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FOURTH EVALUATION ROUND

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

FOURTH *INTERIM* COMPLIANCE REPORT

TÜRKIYE

Adopted by GRECO at its 94th Plenary Meeting
(Strasbourg, 5-9 June 2023)

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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".
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 had been partly implemented and ten had not been implemented. GRECO concluded that the current level of compliance with the recommendations remained "globally unsatisfactory".
5. In the [Third Interim Compliance Report](#), adopted by GRECO at its 90th plenary meeting (25 March 2022), GRECO concluded that that the level of compliance with the recommendations remained "globally unsatisfactory". 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 March 2023 at the latest. That report, submitted on 17 April 2023, forms the basis of this report.
6. This [Fourth Interim Compliance Report](#) assesses the further implementation of the outstanding recommendations since the adoption of the Third Interim Compliance Report and performs an overall appraisal of the level of Türkiye's compliance with these recommendations.
7. GRECO selected the Netherlands (in respect of parliamentary assemblies) and Croatia (in respect of judicial institutions) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Ms Beatrice Keunen, on behalf of the Netherlands, and Mr Mladen Bručić Matic, on behalf of Croatia. They were assisted by GRECO's Secretariat in drawing up this Report.

II. ANALYSIS

8. GRECO addressed 22 recommendations to Türkiye in its Evaluation Report. In the Third Interim Compliance Report, GRECO concluded that three recommendations (xiv, xix and xx) had been implemented satisfactorily, nine recommendations (iii, iv, vii, x, xiii, xv, xviii, xxi and xxii) had been partly implemented and ten recommendations (i, ii, v, vi, viii, ix, xi, xii, xvi and xvii) had not been implemented. Compliance with the outstanding recommendations is dealt with below.

Corruption prevention in respect of members of parliament

Recommendation i to vii

9. 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 (recommendation i);*
- *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.) (recommendation ii);*
- *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 (recommendation iii);*
- *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 (recommendation iv);*
- *(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) (recommendation v);*
- *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 (recommendation vi);*
- *(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 (recommendation vii);*

10. GRECO recalls that recommendations i, ii, v and vi were not implemented and recommendations iii, iv and vii were partly implemented in the Third Interim Compliance Report.

11. The Turkish authorities have provided no further information as to the progress of implementation of these recommendations but indicate that their examination continues.

12. In the absence of any concrete developments, GRECO concludes that recommendations i, ii, v and vi remain not implemented and recommendations iii, iv and vii remain partly implemented.

Corruption prevention in respect of judges and/or prosecutors

Recommendation viii

13. *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.*
14. GRECO recalls that this recommendation was not implemented in previous compliance reports. In the Third Interim Compliance Report, GRECO repeated its previous findings that the composition of the Council of Judges and Prosecutors (CJP) is in direct contradiction with the standards of the Council of Europe 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 are elected by judges amongst peers.
15. The Turkish authorities provide no new information in relation to this recommendation.
16. GRECO concludes that recommendation viii remains not implemented.

Recommendation ix

17. *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.*
18. GRECO recalls that this recommendation was not implemented in previous reports. 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. 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.
19. The Turkish authorities have provided no new information in respect of this recommendation.
20. GRECO concludes that recommendation ix remains not implemented.

Recommendation x

21. *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.*
22. It is recalled that this recommendation was partly implemented in previous compliance reports. 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.

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

Recommendation xi

25. *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.*
26. GRECO recalls that this recommendation was not implemented in the previous compliance reports. GRECO stressed that the purpose of this recommendation is the establishment of precise and objective criteria for the evaluation of judges/prosecutors, which is not synonymous with an instrument of judicial ethics such as the Judicial Ethics Declaration, adopted in 2019. GRECO previously found the Judicial Ethics Declaration to lack precise and objective criteria for the evaluation of judges/prosecutors.
27. The Turkish authorities reiterate that the Judicial Ethics Declaration, which lists a series of principles and ethical values, is the reference document of the CJP for evaluating the ethical conduct of judges and prosecutors. This text is available online,¹ has been disseminated among judges and prosecutors and put on display in courthouses. The authorities also refer to the recommendation on the application of the Judicial Ethics Declaration adopted by the CJP General Assembly on 30 April 2020, which specifies the process of the handling of and deciding on applications and violation allegations on ethical rules. When there is a hesitation in the application of the above principles, judges and prosecutors may resort to the CJP for consultation to prevent violation of such principles. In addition, the authorities indicate that Guidelines on the use of social media within the scope of the Judicial Ethics Declaration were adopted by the CJP General Assembly on 8 March 2022. Ethical behaviour patterns to be displayed by judges and prosecutors on social media and digital platforms are explained in detail by providing concrete examples.
28. GRECO takes note of the information provided by the authorities, which mostly reflects the information already presented in previous compliance reports. It regrets that the authorities once again refer to the Judicial Ethics Declaration of 2019, which GRECO already assessed as not being an adequate response to this particular recommendation. GRECO notes that, for its implementation, the Declaration has been supplemented by recommendations of the CJP General Assembly as well as Guidelines on the use of social media, which certainly have some added value. However, GRECO reiterates that the introduction of precise and objective criteria for the evaluation of judges/prosecutors is different from a judicial code, which deals first and foremost with standards of conduct. Moreover, terminology such as "honour", "honesty" and "trust" are vague and need to be more precise and objective in order to protect judges/prosecutors from arbitrary assessments (see also paragraph 140 of the Evaluation Report). The authorities may find various sources of

¹ In Turkish: <https://www.hsk.gov.tr/Eklentiler/Dosyalar/41eaeb89-7c48-44ac-b3de-575ee357691c.pdf> and in English (Declaration of Ethics for Turkish Judiciary): <https://www.cjp.gov.tr/judicial-ethics>

inspiration useful when developing criteria that can serve for the regular internal evaluation of judges and prosecutors.²

29. GRECO concludes that recommendation xi remains not implemented.

Recommendation xii

30. *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.*
31. GRECO recalls that this recommendation was not implemented in previous compliance reports. In the Third Interim Compliance Report, GRECO noted that there had been no change to the situation and considered that the first part of the recommendation had still not been implemented. As to the second part of the recommendation, the authorities had 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.
32. The Turkish authorities now explain that the system of appointment and transfer of judges and prosecutors has been created to take into account the specific geographical features of the country. Due to the disparity between regions (economic, social and cultural conditions, health, transportation etc.), some provinces are more likely to be requested by judicial officeholders than others. Therefore, in order not to disrupt the stability of work and the principle of equality, an absolute geographical guarantee cannot be ensured.
33. At the same time, the authorities acknowledge that appointment decisions should be subjected to a possibility of re-examination/ examination upon objection. Such decisions are within the remit of the First Chamber of the CJP and the General Assembly of the CJP. The authorities indicate that, in 2021, 540 requests for re-examination were made, of which 106 were accepted and 434 rejected. In 2022, 823 requests for re-examination were made, of which 121 were accepted and 702 rejected.
34. The authorities also report that the Action Plan on Human Rights of March 2021 provides that a guarantee is to be introduced to ensure that judges and prosecutors serving at regional courts of appeal or regional administrative courts are not appointed to first-instance courts without their requests or in the absence of any disciplinary investigation in their respect. Furthermore, the Action Plan also indicates that the region-based appointment system of judges is to be revised with a view to preventing frequent change of judges during judicial processes; a geographical guarantee is also to be provided for judges and prosecutors and the security of tenure of judgeship to be strengthened.
35. GRECO takes note of the explanations given by the authorities regarding the region-based appointment system of judges. It also notes that requests for re-examination of appointments decisions are regularly examined by the CJP. However, GRECO recalls that its misgivings mainly concerned the new composition of the CJP and its

² The [Opinion n°1 \(2001\)](#) of the Consultative Council of European Judges (CCJE) on standards concerning the independence of the judiciary and the irremovability of judges states that promotions within the judiciary need to rely on objective criteria like capacity, integrity and experience. The European Network of Councils for the Judiciary in its [2012-2013 report](#) recommends exhaustive evaluation criteria that integrate quantitative and qualitative indicators. See also [Opinion n°17 \(2014\)](#) of the CCJE on the evaluation of judges' work, the quality of justice and respect for judicial independence.

role in deciding to transfer judges and prosecutors from one judicial district to another, whilst also acting as an appeal body in these matters. As there does not appear to be any change in this respect, GRECO cannot consider the first part of this recommendation implemented. As to the second part of the recommendation, GRECO notes that the Action Plan on Human Rights states that the provision allowing the Minister of Justice to temporarily assign judges to a different jurisdictional zone is to be repealed. This would represent a positive development, which would also respond to the recommendation. In the meantime, the second part of the recommendation cannot be considered as fulfilled yet.

36. GRECO concludes that recommendation xii remains not implemented.

Recommendation xiii

37. *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.*
38. It is recalled that this recommendation was partly implemented in the Second Interim Compliance Report, following 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. In the absence of new information as to the content of the Judicial Ethics Declaration, this recommendation remained partly implemented in the Third Interim Compliance Report.
39. The Turkish authorities now report that a concrete rule as regards gifts is to be found in Article 7.9 of the Judicial Ethics Declaration. Furthermore, the decision adopted on 25 September 2019 by the General Assembly of the CJP by virtue of its advisory function gave some guidance regarding the implementation of the Declaration. The authorities also submit that Chapter 6 of the Declaration is devoted to privacy and contains rules regarding the protection of confidential information in six sub-articles, while Chapter 4 deals with integrity and consistency in seven sub-articles. Situations of conflict of interest is regulated in the procedural laws for first instance courts.³ As far as members of the Council of Judges and Prosecutors are concerned, Articles 40 and 41 of the Law No. 6087 on the CJP regulate in detail the cases of recusal such as inability to try the case or withdrawal from the case. The authorities indicate in this respect that, as the matters covered by the recommendation are subject to legal protection in the justice system of Türkiye, it is considered that detailed regulations are not needed separately from the Judicial Ethics Declaration. Lastly, the authorities underline that, whereas the rules in the Declaration cover judges and prosecutors, examples of practice are provided separately to candidates for judges and prosecutors in pre-vocational training, and to judges and prosecutors in vocational

³ Civil Procedure Code No. 6100, Criminal Procedure Code No. 5271 and Code of Procedure of Administrative Justice No. 2577.

training, by trainers with a background in the professions of judges and prosecutors, specifically for each professional group.

40. GRECO takes note of the position of the authorities, who consider that there is no need of additional regulations on judicial conduct. While the Judicial Ethics Declaration contains some relevant rules, GRECO reiterates that practical guidance and more details are still needed on topics such as conflicts of interest and contacts with third parties, as required by the first part of the recommendation. That said, GRECO notes with satisfaction that the Judicial Ethics Declaration has been made accessible to the public and is used in the training of judges. It therefore encourages the authorities to develop further guidance regarding the Judicial Ethics Declaration, taking into account the specificities of the profession of judges, to fully implement the recommendation. This should include practical advice on how to identify and manage situations of conflict of interest as well as on other integrity related matters, with real-life examples of situations that may arise.
41. GRECO concludes that recommendation xiii remains partly implemented.

Recommendation xv

42. *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.*
43. GRECO recalls that this recommendation was partly implemented in the Second Interim Compliance Report. 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. In the Third Interim Compliance Report, GRECO considered that the first part of the recommendation remained not implemented in the absence of any concrete development. Concerning the second part of the recommendation, GRECO noted that appeals to the Council of State are possible for ordinary and summary dismissal decisions. Therefore, GRECO concluded that the second part of the recommendation had been implemented satisfactorily, although it regretted that the possibility for the CJP's General Assembly to order summary dismissals of judges and prosecutors had been extended for a further year.
44. The Turkish authorities now submit that disciplinary proceedings initiated by the CJP against judges and public prosecutors are based on objective criteria. They refer to Article 144 ("Supervision of judicial services") and Article 159 ("Council of Judges and Prosecutors") of the Turkish Constitution, which list the competences of the CJP regarding disciplinary proceedings against judges and prosecutors. The authorities also refer to several provisions of the Law no. 6087 on the Council of Judges and Prosecutors of 11 December 2010, spelling out the rules and procedure to be followed.
45. The authorities indicate that, within the framework of the aforementioned legislation, a disciplinary procedure starts with an application/complaint transmitted to the CJP. These denunciations and complaints are then examined by rapporteur judges and put on the agenda of the First Chamber of the CJP, which is composed of six members. When the Chamber concludes that an application meets the conditions stipulated by the law (Article 97), the content of the complaint is examined and, with

the absolute majority of the Chamber's members, a proposal is made to discontinue the examination of the complaint, grant permission to inspect or grant permission to investigate in view of the gravity and seriousness of the complaint. The President of the CJP has to give his/her approval for the proceedings to be conducted. Eventually, when permission is granted for search, inspection or investigation, the relevant documents are referred to the CJP inspector or the senior judiciary member appointed as investigator, who is to draft a report which includes an opinion as to whether it is necessary or not to grant permission for investigation and whether or not the act(s) necessitate(s) to grant permission for criminal prosecution. The documents are then returned to the First Chamber of the CJP, put on its agenda and discussed again in the light of the report of the inspector or investigator. If it is decided to grant permission for investigation, the file is referred to the Second Chamber of the CJP for consideration and necessary action. Once the disciplinary investigation phase is concluded by the Second Chamber, a disciplinary sanction can be imposed or the file can be closed.

46. The authorities add that there is a possibility to request the review of decisions and to raise objection at the different stages of the procedure. They also state that the President of the CJP (the Minister of Justice) cannot attend plenary meetings concerning disciplinary procedures and is not involved in the work of the two Chambers concerned. The relevant Deputy Minister of Justice serves as a member of the First Chamber which does not deal with disciplinary proceedings.
47. GRECO takes note of the information provided by the authorities, who mostly refer to the arguments already presented in previous compliance reports, including the applicable provisions under the Law on the Council of Judges and Prosecutors. GRECO notes that nothing new has been reported in addition to what was already presented in previous reports. No legislative changes have occurred since then. GRECO furthermore notes that the Minister of Justice, as President of the CJP, although not involved in the disciplinary proceedings per se, is still to give his/her approval for such proceedings to be conducted. This does not address the first part of the recommendation. As for the second part of the recommendation, GRECO recalls that it considered that it had been complied with in its previous report.
48. Therefore, GRECO concludes that recommendation xv remains partly implemented.

Recommendation xvi

49. *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.*
50. GRECO noted in its previous compliance reports that this recommendation was not implemented. It considered that the authorities had not made any changes to the role of the Minister of Justice, as President of the CJP, in granting permission for the lifting of the 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.
51. The Turkish authorities have not provided any updated information in respect of this recommendation.
52. In view of the lack of any new developments, GRECO concludes that recommendation xvi remains not implemented.

Recommendation xvii

53. *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.*
54. It is recalled that this recommendation was not implemented in the previous compliance reports. In the Third Interim Compliance Report, GRECO noted that the legal basis for the establishment of the Justice Academy remained the same and bound the Academy's existence to a decision of the President of the Republic. It further noted that there had 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.
55. The Turkish authorities have provided no new information in respect of this recommendation.
56. In view of the lack of progress, GRECO concludes that recommendation xvii remains not implemented.

Recommendation xviii

57. *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.*
58. GRECO recalls that this recommendation was partly implemented in the Second and Third Interim Compliance Reports. In the Third Interim Compliance Report, GRECO welcomed the fact that ethics trainings were being conducted with reference to the specificities of each profession at the final stage of the training programme. However, GRECO had 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).
59. The Turkish authorities now indicate that, within the scope of the Judicial Ethics Declaration, work to prepare practical guidelines for judges and prosecutors has been completed and presented for the consideration of the CJP plenary meeting.
60. GRECO takes note of the information provided by the authorities. It welcomes that work has started in order to provide further guidance to judges and prosecutors regarding the Judicial Ethics Declaration, which has been GRECO's long-standing recommendation. GRECO is looking forward to receiving more information on the progress made in this respect.
61. GRECO concludes that recommendation xviii remains partly implemented.

Recommendation xxi

62. *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.

63. GRECO recalls that this recommendation was partly implemented in the Second and Third Interim Compliance Reports. In the Second Interim Compliance Report, 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. 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. No new information was submitted in the Third Interim Compliance Report.
64. The Turkish authorities reiterate that, within the scope of the Judicial Ethics Declaration, work to prepare practical guidelines for judges and prosecutors has been completed and presented for the consideration of the CJP plenary meeting (see recommendation xviii above). The authorities also indicate that, whereas the rules in the Judicial Ethics Declaration cover judges and prosecutors, examples of practice are provided separately to candidates for judges and prosecutors in pre-vocational training, and to judges and prosecutors in vocational training, by trainers with a background in the professions of judges and prosecutors, specifically for each professional group.
65. GRECO reiterates that the adoption of guidelines for prosecutors on the implementation of the Judicial Ethics Declaration would be a step in the right direction. Such guidelines should include practical advice and be adapted to the daily exercise of prosecutorial functions. In the meantime, GRECO cannot conclude that this recommendation has been more than partly complied with.
66. GRECO concludes that recommendation xxi remains partly implemented.

Recommendation xxii

67. *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.*
68. GRECO recalls that this recommendation was partly implemented in the previous compliance reports. 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 might be brought to his/her attention by the prosecutor or the parties to the file dealt with by the said prosecutor. No new information was submitted in the Third Interim Compliance Report.
69. The Turkish authorities have provided no new information in respect of this recommendation.

70. In view of the lack of progress, GRECO concludes that recommendation xxii remains partly implemented.

III. CONCLUSIONS

71. **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.
72. 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 have not been implemented.
73. With respect to members of parliament, none of the recommendations contained in the Fourth Round Evaluation Report have been fully implemented. GRECO regrets that no new information was provided as regards the implementation of these recommendations, in particular the state of play of the draft Law on Ethical Conduct for Members of Parliament and the verification of asset declarations by MPs. Other shortcomings which remain to be addressed include the need to enhance the transparency of the legislative process and measures to ensure MPs' integrity (e.g. a permanent confidential counselling mechanism and operational induction and in-service training on parliamentary ethics). The authorities are urged to take action on all these important issues.
74. Regarding judges and prosecutors, three recommendations have been implemented satisfactorily or dealt with in a satisfactory manner. GRECO notes that practical guidelines for judges and prosecutors are to supplement the Judicial Ethics Declaration, which would be a positive development. GRECO reiterates that this guidance should take into account the specificities of the distinct functions of judges and prosecutors and provide concrete examples relevant to each profession, preferably in separate documents. GRECO underlines that some concrete steps, such as defining precise and objective evaluation criteria for the ethical conduct and integrity of judges and prosecutors, could be taken without further delay. At the same time, more substantial changes are also needed for GRECO's recommendations to be fully implemented, notably to limit the role and influence of the executive on a number of key matters regarding the running of the judiciary. GRECO notes that no measures were taken so far to change the composition of the Council of Judges and Prosecutors (CJP), which remains not in line with European standards. Transfers of judicial officeholders against their will is also an issue which needs to be urgently addressed.
75. 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.
76. 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 30 June 2024 at the latest.
77. In addition, in accordance with Rule 32, paragraph 2, sub-paragraph (iii), GRECO requests the authorities of Türkiye to receive a high-level mission in order to discuss

on the spot with all stakeholders concerned ways to expedite the legislative and policy changes highlighted by this Report.

78. 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.