



This Project is co-funded by the European Union, the Republic of Türkiye and the Council of Europe.  
Bu Proje, Avrupa Birliği, Türkiye Cumhuriyeti ve Avrupa Konseyi tarafından birlikte finanse edilmektedir.



# Road Map for an Improved Administrative Justice System 2020-2023 Recommendations 2023-2026



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









# **Road Map for an Improved Administrative Justice System 2020-2023**

## **Recommendations 2023-2026**

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

May 2023

**This Road Map for an Improved Administrative Justice System (2020-2023) Recommendations (2023-2026)** has been prepared in the framework of the Joint Project on Improving the Effectiveness of Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State. The Project is co-funded by the European Union, Republic of Turkey and the Council of Europe 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.

The original Road Map was produced in English by international consultant of the Council of Europe, Mr. Ray Burningham. This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of the author Mr Ray Burningham and do not necessarily reflect the views of the European Union.

Its contents are the sole responsibility of the author and do not necessarily reflect the views of the European Union, the Council of Europe or Republic of Turkey.

The Report was translated into Turkish and this translation is published by arrangement with the Council of Europe, but under the sole responsibility of the translator. Turkish edition: [İdari Yargının İyileştirilmesi İçin Yol Haritası]

All rights reserved. No part of this publication may be translated, reproduced or transmitted, in any form or by any means, electronic (CD-Rom, internet, etc.) or mechanical, including photocopying, recording or any information storage or retrieval system, without prior permission in writing from the Directorate of Communication (F-67075 Strasbourg Cedex or publishing@coe.int).

Cover photos: Shutterstock

Cover design and layout: Kurtuluş Karaşın

© Council of Europe, May 2023

Printed at:  
Tam Pozitif Reklamcılık ve  
Matbaacılık İç ve Dış Tic. Ltd. Şti.



# CONTENTS

<b>PREFACE</b>	<b>5</b>
<b>INTRODUCTION</b>	<b>7</b>
<b>JUDICIAL REFORM STRATEGY FOR TURKEY 2019 - 23</b>	<b>8</b>
<b>COUNCIL OF STATE STRATEGIC PLAN 2019 - 23</b>	<b>9</b>
<b>HUMAN RIGHTS ACTION PLAN - MARCH 2021</b>	<b>9</b>
<b>PILOT COURTS</b>	<b>10</b>
<b>STRUCTURE OF THE ROAD MAP</b>	<b>11</b>
<b>OTHER JUDICIAL REFORM ACTIVITIES IMPACTING ON ADMINISTRATIVE JUSTICE</b>	<b>11</b>
<b>MONITORING OF THE ROAD MAP</b>	<b>13</b>
<b>I REDUCING THE WORKLOAD OF THE FIRST INSTANCE COURTS AND REGIONAL ADMINISTRATIVE COURTS IN ADMINISTRATIVE JUDICIARY</b>	<b>14</b>
<b>1 GOOD PUBLIC ADMINISTRATION DECISION MAKING</b>	<b>14</b>
<b>2 PROMOTING ALTERNATIVE DISPUTE RESOLUTION</b>	<b>16</b>
<b>3 SIMPLIFICATION AND ENHANCING THE EFFICIENCY OF ADMINISTRATIVE TRIAL PROCEDURE</b>	<b>17</b>
<b>II HUMAN RESOURCES: IMPROVING PROFESSIONAL CAPACITY</b>	<b>19</b>
<b>III ENHANCEMENT OF QUALITY, PERFORMANCE AND PRODUCTIVITY</b>	<b>22</b>
<b>IV ENSURING ACCESS TO JUSTICE AND ENHANCING SATISFACTION FROM SERVICE</b>	<b>25</b>
<b>V STRENGTHENING THE INSTITUTIONAL CAPACITY OF THE COUNCIL OF STATE &amp; PROMOTING UNITY OF CASE LAW</b>	<b>27</b>
<b>Recommendations (2023-2026)</b>	<b>29-59</b>

## 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

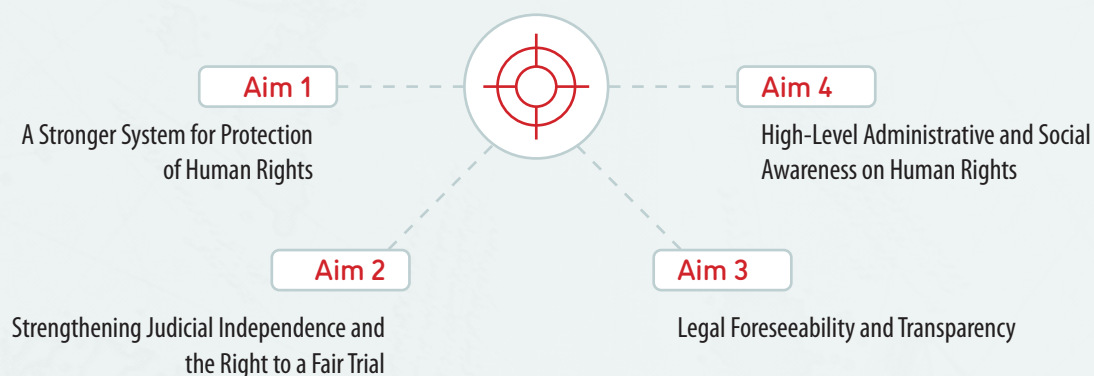
The Council of State (CoS) is a key stakeholder both in the Turkish administrative justice system and in the project, not least in view of its role in ensuring the unity of case law - a role which has a substantial impact on the work of the first instance administrative justice courts and the RACs.

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

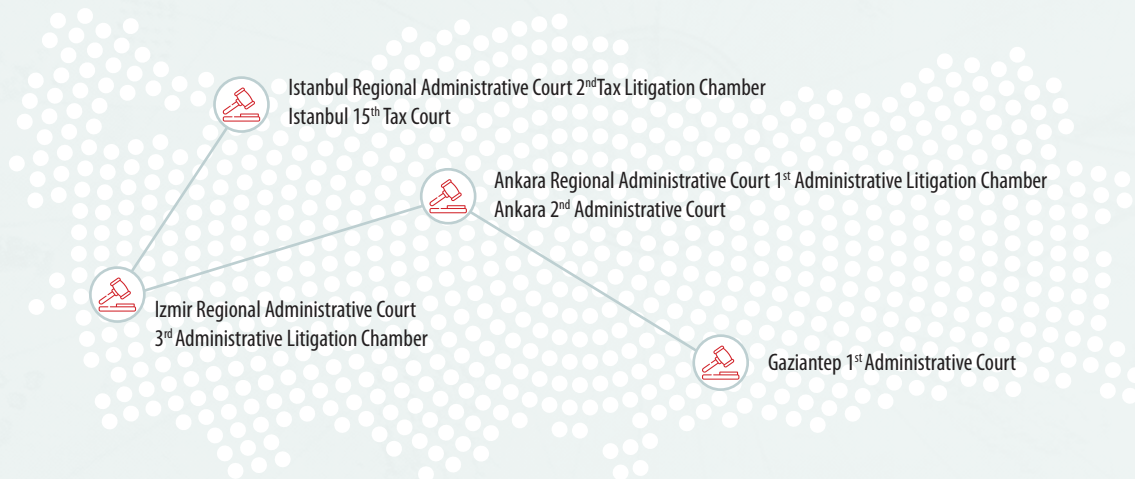
In March 2021, the Turkish Government published an Action Plan on Human Rights (HRAP). The aims of the HRAP include the following:



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 timeframe 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
<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	OI CoS MoJ CoA HREI	<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"</li> <li>HREI will prepare guidance materials on human rights and equality issues for administrators and citizens</li> </ul> <p><b>DoA Activity</b> [A.3.4] - [A.3.5] - [A.3.1]</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
<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)	MoJ CoS OI	<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><b>DoA Activity</b> [A.3.1]</p>	Greater awareness is provided among public authorities of European standards concerning internal review of administrative decisions

<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
<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)	MoJ OI CoS	<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>	Improved information for citizens about their right to review by senior authority following an adverse administrative action
<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>	MoJ CoA CoS OI	<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>	Improved and more consistent application of "public loss concept" by public administration officials and practical barriers to early dispute resolution by public authorities reduced



See also

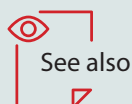
Court of Accounts Strategic Plan 2019-2023 Fundamental Values, and Aim 1; Human Rights and Equality Institution Strategic Plan 2019-23  
 HRAP Goal 3.1 'Strengthening Legal Foreseeability and Transparency in the Acts and Procedures of the Administration'  
 Goal 9.1 'Raising the Awareness of Public Officials 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
1 Raise the profile of the Ombudsman Institution as a potential mechanism for dispute resolution	OI CoS MoJ	<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>DoA Activity [A.3.4]</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
2 Assess the value of pre-litigation resolution mechanisms and ADR procedures in the context of administrative disputes	MoJ CoS OI	<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>DoA Activity [A.3.2] - [A.3.4]</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



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
<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	CoS MoJ CJP	<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>	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



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>	CJP MoJ HREI	<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>	Training provided to administrative judges to support continuous professional development
<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>	CJP MoJ TCC CoS	<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>	Awareness and sensitivity for human rights within administrative judiciary raised

## II

## HUMAN RESOURCES: IMPROVING PROFESSIONAL CAPACITY

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<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)	CJP MoJ CoS	<ul style="list-style-type: none"> <li>Training needs analysis and training programme, to include alternative dispute resolution mechanisms</li> </ul> <p><b>DoA Activity</b> [A.2.2] - [A.2.3] - [A.2.4] - [A.2.5] - [A.3.1] - [A.4.4]</p>	Knowledge and skills among administrative judges concerning selected new practices and specialist administrative justice topics increased
<b>4</b> Strengthen training activities for administrative and tax court / RAC staff (JRS 3.5)	MoJ	<ul style="list-style-type: none"> <li>Training needs analysis</li> <li>Training programme, to include time/ case management</li> </ul> <p><b>DoA Activity</b> [A.2.2] - [A.2.3] - [A.2.4] - [A.4.1]</p>	Existing training for administrative and tax court / RAC staff supplemented
<b>5</b> Continue to promote the principle of gender equality in administrative and tax court/RAC personnel policy and practice (JRS 3.7)	MoJ HREI	<ul style="list-style-type: none"> <li>All project activities will be conducted in accordance with gender mainstreaming principles</li> </ul>	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
<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)	CJP MoJ RACs CoS Selected Pilot Courts	<ul style="list-style-type: none"> <li>Project will provide a forum to discuss specialisation issues, if required, during meetings/ workshops.</li> </ul> <p><b>DoA Activity</b> [A.1.1] - [A.1.2] - [A.1.3] - [A.4.2] - [A.4.3]</p>	Work towards increased specialisation of the administrative judiciary is supported



## 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> <div> <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 </div>	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> <div> <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 </div>	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



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
<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)	MoJ CoS	<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><b>DoA Activity</b> [A.1.4] - [A.4.4]</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")
<b>2</b> Introduce greater standardisation of workflow in administrative and tax court/RAC registries and front offices	MoJ	<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]</p>	Relevant material from recent projects reviewed, is adapted as necessary and utility for RACs, administrative and tax court tested in pilot courts, then revised and ready for wider implementation
<b>3</b> Introduce guiding administrative and tax court/RAC petitions	MoJ Pilot Courts CJP	<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><b>DoA Activity</b> [A.1.3] - [A.4.2]</p>	Examples of petition templates developed and piloted; impact on proportion of rejected petitions evaluated

## III

ENHANCEMENT OF QUALITY, PERFORMANCE AND  
PRODUCTIVITY

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<b>4</b> Promote good practices in judicial decision making, consistent with the recommendations of CCJE and other relevant European/ CoE bodies	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><b>DoA Activity</b> [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
<b>5</b> Enhance the method of decision writing and strengthening the justifications for decisions (JRS 8.7; CoS Obj. 1, Target 5)	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><b>DoA Activity</b> [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
<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	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><b>DoA Activity</b> [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
<b>7</b> Review, refine and increase monitoring of interlocutory trial process target times in administrative and tax court/RAC JRS 4.2	MOJ CJP	<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>	Work by Turkish authorities to refine target times is supported; progress/outcomes of the work are set out in project Interim/Final reports
<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	MoJ CJP CoS	<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>	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
<b>9</b> Improve the efficiency and effectiveness of court experts system in the administrative and tax court/RAC JRS 4.6	MOJ CJP	<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>	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



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>	MoJ CJP RACs	<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>	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><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>	MoJ Pilot Courts	<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>	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><b>3</b> Promote greater citizen awareness of UYAP Citizen Portal and SMS e-notification service</p>	MoJ	<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>	The project will contribute to work to promote greater awareness of the UYAP citizen portal and SMS service

## IV

ENSURING ACCESS TO JUSTICE AND ENHANCING  
SATISFACTION FROM SERVICE

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<b>4</b> Provide explanatory brochures concerning administrative and tax court/RAC processes and make these available online JRS 6.10	MoJ	<ul style="list-style-type: none"> <li>Pilot court activity - Brochures/booklets concerning administrative court procedure will be prepared and piloted</li> </ul> <div> <b>DoA Activity</b> [A.4.2]           </div>	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
<b>5</b> Improve practices related to women's rights in the administrative justice system JRS. 6.4	MoJ	<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> <div> DoA – Gender Consultant will support implementation of the Gender Strategy           </div>	Equal access of women and men to justice promoted and supported



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 Feasibility and Transparency in Judicial Processes'



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

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	SUPPORTING PROJECT ACTIVITY	AIMS
<b>1</b> Ensuring the unity of case law (CoS Objective 1, Target 2)	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
<b>2</b> Raising awareness of public administrations on the advisory and review functions of the CoS (CoS Objective 2, Target 1)	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
<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)	CoS	<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> <div> <b>DoA Activity</b>            [A.1.4] - [A.4.4]         </div>	CoS objective to strengthen national and international communication and collaboration and improved functioning of the administrative judiciary supported



See also

Council of State Strategic Plan 2019-2023

HRAP Goal 9.6 ‘Enhancing Cooperation with International Human Rights Mechanisms’

The background of the entire page is a red-tinted image. It features a faint, detailed map of the Middle East and surrounding regions, including the Persian Gulf, the Red Sea, and parts of Africa and Asia. Overlaid on the map is a large, semi-circular compass rose or navigational instrument, showing degree markings and directional indicators. The overall aesthetic is historical and navigational.

# **Recommendations**

## **2023-2026**







# CONTENTS

<b>LIST OF ABBREVIATIONS</b>	<b>32</b>
<b>INTRODUCTION</b>	<b>33</b>
<b>STRUCTURE OF THE ROAD MAP</b>	<b>34</b>
<b>TURKISH STRATEGIC PLANNING CYCLE</b>	<b>34</b>
<b>PROJECT FINAL ASSESSMENT REPORT</b>	<b>36</b>
<b>SECTIONS</b>	<b>37</b>
<b>GOOD PUBLIC ADMINISTRATION DECISION MAKING</b>	<b>37</b>
<b>PROMOTING ALTERNATIVE DISPUTE RESOLUTION</b>	<b>39</b>
<b>ENHANCEMENT OF THE WORK OF THE OMBUDSMAN INSTITUTION</b>	<b>43</b>
<b>SIMPLIFICATION AND ENHANCING THE EFFICIENCY OF ADMINISTRATIVE TRIAL PROCEDURE</b>	<b>46</b>
<b>IMPROVING PROFESSIONAL CAPACITY OF THE ADMINISTRATIVE JUDICIARY</b>	<b>49</b>
<b>ENHANCEMENT OF QUALITY, PERFORMANCE AND PRODUCTIVITY</b>	<b>52</b>
<b>ENSURING ACCESS TO JUSTICE AND ENHANCING SATISFACTION FROM SERVICE</b>	<b>55</b>
<b>STRENGTHENING THE INSTITUTIONAL CAPACITY OF THE COUNCIL OF STATE &amp; PROMOTING UNITY OF CASELAW</b>	<b>58</b>



## LIST OF ABBREVIATIONS

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



# INTRODUCTION

This Road Map for an improved Administrative Justice System 2023 - 2026 is a legacy document 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” which was carried out between October 2018 and 20 December 2022. This Road Map is an updated version of a document launched on 27 April 2022 covering the period 2019-2022. This Road Map extends the time frame of the original Road Map to help inform the strategic planning activity of the Turkish authorities for the period 2023-2026 and beyond.

The overall objective of the project was 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 was 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 expected results of the project were as follows:

**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 mechanism 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.



## STRUCTURE OF THE ROAD MAP

The publication of a Road Map for an improved Administrative Justice System was one of the key activities identified in the original project Description of Action. The intention was to provide the framework to enable the implementation of solutions identified to address the issues in the administrative justice system. It was to be a living document, altered as assessments identified different issues and priorities. This updated draft of the document reflects the original intention that it should be a “living document.”

The overall structure of the original draft was intended to reflect and complement the Judicial Reform Strategy for Turkey 2019-23. This structure has been maintained as far as possible in the current draft with adaptations when necessary. The original draft listed, in addition to the activities planned by the Turkish authorities, various activities to be pursued within the project which either appeared in the original project Description of Action (DoA) or were identified in the initial project In-Depth Review. The references to project activities have been removed from the updated draft, including those conducted with the collaboration of pilot courts, as the project has now concluded.

This updated draft includes

- the **reform activities already identified by Turkish authorities**, but which have not yet been completed, or which appear in updated strategic plans;
- **recommendations** contained in the project Final Assessment Report;
- work that will promote or ensure the **sustainability of the activities and outputs of this project** as it reaches a conclusion.

Although the project was mainly focused on the work of the administrative judiciary and the Council of State, reference is also made in the Road Map to public administration and internal review processes. Improved decision-making and early dispute resolution by public authorities have an important part to play in reducing the volume of cases reaching the administrative courts. Since the original draft was published, further work has taken place within the project concerning good administration, raising awareness within Turkish public authorities of the principles of human rights, and good practice concerning internal review mechanisms of the public administration and this updated draft reflects the output from this work.



## TURKISH STRATEGIC PLANNING CYCLE

This document is published towards the end of the Turkish 2019-2023 strategic planning period and is intended to support planning for the period 2023-2026/7. The current planning documents referred to in this Roadmap are as follows:

### 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:

- Improving the people-oriented service approach
- Facilitation of access to justice
- Strengthening legal security
- More effective protection and improvement of human rights and freedoms
- Building confidence in the judiciary
- Improving judicial independence and judicial impartiality

The Judicial Reform Strategy concerns the Turkish judicial system as a whole. A number of reforms will impact on the administrative courts along with the civil and criminal courts. However, for successful implementation in administrative 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 courts and relate to the administrative trial procedure.

## **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 courts and the RACs.

The Council of State has published its own Strategic Plan for the period 2019-23 and includes 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.

During the course of 2023, the Council of State will be publishing a new Strategic Plan but this had not been finalised prior to the publication of this updated Road Map.

## **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:

**Aim 1:** A Stronger System for Protection of Human Rights

**Aim 2:** Strengthening Judicial Independence and the Right to a Fair Trial

**Aim 3:** Legal Foreseeability and Transparency

**Aim 9:** High-Level Administrative and Social Awareness on Human Rights



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. In April 2021 the Turkish Government published an Implementation Schedule to support the HRAP, setting out a concrete timetable for the various Activities, and these are referred to in this Road Map where relevant.

### OMBUDSMAN INSTITUTION STRATEGIC PLAN 2022-2026

The earlier draft of the Road Map reflected the contents of the then current Ombudsman Institution 2017-2021. The Ombudsman Institution is now producing its Strategic Plan for 2022-2026 and the contents of this later document are reflected in this updated Road Map.



#### PROJECT FINAL ASSESSMENT REPORT

This document should be read in conjunction with the **Project Final Assessment Report**, which provides commentary on the activities conducted within the scope of the project and reforms introduced by the Turkish authorities while the project was active.

**GOOD PUBLIC ADMINISTRATION DECISION MAKING***(See also Human Rights Action Plan and Implementation Schedule, April 2021)***CURRENT REFORM OBJECTIVES - Good Public Administration Decision Making**

ACTIVITY	LEAD/SUPPORTING INSTITUTIONS	AIMS/OBJECTIVES
Well-established judicial case-law that is in favour of individuals will be regularly tracked by the administration, and the administration will be given wider powers in matters such as accepting the applications submitted therewith or relinquishing their claims. (HRAP Activity 7.4.a)	MoJ	Preventing Violations of the Right to Property Caused by Administrative Practices (HRAP Goal 7.4)

**PROJECT SUSTAINABILITY ACTIVITIES - Good Public Administration Decision Making**

ACTIVITY	COMMENTS
Promote and widely distribute Turkish language materials produced by project concerning European standards and Turkish good practice guidance concerning good administration and internal review (MoJ Ombudsman Institution)	materials are intended to raise awareness within Turkish public authorities of basic principles of human rights and equality in the Turkish Constitution, international conventions and legislation; and European standards concerning good administration
Promote and widely distribute HREI Anti-discrimination and Equality Guide	

**PROJECT POLICY RECOMMENDATIONS - Good Public Administration Decision Making**

RECOMMENDATION	COMMENTS
Introduce a Code of Administrative Procedure (IUK)	The introduction of a code of administrative procedure may be expected to provide clearer guidance for decision-makers in public authorities resulting in better decisions and fewer disputes, reduced workload of the administrative judiciary and increased confidence in the public administration. It will ensure unity in the procedure in all institutions and organisations of the administration and require procedural principles to be consistently applied
Review international symposium report concerning “deemed acceptance” pilot exercise in France and consider potential for a comparable pilot exercise in Türkiye	In 2013 (Article 21 of the Law N.2013-1005 on simplification of relations between the public and administration), the principle was introduced in France that the absence of a response from the public administration to an application from a citizen in selected administrative procedures is treated, in principle, as an acceptance of the request. A comparable reform in Türkiye has the potential to reduce the workload of the administrative judiciary

**PROMOTING ALTERNATIVE DISPUTE RESOLUTION**

(See also *Judicial Reform Strategy for Turkey 2019-23; Human Rights Action Plan and Implementation Schedule*, April 2021)

**CURRENT REFORM OBJECTIVES – PROMOTING ADR**

ACTIVITY	LEAD/SUPPORTING INSTITUTIONS	AIMS/OBJECTIVES
An administrative settlement procedure will be introduced in order to settle disputes between natural persons and legal entities and the State in the fastest and the most cost-effective manner (HRAP Activity 3.5.a.)	MoJ	Ensure effective implementation of the institution of peace in disputes in which the public administration is a party <sup>1</sup> . (Judicial Reform Strategy Objective 9.4)
The institutional structure within the Ministry of Justice be strengthened in regard to alternative dispute resolution methods. (Human Rights Action Plan activity 3.5.d)		This report also further endorses the Turkish Ministry of Justice that

**PROJECT POLICY RECOMMENDATIONS – PROMOTING ADR**

RECOMMENDATION	COMMENTS
Council of Europe Committee of Ministers Rec (2001)9 on Alternatives to Litigation between Administrative Authorities and Private Persons and European Commission for the Efficiency of Justice (CEPEJ) document on Promoting mediation to resolve administrative disputes in Council of Europe member states December 2022 CEPEJ (2022) <sup>11</sup> should be taken into account as a guide when creating a system including ADR methods.	

<sup>1</sup> 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.”



RECOMMENDATION	COMMENTS
<p>Review operation of existing legal framework for administrative review (Law 2577 Art. 10,11 13), (see also recommendation re. Code of Administrative Procedure) including the need for greater clarity in manner in which individuals should communicate with administrative authorities to seek an administrative appeal.</p>	
<p>A new Code of Administrative Procedure (IUK) to provide guidance in terms of ADR methods e.g.</p> <ul style="list-style-type: none"> <li>• set out ADR options;</li> <li>• empower those involved at various stages of disputes to use ADR methods;</li> <li>• require that where individuals seek to use ADR, administrative authorities must engage in a genuine and conscientious way;</li> <li>• empower the administrative judiciary at all levels to require the parties to use ADR methods where this is considered to be appropriate by more specialist legislation, regulations and judicial practices</li> </ul>	
<p>In addition to overarching General Administrative Procedure Law, there should be further exploration of developing specialist legislation, regulations and judicial practices, including the potential for making it mandatory for the parties to seek to resolve their disputes using ADR before court processes. Legislation should make it clear that administrative authorities should be legally obliged to co-operate in ADR where this is sought by another party to a dispute. Any such specialist legislation, regulation and judicial practice, should always be subject to the overarching principles of legality and access to the courts. Where ADR fails, recourse to the courts must always remain available.</p>	

RECOMMENDATION	COMMENTS
Consideration should be given to further developing mechanisms for consultation with the public where administrative authorities are in the process of taking certain types of administrative action, similar to “notice and comment” procedures in other legal jurisdictions. Further thought should be given to legislating for such notice and comment procedures in appropriate subject areas.	
“negotiation” / “conciliation” / “peace” / “settlement” should be considered for cases within the scope of full remedy actions arising from administrative acts/actions.	
Introduce additional guidance for public servants or law reform to address current disincentives for the resolution of disputes without applying to administrative judiciary generated by current perceptions of the operation of audit “public loss” within the public administration	
Introduce amendments Decree Law No. 659 to ensure the effective operation of “peace commission” route to alternative dispute resolution	
A “Dispute Resolution Commitment” should be developed through which administrative authorities can commit to certain principles of dispute resolution, including using the most cost-effective and proportionate methods of dispute resolution, in resolving their own disputes with individuals or other administrative bodies.	
A list of mediators specialised in administrative justice, sorted by field of specialisation, should be established and published.	

RECOMMENDATION	COMMENTS
<p>It should be ensured that mediators are appropriately qualified, trained and specialised, through developing further legislation or practice codes establishing minimum qualifications and training standards, including a requirement to engage in career-long continuing professional development training. Progressing this recommendation should take into account work to progress the Turkish Ministry of Justice Action Plan on Human Rights activities, including activity 3.5.h. relating to the establishment of mediation centres.</p>	
<p>Conventions or agreements between national or local bar associations, the Council of State and individual administrative courts, and associations of mediators deemed appropriate by Turkish authorities, should be developed, aiming to raise awareness of mediation.</p>	
<p>Consideration should be given to conducting a study, together with the Turkish Ombudsman, of areas where citizens and public administration would benefit from institutional mediation.</p>	
<p>Consideration should be given to the creation of a body or forum to oversee the development of ADR, especially mediation, in administrative disputes, to include key leadership and representation from the Council of State, the Turkish Ombudsman, major administrative authorities, bar associations, mediation and other ADR professionals and organisations representing individual users of administrative justice mechanisms.</p>	

**ENHANCEMENT OF THE WORK OF THE OMBUDSMAN INSTITUTION<sup>2</sup>***(See also Ombudsman Institution Strategic Plan 2022-2026)***CURRENT REFORM OBJECTIVES – Ombudsman Institution**

ACTIVITY	LEAD/SUPPORTING INSTITUTIONS	AIMS/OBJECTIVES
<p>Increase applicants' access to the Ombudsman Institution (Target 1.1)</p> <p>Improve the development of complaint investigation methods and the effectiveness of the audit process (Target 1.2)</p> <p>Preventive reports to contribute to the improvement of public services preparation and undertaking of the educational role (Target 1.3)</p> <p>Strengthen the conciliatory role between administrations and applicants and decide on decisions increasing compliance (Target 1.4)</p> <p>New mechanisms to improve the effectiveness of the institution Inclusion (Target 1.5)</p>	Ombudsman Institution	Ensure the Protection of Individual Rights and to Contribute to the Functioning of the Administration (Ombudsman Institution Strategic Objective 1)
<p>Recognition of the institution at the national level by all segments of society for the effective exercise of the right to apply to the institution (Target 2.1)</p> <p>Promote the institution at the international level and increase cooperation (Target 2.2)</p>	Ombudsman Institution	To spread the culture of seeking rights (Ombudsman Institution Strategic Objective 2)

<sup>2</sup> The core values of the OI are Trying to develop a culture of seeking rights in society and understanding the rule of law. The Ombudsman Institution (KDK), which aims to make it a culture in Turkey, is a management and makes decision-making processes with the cooperation and participation of all stakeholders, conciliatory, acts in a transparent, accountable, effective and responsible management approach. Consistency (predictability), responsibility, which are the basic principles of good management in CRA activities, accountability, fairness, impartiality, effectiveness, adherence to the law, and professional care and diligence has an important place.

ACTIVITY	LEAD/SUPPORTING INSTITUTIONS	AIMS/OBJECTIVES
Implementation of the human resources strategy that will realize the vision of the institution (Target 3.1)	Ombudsman Institution	Strengthening Institutional Structuring (Ombudsman Institution Strategic Objective 3)
Further strengthen the information technology infrastructure of the institution (Target 3.2)		

### PROJECT SUSTAINABILITY ACTIVITIES – Ombudsman Institution

ACTIVITY	COMMENTS
Keep under review recommendations made by project consultants concerning operation of the Ombudsman Institution during Implementation of 2022-2026 Strategic Plan and in drafting subsequent Strategic Plans (Ombudsman Institution)	<p>The project consultants made recommendations concerning:</p> <p>Facilitating enhanced democratic participation of natural and legal persons, including civil society organisations and those marginalised for any reason;</p> <p>Enabling enhanced democratic public administration: the key priority promoting improved recognition of the OI, respect for and understanding of the OI's function, and familiarity with the OI's expectations, reports and recommendations;</p> <p>Establishing effective regulatory networks: the key priority is enhanced co-operation and co-ordination between the OI and other regulatory agencies;</p> <p>Enlarging the OI's technique and mandate: the key priority is extension of the OI's reach, independence and impact</p>
Continue promoting and raising awareness among public administration officials of Turkish language guidance materials on good administration produced by the project, and the institution's own Manual on Good Administration Principles (Ombudsman Institution)	<p>These publications are intended to raise awareness within Turkish public authorities of basic principles of human rights and equality in the Turkish Constitution, international conventions and legislation;</p> <p>European standards concerning good administration and Turkish good practice guidance</p>



## PROJECT POLICY RECOMMENDATIONS – Ombudsman Institution

RECOMMENDATION	COMMENTS
The legislation governing the OI should ensure that the OI's independence is protected from interference by the use of the budgetary process and that the OI has the ability to make its own budget proposals as part of the annual national budget process without fear of any reduction in overall budget that is disproportionate to budgetary reductions incurred more generally by the Parliament or Government.	
The OI should acquire a new power, and the necessary resources, to conduct ex officio investigations and, if necessary, special thematic reports that disclose patterns of bad practice	
The OI should acquire explicit power at its own initiative to seek to intervene as amicus curiae in court proceedings, subject to the normal procedural safeguards observed by the domestic courts, and to bring legal proceedings before the courts, including the Constitutional Court	
The OI's credibility should be enhanced by steps explicitly to link the Chief Ombudsman's status to that of the senior judiciary, with all consequential adjustments to the status of all other staff in the Ombudsman's office according to their respective roles.	
The OI should, in co-operation with the legislature, take steps to ensure that there is ample opportunity for the legislature not only to receive and debate the OI's Annual Report, but also through means of a dedicated legislative committee to develop a close relationship with the OI and so enhance dialogue between the OI and the legislature as a whole.	
The OI should have an explicit entitlement to comment on any proposed amendments to primary and secondary legislation affecting its establishment or operation, and to prepare the draft of any such amendments.	

## SIMPLIFICATION AND ENHANCING THE EFFICIENCY OF ADMINISTRATIVE TRIAL PROCEDURE

(See also *Judicial Reform Strategy for Turkey 2019-23; Human Rights Action Plan and Implementation Schedule*, April 2021)

### CURRENT REFORM OBJECTIVES – Simplification & Enhancing Efficiency

ACTIVITY	LEAD/SUPPORTING INSTITUTIONS	AIMS/OBJECTIVES
A “pilot case” procedure will be introduced in disputes of the same nature to which a public administration is party and it will be ensured that such a case is handled speedily and that the ruling delivered therein will be binding in respect of other disputes concerning the same matter. (HRAP Activity 7.2.h.)	MoJ	Introduce pilot case procedure for group actions concerning administrative disputes JRS 8.7
Simplify fee/ costs structure for administrative courts (JRS 8.1)	MoJ	Simplification and enhancement of the efficiency of civil and administrative trials JRS Aim 8
The time-limits prescribed for pursuing legal remedies in administrative justice, particularly the remedies of objection, appeal before the regional courts will be re-framed in a uniform structure, (HRAP Activity 3.2.a)	MoJ	Strengthening Legal Foreseeability and Transparency in Judicial Processes (HRAP Goal 3.2)
Introduce application to administrative justice, instead of the magistrate judgeships, to challenge administrative fines imposed by the Personal Data Protection Board will be introduced. (HRAP Activity 6.7.b.)	MoJ	Protecting the Private Life in the Processing of Personal Data (HRAP Goal 6.7)
Introduce a summary procedure in administrative justice for cases that affect the right to property to ensure they are resolved in a expeditious manner (HRAP Activity 7.2.g.)	MoJ	Preventing Violations of the Right to Property Caused by Enforcement Proceedings and Judicial Processes HRAP Goal 7.2

ACTIVITY	LEAD/SUPPORTING INSTITUTIONS	AIMS/OBJECTIVES
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)	MoJ	Enhancement of Performance and Productivity JRS Aim 4

### PROJECT SUSTAINABILITY ACTIVITIES – Simplification & Enhancing Efficiency

ACTIVITY	COMMENTS
Establish Committee of experienced practitioners to review project reports concerning the administrative procedural adjudication code and materials concerning workflow flow charts and make recommendations concerning required amendments to the procedural adjudication code to resolve impediments, time-consuming elements, delaying elements or factors that reduce the quality of processes and procedures.	

### PROJECT POLICY RECOMMENDATIONS – Simplification & Enhancing Efficiency

RECOMMENDATION	COMMENTS
Introduce pre-legislative impact assessment procedure, including consultation with judiciary, in advance of all future amendments to administrative procedural code	Consultation with the judiciary will mitigate risk of unforeseen negative impacts and promote clarity of procedural amendments
Conduct holistic revision of administrative procedural adjudication code	Holistic review and modernisation of the code has the potential to improve access to justice, promote procedural fairness and improve efficiency and timeliness of procedure

RECOMMENDATION	COMMENTS
Review alternatives to increase the efficiency of administrative court hearings, to include hearing witness evidence at the request of the parties or ex officio in categories of case where oral evidence will assist the court in establishing the material facts	
Make improvements to record keeping for court hearings recording e.g. keeping detailed minutes of hearings in administrative courts by drafting the statements of parties	
Review operation of current provisions concerning a range of disputes which may be decided by single judge and impact on right to a fair trial	Issues a review may consider include the impact of existing provisions on efficiency and expedition of decision-making; quality and consistency of decision making; suitability of monetary limit as an indicator for suitability for single judge decision-making; practical impact of current restrictions on rights of appeal
Consider introduction of urgent proceeding procedure for categories of case related to fundamental rights, which should be decided without delay e.g. deportation, demolition decisions	

**IMPROVING PROFESSIONAL CAPACITY OF THE ADMINISTRATIVE JUDICIARY**

(See also *Judicial Reform Strategy for Turkey 2019-23; Human Rights Action Plan and Implementation Schedule, April 2021*)

**CURRENT REFORM OBJECTIVES – Improving Professional Capacity**

ACTIVITY	LEAD/SUPPORTING INSTITUTIONS	AIMS/OBJECTIVES
Review arrangements for the appointment, transfer and promotion of administrative judges	CJP	Ensure a merit-based system of appointment, transfer and promotion of administrative judges (Judicial Reform Strategy objective 2.1)
Eligibility to be selected as a member of the Council of State will require a certain degree of seniority in addition to a minimum age of 45 and first-class status. (HRAP Activity 3.3.d)	MoJ	Improving Effectiveness And Quality Of The Administrative Judiciary
In the first instance and regional courts, a minimum professional seniority requirement will be introduced for eligibility to be appointed to positions such as head of the justice commission, president of administrative courts. (HRAP Activity 3.3.e)	CJP	Improving Effectiveness And Quality Of The Administrative Judiciary
Adopt a continuing and mandatory education model for the administrative judiciary (HRAP Activity 3.3.f.)	MoJ	Ensuring continuous professional development and keeping the professional knowledge of members of the administrative judiciary up to date (HRAP Activity 3.3.f)
Ensure that the number of judges, prosecutors and judicial staff are proportional to the workload in consideration of the reports of the European Commission for the Efficiency of Justice (CEPEJ). (HRAP Activity 3.3.h.)	CJP	Improved quality in justice services, (HRAP Activity 3.3.h)
Conduct courthouse traineeship of candidate administrative judges at courthouses designated as “Traineeship Centres”. (HRAP Activity 3.3.i)	MoJ	Improving Effectiveness And Quality Of The Administrative Judiciary



ACTIVITY	LEAD/SUPPORTING INSTITUTIONS	AIMS/OBJECTIVES
3-Provide tailored judicial training on new practices, and to support any measures to introduce greater specialisation within the administrative judiciary (JRS 3.4)	Justice Academy	Ensuring continuous professional development and keeping the professional knowledge of members of the administrative judiciary up to date (HRAP Activity 3.3.f)
Organise regular evaluation meetings regarding relevant topics in an aim to increase cooperation and interaction among members of the high courts, academics and practitioners. HRAP Activity 3.3.g.	CoS Justice Academy	Improving Effectiveness And Quality Of The Administrative Judiciary
Introduce specialised administrative courts for zoning and expropriation (HRAP Activity 3.4.a)	CJP	Strengthening specialised courts (HRAP Goal 3.4)
The principle of gender equality will continue to be looked after in the recruitment of judges, prosecutors and staff. JRS 3.7.a	CJP	Improving Effectiveness And Quality Of The Administrative Judiciary
Within the scope of pre-service and in-service trainings administrative judges will be offered regular trainings on human rights, with the inclusion of the case-laws of the Constitutional Court and the ECtHR. HRAP Activity 9.2.a.	Justice Academy	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 Objective 1.3)
Judgments and decisions of the Constitutional Court and the ECtHR will be accessible through the National Judicial Network System (UYAP) and they will be communicated to the judges and prosecutors involved in the ruling and the appellate review which gave rise to the application. HRAP Activity 9.2.b.	MoJ	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 Objective 1.3)

ACTIVITY	LEAD/SUPPORTING INSTITUTIONS	AIMS/OBJECTIVES
Regular training activities will be organised for members of the administrative judiciary in order to fully secure the enjoyment of the legal right to be heard and to maintain a respectful and polite form of communication with citizens throughout judicial proceedings. HRAP Activity 9.2.f	Justice Academy	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 Objective 1.3)

### PROJECT SUSTAINABILITY ACTIVITIES – Improving Professional Capacity

ACTIVITY	COMMENTS
All RAC annual activity reports should include gender disaggregated data for all courts within the region	It is recommended that the level detail of human resources data contained in the Ankara RAC annual activity reports should be adopted by all regions as best practice.
Review international symposium report concerning further opportunities for specialisation of the administrative judiciary	

### PROJE POLİTİKA ÖNERİLERİ - Mesleki Kapasitenin Artırılması

RECOMMENDATION	COMMENTS
Restore publication of overall gender ratio of judges and prosecutors in the CoS, RACs, and Administrative Courts (administrative and tax courts combined) in Judicial Statistics	
Consider creation of quotas to ensure equality in numbers for positions and titles where women are represented less and to follow that by developing gender action plans.	

**ENHANCEMENT OF QUALITY, PERFORMANCE AND PRODUCTIVITY**

(See also *Judicial Reform Strategy for Turkey 2019-23; Human Rights Action Plan and Implementation Schedule*, April 2021)

**CURRENT REFORM OBJECTIVES - Quality, Performance & Productivity**

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	AIMS/OBJECTIVES
Tools for measuring and improving performance as well as increasing quality in the judicial system will be strengthened. <sup>3</sup> (JRS 4.1)	CJP	Enhancement Of Performance And Productivity (JRS Aim 4)
Transparency of the system will be strengthened and right to be tried in a reasonable time will be protected more effectively through "Target Time in Judiciary" practice <sup>4</sup> . (JRS Obj. 4.2) (see also HRAP 2.4.b)	CJP	Enhancement Of Performance and Productivity (JRS Aim 4)
A system will be established to eliminate the differences in the final decisions of different RACs (JRS 4.4. e)	CoS MoJ RACs	Enhancement Of Performance and Productivity (JRS Aim 4)
Address problems related to notification through legislative reform, training, and wider use of e-notification (JRS 4.6; HRAP 2.4.h.)	MoJ	Enhancement of Performance and Productivity (JRS Aim 4)
7- İdare mahkemelerinde yargılama hedef sürelerinin incelenmesinin gözden geçirilmesi, iyileştirilmesi ve artırılması (YRS 4.2)	HSK	Yargı hizmetlerinin kalitesinin artırılması (İHEP Faaliyet 3.3.h)

<sup>3</sup> The establishment of a new "Office of Efficiency of Judiciary." unit was announced by the Council of Judges and Prosecutors in a Circular issued by the Secretary General dated 22 September 2022

<sup>4</sup> "A model regarding the Time Management in the Judiciary, which was developed for the protection of the right to have a fair trial by the Council of Europe European Commission for the Efficiency of Justice (CEPEJ), was put into practice in the previous Strategy Document period. Within this period, target periods have been determined for investigations and trials across the country in order to set a framework. In this Strategy Document period it is aimed to determine target periods at local levels to fully implement this practice." JRS p.48

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	AIMS/OBJECTIVES
Review, refine and increase monitoring of interlocutory trial process target times in administrative courts (JRS 4.2)		Enhancement Of Performance And Productivity (JRS Aim 4)
Introduce a points-based expert performance system, improved performance evaluation, ensure effective application of the quota system, improved basic training for experts, prepare an Expert Appointment Guide (HRAP activities 3.6.a-3.6.)i	MoJ	Improving the quality of the experts system and ensuring foreseeability HRAP Goal 3.6
A model shall be established to prevent the prolongation of the proceedings due to decisions of non-jurisdiction and non-competence in the civil and administrative courts. JRS 6.1.b)		In order to facilitate access to justice in civil and administrative courts, the application deadlines will be rearranged, and the uncertainties in the processes will be eliminated. JRS Obj. 6.1

#### PROJECT SUSTAINABILITY ACTIVITIES - Quality, Performance & Productivity

ACTIVITY	COMMENTS
Complete infrastructure studies and implement new unified case/decision code system on UYAP supported by a training programme	
Set up a joint commission comprising representatives of the CoS, RACs and MoJ to agree future updates/revisions to code system is to be applied in all administrative jurisdictions	
Adapt interlocutory trial process target times to accommodate revised case/decision code system	

ACTIVITY	COMMENTS
Review potential of unified case/decision code system to Improve standards of data entry by court staff and improve accuracy of administrative court statistics	
Maintain data sharing arrangements between Council of State and MoJ	

### PROJECT POLICY RECOMMENDATIONS - Quality, Performance & Productivity

RECOMMENDATION	COMMENTS
Develop Improved workload measurement methodology (case 'scoring' system) to support fair resource allocation; early identification of extraordinary workload accumulation; and refined case distribution system with the potential to support the establishment of specialised courts	
Consider the introduction of a decision writing guide for RACs in first instance courts (to complement the existing Council of State guide) or the introduction of minimum decision writing standards	



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

(See also *Judicial Reform Strategy for Turkey 2019-23; Human Rights Action Plan and Implementation Schedule, April 2021*)

**CURRENT REFORM OBJECTIVES – Access To Justice & Enhancing Satisfaction**

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	AIMS/OBJECTIVES
Maintain system of RAC spokespersons to inform the public quickly and accurately of judicial processes through verbal and written statements. (Activity 9.3.c.)	MoJ	Raise Public Awareness on Human Rights HRAP Goal 9.3
Improve practices related to women's rights in the administrative justice system (JRS. 6.4)		Ensuring access to justice and enhancing satisfaction from service JRS Aim 6
Measures will be taken to facilitate the access of the elderly to justice. (JRS Obj. 6.5)		Ensuring access to justice and enhancing satisfaction from service JRS Aim 6
Introduce a court user satisfaction survey tailored for use by administrative courts and arrange for surveys to be conducted at regular intervals. (JRS Objective 6.8)		Ensuring access to justice and enhancing satisfaction from service JRS Aim 6
Increase publication of administrative court decisions after ensuring the protection of personal data (JRS 6.10; HRAP 3.2.d)		Ensuring access to justice and enhancing satisfaction from service JRS Aim 6
ECtHR's rulings, international reports, guides and similar documents on human rights will be translated and shared with the relevant institutions. HRAP (Activity 9.6.f.)	MoJ CoS	Enhancing Cooperation with International Human Rights Mechanisms HRAP Goal 9.6

**PROJECT SUSTAINABILITY ACTIVITIES– Access To Justice & Enhancing Satisfaction**

ACTIVITY	COMMENTS
Review project court user survey report findings and recommendations to inform future improvements to service quality	
Introduce court user survey methodology for all administrative courts and RACs in accordance with JRS Objective 6.5	
Develop methodology for improved understanding of needs of currently excluded potential court users e.g. elderly, those with disabilities, who are not able to visit courthouses and may be excluded from existing survey methodologies	
Review existing courthouse accessibility and on-site facilities e.g. waiting, refreshments for elderly court users and court users with disabilities	
Develop strategies to mitigate accessibility issues where courthouse location is identified by users as a barrier to access to justice	
Increase data collection concerning the gender distribution of administrative court users to inform service planning and implementation	
Use court user survey data concerning differing requirements between men and women concerning information materials and front office services to inform service planning and implementation	
Revise RAC annual activity report template to take account of project consultant recommendations	

ACTIVITY	COMMENTS
Revise RAC website content to focus on information needs of court users e.g. procedures, costs, fees; make project guidance materials, FAQs, brochures available online; improve accessibility of current and previous annual activity reports	
Improve RAC website signposting for UYAP citizen portal as a source of information about case progress	
Raise public awareness on the work of administrative courts 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 JRS. 6.11]	

#### PROJECT POLICY RECOMMENDATIONS– Access To Justice & Enhancing Satisfaction

RECOMMENDATION	COMMENTS
Review administrative courthouse location/ design criteria to improve accessibility for court users	
Review potential impacts on access to justice current administrative court costs and fees structure	
Consider pilot exercise for remote (using video conference facilities) court hearings in courthouse(s) where barriers to physical access to the courthouse have been identified	

## STRENGTHENING THE INSTITUTIONAL CAPACITY OF THE COUNCIL OF STATE & PROMOTING UNITY OF CASELAW

(See also Council of State Strategic Plan 2019-23)

### CURRENT REFORM OBJECTIVES – Council of State

ACTIVITY	LEAD/ SUPPORTING INSTITUTIONS	AIMS/OBJECTIVES
Ensuring the unity of caselaw (CoS Objective 1, Target 2)	CoS	Improving the Quality of the Council of State Judicial Service (CoS Strategic Objective 1)
Improving compliance with internal control system (CoS Objective 3 Target 2) Improving the collection and evaluation of statistical data CoS Objective 3 target 4)	CoS	Developing Institutional Capacity of the Council of State (CoS Strategic Objective 3)
Strengthening communication and cooperation with national, international and foreign judicial institutions and with universities (CoS Objective 4 Targets 1&2)	CoS	Strengthening Council of State Institutional Communication and Collaboration (CoS Strategic Objective 4)

### PROJECT SUSTAINABILITY ACTIVITIES – Council of State

ACTIVITY	COMMENTS
Continue to strengthen communication and cooperation with RACs and national judicial institutions and universities	
Continue to strengthen communication and collaboration with international and foreign judicial institutions	
Continue to share information about ECtHR's rulings, international reports, guides and similar documents with the relevant institutions in Support of HRAP Activity 9.6.f.	

ACTIVITY	COMMENTS
Improve availability of gender disaggregated data concerning CoS appointments in Annual Reports, to include CoS members and leadership roles	
Collaborate with MoJ in developing quick reference guidance materials for court staff and judiciary to accompany implementation of new system of case codes	
Collaborate with MoJ in conducting a post-implementation review of revised case/ decision codes system to identify and address any unforeseen consequences	
Collaborate with MoJ to establish structured, joint approach to the maintenance of revised system of case decision codes and decision making concerning new/ amended codes	
Use unified case/ decision code system to make improvements to case law database search functions, consulting with database users to clarify user needs and expectations	





This Project is co-funded by the European Union, the Republic of Türkiye and the Council of Europe.  
Bu Proje, Avrupa Birliği, Türkiye Cumhuriyeti ve Avrupa Konseyi tarafından birlikte finanse edilmektedir.



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, implemented during October 2018 and 31 May 2023. 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). The Road Map addresses all elements in relation to administrative justice system including good decision-making in public authorities, supporting alternative dispute resolutions, simplification and improvement of administrative judicial procedures, enhancing the 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.

This Road Map is an updated version of the document introduced on 27 April 2022 including the period of 2019-2022, and extends the time frame of the original Road Map aiming to provide information to the strategic planning activities of Turkish authorities to cover the period of 2023-2026 and onwards as well.

In the updated Road Map of Administrative Justice (2020-2023) and Proposals (2023-2026), the reform activities identified by Turkish authorities that has not been completed yet or taking place in the strategic plans, the proposals in the Final Assessment Report of the Project and the works aiming at supporting and providing the sustainability of the outputs and activities conducted in the final period of the Project are taking place.

*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.*

EN

