

1. Evaluation of the judicial systems (2016-2018 cycle)



Turkey

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Reference data 2016 (01/01/2016 - 31/12/2016)

Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017

Objective :

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[79814871]

Comments

002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State or federal level	243823359569 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

003. Per capita GDP (in €) in current prices for the reference year

[8869]

Comments

004. Average gross annual salary (in €) for the reference year

[]

NA

Comments Average gross annual salary for civil servants: 11 809 €.

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[3.71]

Allow decimals : 5

NAP

Comments Exchange rate is increased.

A1. Please indicate the sources for answering questions 1 to 5

Sources: Sources:

- Ministry of Finance
- Central Bank of Turkey
- Turkish Statistical Institute (Ministry of Development)

1.1.2. Budgetary data concerning judicial system



006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please

answer NAP to the question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	[X] NA [] NAP	[X] NA [] NAP
1. Annual public budget allocated to (gross) salaries	[X] NA [] NAP	[X] NA [] NAP
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	[X] NA [] NAP	[X] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	[X] NA [] NAP	[X] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	[X] NA [] NAP	[X] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	[X] NA [] NAP	[X] NA [] NAP
6. Annual public budget allocated to training	[X] NA [] NAP	[X] NA [] NAP
7. Other (please specify)	[X] NA [] NAP	[X] NA [] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main differences:

007. (Modified question) If you cannot answer question 6 because you cannot isolate the budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	1371500808 [] NA [] NAP	1474625613 [] NA [] NAP
Total annual public budget allocated to all courts and legal aid together	[X] NA [] NAP	[X] NA [] NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	1453183110 [] NA [] NAP	1567619987 [] NA [] NAP

Comments: Please note that the budget allocated to the figures above has increased in TRY when comparing previous year's data. However, the exchange rate of national currency in € is 3.71 for this year and 2.84 for the previous year.

008. Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

	Litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	() Yes (X) No
for other than criminal cases	(X) Yes () No

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions? If the litigant is granted with legal aid, she/he is not required to pay a court tax or fee to start a proceeding at a court of general jurisdiction according to the article 334 of Code on Civil Procedures no.6100. Apart from legal aid, there are also other exemptions according to the Code on Fees no 492. For instance cases which are brought to the civil courts by public prosecutors, successful challenges of a judge by parties, appointments and dismissal of guardianships are exempted from tax and fee.

008-1. Please briefly present the methodology of calculation of court taxes or fees:

- In Turkey, there are two main ways in calculation of court fees.
First of all, there is a fixed fee for the cases which have no economic value, such as divorce cases, eviction cases etc. For 2017, the said fee is 8 euro.
On the other hand, for the cases which have economic value, such as debt recovery cases, the court fee is 7 % of the total amount of the value of a case. But the amount cannot be lower than 8 euro.
Also, only one-quarter of the calculated fee must be paid in advance at the beginning of the legal procedure. That amount does not include other case expenses, such as expenses for postal delivery services, expenses for expert, witness etc.
For example, the calculation of court fee of 3000 Euro debt for 2017 will require 7 % of the total amount as the case has an economic value. Thereby, 210 euro will be the court fee. However, only one-quarter of the calculated fee (53 euro) must be paid in advance at the beginning of the legal procedure.

008-2. The amount of court fees to commence an action for 3000€ debt recovery:

[210]

[] NA

[] NAP

Comments

009. Annual income of court taxes or fees received by the State (in €)

[903013742]

[] NA

[] NAP

Comments

012. Annual approved public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	90761996 [] NA [] NAP	61582210 [] NA [] NAP	29179786 [] NA [] NAP
12.1 for cases brought to court	90761996 [] NA [] NAP	61582210 [] NA [] NAP	29179786 [] NA [] NAP
12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments

012-1. Annual implemented public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	102074069 [] NA [] NAP	73249226 [] NA [] NAP	28824843 [] NA [] NAP
12-1.1 for cases brought to court	102074069 [] NA [] NAP	73249226 [] NA [] NAP	28824843 [] NA [] NAP
12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences: Legal aid has a broader concept in criminal cases. When the suspect or accused declares that he/she is not able to choose a defense counsel, a defense counsel-free of charge-will be appointed without considering his/her financial status. In cases of sexual assault and in crimes that carry imprisonment of five years at the lower level and less, if he/she has no representative, the victims also have the right to demand the appointment of a legal aid lawyer regardless of his/her financial status. So, there is no financial means test to be applied in both conditions. This rule applies to all types of criminal cases. Moreover, under some circumstances it is obligatory to appoint a legal aid lawyer for the suspect, accused and the victims. (Please see Q.21 for further explanation) So, the system allocates budget -whenever needed- without any restriction. That is why amount of implemented budget in criminal cases is higher than the approved.

Also please note that the budget allocated to the figures concerning Q 12.1 has increased in TRY when comparing previous year's data. However, the exchange rate of national currency in € is 3.71 for this year and 2.84 for the previous year.

013. Total annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in €	[] NA [X] NAP	[] NA [X] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget allocated to the public prosecution services, please indicate the main differences: Please note that we can not separate the budget allocated to the courts from the budget of public prosecution services.

014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Other ministry	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Parliament	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Supreme Court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
High Judicial Council	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Inspection body	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If any other Ministry and/or inspection body and/or other, please specify: Ministry of Justice is responsible for the preparation and allocation of the budget among the courts at national level. Public prosecution offices are responsible for the management and allocation of the budget at local level for both courts and prosecution services.

Together with MoJ, Ministry of Development and Ministry of Finance are also responsible for the preparation of the total court budget. Parliament, Ministry of Justice and Turkish Court of Accounts (as an inspection body) are responsible for the evaluation of the use of budget at a national level.

A2. Please indicate the sources for answering questions 6 to 14:

Sources: Ministry of Justice, Ministry of Finance, Union of Turkish Bar Associations

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	2998208308 [] NA [] NAP	3143014420 [] NA [] NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget allocated to the whole justice system, please indicate the main differences: Please note that the budget allocated to the figures above has increased in TRY when comparing previous year's data. However, the exchange rate of national currency in € is 3.71 for this year and 2.84 for the previous year.

015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not exist in your system):

	Included
Court (see question 6)	(X) Yes () No [] NAP
Legal aid (see question 12)	(X) Yes () No [] NAP
Public prosecution services (see question 13)	(X) Yes () No [] NAP

Comments:

015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):

	Included
Prison system	(X) Yes () No [] NAP
Probation services	(X) Yes () No [] NAP
Council of the judiciary	(X) Yes () No [] NAP
Constitutional court	(X) Yes () No [] NAP

Judicial management body	() Yes () No <input checked="" type="checkbox"/> NAP
State advocacy	() Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Enforcement services	<input checked="" type="checkbox"/> Yes () No <input type="checkbox"/> NAP
Notariat	() Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Forensic services	<input checked="" type="checkbox"/> Yes () No <input type="checkbox"/> NAP
Judicial protection of juveniles	<input checked="" type="checkbox"/> Yes () No <input type="checkbox"/> NAP
Functioning of the Ministry of Justice	<input checked="" type="checkbox"/> Yes () No <input type="checkbox"/> NAP
Refugees and asylum seekers services	() Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Immigration Service	() Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	<input checked="" type="checkbox"/> Yes () No <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> Yes () No <input type="checkbox"/> NAP

Comments - If "other", please specify: Budget of Council of State (Supreme Court regarding the administrative proceedings), Court of Cassation (Supreme Court regarding the civil and criminal proceedings) and Turkish Justice Academy is included in other. Please note that the total budget of police services is indeed included in Ministry of Interior's budget. Within the budget of whole justice system only the budget of some services for prisoners' security and transfer is included.

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: Ministry of Justice, Ministry of Finance, Council of Judges & Prosecutors, Constitutional Court, Council of State, Court of Cassation and Turkish Justice Academy.

2. Access to justice and all courts

2.1. Legal Aid

2.1.1.Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP
Legal advice	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

Comments

017. Does legal aid include the coverage of or the exemption from court fees?

(X) Yes

() No

Comments - If yes, please specify:

018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

(X) Yes

() No

Comments - If yes, please specify:

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

Comments - If yes, please specify:

2.1.2.Quantitative information on legal aid

020. (Modified question) Please indicate the number of cases for which legal aid has been granted:

	Cases brought to court	Cases not brought to court / non-litigious cases
TOTAL	141592 [] NA [] NAP	[] NA [X] NAP

In criminal cases	96915 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In other than criminal cases	44677 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Please specify when appropriate:

021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

	Assisted by a free of charge lawyer
Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify:

022. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?

Yes

No

Comments

023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.

	Annual income value (for one person), (in €)	Annual assets value (for one person), (in €)
Full legal aid for criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Full legal aid for other than criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Partial legal aid for criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Partial legal aid for other than criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above:

024. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid:

025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments

026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

B1. Please indicate the sources for answering questions 20 and 23 :

Sources: MoJ

2.2. Users of the courts and victims

2.2.1. Rights of the users and victims

028. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:

Yes, please indicate the internet adresse(es)	No
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legal texts (e.g. codes, laws, regulations, etc.)	(X) www.adalet.gov.tr ; www.mevzuat.adalet.gov.tr ; www.mevzuat.gov.tr	()
case-law of the higher court/s	(X) http://www.uyusmazlik.gov.tr/uyusmazlik-mahkemesi-kararlari http://emsal.danistay.uyap.gov.tr/BilgiBankasiIstemciWeb/ https://emsal.yargitay.gov.tr/BilgiBankasiIstemciWeb/yeniTasarim/index.jsp http://www.anayasa.gov.tr/icsayfalar/kararlar/kbb.html	()
other documents (e.g. downloadable forms, online registration)	(X) http://www.alternatifcozumler.adalet.gov.tr ; http://bilirkisilik.adalet.gov.tr/index.html ; http://www.evicesiddet.adalet.gov.tr/en/index.html ; http://www.magdur.adalet.gov.tr ; http://www.adb.adalet.gov.tr ; www.adalet.gov.tr ; http://www.hukukiyardim.gov.tr/index.html ;	()

Comments - Please specify what documents and information the addresses for "other documents" include:

029. (Modified question) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

(X) Yes, always

() No

() Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify: This regulation provides information to the parties concerning the foreseeable timeframes of criminal, civil and administrative proceedings and it came into force by September 1st, 2017. MoJ will soon announce the target time periods and the regulation will be fully implemented accordingly.

030. Is there a public and free-of-charge specific information system to inform and to help victims of crime?

(X) Yes

() No

Comments - If yes, please specify:

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	(X) Yes () No	(X) Yes () No	(X) Yes () No

Victims of terrorism	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Minors (witnesses or victims)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims of domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Ethnic minorities	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Disabled persons	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Juvenile offenders	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If "other vulnerable person" and/or "other special arrangements", please specify: There has been significant developments in Turkey to promote the rights of the persons with disabilities. In order to strengthen the access to justice for disabled persons in courthouses, a separate budget is allocated within the Ministry of Justice's budget. This financial resource shall be only dedicated to services for disabled court users. Moreover, a separate unit for victims rights has been established under Ministry of Justice in 2013. This unit aims to support the rights of vulnerable groups like disabled persons, elderly persons, minors, victims of violence, sexual assault, etc. The website of the unit includes comprehensive information for the vulnerable groups and contributes public awareness.

031-1. Is it possible for minors to be a party to a judicial proceeding:

Yes

No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.):

032. Does your country allocate compensation for victims of crime?

Yes, please specify for which kind of offences: Victims of all types of crime can claim compensation before the civil courts. Also, through penal mediation (reconciliation) the pecuniary and non-pecuniary damages of the victims can be compensated for some specific offences like threat, insult, violation of privacy, damage to property, disturbing an individuals' peace and harmony, theft, etc.. Also there are some special arrangements for terror victims and security forces. (please see comment box below)

No

Comments

032-1. (New question) Is a court decision necessary in the framework of the compensation procedure?

Yes

No

Comments In general, a court decision is necessary in the framework of the compensation procedure. However, there is a specific arrangement for victims of terror. "The Code on Compensation for Losses Sustained As a Result of Terrorism or the Fight Against Terrorism" (Code no. 5233) came into force on 27 July 2004. It seeks to provide redress for pecuniary damage of real persons and legal entities as a result of terrorist or anti-terrorist activities. Compensation commissions, made up of experts and a lawyer, have the task of establishing the nature of the losses sustained and determining appropriate amounts of compensation. They carry out assessments and draw up friendly-settlement declarations regarding the compensation. The amount of compensation is covered by the budget of Ministry

of Interior. The State, due to compensation paid, revokes those who are responsible. Another special arrangement is for security forces. In accordance with the Code on Monetary Compensation and Pension dated 2330, in the cases where persons, who are commissioned to protect security and safety, to ban, chase and investigate trafficking, have died or become incapacitated because of injury or illness they faced due to their service either after or during their service, monetary compensation and pension is stipulated.

033. If yes, does this compensation come from:

- a public fund
- damages and interests to be paid by the person responsible
- a private fund

Comments

034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- Yes
- No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

035. Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

- Yes
- No

Comments - If yes, please specify:

036. Do victims of crime have the right to dispute a public prosecutor’s decision to discontinue a case? Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

- Yes
- No
- NAP

Comments - If necessary, please specify:

2.2.2. Confidence of citizens in their justice system

037. (Modified question) Is there a system for compensating users in the following circumstances:

	Number of requests for compensation	Number of condemnations	Total amount (in €)
Total	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Excessive length of proceedings	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Non-execution of court decisions	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful arrest	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful conviction	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions):

038. (Modified question) Did your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

	National level	Court level
1. (Satisfaction) surveys aimed at judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
2. (Satisfaction) surveys aimed at court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
3. (Satisfaction) surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
4. (Satisfaction) surveys aimed at lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
5. (Satisfaction) surveys aimed at the parties	<input checked="" type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input checked="" type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
7. (Satisfaction) surveys aimed at victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above:

040. Is there a national or local procedure for making complaints about the functioning of the

judicial system? (for example the handling of a case by a judge or the duration of a proceeding)

Yes

No

Comments

041. (Modified question) If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
Court concerned	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Higher court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Council of the Judiciary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

041-1. (Modified question) Please specify further certain aspects of this procedure:

	Number of complaints	Compensations amount granted to users
Court concerned	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Higher court	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Ministry of Justice	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Council of the Judiciary	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations



	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	4472 [] NA [] NAP
42.2 First instance specialised courts (legal entities)	1768 [] NA [] NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	668 [] NA [] NAP

Comments

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	1768 [] NA [] NAP
Commercial courts (excluded insolvency courts)	192 [] NA [] NAP
Insolvency courts	[] NA [X] NAP
Labour courts	322 [] NA [] NAP
Family courts	307 [] NA [] NAP
Rent and tenancies courts	[] NA [X] NAP
Enforcement of criminal sanctions courts	145 [] NA [] NAP
Fight against terrorism, organised crime and corruption	[] NA [X] NAP
Internet related disputes	[] NA [X] NAP
Administrative courts	127 [] NA [] NAP
Insurance and / or social welfare courts	[] NA [X] NAP

Military courts	28 [] NA [] NAP
Other specialised 1st instance courts	647 [] NA [] NAP

Comments - If "other specialised 1st instance courts", please specify: Considering the geographical situation, judicial workload and the opinion of the Council of Judges and Prosecutors, new courts are established by MoJ. All commercial courts are in charge of dealing with insolvency cases. We cannot calculate them separately.

044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

Yes

No

Comments - If yes, please specify:

045. Number of first instance courts (geographic locations) competent for a case concerning:

	Number of courts
a debt collection for small claims	[] NA [X] NAP
a dismissal	322 [] NA [] NAP
a robbery	335 [] NA [] NAP

Comments

045-1. (New question) Is your definition for small claims the same as the one in the Explanatory note?

Yes

No, please give your definition for small claims: There is no special courts for small claims in Turkey by 01.10.2011. The new Civil Procedure Code came into force on 01.10.2011. Before 01.10.2011, regarding the civil cases where the financial value of the claim is 5000 TRY (2040 Euro) or lower than 5000 TRY, civil courts of peace were assigned to rule the case and when the value is higher than 5000 TRY, civil courts of first jurisdiction were authorized to rule.

Comments

045-2. (New question) Please indicate the value in € of a small claim:

[0]

Comments

C. Please indicate the sources for answering questions 42, 43 and 45:

Sources: Council of Judges and Prosecutors, MoJ

3.2. Court staff

3.2.1. Judges and non-judge staff



046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	11218 [] NA [] NAP	6515 [] NA [] NAP	4703 [] NA [] NAP
1. Number of first instance professional judges	8245 [] NA [] NAP	4760 [] NA [] NAP	3485 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	1176 [] NA [] NAP	795 [] NA [] NAP	381 [] NA [] NAP
3. Number of supreme court professional judges	1797 [] NA [] NAP	960 [] NA [] NAP	837 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above: Works regarding raising the number of judges, prosecutors and judicial staff to the international standards have been conducted in recent years.

Number of rapporteur judges and members of the supreme courts have been included in category 3 (also in the previous cycle). The number of the rapporteur judges change due to the workload and the need of the high courts. While there has not been a special policy for female judges, it is observed in practice that most of the female judges prefer (make request) to work at the supreme courts as rapporteur judges. (All the Supreme courts are located in Ankara.)

047. Number of court presidents (professional judges). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	617 [] NA [] NAP	529 [] NA [] NAP	88 [] NA [] NAP
1. Number of first instance court presidents	598 [] NA [] NAP	511 [] NA [] NAP	87 [] NA [] NAP
2. Number of second instance (court of appeal) court presidents	16 [] NA [] NAP	16 [] NA [] NAP	0 [] NA [] NAP
3. Number of supreme court presidents	3 [] NA [] NAP	2 [] NA [] NAP	1 [] NA [] NAP

Comments

048. Number of professional judges sitting in courts on an occasional basis and who are paid as

such (if possible on 31 December of the reference year):

	Figure
Gross figure	[] NA [X] NAP
In full-time equivalent	[] NA [X] NAP

Comments - If necessary, please provide comments to explain the answer provided:

048-1. (New question) Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

() Yes, please give specifications on the types of cases and an estimate in percentage.

(X) No

Comments

049. (Modified question) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges and “juges consulaires”, but not arbitrators and persons sitting in a jury):

	Figure
Gross figure	[] NA [X] NAP
In full time equivalent	[] NA [X] NAP

Comments

049-1. If such non-professional judges exist in first instance in your country, please specify for which types of cases:

	Yes	No	Echevinage
in criminal law cases	()	(X)	()
- severe criminal cases	()	(X)	()
- misdemeanour and/or minor criminal cases	()	(X)	()
in family law cases	()	(X)	()
in civil cases	()	(X)	()
in labour law cases	()	(X)	()

in social law cases	()	(X)	()
in commercial law cases	()	(X)	()
in insolvency cases	()	(X)	()
other	()	(X)	()

Comments - If "other", please specify:

050. Does your judicial system include trial by jury with the participation of citizens?

() Yes

(X) No

Comments

050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)

[] Severe criminal cases

[] Misdemeanour cases

[] Other cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

[]

[] NA

[X] NAP

Comments

052. Number of non-judge staff who are working in courts (on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
4. Technical staff	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
5. Other non-judge staff	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - If "other non-judge staff", please specify: In Turkey, prosecution offices and courts serve in the same building. Although there are non judge staff and staff working for prosecution offices, they can be assigned for different positions in the courthouses due to the organisational needs. This situation makes it rather hard to provide data which is separated for non judge staff and staff working for prosecution offices.

053. (Modified question) If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services, which fall within their powers, to private providers?

- Yes
- No

Comments

054-1. (New question) If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify):

Comments Within Turkish system, public prosecution offices, not courts, are in charge of administrative tasks in courthouses, such as outsourcing some services, which fall within their powers, to private service providers.

(e.g., informatics technologies services, training of staff, security, archives, cleaning) to private service providers.

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: Council of Judges and Prosecutors, MoJ

3.3. Public prosecution

3.3.1. Public prosecutors and staff

055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	4800 [] NA [] NAP	3266 [] NA [] NAP	1534 [] NA [] NAP
1. Number of prosecutors at first instance level	4510 [] NA [] NAP	3020 [] NA [] NAP	1490 [] NA [] NAP
2. Number of prosecutors at second instance (court of appeal) level	138 [] NA [] NAP	124 [] NA [] NAP	14 [] NA [] NAP
3. Number of prosecutors at supreme court level	152 [] NA [] NAP	122 [] NA [] NAP	30 [] NA [] NAP

Please indicate any useful comment for interpreting the data above: Number of male prosecutors have decreased, and number of female prosecutors have increased. Courts of appeal are in operation since 2016. Number of prosecutors at supreme court level is decreased. There is no special policy that could explain the increasing number of female prosecutors and the decreasing number of male prosecutors. But the increase in female judges and prosecutors at the beginning of their career may be the reason of this change. Some prosecutors and judges from 1st instance, have been assigned to Supreme courts and mostly to 2nd instance courts.

056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	237 [] NA [] NAP	233 [] NA [] NAP	4 [] NA [] NAP
1. Number of heads of prosecution offices at first instance level	219 [] NA [] NAP	215 [] NA [] NAP	4 [] NA [] NAP

2. Number of heads of prosecution offices at second instance (court of appeal) level	15 [] NA [] NAP	15 [] NA [] NAP	0 [] NA [] NAP
3. Number of heads of prosecution offices at supreme court level	3 [] NA [] NAP	3 [] NA [] NAP	0 [] NA [] NAP

Please provide any useful comment for interpreting the data above: Number of female prosecutors is increased.

057. Do other persons have similar duties to public prosecutors?

- Yes, please specify their number (in full-time equivalent):
- No

Comments - If yes, please specify their title and functions:

059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

- Yes
- No

Comments

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

- Yes
- No

Comments

060. Number of staff (non-public prosecutors) attached to the public prosecution service (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	[X] NA	[X] NA	[X] NA

Comments

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: Council of Judges and Prosecutors, MoJ

3.4. Management of the court budget

3.4.1. Court budget



061. Who is entrusted with responsibilities related to the budget within the court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Court President	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Court administrative director	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Head of the court clerk office	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Other	(X) Yes () No	(X) Yes () No	(X) Yes () No	(X) Yes () No

Comments - If "other", please specify:

3.6. Performance and evaluation

3.6.1. National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

(X) Yes

() No

Comments - If yes, please specify: The quality standards for judges and prosecutors are determined by Council of Judges and Prosecutors through the promotion and inspection system. Judicial Reform Strategy (2015) and Strategic Plan (2015-2019) of MoJ determines quality standards for the judicial system at national level including judges, prosecutors and judicial staff.

067. Do you have specialised court staff that is entrusted with these quality standards?

() Yes

(X) No

Comments

068. Is there a national system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan agreed beforehand?

(X) Yes

() No

Comments

068-1. (New question) If yes, please specify the frequency of this evaluation:

() Annual

(X) Less frequent

() More frequent

Comments - If "less frequent" or "more frequent", please specify: The overall functioning of courts is evaluated in every 2 years by

069. Is there a system for monitoring and evaluating the performance of the public prosecution service?

Yes

No

Comments - If yes, please give further details: The overall functioning of public prosecution is evaluated in every 2 years by Council of Judges and Prosecutors.

3.6.2. Performance and evaluation of courts



070. Do you have, within the courts, a regular monitoring system of court activities concerning:

number of incoming cases

number of decisions delivered

number of postponed cases

length of proceedings (timeframes)

age of cases

other (please specify):Types of cases and offences, number of suspects, accused, victims, etc..

Comments Other: Types of cases and offences, number of suspects, accused, victims, etc..

071. Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

civil law cases

criminal law cases

administrative law cases

Comments

072. Do you have an evaluation process to monitor waiting time during court procedures?

Yes

No

Comments - If yes, please specify:

073. Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

Yes

No

Comments

073-0. (New question) If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: Inspection of the court activities (in terms of performance and output) is held regularly in every two year by Council of Judges and Prosecutors.

Also, starting from 2016, all first instance and second instance courts and prosecution offices shall publish annual activity reports in civil, criminal and administrative proceedings. All courthouses among Turkey have published their 2016 activity reports on their website in 2017 accordingly. Those websites are free of charge and accessible by all. The activity reports include data on average timeframes of the cases, clearance rates, numbers of judges&prosecutors&staff, numbers of suspects, accused, 20 most common committed crimes table, budget, technological tools, numbers of MLA requests, etc..

073-1. Is this evaluation of the court activity used for the later allocation of means to this court?

Yes

No

Comments

074. Are there performance targets defined at the level of the court?

Yes

No

Comments

075. (Modified question) Please specify the main targets applied to the courts:

to increase efficiency / to shorten the length of proceedings

to improve quality

to improve cost efficiency / productivity

Other (please specify):

Comments Since 2013, SATURN studies concerning judicial time management have been carried out both in prosecution and investigation phase in criminal, civil and administrative procedure in Turkey. "The Regulation on Determination and Implementation of Target Time Periods of Prosecution and Investigation" has been published on Official Gazette dated 23.06.2017. This regulation obliges courts and public prosecution offices to provide information to the parties concerning the foreseeable timeframes of first instance criminal, civil and administrative proceedings. Target time periods have been determined by commissions made up from judges, prosecutors, lawyers and academicians. Those periods will be announced soon. The regulation will be fully implemented after this announcement. Also, it is planned to carry out those studies in 2nd instance courts in the near future.

076. Who is responsible for setting the targets for the courts?

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example High Judicial Council, Higher Court)

President of the court

Other (please specify):

Comments

077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)

Yes

No

Comments

078. If yes, please select the main performance and quality indicators that have been defined:

- incoming cases
- length of proceedings (timeframes)
- closed cases
- pending cases and backlogs
- productivity of judges and court staff
- percentage of cases that are processed by a single sitting judge
- enforcement of penal decisions
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- number of appeals
- other (please specify):

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify):

Comments

3.6.3. Court activity and administration

080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

(X) Yes (please indicate the name and the address of this institution):DG for Criminal Records and Statistics, MoJ,
<http://www.adlisicil.adalet.gov.tr/>,Tuna Caddesi No:10 06100 Yeniehirci Ankara/TURKEY

() No

Comments

080-1. Does this institution publish statistics on the functioning of each court:

- (X) Yes, on internet
- () No, only internally (in an intranet website)
- () No

Comments

081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended): Starting from 2016, all first instance and second instance courts and prosecution offices shall publish annual activity reports in civil, criminal and administrative proceedings. All courthouses among Turkey have published their 2016 activity reports on their website in 2017 accordingly. Those websites are free of charge and accessible by all. So, the reports are intended for all.

The activity reports include data on average timeframes of the cases, clearance rates, numbers of judges&prosecutors&staff, numbers of suspects, accused, 20 most common committed crimes table, budget, technological tools, numbers of MLA requests, etc..

Also the supreme courts publish activity reports annually on their website, accessible to all and free of charge. The reports are public and posted on the internet. For the first time in 2017 all reports have been prepared and published. They include previous year's (2016) data.

All of the courts' and prosecution offices' reports are available on their own website.

081-1. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-2. (New question) If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

082. (Modified question) Is there a process or structure of dialogue between the public prosecutor service and courts as regards the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

Yes

No

Comments - If yes, please specify:

082-1. (Modified question) Is there a process or structure of dialogue between lawyers and courts as regards the way cases are presented before courts in other than criminal matter (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Yes

No

Comments - If yes, please specify:

3.6.4. Performance and evaluation of judges



083. Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

Yes

No

Comments

083-1. Who is responsible for setting the targets for each judge?

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify):

Comments

New node



4. Fair trial

4.1. Principles

4.1.1. Principles of fair trial



084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?

[8]

NA

NAP

Comments

085. Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

Yes, number of successful challenges in a year 459

No

Comments - Please could you briefly specify:

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

Monitoring system

For civil procedures (non-enforcement)	(X) Yes () No <input type="checkbox"/> NAP
For civil procedures (timeframe)	(X) Yes () No <input type="checkbox"/> NAP
For criminal procedures (timeframe)	(X) Yes () No <input type="checkbox"/> NAP

Comments - Please, specify what are the terms and conditions of this monitoring system (information related to violations at the State/courts level; implementation of internal systems to remedy the established violation; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations:

D1. Please indicate the sources for answering questions in this chapter.

Sources: MoJ

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters as regards:

- civil cases
- criminal cases
- administrative cases
- There is no specific procedure

Comments - If yes, please specify:

088. Are there simplified procedures for:

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify:

088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify:

089. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

() Yes

(X) No

Comments - If yes, please specify: It is the courts who decide the organisation, number and planning of hearings in Turkey. But in practice, when setting the date of a hearing, judges consider the requests of lawyers.

4.2.2. Case flow management – first instance



091. (Modified question) First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	1528692 [] NA [] NAP	1904329 [] NA [] NAP	1640268 [] NA [] NAP	1792753 [] NA [] NAP	393172 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	136595 [] NA [] NAP	758027 [] NA [] NAP	730339 [] NA [] NAP	164283 [] NA [] NAP	24608 [] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	121635 [] NA [] NAP	106528 [] NA [] NAP	82594 [] NA [] NAP	145569 [] NA [] NAP	33154 [] NA [] NAP
2.2.1. Non litigious land registry cases	4678 [] NA [] NAP	4191 [] NA [] NAP	4143 [] NA [] NAP	4726 [] NA [] NAP	1598 [] NA [] NAP
2.2.2 Non-litigious business registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

2.2.3. Other registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative law cases	145882 <input type="checkbox"/> NA <input type="checkbox"/> NAP	387025 <input type="checkbox"/> NA <input type="checkbox"/> NAP	377580 <input type="checkbox"/> NA <input type="checkbox"/> NAP	155327 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1731 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. Change of name & surname Request for inheritance certificate Assignment and dismissal of a trustee Birth certificate corrections Protection of the properties of children, etc.

093. Please indicate the case categories included in the category "other cases":

. NAP

094. (Modified question) First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2)	994151 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1379927 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1300122 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1073956 <input type="checkbox"/> NA <input type="checkbox"/> NAP	103135 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Severe criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ

definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences": According to our system, there is no distinction such as 'serious offences' and 'minor offences.' In order to collect data, a list of offences with deprivation of liberty for severe criminal cases is made and the rest are included in misdemeanour cases. There are no specific reason for this general decrease. However, there is an increase in the number of criminal cases which are resolved via penal mediation

4.2.3. Case flow management – second instance

097. (Modified question) Second instance courts (appeal): Number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	16163 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12457 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3706 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	2130 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1822 <input type="checkbox"/> NA <input type="checkbox"/> NAP	308 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative law cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	4707 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1096 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3611 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments Courts of appeal (2nd instance courts) have started to operate in civil and criminal jurisdiction by July 20th, 2016. So, there is no pending cases on 1 January 2016 and there is no pending cases older than 2 years from the date the case came to the second instance court.

098. (Modified question) Second instance courts (appeal): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	31439 <input type="checkbox"/> NA <input type="checkbox"/> NAP	25603 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5836 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
1. Severe criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments Courts of appeal (2nd instance courts) have started to operate in civil and criminal jurisdiction by July 20th, 2016. So, there is no pending cases on 1 January 2016 and there is no pending cases older than 2 years from the date the case came to the second instance court.

4.2.4. Case flow management – Supreme Court



099. (Modified question) Highest instance courts (Supreme Court): number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court (Please insert NA for category 2))
Total of other than criminal law cases (1+2+3+4)	470629 <input type="checkbox"/> NA <input type="checkbox"/> NAP	803349 <input type="checkbox"/> NA <input type="checkbox"/> NAP	503871 <input type="checkbox"/> NA <input type="checkbox"/> NAP	770107 <input type="checkbox"/> NA <input type="checkbox"/> NAP	31403 <input type="checkbox"/> NA <input type="checkbox"/> NAP

1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	263351 [] NA [] NAP	503854 [] NA [] NAP	348969 [] NA [] NAP	418236 [] NA [] NAP	2737 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	5571 [] NA [] NAP	12835 [] NA [] NAP	9490 [] NA [] NAP	8916 [] NA [] NAP	15 [] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	1964 [] NA [] NAP	5541 [] NA [] NAP	4266 [] NA [] NAP	3239 [] NA [] NAP	6 [] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	2220 [] NA [] NAP	4261 [] NA [] NAP	2883 [] NA [] NAP	3598 [] NA [] NAP	9 [] NA [] NAP
2.2.1. Non litigious land registry cases	1806 [] NA [] NAP	3263 [] NA [] NAP	2218 [] NA [] NAP	2851 [] NA [] NAP	3 [] NA [] NAP
2.2.2 Non-litigious business registry cases	414 [] NA [] NAP	996 [] NA [] NAP	664 [] NA [] NAP	746 [] NA [] NAP	4 [] NA [] NAP
2.2.3. Other registry cases	0 [] NA [] NAP	2 [] NA [] NAP	1 [] NA [] NAP	1 [] NA [] NAP	0 [] NA [] NAP
2.3. Other non-litigious cases	1387 [] NA [] NAP	3033 [] NA [] NAP	2341 [] NA [] NAP	2079 [] NA [] NAP	2 [] NA [] NAP
3. Administrative law cases	193916 [] NA [] NAP	269564 [] NA [] NAP	133039 [] NA [] NAP	330441 [] NA [] NAP	28627 [] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

(X) Yes, please indicate the number of cases closed by this procedure:11979

() No

Comments

100. (Modified question) Highest instance courts (Supreme Court): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court
Total of criminal law cases (1+2)	400997 [] NA [] NAP	284848 [] NA [] NAP	292361 [] NA [] NAP	393484 [] NA [] NAP	48901 [] NA [] NAP
1. Severe criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

4.2.5. Case flow management – specific cases



101. (Modified question) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
Litigious divorce cases	81587 [] NA [] NAP	123049 [] NA [] NAP	109332 [] NA [] NAP	95304 [] NA [] NAP
Employment dismissal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Insolvency	2954 [] NA [] NAP	1309 [] NA [] NAP	1179 [] NA [] NAP	3084 [] NA [] NAP
Robbery case	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Intentional homicide	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Cases relating to the right of entry and stay for aliens	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

101-1. (New question) Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. Entry into and exit from Turkey shall be through the border gates with a valid passport or travel document. (Code on Foreigners and International Protection No 6458, Article 5.)

Foreigners who would stay in Turkey beyond the duration of a visa or a visa exemption or in any case longer than ninety days should obtain a residence permit. (Article 19)

No one shall be returned to a place where he or she may be subjected to torture, inhuman or degrading punishment or treatment or, where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion. (Article 4.)

A person who as a result of events occurring in European countries and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his citizenship and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his former residence as a result of such events, is unable or, owing to such fear is unwilling to return to it, shall be granted refugee status upon completion of the refugee status determination process. (Article 61)

A person who as a result of events occurring outside European countries and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, shall be granted conditional refugee status upon completion of the refugee status determination process. Conditional refugees shall be allowed to reside in Turkey temporarily until they are resettled to a third country. (Article 62)

A foreigner or a stateless person, who neither could be qualified as a refugee nor as a conditional refugee, shall nevertheless be granted subsidiary protection upon the status determination because if returned to the country of origin or country of [former] habitual residence would:

- a) be sentenced to death or face the execution of the death penalty;
- b) face torture or inhuman or degrading treatment or punishment;
- c) face serious threat to himself or herself by reason of indiscriminate violence in situations of international or nationwide armed conflict; and therefore is unable or for the reason of such threat is unwilling, to avail himself or herself of the protection of his country of origin or country of [former] habitual residence. (Article 63)

Against those administrative decisions, the concerned person, his/her legal representative or lawyer may appeal to the International Protection Assessment Commission and also may file an appeal before the administrative courts. The person shall be allowed to stay in Turkey until the completion of the administrative process or judicial proceedings. (Article 80)

In cases where the applicant and international protection beneficiary is unable to afford the attorney's fee for their judicial appeals in respect of the applications and proceedings covered by this Code, legal aid shall be provided pursuant to the provisions in the Attorneyship Code No. 1136. (Article 81)

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Litigious divorce case	3 [] NA [] NAP	303 [] NA [] NAP	61 [] NA [] NAP	183 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Employment dismissal case	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	955 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	328 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Please note that the figures above -on % of decisions subject to appeal- refer to the courts of appeal, not the Supreme Court (Court of Cassation).

103. Where appropriate, please indicate the specific procedure as regards divorce cases (litigious and non-litigious):

. Divorce cases are handled by family courts. Before considering the merits of the case, family courts, if appropriate, shall encourage the parties to solve the problems peacefully. If the conflict is not solved in this way, then courts are entitled to hear the case. Also, the judge may, upon a request of the parties, decide to hear the case in a closed session. (Code on the Establishment, Functions and Trial Procedure of Family Courts)

104. How is the length of proceedings calculated for the five case categories of question 102? Please give a description of the calculation method.

. The calculation is made through judicial IT system (UYAP).
The calculation method of the length of proceedings of cases at the first instance courts:
1- In criminal cases, the date of accepting the public prosecution office's indictment by the court is considered the beginning of the proceeding. The date of the service of the court verdict is the end of the proceedings for first instance courts. The length of proceedings is the period between these two dates.
2- In cases other than criminal cases, the date of filing the case in a court is considered the beginning of the proceeding. The date of the service of the court decision is the end of the proceedings for first instance courts. The length of proceedings is the period between these two dates.
The calculation method of the length of proceedings of cases at the second instance courts (Regional Courts of Appeal):
In both criminal cases and other than criminal cases, the date of receiving the petition of appellate by the Court of Appeal is considered the beginning of the proceeding. The date of the service of the final decision of Court of Appeal to the first instance courts is the end of the proceedings. The length of proceedings is the period between these two dates.
The calculation method of the length of proceedings of cases at Supreme Courts (Court of Cassation and Council of State):
In both criminal cases and other than criminal cases, the date of receiving the petition of appellate by the Court of Cassation or the Council of State is considered the beginning of the proceeding. The date of the service of the final decision of these of courts to the first instance courts is the end of the proceedings. The length of proceedings is the period between these two dates.



4.2.6. Case flow management – public prosecution

105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers (please specify):

Comments

106. (Modified question) Does the public prosecutor also have a role in:

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify:

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	3351778 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1086270 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	697602 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
Total	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Before the court case	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
During the court case	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

108. Total cases which were discontinued by the public prosecutor:

	Number of cases
Total cases which were discontinued by the public prosecutor (1+2+3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Discontinued by the public prosecutor because the offender could not be identified	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Discontinued by the public prosecutor for reasons of opportunity	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Total cases which were discontinued by the public prosecutor is 1086270.

109. Do the figures include traffic offence cases?

Yes

No

Comments

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: MoJ, Court of Cassation, Council of State.

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges

110. (Modified question) How are judges recruited?

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)



a combination of both (competitive exam and working experience)

other (please specify):

Comments

110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

Yes

No

Comments - If yes, please specify:

111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:

an authority made up of judges only

an authority made up of non-judges only

an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

112. Is the same authority (Q111) competent for the promotion of judges?

Yes

No

Comments

112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

Yes

No

Comments - If yes, please specify: Article 10 of the Turkish Constitution states that "Everyone is equal before the law without distinction as to language, race, gender, political opinion, philosophical belief, religion and sect, or any such grounds. Men and women have equal rights. The State has the obligation to ensure that this equality exists in practice. Measures taken for this purpose shall not be interpreted as contrary to the principle of equality. State organs and administrative authorities are obliged to act in compliance with the principle of equality before the law in all their proceedings."

Council of Judges and Prosecutors (CJP) notes that, gender equality is considered for the recruitment and promotion procedures of judges and prosecutors. For instance, the time spent in the maternity leave is evaluated for the benefit of female judge&prosecutor during the promotion period within the implementation of CJP.

113. What is the procedure for judges to be promoted? (multiple answers possible)

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination):

113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”):

114. (Modified question) Is there a system of qualitative individual assessment of the judges’ work?

- Yes
- No

Comments

114. If yes, please specify the frequency of this assessment:

- Annual
- Less frequent
- More frequent

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of prosecution services?

- statutory independent
- under the authority of the Minister of justice or another central authority
- other (please specify): Public prosecutors have the same constitutional status as judges. They are fully independent in the fulfillment of their judicial tasks. However, they have administrative duties as well, and they are subordinate to the MoJ in this context.

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a prosecutor in a court.

- Yes
- No

Comments - If yes, please specify:

116. How are public prosecutors recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify):

Comments

117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:

- an authority composed of public prosecutors only
- an authority composed of non-public prosecutors only
- an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- Yes
- No

Comments - If yes, please specify:

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

- Yes
- No, please specify which authority is competent for promoting public prosecutors Council of Judges and Prosecutors

Comments Council of Judges and Prosecutors

119. What is the procedure for prosecutors to be promoted? (multiple answers possible)

- Competitive test / exam
- Other procedure (interview or other)
- No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam):

119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

- Yes
- No

Comments - If yes, please specify: Article 10 of the Turkish Constitution states that "Everyone is equal before the law without distinction as to language, race, gender, political opinion, philosophical belief, religion and sect, or any such grounds. Men and women have equal rights. The State has the obligation to ensure that this equality exists in practice. Measures taken for this purpose shall not be interpreted as contrary to the principle of equality. State organs and administrative authorities are obliged to act in compliance with the principle of equality before the law in all their proceedings."

Council of Judges and Prosecutors (CJP) notes that, gender equality is considered for the recruitment and promotion procedures of judges and prosecutors. For instance, the time spent in the maternity leave is evaluated for the benefit of female judge&prosecutor during the promotion period within the implementation of CJP.

119-2. Please indicate the criteria used for the promotion of a prosecutor:

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

120. Is there a system of qualitative individual assessment of the public prosecutors' work?

Yes

No

Comments

5.1.3.Mandate and retirement of judges and prosecutors

121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:65

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

121-1. Can a judge be transferred (to another court) without his/her consent:

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

Yes, duration of the probation period (in years):

No

NAP

Comments

123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:65

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

124. Is there a probation period for public prosecutors? If yes, how long is this period?

Yes, duration of the probation period (in years):

No

Comments

125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?

Yes, what is the length of the mandate (in years)?

No

Comments

126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?

Yes, what is the length of the mandate (in years)?

No, what is the length of the mandate (in years)?

Comments

5.2. Training

5.2.1. Training of judges

127. Types of different trainings offered to judges

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in the court)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions of the court (e.g. court president)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

128. Frequency of the in-service training of judges:

	Frequency of the judges training
General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input checked="" type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for management functions of the court (e.g. court president)	<input checked="" type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for the use of computer facilities in courts	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges: The fields of in service training is organised and announced annually by Turkish Justice Academy within the previous year. Judges and prosecutors are free to apply for training that is appropriate according to their profession.

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors

	Compulsory	Optional	No training proposed
Initial training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions in the courts (e.g. Head of prosecution office, manager)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in office	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	<input checked="" type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

In-service training for management functions in office (e.g. Head of prosecution office, manager)	<input checked="" type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for the use of computer facilities in office	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One institution for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One single institution for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments Turkish Justice Academy is an independent training provider for the entire judiciary.

131-0. (Modified question) If yes, what is the budget of such institution(s)?

	Budget of the institution for the reference year, in €
One institution for judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One institution for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One single institution for both judges and prosecutors	5691914 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. Judges and prosecutors have compulsory initial training.

5.3.Practice of the profession

5.3.1.Salaries and benefits of judges and prosecutors

132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	24103 [] NA [] NAP	18811 [] NA [] NAP	89422 [] NA [] NAP	69790 [] NA [] NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	44241 [] NA [] NAP	33929 [] NA [] NAP	164132 [] NA [] NAP	125876 [] NA [] NAP
Public prosecutor at the beginning of his/her career	24103 [] NA [] NAP	18811 [] NA [] NAP	89422 [] NA [] NAP	69790 [] NA [] NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	44241 [] NA [] NAP	33929 [] NA [] NAP	164132 [] NA [] NAP	125876 [] NA [] NAP

Comments

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	() Yes (X) No	() Yes (X) No
Special pension	() Yes (X) No	() Yes (X) No
Housing	(X) Yes () No	(X) Yes () No
Other financial benefit	(X) Yes () No	(X) Yes () No

Comments

134. If “other financial benefit”, please specify:

. Judges and prosecutors, as well as other judicial staff, can benefit of a reduction in the installations (hotels, resorts etc.) operated by the Judicial Support Foundation.

[] NAP

135. Can judges combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	() Yes (X) No	(X) Yes () No
Political function	() Yes (X) No	() Yes (X) No
Other function	() Yes (X) No	() Yes (X) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify.

137. Can public prosecutors combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	() Yes (X) No	(X) Yes () No
Political function	() Yes (X) No	() Yes (X) No
Other function	() Yes (X) No	() Yes (X) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. Judges and public prosecutors can not receive any public or private task other than those specified in law. (Constitution, article 140)

Judges and prosecutors may carry out scientific research and publications. Judges and prosecutors may give initial and in service training lectures and conferences on matters related to their profession in Turkish Justice Academy and vocational schools of justice, provided that the Minister of Justice permits. (Code on Judges and Prosecutors No 2802, Article 48)

139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative

objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time) or cases examination?

Yes

No

Comments - If yes, please specify the conditions and possibly the amounts:

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court or body

Ombudsman

Parliament

Executive power (please specify):

Other (please specify):

This is not possible

Comments

141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

Citizens

Head of the organisational unit or hierarchical superior public prosecutor

Prosecutor General / State public prosecutor

Public prosecutorial Council (and Judicial Council)

Disciplinary court or body

Ombudsman

Professional body

Executive power (please specify):

Other (please specify):

This is not possible

Comments

142. Which authority has disciplinary power over judges? (multiple options possible)

Court

- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):

Comments

143. Which authority has disciplinary power over public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):

Comments

5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Judges	Prosecutors
Total number (1+2+3+4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify: Judges and prosecutors are subject to the same legislation and have the same status. Disciplinary

actions are carried out by the Council of Judges and Prosecutors for both. It is not possible to separate the disciplinary proceedings initiated against judges than the ones against prosecutors.

Total number of disciplinary proceedings initiated against judges and prosecutors is 138.

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
Total number (total 1 to 9)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Temporary reduction of salary	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
6. Position downgrade	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
7. Transfer to another geographical (court) location	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
8. Resignation	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
9. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. Judges and prosecutors are subject to the same legislation and have the same status. Disciplinary sanctions are carried out by the Council of Judges and Prosecutors for both. It is not possible to separate the sanctions pronounced against judges than the ones against prosecutors.

Total number of sanctions pronounced against judges and prosecutors is 138 among which are 15 for reprimand, 8 for temporary reduction of salary, 6 for transfer to another geographical (court) location, 13 for resignation (dismissal), 8 for warning, 1 for suspend promoton, 87 for other.

E3. Please indicate the sources for answering questions 144 and 145:

Sources: Council of Judges and Prosecutors.

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers

146. Total number of lawyers practising in your country:

[100461]

[] NA

[] NAP

Comments

147. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes ()

No (X)

Comments

148. Number of legal advisors who cannot represent their clients in court:

[]

[] NA

[X] NAP

Comments

149. (Modified question) Do lawyers have a monopoly on legal representation in (multiple options are possible):

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Dismissal cases	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Criminal cases - Defendant	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Criminal cases - Victim	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Administrative cases	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP

There is no monopoly	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments - Please, indicate any useful clarifications regarding the content of lawyers' monopoly: Under Turkish legislation, real persons can represent themselves at all courts. Nevertheless there are some exceptions to this rule. For instance, minors and disabled persons, individuals who cannot make his/her own defense, etc.. must be appointed with a lawyer.

On the other hand, it is lawyers who have a monopoly on legal representation. Providing opinion on legal matters; litigating and defending the rights of real persons and legal entities before courts, arbitrators or other bodies invested with jurisdictional powers; following judicial proceeding; and managing all documentation in connection therewith are the sole prerogative of attorneys enrolled at bar associations. (Attorneyship Code, article 35)

149-0. (New question) If there is no monopoly, please specify the organisations or persons that may represent a client before a court:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Family member	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Self-representation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Trade union	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify. In addition, please specify for the categories mentioned, the types of cases concerned by this/these representation(s): Under Turkish legislation, real persons can represent themselves at all courts. Nevertheless there are some exceptions to this rule. For instance, minors and disabled persons, individuals who cannot make his/her own defense, etc.. must be appointed with a lawyer.

On the other hand, it is lawyers who have a monopoly on legal representation. Providing opinion on legal matters; litigating and defending the rights of real persons and legal entities before courts, arbitrators or other bodies invested with jurisdictional powers; following judicial proceeding; and managing all documentation in connection therewith are the sole prerogative of attorneys enrolled at bar associations. (Attorneyship Code, article 35)

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- Notarial activity
- Arbitration / mediation
- Proxy / representation
- Property manager
- Real estate agent
- Other law activities (please specify):Lawyers can give lectures, courses to intern lawyers.

Comments

149-2. What are the statuses for exercising the legal profession in court?

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments

150. Is the lawyer profession organised through:

- a national bar association
- a regional bar association
- a local bar association

Comments

151. Is there a specific initial training and/or exam to enter the profession of lawyer?

- Yes
- No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

152. Is there a mandatory general system for lawyers requiring in-service professional training?

- Yes
- No

Comments

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

- Yes
- No

Comments - If yes, please specify:

F1. Please indicate the sources for answering questions 146 and 148:

Sources: Union of Turkish Bar Associations

6.1.2. Practicing the profession

154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

- Yes
- No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

Yes laws provide rules

Yes standards of the bar association provide rules

No neither laws nor bar association standards provide rules

Comments

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

No

Comments - If yes, what are the quality criteria used?

158. If yes, who is responsible for formulating these quality standards:

the bar association

the Parliament

other (please specify):

Comments

159. Is it possible to file a complaint about:

the performance of lawyers

the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

the judge

the Ministry of Justice

a professional authority

other (please specify):

Comments Union of Turkish Bar Associations.

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1102 [] NA [] NAP
1. Breach of professional ethics	[X] NA [] NAP
2. Professional inadequacy	[X] NA [] NAP
3. Criminal offence	[X] NA [] NAP
4. Other	[X] NA [] NAP

Comments - If "other", please specify: The sub categories of the disciplinary proceedings initiated against lawyers are different in Turkish system. Therefore, it is only possible to give the total number which is 1102. There are disciplinary proceedings can be undertaken for several reasons; it is not possible to calculate those proceedings only once and for only the main reason.

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	394 [] NA [] NAP
1. Reprimand	143 [] NA [] NAP
2. Suspension	59 [] NA [] NAP
3. Withdrawal from cases	[] NA [X] NAP
4. Fine	37 [] NA [] NAP
5. Other	155 [] NA [] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons.

7. Alternative dispute resolutions

7.1. Mediation

7.1.1. Details on mediation procedures and other ADR



163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.

Yes

No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation procedures?

Before going to court

Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned: By 31.12.2016, Turkish judicial system does not provide mandatory mediation procedures for any fields.

However, on 12.10.2017 a draft law on Labour Courts has been adopted by Turkish Parliament. This draft ensures mandatory mediation procedures for some labour disputes before going to court.

164. Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Family law cases (ex. divorce)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Employment dismissals	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

165. Is there a possibility to receive legal aid for judicial mediation procedures?

Yes

No

Comments - If yes, please specify:

166. Number of accredited or registered mediators who practice judicial mediation:

[3351]

NA

NAP

Comments Please note that the figure above is the number of mediators for other than criminal cases.

167. Number of judicial mediation procedures.

	Number of judicial mediation procedures
Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)	13278 [] NA [] NAP
1. Civil and commercial cases	984 [] NA [] NAP
2. Family cases	110 [] NA [] NAP
3. Administrative cases	[] NA [X] NAP
4. Employment dismissal cases	4367 [] NA [] NAP
5. Criminal cases	7817 [] NA [] NAP

Comments - Please indicate the source: MoJ, DG for Legal Affairs, Department of Mediation.
MoJ, DG for Criminal Affairs, Department of Alternative Resolutions.

168. Does the legal system provide for the following alternative dispute resolutions (ADR):

- mediation other than judicial mediation
- arbitration
- conciliation
- other ADR (please specify):settlement

Comments

G1. Please indicate the source for answering question 166:

Source: MoJ, DG for Legal Affairs, Department of Mediation.

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1.Functioning

169. Do you have enforcement agents in your judicial system?

- Yes
- No

Comments



170. Number of enforcement agents

[4079]

[] NA

[] NAP

Comments

171. Are enforcement agents (multiple options are possible):

[] judges

[] bailiffs practising as private professionals under the authority (control) of public authorities

[] bailiffs working in a public institution

[X] other

Comments - Please specify their status and powers:

171-1. Do enforcement agents have the monopoly in exercising their profession?

(X) Yes

() No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with:

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	(X) Yes with monopole () Yes without monopole () No [] NAP
Seizure of immovable properties	(X) Yes with monopole () Yes without monopole () No [] NAP
Seizure from a third party of the debtor claims regarding a sum of money	(X) Yes with monopole () Yes without monopole () No [] NAP
Seizure of remunerations	(X) Yes with monopole () Yes without monopole () No [] NAP
Seizure of motorised vehicles	(X) Yes with monopole () Yes without monopole () No [] NAP
Eviction measures	(X) Yes with monopole () Yes without monopole () No [] NAP

Enforced sale by public tender of seized properties	(X) Yes with monopole () Yes without monopole () No [] NAP
Other	(X) Yes with monopole () Yes without monopole () No [] NAP

Comments

171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immoveable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

172. Is there a specific initial training or exam to become an enforcement agent?

- Yes
- No

Comments

172-1. Is there a system of mandatory general continuous training for enforcement agents?

- Yes
- No

Comments

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

- a national body
- a regional body

a local body

NAP

Comments

174. Are enforcement fees easily established and transparent for the court users?

Yes

No

Comments

175. Are enforcement fees freely negotiated?

Yes

No

Comments

176. Do laws provide any rules on enforcement fees (including those freely negotiated)?

Yes

No

Comments

H0. Please indicate the sources for answering question 170

Source: MoJ

8.1.2. Efficiency of enforcement services

177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

Yes

No

Comments

178. Which authority is responsible for supervising and monitoring enforcement agents?

a professional body

the judge

the Ministry of Justice

the public prosecutor

other (please specify):

Comments

179. Have quality standards been determined for enforcement agents?

Yes

No

Comments - If yes, what are the quality criteria used?

180. If yes, who is responsible for establishing these quality standards?

a professional body

the judge

the Ministry of Justice

other (please specify):

Comments

181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?

Yes

No

Comments - If yes, please specify:

182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

Yes

No

Comments - If yes, please specify:

183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

no execution at all

non execution of court decisions against public authorities

lack of information

excessive length

unlawful practices

insufficient supervision

excessive cost

other (please specify):

Comments

184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

Yes

No

Comments - If yes, please specify:

185. Is there a system measuring the length of enforcement procedures:

	Existence of the system
for civil cases	(X) Yes () No
for administrative cases	(X) Yes () No

Comments

186. As regards a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):

- (X) between 1 and 5 days
- () between 6 and 10 days
- () between 11 and 30 days
- () more (please specify):

Comments

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	1968 [] NA [] NAP
1. For breach of professional ethics	[X] NA [] NAP
2. For professional inadequacy	[X] NA [] NAP
3. For criminal offence	[X] NA [] NAP
4. Other	[X] NA [] NAP

Comments - If "other", please specify: Total number of initiated disciplinary proceedings is 1968. The sub categories of the disciplinary proceedings are different in Turkish system.

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	[X] NA [] NAP

1. Reprimand	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: Total number of sanctions pronounced against enforcement agents is 263. The sub categories of the sanctions are different in Turkish system.

H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: MoJ

8.2. Execution of decisions in criminal matters

8.2.1. Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify):

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

Comments

191. If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Number of notaries
TOTAL	1595 [] NA [] NAP
Private professionals (without control from public authorities)	[] NA [X] NAP
Private professionals under the authority (control) of public authorities	1595 [] NA [] NAP
Public agents	[] NA [X] NAP
Other	[] NA [X] NAP

Comments - If "other", please specify the status:

192-1. What are the access conditions to the profession of notary:

- diploma
- payment of a fee (e.g. purchasing office)
- co-opting of peers
- other

Comments

192-2. (Modified question) What is the duration of appointment of a notary?

- Limited duration, please indicate it in years:
- Unlimited duration

Comments

194. Do notaries have duties (multiple options possible):

- within the framework of civil procedure
- in the field of legal advice
- to certify the authenticity of legal deeds and certificates
- in the field of mediation

other (please specify):certify the authenticity of translations

Comments Notaries have duties within the framework of civil procedure, but those duties are related to the certification of the authenticity of documents, either issuing documents or approving the validity.

194-1. Do notaries have the monopoly when exercising their profession:

- in civil procedure
- in the field of legal advice
- to authenticate deeds/certificates
- in the field of mediation
- other

Comments - Please indicate any useful clarifications regarding the content of the notaries' monopoly or on the opposite regarding the competition they have to deal with:

194-2. As well as these activities, what are the other ones that can be carried out by notaries?

- Real estate transaction
- Settlement of estates
- Legality control of gambling activities
- Authentication of documents
- Translations
- Signatures
- Other

Comments

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

- Yes
- No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries?

- a professional body
- the judge
- the Ministry of Justice
- the public prosecutor
- the Ministry of Interior
- other (please specify):

Comments

196-1. Is there a system of general continuous training mandatory for all notaries?

- Yes
- No

11. Please indicate the sources for answering question 192:

Sources: Turkish Notaries Union

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1. Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments Court interpreters are indeed accepted as experts. Experts involved in judicial proceedings, are subject to the Code on Experts No.6754, Regulation on Experts and Regulation on Ethical Codes for Public Officials. It is the first time that, under those legislation, binding provisions are set for professional inadequacy, integrity, reputation and ethical performance regarding the quality of the experts' services. Code on Experts No. 6754 came into force by 24.11.2016. The new legislation is the reason of the change in the answers.

198. Is the function of court interpreters regulated by legal norms?

Yes

No

Comments

199. Number of accredited or registered court interpreters:

[2414]

NA

NAP

Comments

200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

Yes

No

Comments - If yes, please specify:

201. Are the courts responsible for selecting court interpreters?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects court interpreters

J1. Please indicate the sources for answering question 199

Sources: MoJ

11.Judicial experts

11.1.Profession of judicial expert

11.1.1.Status of judicial experts

202. In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,
- "legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).
- Other (please specify):

Comments

202-1. Are there lists or databases of technical experts registered?

- Yes
- No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?)

203. Is the title of judicial experts protected?

- Yes
- No

Comments - If appropriate, please explain the meaning of this protection:

203-1. Does the expert have an obligation of training?

	Obligation of training
Initial training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Continuous training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

203-2. If yes, does this training concern:

- the proceeding
- the profession of expert
- other

Comments

204. Is the function of judicial experts regulated by legal norms?

- Yes
- No

Comments

204-1. On the occasion of a mission entrusted to him/her, does the expert have to report any potential conflicts of interest?

- Yes
- No

Comments

205. Number of accredited or registered judicial / technical experts:

- 54763]
- NA
- NAP

Comments Code on Experts no 6754 came into force in 2016. According to this Code, expert district boards decide of the registration on the list. The registration is limited for 3 years. (Article 11) According to this new Code, it is not possible to apply for the consultation of an expert on the matters that can be solved by general knowledge or experience or by the legal information required by the judge's profession. We believe the important decrease is due to the new legislation and its provisions.

205-1. Who sets the expert remuneration?

- There is a tariff on the remuneration of the experts. This tariff is regulated by MoJ annually, Department of Expertise.
(Code on Experts no 6754 Article 6, MoJ Regulation on Experts Article 19)

206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- Yes
- No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge:

207. Are the courts responsible for selecting judicial experts?

- Yes, for recruitment and/or appointment for a specific term of office

[X] Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

[] No, please specify which authority selects judicial experts

Comments

207-1. Does the judge control the progress of investigations?

(X) Yes

() No

Comments

K1. Please indicate the sources for answering question 205

Sources: MoJ

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:

1. (Comprehensive) reform plans "The Regulation on Determination and Implementation of Target Time Periods of Prosecution and Investigation" has been published in 2017. This regulation ensures to provide information to the parties concerning the foreseeable timeframes of first instance criminal, civil and administrative proceedings. Target time periods have been determined by commissions made up from judges, prosecutors, lawyers and academicians. Those periods will be announced soon. The regulation will be fully implemented after this announcement. Also, it is planned to carry out those studies in 2nd instance courts in the near future. Starting from 2016, all first instance and second instance courts and prosecution offices shall publish annual activity reports in civil, criminal and administrative proceedings. Courthouses among Turkey have published their 2016 activity reports on their website in 2017 accordingly. Those websites are free of charge and accessible by all. Code on Experts came into force in 2016. Registration, initial and in-service trainings of experts and quality standards for experts are regulated with this Code. Also on 07.12.2016 Department of Expertise has been established under MoJ, DG for Legal Affairs. Moreover Forensic Medicine Institute's institutional capacity has been enhanced. Various new expertise units -including IT department- have been established under this Institute of MoJ.

2. Budget The budget of Ministry of Justice has been increasing in the recent years. MoJ's budget increased % 22.49 in between 2015-2016 and increased % 16.41 in between 2016-2017.

Moreover, in order to strengthen the access to justice for disabled persons in courthouses, a separate budget is allocated within the MoJ's budget. This financial resource shall be only dedicated to services for disabled court users.

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) Courts of appeal (2nd instance courts) have started to operate in civil, administrative and criminal jurisdiction by July 20th, 2016. By the time being, there are 9 courts of appeal in civil and criminal jurisdiction and 7 courts of appeal in administrative jurisdiction which are in operation.

There has been a constitutional amendment in 2017. According to this amendment, military courts can not be established except for disciplinary courts. But in times of war, military courts in charge of dealing with offenses committed by soldiers in relation to their duties can be established. For the time being, there is no military courts in Turkey accordingly.

Audio-Visual Information System (SEGBIS) is available in courts, prosecution offices and prison and detention offices at a total of 3413 facilities. Judicial proceedings at those facilities can be conducted and recorded via SEGBIS. SEGBIS contributes right to a fair trial and right to a fair hearing within a reasonable time. A total of 193.876 judicial proceedings are hold and recorded by SEGBIS in 2015 and a total of 180.715 judicial proceedings are hold and recorded by SEGBIS in 2016. IT Department of MoJ is in charge of this system and promotes the efficiency of it. Via judicial IT system (UYAP), all citizens can access information about their cases and exchange documents by using citizens' portal. Lawyers can monitor their cases and exchange documents via lawyers' portal. They can log into the system either with an e-signature or national ID number. In addition, parties and other persons, who have subscribed to UYAP SMS Information System, receive information about the case files and proceedings as SMS.

New portals within UYAP have been created to ensure electronic sales of movables and immovables which are subject to enforcement proceedings. Parties and third-party can make online payments for judicial fees via UYAP. Inheritance certificates can be prepared by courts through electronic means in 2 minutes. The prior average timeframe for those cases was 18 days. Judicial data bank was introduced by MoJ, DG for Criminal Records and Statistics -in cooperation with MoJ IT Department- to achieve more effective justice by providing objective and reliable judicial data. IT Department of MoJ has prepared a separate portal for judiciary enabling the announcement of the information and documents which are obligatory to be published in national or local newspapers. UYAP has been integrated with more institutions' portal.

Number of inhabitants, work load, number of staff and geographical location of the region of each courthouse is monitored regularly. Court buildings' maintenance or investments in new court buildings are conducted accordingly. 18 new court buildings have been built in 2016 and 6 new court buildings have been built in 2017.

3.1. Access to justice and legal aid "The Regulation on Determination and Implementation of Target Time Periods of Prosecution and Investigation" and courts' activity reports can be considered as the most significant aspects of access to justice and transparency. (O.208.1) Moreover, online annual activity reports and decisions of supreme courts are accessible to all and free of charge. Special needs of vulnerable groups are taken into close consideration. There is a separate body within MoJ to promote the victim's rights within the judicial proceedings. Department of Victim Rights adopts instruments aimed at protecting and assisting victims of crime. The website of this Department includes comprehensive information on the rights of the child victims, victims of violence, victims of terror and human trafficking and for elderly and disabled individuals. Moreover, there is a draft legislation on victims rights. This draft aims to establish victims support units within the courthouses that will provide effective guidance services to the victims. The draft will be submitted to Turkish Grand National Assembly in the near future. Separate interview rooms have been established in courthouses for victims of sexual assault and domestic violence, witnesses, juvenile offenders. In service trainings are being prepared for the social workers assigned in these rooms.

Legal clinics in Turkey also aims to help and inform the victims of crime as well as the other vulnerable groups. MoJ is cooperating with universities and bar associations to strengthen the legal clinics. Law faculty students participate those studies actively. Brochures and leaflets are prepared and delivered to individuals in courthouses and women in prisons.

The training programmes for the students have been completed. 650 students in different regions of Turkey have participated those programmes. Also, the training activities have been recorded and delivered to all law faculties in Turkey. Special cars are in service for the transfer of the prisoners and arrested people who have disability.

Within the scope of mediation clinics, mediation points were established at courthouses and MoJ has provided stands, brochures and

leaflets for mediation points. More than 400 law faculty students assisted 1338 individuals at those points. Different law faculties in Turkey provide free of charge information on legal clinics through their websites.

MoJ and Union of Bar Associations are the beneficiaries of the EU Twinning Project “Strengthening the Legal Aid Services in Turkey” which started in 2016 and will be finished by 2018. Various working groups have been established from each stakeholder to analyse and monitor the system. Satisfaction surveys are conducted aimed at legal aid beneficiaries. A legislative amendment will be prepared to make a more efficient legal aid system. It is planned to include a new income and assets evaluation system for legal aid beneficiaries in civil cases. (Legal aid has a broader concept in criminal cases as explained in 0.21) “Support to the Improvement of Legal Aid Practices for Access to Justice for All in Turkey Project” aims to develop coordinated efforts for enhancing the quality of the legal aid services in Turkey as well as capacity of the attorneys, particularly addressing the needs of disadvantaged groups as well as Syrian population in Turkey. The Union of Bar Associations (UTBA) is the implementing partner and the Ministry of Justice General Directorate of Criminal Affairs is the cooperating partner of this project. UNDP is the implementing agency. The project is funded by the Swedish International Cooperation and Development Agency (SIDA) and UTBA. Moreover, MoJ is preparing in service trainings, guidelines and other tools on refugee law aimed at social workers and judicial staff.

4. High Judicial Council There has been a constitutional amendment on Council of Judges and Prosecutors in 2017. According to this amendment, 4 members of the Council shall be elected by the President of Republic of Turkey. Among those 4 members, 3 members shall be judges from civil or criminal jurisdiction with a certain year of professional experience and 1 member shall be a judge from administrative jurisdiction with a certain year of professional experience.

The rest of 7 members of the Council shall be elected by Turkish Parliament. Among those 7 members, 3 members shall be the members of Court of Cassation (supreme court in civil and criminal matters), 1 member shall be Council of State’s (supreme court in administrative matters) member and the 3 members shall be elected among academicians (lecturing in law) and lawyers. In any case there shall be 1 lawyer and 1 academician who are elected to the Council.

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. MoJ is in charge of regulating initial and in-service training for judicial staff and established 2 new training centers for this purpose.

A total of 10166 judicial staff have participated in service training in 2016.

MoJ prepared a separate initial and in-service training programme for the newly assigned psychologist, pedagogue, and social workers.

There is a draft code on notaries which is still in progress.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities Turkey is a party to European Convention on Human Rights. Right of individual application to the Constitutional Court has been granted to the citizens in the cases of violation of fundamental rights and freedoms. Moreover, Human Rights Compensation Commission was founded under MoJ, Department of Human Rights. Code on The Settlement of Some Applications Lodged with The ECtHR By Means of Paying Compensation No: 6384, shall be implemented on the applications registered as of 23.09.2012 before the ECtHR. This Code includes the applications lodged with the ECtHR with the allegations that the investigations and prosecutions within the scope of the criminal law and the proceedings within the scope of the private and administrative law have not been concluded within a reasonable time and

the Court's judgments have been executed late or unsatisfactorily, or have not been executed.

Human Rights Department's institutional capacity is enhanced within MoJ. This Department is now one of the main service units of MoJ.

Code on International Legal Assistance in Criminal Matters came into force on 2016. This Code enhances the provisions of international agreements -which Turkey is a party to- at national level. A guideline on International Legal Assistance in Criminal Matters has also been prepared. Recently many bilateral and international agreement has been signed by Turkey such as: Additional Protocol to the EU Convention on Extradition, Third Additional Protocol to the EU Convention on Extradition, Fourth Additional Protocol to the EU Convention on Extradition, Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, Additional Protocol to the Convention on the Transfer of Sentenced Persons, Additional Protocol to the Criminal Law Convention on Corruption, Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, The Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, The Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance. Also, Turkey have signed bilateral agreements and joint declarations with Brazil, Kazakhstan, Jordan, Hungary and Iran on mutual legal assistance.

7. Enforcement of court decisions No on-going studies on the enforcement of court decisions.

8. Mediation and other ADR Mediation has been introduced to Turkish legal system through the adoption of Code on Mediation in Civil Disputes. There is a separate unit established within MoJ to promote the mediation in civil cases. On 12.10.2017 a draft law on Labour Courts has been adopted by Turkish Parliament. This draft ensures mandatory mediation procedures for some labour disputes before going to court. In order to strengthen the penal mediation at national level, the "Department of Alternative Resolutions" has been established in the organization of the MoJ, DG for Criminal Affairs on 10.10.2016. A regulation on penal mediation and minimum fee tariff for the penal mediators has been published in 2017. On 02.12.2016, a new legislation amendment came into force. With this amendment, more offences have been included in the scope of penal mediation. The new legislation ensures the establishment of penal mediation offices under each chief public prosecution offices. It is estimated that more cases may be resolved by penal mediation in the future. For instance, between 01.12.2016-01.06.2017, 111.666 cases have been resolved via penal mediation. To promote ADR at supreme court level, Turkish International Disputes Resolution Centre has been established within the Court of Cassation in 2017.

For the time being mediation is not applied for administrative cases. However, significant studies have been conducted to ensure administrative mediation in the future. Council of State (supreme court in administrative proceedings) hosted a seminar on "ADR in administrative matters" of IASAJ in 2016 and exchanged the best practices of EU member states.

9. Fight against crime MoJ, DG for Prisons and Detention Houses and Bakent University Criminal Law and Criminology Application and Research Center have been carrying out studies on the prevention and fight against crime with all the stakeholders including academicians, various institutions and NGOs. These studies are still in progress.

9.1. Prison system The amended versions of the Criminal Code, the Criminal Procedure Code and the Criminal Enforcement Code are results of the current judicial reforms process in Turkey which provide the statutory framework for a range of penal measures which are humane and constructive offering alternatives to the judicial authorities for pre-trial, post sentence and post custody supervision of offenders. Within the last 12 years, probation services has extended the penal sanction system which included imprisonment and monetary sanctions beforehand. Recently, it is aimed to provide an efficient legal framework of electronic monitoring for offenders. Pre-studies regarding for a legislation ammendment on this issue are still in progress. Also an in-service training programme has been prepared with the cooperation of MoJ and Delegation of the European Union to Turkey. Physhologist, pedagogue, sociologist, guardians, social workers assigned at probation offices have participated those in service training.

9.2 Child friendly justice A protocol drafted between MoJ and Ministry of National Education. The “Law and Justice Course”, as an elective course was prepared in accordance with this Protocol to ensure legal awareness among children. A total of 97.055 children (who are 11 and 12 years old) have taken the course in 2016. The course will also be included in the curriculum next year for 13 years old. Legislative framework of probation services for juvenile offenders has been established according to the unique treatment needs of juveniles in the criminal justice system. Support services for juveniles in terms of health, education and guidance are provided. Between 2005-2016, 162.067 juveniles have utilized those services. Intervention programs for juvenile offenders have been developed on basic approach towards juvenile offenders on probation, substance abuse prevention, general criminal approach and violence prevention. MoJ has worked in a close cooperation with UNICEF in oerder to identify effective programs needed for the reintegration of juvenile offenders. It is aimed to perform the risk assessment tool and psychosocial intervention programs in line with EU standards. Moreover, it is planned to provide training programmes aimed at social workers and judicial staff in order to promote the access to justice for child refugees. Guidelines and other materials will be prepared accordingly.

9.3. Violence against partners MoJ is cooperating with Ministry of Family and Social Policies to prevent domestic violence. Aimed at judicial staff and physhologist, pedagogue and social workers assigned at family courts, approximately 2000 persons’ participation to in-service training on domestic violence and violence against women has been ensured in 2016. Financed by EU, MoJ is the beneficiary of a Project on evaluation, profile tools and rehabilitation programs development. Within the scope of this Project, an intervention program for domestic (or sexual) violence offenders has been developed. The overall objective of this 11-sessioned program is to modify negative behaviors by examining the attitudes and reactions of the prisoners. A website of MoJ, which provides information for the victims of domestic violence, has been created both in English and Turkish. Ministry of Family and Social Policies, Ankara Bar Association, Ankara University Faculty of Law have also contributed in the creation of the website. This website includes information on violence, the institutions to be applied against violence, measures taken against violence as well as providing related legislation and links. (<http://www.evicisiddet.adalet.gov.tr/en/index.html>)

10. New information and communication technologies Notifications can be made electronically to individuals who consent to be notified via email. Whereas it is obligatory to notify the corporations by electronic means. (Code on Notifications No 7201, Article 7/a) It is possible to make e-notifications to the parties through UYAP.

11. Other Ethical principles has been introduced at supreme court level with cooperation of Court of Cassation and UNDP, in compliance with the “Implementation Guide and Evaluate Framework, UNODC, 2015.”