to the Minister of Foreign Affairs of Türkiye, drawing his attention to non-compliance with the relevant recommendations.
98. Finally, GRECO invites the authorities of Türkiye to authorise, as soon as possible, the publication of the report, to translate it into the national language and to make this translation public.