



Reference data 2020 (01/01/2020 - 31/12/2020)

Start/end date of the data collection campaign : 19/03/2021 - 01/10/2021

Objective :

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2020 – 2022, focused on 2020 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 three observer states (Israel, Morocco and Kazakhstan). 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. 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 and financial 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)

[83 614 362]

Comments

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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	227 798 001 351 <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 Total of annual public expenditure at state level has increased both in local currency and in euro. Total of annual public expenditure at state level in Turkey is 227.798.001,351 Euro.

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

[7 519]

Comments Even though there is a depreciation in exchange rates in 2020, per capita GDP in Euro has increased.

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

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NA

Comments We can't provide this data as it is stated in the explanatory note that the average gross annual salary must include the salary both in public and private sectors. As it was in previous cycles, we couldn't receive the data of the salary for the both sectors. We can't provide the data of either public or private sector average salary as there is no data which could be deemed consistent and be proven correct by all the data providers.

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

[9.05]

Allow decimals : 5

NAP

Comments Exchange rate has increased compared to previous data.

A1. Please indicate the sources for answering the questions in this part

Sources: - Ministry of Treasury and Finance
- Central Bank of Turkey
- Turkish Statistical Institute

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 budget of public prosecution services and/or the one allocated to legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to 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 (2.1 + 2.2)	[X] NA [] NAP	[X] NA [] NAP
2.1 Investments in computerisation	[X] NA [] NAP	[X] NA [] NAP
2.2 Maintenance of the IT equipment of courts	[X] NA [] NAP	[X] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	[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

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 reasons for the differences: We can't separate the data of courts' budget from the budget of public prosecution offices. To this end, we've written "NA".

007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or the one allocated to legal aid, please fill in 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	1 062 529 281 [] NA [] NAP	1 264 657 976 [] NA [] NAP

Total annual public budget allocated to all courts and legal aid together	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	1 118 346 266 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 348 136 575 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: Please note that the budget allocated to the figures above has increased in TRY and in Euro when comparing previous year's data. However, the exchange rate of national currency in € is 9.05 for this year and 6.11 for the previous year.



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

	Litigants required to pay a court fee to initiate a proceeding at a court of general jurisdiction ?
for criminal cases	<input type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input checked="" type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input type="checkbox"/> No

If there are exceptions to the obligation to pay these court fees, could you please provide comments on those exceptions?

008-1. Please briefly present the methodology of calculation of these court 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 2020, the said fee is 6 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 6 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.

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

[210]

NA

NAP

Comments The calculation of court fee of 3000 Euro debt for 2020 requires 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.

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

[538 938 054]

[] NA

[] NAP

Comments Discrepancy is because of the fluctuation seen in the exchange rate.

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)	55 816 985 [] NA [] NAP	42 325 367 [] NA [] NAP	13 491 618 [] NA [] NAP
12.1 for cases brought to court (court fees and/or legal representation)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments In Turkey, legal aid could be granted in both civil and criminal procedures. The details regarding how to apply for legal aid are laid down in the procedural codes. However, the budgetary system doesn't enable us to make a clear distinguish between the budget of cases brought to court and not brought court. The discrepancy seen in the "other than criminal cases" is because of the fluctuation seen in the exchange rate.

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)	83 478 599 [] NA [] NAP	69 223 788 [] NA [] NAP	14 254 811 [] NA [] NAP
12-1.1 for cases brought to court (court fees and/or legal representation)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

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 reasons for the differences: Please note that the budget allocated to legal aid has increased in TRY when comparing previous year's data. However, the exchange rate of national currency in € is 9.05 for this cycle and 6.11 for the previous cycle. The Discrepancy in "other than criminal cases" is because of the fluctuation seen in the exchange rate. Besides, the discrepancy in "Criminal cases" is because of the fact that awareness of the court users over the legal aid in criminal procedure has increased.

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012-2. Does legal aid include:

Legal aid includes:

Coverage of court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Exemption from court fees	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments The goal of legal aid is to warrant access to justice to individuals who are partly or totally incapable of affording attorney fees, litigation and court costs due to their economic situation. The decision on the grant of the legal aid is being taken according to economic criteria and also grounds of the case. The granted legal aid includes the litigation costs. Namely, the parties granted legal aid are exempted from court fees. On the other hand, there is already no financial burden in criminal proceedings.

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012-3. Do legal aid budgets indicated in Q12 and Q12-1 include:

	Amount calculated/estimated included
Coverage of court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Exemption from court fees	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments There are some indicators to be taken into consideration when the legal aid budget is prepared. One of which is the data of the previous budgetary year. That is, the amount of exempted fee for each case is calculated based on the estimated amount.

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013. 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 € (including 13.1)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
13.1. Annual public budget allocated to training of public prosecution services	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> 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, please indicate the main reasons for the differences: In Turkey, there is no separation between the budget of the courts and public prosecution offices.

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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
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Ministry of Justice	(X) Yes () No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP
Other ministry	(X) Yes () No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Parliament	() Yes (X) No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP
Supreme Court	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
High Judicial Council	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Courts	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Inspection body	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP
Other	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP

Comments - If "Other Ministry" and/or "Inspection body" and/or "Other", please specify:

014-0. What are the criteria used to allocate financial resources among courts? Furthermore, please select maximum three main criteria of allocation

	Criteria used	Main criteria
Previous years' budget costs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Special needs assessment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Number of judges/non judges' staff	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Number of incoming cases	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Number of pending cases	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Number of resolved cases	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

NAP

Comments - If "Other", please specify

014-1. Who is entrusted with responsibilities related to the budget within a first instance 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
Court President and/or judge(s)	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Head of court administration and/or non-judges	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Mixed body (judge(s) and non-judge(s))	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Other	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP

Comments - If "Other", please specify. If the responsibilities are different depending on the type/instance of courts, please answer the question for the first instance court of general jurisdiction and describe the differences in the comment box: As indicated above, preparation and allocation of the budget of courts are among the responsibilities of the MoJ in Turkey. Each public prosecution office in each court determines the financial needs of the courthouses. In this process, judges and prosecutors could share their opinions regarding the expenses of the coming year and the other issues on budget of the court. Finally, public prosecution offices with the relevant department of the MoJ (General Directorate for Strategy Development) conducts the management of the allocated budget.

A2. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice, Ministry of Treasury and 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 judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	2 282 796 464 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 660 643 564 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - 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, please indicate the main reasons for the 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 9.05 for this year and 6.11 for the previous year.

015-2. Elements of the judicial system budget (Q6, Q7, Q12, Q13)

Included

Courts	(X) Yes () No <input type="checkbox"/> NAP
Legal aid	(X) Yes () No <input type="checkbox"/> NAP
Public prosecution services	(X) Yes () No <input type="checkbox"/> NAP

Comments Courts, legal aid and public prosecution services are included in the judicial budget.

015-3. Other budgetary elements

	Included
Prison system	(X) Yes () No <input type="checkbox"/> NAP
Probation services	(X) Yes () No <input type="checkbox"/> NAP
High Judicial Council	(X) Yes () No <input type="checkbox"/> NAP
High Prosecutorial Council	(X) Yes () No <input type="checkbox"/> NAP
Constitutional court	(X) Yes () No <input type="checkbox"/> NAP
Judicial management body	() Yes () No <input checked="" type="checkbox"/> NAP
State advocacy	() Yes (X) No <input type="checkbox"/> NAP
Enforcement services	(X) Yes () No <input type="checkbox"/> NAP
Notariat	() Yes (X) No <input type="checkbox"/> NAP
Forensic services	(X) Yes () No <input type="checkbox"/> NAP
Judicial protection of juveniles	(X) Yes () No <input type="checkbox"/> NAP
Functioning of the Ministry of Justice	(X) Yes () No <input type="checkbox"/> NAP

Refugees and asylum seekers services	() Yes (X) No [] NAP
Immigration Service	() Yes (X) No [] NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	(X) Yes () No [] NAP
Other	() Yes (X) No [] NAP

If "Other", please specify: In fact, we've scrutinised over the "Other" option to find out if there are other elements included in the budget. However, we've come to the conclusion that there is no specific element that must be included in the option of "other". Therefore, we've changed our answer that we gave in the cycle of 2018.

A3. Please indicate the sources for answering the questions in this part

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

1.2. Organisation and management of courts and public prosecution services

015-4. Please describe who has responsibilities for the management of individual courts, what management roles they have, what is their status and their position in the organisational hierarchy of the court concerned.

- Court presidents are responsible for the management of individual courts in Turkey. Each court president has a variety of roles, such as the monitoring of staff at the registry, inspection of the staff as well as having disciplinary competences over those who work at the relevant court. Besides, there are senior officials in each court who are titled as the director of the registry. These officials are also responsible for different tasks under the supervision of court president, such as the distribution of workload among other staff working at the court, etc.

Max characters value : 10 000

015-5. Please describe who has responsibilities for the management of individual public prosecution offices, what management roles they have, what is their status and their position in the organisational hierarchy of the office concerned.

- The head of public prosecutor office is mainly responsible for the management of the relevant offices. These prosecutors are appointed by the Council of Judges and Prosecutors according to the annual calendar of the CJP. These prosecutors are at the top of the hierarchy of the office. Organisation of the management of cases is among the tasks the head of office. In addition to that, each

office has a senior director who has also supervision duties over the staff working in the office. Prosecutors have disciplinary powers over the senior director as well as staff in the office.

Max characters value : 10 000

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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Legal advice, ADR and other legal services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

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016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

- According to Turkish criminal legal framework, legal aid is the assignment and appointment of a lawyer by the State for suspects or accused for certain individuals or within certain circumstances. (Code of Criminal procedure, number 5271) In Turkey, the right to be defended and represented by a free lawyer/ attorney applies to every suspect, accused and victim in criminal matters defendant regardless of his or her financial or economic circumstances. This rule avoids the complicated question of determining proper income qualifications for free legal services. In Criminal proceedings, the assignment of a lawyer is compulsory in case of the following conditions and there is no need to lodge an application for the assignment of a lawyer: 1. - Where the defendant is a minor 2. - Where the defendant is deemed mentally disable 3. - Where the defendant is mute or deaf 4. - During the investigation and prosecution for crimes that require a punishment of imprisonment at the minimum level of more than five years. Thus there's no economic criterion regarding mandatory assignment of lawyers. The Prosecutor asks the Bar Association of the place to appoint a lawyer and through a "robot" (IT Program), assignment is communicated straight to the Prosecutor and therefore to the suspect or prosecuted individual. The scope of the Civil Legal Aid is regulated in the Code of Civil Procedure, number 6100; Code of Lawyers number 1136 and Union of Turkish Bar Associations Bylaw of legal aid. According to these legal provisions, "the legal profession is a public service and a liberal profession." The goal of legal aid is to warrant access to justice to individuals who are partly or totally incapable of affording attorney fees, litigation and court costs due to their economic situation. In those cases, stated by law, beneficiaries are under the scope of the civil legal aid system. Individuals requesting legal aid have to present evidence of their lack of economic resources to pay for a trial when completing the application form. According to article 334 of the Code of Civil Procedure, beneficiaries of the legal aid service are: 1. - Persons who have no ability to partially or totally afford necessary litigation 2. - Public benefit institutions and foundations 3. - Foreigners (conditioned upon existence of reciprocity principle) In case of individuals related above there's a no objective criteria established to apply or approve their request for legal aid as far as they comply with an apparent and significant

difficult financial situation. There are no concrete and objective criteria for those individuals to prove their financial insufficiency. A Legal Aid Office established at each bar association headquarters renders legal aid service. The legal aid office is composed of volunteer lawyers. According to Turkish legal order, the applicant either before the Legal Aid Office or before the Court can submit a request for legal aid. In both cases, the application form must be accompanied by evidence: a list of documents, which prove the financial situation of the applicant. This list varies from one Bar Association to the other. Judges and Legal Aid Offices are both entitled whether to grant legal aid to the applicant in line with the presented documents and raised reasons. In both situations, the decisions made upon the appeal are final. So the decision is being taken according to economic criteria and also grounds of the case. The Bar Association only assigns a lawyer. The Court will decide on exempting the applicant, totally or partially, of the litigation costs.

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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)?

- Yes
- No
- NAP

If yes, please specify: According to article 335 of the Code of Civil Procedure, legal aid can be granted for the fees that are related to the enforcement of decisions.

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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify: Legal aid can be granted for other costs; for example fees of experts, interpreters, etc.

2.1.2 Information on legal aid

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

	Total	Cases brought to court	Cases not brought to court
TOTAL	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
In criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

In other than 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
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Comments - Please specify when appropriate: We try to avoid giving the data that have not been proven correct by all parties that provide it.

020-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:

	Time in days
Maximum duration prescribed in law/regulation	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Actual average duration	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify if the envisaged timeframe is set in a statutory law, or in other regulation. Furthermore, if different timeframes are envisaged for criminal and other than criminal cases please provide more information: There is no specific regulation in procedural codes to set the minimum or maximum timeframes for granting legal aid. However, both in criminal and civil procedures, the authorities that are dealing with the application of legal aid, should act promptly to meet the request of legal aid, by its nature.

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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. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?

	free selection of lawyer
Accused individuals	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Victims	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments

023-0. Does your country have an income and assets evaluation for granting full or partial legal

aid?

Yes

No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above: According to Turkish legal framework, in the civil jurisdiction legal aid is the assistance of legal services provided to those who are not able to afford a lawyer fee and trial costs due to economic reasons. On the other hand, legal aid in the criminal jurisdiction is the legal services provided to all requestors and to those under certain conditions even without making a request

023. If yes, please specify in the table:

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

024. 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: For criminal cases, it is not possible to refuse legal aid for lack of merit of the case. However, in article 334/1 in Turkish Civil Procedure Code, it is set out that to be granted legal aid, the claims of applicant must not be manifestly ill founded.

025. Is the decision to grant or refuse legal aid taken by:

the judge(s) dealing with the main case

another judge or official

an authority external to the court

several authorities (court and external bodies)

Comments In criminal cases, for investigation phases, the Prosecutor asks the Bar Association to appoint a lawyer to suspect or victim. In prosecution phases, the Judge or the Court is the authority who decide to ask the Bar Association to appoint. On the other hand, in civil cases, the applicant can submit a request for legal aid either to the Legal Aid Office in Local Bar Association or to the Court. In both cases, the application form must be accompanied by evidence: a list of documents, which prove the financial situation of the applicant. Therefore, the decision to grant or refuse legal aid belongs to either the Bar Associations or the Courts.

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? There is a secondary legislation which covers the details of legal protection insurance in Turkey. With the aim to improve the implementation of this insurance branch, a working group was formed by the MoJ with the participation of Turkish Bar Association, Ankara University and Insurance Association of Turkey. The working group completed the work on the draft version of that secondary legislation. Consultation procedure is still ongoing before that document to be published.

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	(X) Yes () No
in other than criminal cases	(X) Yes () No

Comments - If no, please specify how legal costs are distributed:

B1. Please indicate the sources for answering the questions in this part

Sources: MoJ

2.2. Court users and victims

2.2.1 Rights of the users and victims

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

	Yes, internet adresse(es)	No
Legal texts (e.g. codes, laws, regulations, etc.)	(X) www.adalet.gov.tr ; www.mevzuat.adalet.gov.tr	()
Case-law of the higher court/s	(X) http://emsal.danistay.uyap.gov.tr/BilgiBankasiIstemciWeb/ https://karararama.yargitay.gov.tr/YargitayBilgiBankasiIstemciWeb/ https://www.anayasa.gov.tr/tr/kararlar-bilgi-bankasi/ http://emsal.uyap.gov.tr/BilgiBankasiIstemciWeb/	()
Information about the judicial system (organisation of courts, court proceedings, etc)	(X) https://magdurbilgi.adalet.gov.tr/	()

Other documents (e.g. forms, downloadable forms, online registration forms)	(X) http://www.alternatifcozumler.adalet.gov.tr/;http://bilirkisilik.adalet.gov.tr/index.html;http://www.evicisiddet.adalet.gov.tr/en/index.html;http://www.magdur.adalet.gov.tr/;http://www.adb.adalet.gov.tr/	()
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Comment - Please specify what documents and information are included in "Other documents" The websites included in "other documents" are designed to inform public on some spesific subjects, such as alternative dispute resolution methods, rights of victim, etc.

029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of their proceedings?

(X) Yes, always

() No

() Yes, only in some specific situations

Comment - If "Yes, only in some specific situations", please specify: There is a regulation regarding judicial timeframes which requires all parties to be informed in public prosecution service and first instance criminal, civil and administrative proceedings. According to this regulation, parties in said proceedings have started to be informed as of January 1st, 2019.

030. Is there a public and free-of-charge information system for providing information and facilitating access to justice:

	Information system
General for citizens	<input checked="" type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
Specific for victims of offences	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
Specific for minors (child-friendly systems)	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No

Comment - Please provide more information on these systems. Furthermore, please specify how this assistance is provided. For general public, online information over the judicial system is provided on some specific websites, such as <https://magdurbilgi.adalet.gov.tr/>; <https://magdur.adalet.gov.tr/>. In addition to that, in many courthouses, front desks and enquiry desks have been established to provide the citizens with the information regarding the functioning of the relevant courthouse and responses to the specific questions of the applicants. Specific information for victims of offences is also provided on the recently formed website: <https://magdurbilgi.adalet.gov.tr/>. This

website is available in different languages; turkish, english and arabic. On this website, information ranges from the main terms of the criminal procedure to the templates which could be used in various phases of the criminal procedure. Therefore, all sides of the criminal procedure will be able to make use of the website. in some courthouses with heavy workload, the offices on victim rights have been established across Turkey. The list of these offices could be reached on <https://magdur.adalet.gov.tr/Home//harita>.

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	(X) Yes () No	(X) Yes () No	(X) Yes () No
Minors (witnesses or victims)	(X) Yes () No	(X) Yes () No	(X) Yes () No
Victims of domestic violence	(X) Yes () No	(X) Yes () No	(X) Yes () No
Ethnic minorities	() Yes (X) No	() Yes (X) No	() Yes (X) No
Persons with disabilities	(X) Yes () No	(X) Yes () No	(X) Yes () No
Juvenile offenders	(X) Yes () No	(X) Yes () No	(X) Yes () No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	(X) Yes () No	(X) Yes () No	(X) Yes () No

Comments - If “Other vulnerable person” and/or “Other specific 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, Department of Victim's Rights at the MoJ (a separate unit for victims rights which was established under Ministry of Justice in 2013) has formed a particular website as it is underlined in the previous question. For those who need information on judicial proceedings, there are special regulations are laid down in procedural codes and these information are provided according to these specific regulations, such as Criminal Procedural Code as well as Civil Procedural Code.

031-0. If there are special arrangements for minors, what are the settings / tools / facilities / practises employed to protect them when they participate in judicial proceedings?

- Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)
- Special room in court designated for child-friendly hearings
- Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings
- Special ways to communicate and explain meaning of court decisions
- Interagency/multidisciplinary structure such as “Children's Houses”
- Other, please specify
- NAP

Comment Turkey has set specific conditions to facilitate participation of minors in judicial proceedings. Firstly, it should be underlined that if a minor is involved in any proceeding, there are specific regulations enshrined in the relevant law to protect the rights of the minor. For instance; if a minor suspect/victim is involved in an investigation, this person must be heard with the presence of lawyer that is free of

charge. Furthermore, for some specific cases, such as child abuse, a psychologist is appointed by prosecutor or judge, depending on the type of the procedure. There are special rooms (judicial interview rooms) have been designed and made in the courthouses with heavy workload. The work on the proliferation of the numbers of these rooms is still ongoing. All these procedures are so significant that they will hinder the revictimisation of minors during the procedures.

031-1. What are the main criteria for a minor to initiate a proceeding, take procedural actions in his/her own name or to be a witness?

	Civil proceedings	Criminal proceedings
Capacity to initiate a proceeding and take other procedural actions in his/her own name	<input checked="" type="checkbox"/> Age threshold [Comment]18 <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Age threshold [Comment]18 <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP
To be a witness	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment - Please specify if you selected answers “Exceptions from the threshold” and “Other”. If your system distinguishes between full and limited capacity to take legal actions, please describe the basis for this differentiation (age, capacity for discernment, type of action, type of cases, other). The general threshold for legal majority in Turkey is 18. Therefore; age threshold is 18 to initiate a judicial proceeding in Turkey. In civil procedures, persons below 18 could initiate judicial procedures and take other actions in that procedure with the presence/will of the parents/legal guardian. On the other hand, in criminal procedures, minors above 15 could submit a petition of complain to the prosecutor without the will of parent/legal guardian if the crime in question has been committed against the minor himself/herself. However, if minors give/plea statement before the prosecutor/judge, the presence of lawyer is compulsory, regardless of the age of the minor. In addition to that, for the persons who are considered as witness, capacity of discernment is taken into consideration to be able to give their statement before the prosecutor/court. Namely, courts should evaluate the capacity of a minor to understand the difference between right and wrong and the consequences of his/her acts.

031-2. If a minor cannot conduct proceedings in his/her own name, who can represent him/her in judicial proceedings?

	Civil proceedings	Criminal proceedings
Parent/legal guardian	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP

Other representative (instead of parent/legal guardian)	<input type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Social care services or other public institution <input checked="" type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP
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Comment We should share a specific exception regarding this question. If there is a conflict of interest between a minor and parent/legal guardian, the right to represent of the minor before the court belongs to other legal guardian that has been appointed by the judge before the proceedings. That guardian's task is limited with the relevant procedure only. As it is explained in the explanatory note; the legal guardian should be understood as a person other than parent who has the legal authority granted by a court and/or other competent institution to care for the personal and property interests of a minor. Therefore, legal guardian in that case is the representantive of the minor instead of the parent. In conclusion the representative of the minor in belongs to either parent or the legal guardian. Apart from that, there is no other representative.

031-3. What are the different criteria for the criminal liability of minors? (multiple replies possible)

- Age threshold(s)
- Capacity for discernment
- Other criteria

Comment

031-3-1. What is the age threshold for the criminal liability of minors?

Criminal liability resulting in sentence without privation of liberty (for example, educational measures)

- 12]
- NA
- NAP

Criminal liability resulting in sentence of privation of liberty

- 12]
- NA
- NAP

Comment - Please describe, briefly, the specifics of your system. Could you, please specify if the possibility of mitigation applies to the sanctions and how? Criminal liability threshold in Turkish Penal Code is 12. The relevant article is as follows:

- (1) Minors under the age of twelve are exempt from criminal liability. While such minors cannot be prosecuted, security measures in respect of minors may be imposed.
- (2) Where a minor is older than twelve, but younger than fifteen, at the time of an offence, and he is either incapable of appreciating the legal meaning and consequences of his act or his capability to control his behavior is underdeveloped then he is shall be exempt from criminal liability. However, such minors may be subject to security measures specific to children. Where the minor has the capability to comprehend the legal meaning and result of the act and to control his behaviors in respective of his act, for offences requiring a penalty of aggravated life imprisonment, a term of twelve to fifteen years of imprisonment shall be imposed and for offences that require a penalty of life imprisonment, a term of nine to eleven years imprisonment shall be imposed. Otherwise the penalty to be imposed shall be reduced by half, save for the fact that for each act such penalty shall not exceed seven years.

(3)Where a minor is older than fifteen but younger than eighteen years at the time of the offence then for crimes that require a penalty of aggravated life imprisonment a term of eighteen to twenty four years of imprisonment shall be imposed and for offences that require a penalty of life imprisonment twelve to fifteen years of imprisonment shall be imposed. Otherwise the penalty to be imposed shall be reduced by one-third, save for the fact that the penalty for each act shall not exceed twelve years.

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

- Yes, but only if offender is unknown
 Yes, but only if compensation could not be obtained from offender
 Yes, always
 No

Comment

032-0. If yes, for what types of offences the compensation is allocated?

- For all types of offences
 For some types of offences
 NAP

Comment - Please specify: 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. 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.

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

- Yes
 No

Comments

032-0. If yes, for what types of offences the compensation is allocated?

- For all types of offences
 For some types of offences
 NAP

Comment - Please specify: 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. 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.

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

Yes

No

Comments

032-0. If yes, for what types of offences the compensation is allocated?

For all types of offences

For some types of offences

NAP

Comment - Please specify: 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. 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.

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

Yes

No

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 victims (protection and assistance)?

Yes

No

Comments - If yes, please specify: The rights of the victim and the complainant are laid down in article 234 of Criminal Procedure Code. In this article, the rights of victims in investigation phase are explained in detail. The victim can request the collection of evidence, if it does not jeopardize the secrecy and aim of the investigation, the victim can also request copies of documents from the public prosecutor, in cases where he/she has no attorney, the victim can request the appointment of a lawyer by the Bar Association, for the offence of sexual assault and for offences requiring imprisonment, the minimum limit of which is more than five years, in cases where it is in accordance with Article 153, the victim can have the documents of investigation and the property seized and taken under protection reviewed through

his/her attorney, the victim can use his/her right of opposition against the decision of non-prosecution rendered by the public prosecutor according to the procedure laid down in the Code.

(2) In cases where the victim has not attained the age of 18, is deaf or dumb, or is handicapped so far that he/she cannot express himself/herself, and has no attorney, an attorney shall be appointed on his/her behalf, without seeking his/her request.

Moreover, the public prosecutor, considering the articles of the Law on the Protection of Family and Prevention of the Violence Against Women, could take further measures to ensure the protection of the victims.

(3) These rights shall be told and explained to the victims of the offence, as well as to the complainant and this issue shall be taken into the minute.

035-1. Do public prosecutors have a specific role with respect to minor victims (protection and assistance)?

Yes

No

Comment - If yes, please specify: In Turkey, in cases where the victim has not attained the age of 18, is deaf or dumb, or is handicapped so far that he/she cannot express himself/herself, and has no attorney, an attorney shall be appointed on his/her behalf, without seeking his/her request.

Besides, there is a dedicated law to enhance the protection standarts of the children that have been considered as victims of crimes. The main aim of The Law on the Protection of Children is to hinder revictimisation of children during the judicial procedures. Apart from that, the protection of the rights and wellbeing of the children are at the core of that regulation. That law enshrines specific measures over the education and protection of the children as well as the measures on the health of them.

036. Do victims of offences have the right to dispute a public prosecutor’s decision to discontinue a case? Please verify the consistency of your answers in this question and question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

Yes

No

NAP

Comment - If necessary, please specify: According to Criminal Procedural Code, article 173, the victim of the offence may file a motion of opposition, within 15 days as of the notification of the “decision of non-prosecution”, to the criminal judgship of peace, which is in the district of the assize court which serves in the judicial district of where the public prosecutor who rendered this decision serves.

037. 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 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
Wrongful arrest	<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

Wrongful conviction	<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
Other	<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

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

2.2.2 Confidence and satisfaction of citizens with their justice system

038. Does your country implement surveys to measure trust in justice and satisfaction with the services delivered by the judicial system?

	National level	Court level
Surveys for judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for other professionals	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)	<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
Surveys for 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
Surveys for minors	<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
Surveys for the general public	<input checked="" 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

Other not mentioned	<input type="checkbox"/> Annual	<input type="checkbox"/> Annual
	<input type="checkbox"/> Other regular	<input type="checkbox"/> Other regular
	<input type="checkbox"/> Ad hoc	<input type="checkbox"/> Ad hoc

Comment - Please, indicate the references and links to the satisfaction surveys you mentioned above: Turkish Statistical Institute annually conducts life satisfaction surveys aimed at citizens. In the concept of that survey, citizens' satisfaction from justice services is measured. The results of that survey are reported and published by the Institute. In addition to that, surveys aimed at judges, prosecutors and court staff are conducted through an intranet system mainly by the Council of Judges and Prosecutors. Furthermore, Turkish Court of Cassation has conducted a survey to lawyers at national level to measure their satisfaction from the services. The difference between that and the previous cycle is because of the ad hoc surveys conducted by both CJP and Council of Judges and Prosecutors. As it is always stated, in the Judicial Reform Strategy Document which was launched in 2019, surveys must be conducted to measure the satisfaction of the court users and justice professionals.

039. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.

Yes, please specify: Statistical data are collected through the UYAP (National Judicial Database) system.

No

Comment - If you have additional comments please specify:

040. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)

Yes

No

Comments

041. If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
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
High Judicial Council	<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

Comments High Judicial Council is responsible for dealing with the complaints regarding judges and prosecutors while Ministry of Justice is responsible for the complaints regarding non judge court staff.

041-1. If yes, please specify certain aspects of this procedure:

Number of complaints	Compensation amount granted
-----------------------------	------------------------------------

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
High Judicial Council	<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 - legal entities.

	Number of courts
Total number of all courts - legal entities (1 + 2)	7 634 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)	5 632 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1.1 First instance courts of general jurisdiction - legal entities	5 104 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1.2 Second instance courts of general jurisdiction - legal entities	483 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1.3 Highest instance courts of general jurisdiction - legal entities	45 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2 Total number of specialised courts - legal entities	2 002 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Considering the details laid out in the explanatory note, we've revised the number of courts in first, second and highest court. There is no specific policy dedicated in this cycle to decrease or increase the number of courts rather than those analysis regularly carried out by CJP.

043. Number of specialised courts – legal entities.

	First instance	Higher instances
Total number of specialised courts - legal entities	2 002 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Commercial courts (excluded insolvency courts)	188 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insolvency courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Labour courts	386 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Family courts	410 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Rent and tenancies courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Enforcement of criminal sanctions courts	167 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Fight against terrorism, organised crime and corruption	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Internet related disputes	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Administrative courts	144 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insurance and / or social welfare courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Military courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Juvenile courts	134 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other specialised courts	573 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If “Other specialised courts”, please specify: There is no specific policy dedicated in this cycle to decrease or increase the number of courts rather than those analysis regularly carried out by CJP. As to the increase of the first instance specialised courts, the number has increased due to the need in this field.

044. Number of courts - geographic locations.

Number of courts (geographic locations)

First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)	643 [] NA [] NAP
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)	671 [] NA [] NAP

Comments The number of first instance courts provided here includes all first instance courts considering their geographical locations while the number of all courts comprises the number of second instance and third instance courts in addition to the first instance courts.



=

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

	Number of courts
A small claim	[] NA [X] NAP
An employment dismissal	592 [] NA [] NAP
A robbery	145 [] NA [] NAP
An insolvency case	592 [] NA [] NAP

Comments Disputes related to employment dismissal can be trialled by specialised labour courts if there is a labor court functioning in that city. If there is no specialised labour court, then the civil court with general jurisdiction could handle these kind of cases. Therefore, when calculating the numbers, the total number of these courts is taken into consideration, not just the number of specialised courts. Besides, this explanation is also valid for the disputes emerging from insolvency issues. However, there is a new legislation entered into force this year which gave authority to the trade courts in some major cities about handling the cases regardless of the geographical jurisdiction. It means, the numbers for the next cycle could change significantly. On the other hand robbery cases are handled by assize courts in Turkey, therefore the number of functioning assize courts is taken into consideration when the data is given above. The discrepancy in the numbers is because of the methodology of the calculation.

045-1. Is your definition of a small claim the same as the one in the Explanatory note?

() Yes

(X) No

Comments - If not, please give your definition of a small claim: There is no special courts for small claims in Turkey by 01.10.2011. Currently, for civil proceedings, there are two different courts at the first instance in Turkey; one of which is civil courts of peace, the second one is the civil court with general jurisdiction (first instance civil court). The jurisdiction of these courts is based on the merit (subject) of the each case. For instance; disputes emerging from tenancy contracts are handled by the civil courts of peace.

045-2. Please indicate the value in € of a small claim:

[0]

Comments NAP

C. Please indicate the sources for answering the questions in this part

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 posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	14 383 [] NA [] NAP	7 608 [] NA [] NAP	6 775 [] NA [] NAP
1. Number of first instance professional judges	10 431 [] NA [] NAP	5 452 [] NA [] NAP	4 979 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	2 339 [] NA [] NAP	1 525 [] NA [] NAP	814 [] NA [] NAP
3. Number of Supreme Court professional judges	1 613 [] NA [] NAP	631 [] NA [] NAP	982 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above: Efforts regarding raising the number of judges, prosecutors and judicial staff have been made in recent years. The aim is to reach the average number laid down by the CEPEJ and policy of recruitment and appointment of judges and prosecutors has been determined accordingly. Therefore, the numbers of judges and prosecutors provided here is actually judges recruited and appointed. Number of rapporteur judges and members of the supreme courts' have been included in the given figure. Besides, the increase in these numbers is because of the increase in the number of chambers at each second instance court.

=

046-1-1. Does your system allow part-time work for judges with proportionally reduced remuneration?

() Yes

(X) No

Comments

046-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

[] Child-care

[] Elderly care

[] For the purposes of early retirement

Other reason, please specify:

Without reason

Comments

046-1-3. If yes, what is the percentage of judges working part-time (in relation to the total number of judges)?

	Total (%)	Male (%)	Females (%)
Total (1 + 2 + 3) (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. At first instance level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. At second instance (court of appeal) level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. At Supreme Court level (%)	<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

046-1-4. What is the percentage of work time of a judge working part-time compared to a full-time equivalent judge?

Less than 50%

50 – 60%

60 - 80%

More than 80%

NA

NAP

Comments

=

046-2. Number of judges (FTE) by case type:

	Total	Civil and/or commercial	Criminal	Administrative	Other
Total number of judges	<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
First instance	<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
Second instance	<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

Supreme court	<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
---------------	--	--	--	--	--

If "Other", please explain which types of cases: There is no clear distinction between the number of judges by case type.



=

047. Number of court presidents (professional judges).

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	820 <input type="checkbox"/> NA <input type="checkbox"/> NAP	706 <input type="checkbox"/> NA <input type="checkbox"/> NAP	114 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of first instance court presidents	793 <input type="checkbox"/> NA <input type="checkbox"/> NAP	679 <input type="checkbox"/> NA <input type="checkbox"/> NAP	114 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Number of second instance (court of appeal) court presidents	24 <input type="checkbox"/> NA <input type="checkbox"/> NAP	24 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Number of Supreme Court presidents	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments When calculating the number of court presidents in second instance and supreme courts, each court is counted as one legal entity even though there are a good many chambers which have their own presidents. Besides, when we state "court presidents", we refer to the judges (mainly senior judges) who are in charge of the organisation and the management of more than one courts. For instance; the organisation and management of the courts all along Turkey is among the tasks of the head of the justice commissions which are in function in major cities. The head of justice commissions are appointed by CJP among mainly the senior judges of the assize courts (heavy penal courts). Therefore, there is a difference between the number of courts as legal entities and the number of court presidents.

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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In full-time equivalent	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

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

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

- Yes If yes, please give specifications on the types of cases and an estimate in percentage.
- No
- NAP

Comments

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

	Figure
Gross figure	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In full time equivalent	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

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

	Yes	No	Echevinage / mixed bench
Criminal cases (severe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases (misdemeanour and/or minor)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Labour law cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social law cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial law cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Insolvency cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other civil cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NAP

Comments - If “Other civil cases”, please specify:

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

Yes

No

Comments

050-1. If yes, for which type(s) of case(s)?

Criminal cases

Other than criminal 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 (if possible 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 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 (judicial) staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, 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.

052-1. Number of non-judge staff by instance (if possible, 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 posts actually filled).

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	<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
1. Total non-judge staff working in courts at first instance level	<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. Total non-judge staff working in courts at second instance (court of appeal) level	<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. Total non-judge staff working in courts at Supreme Court level	<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

=

053. If there are Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal in your judicial system, please specify in which fields 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
- Non-litigious cases
- Other cases not mentioned (please describe in comment)
- NAP

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services under their responsibilities to external providers?

- Yes
- No

Comments

054-1. If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning

[X] Other types of services (please specify):renting vehicles

Comments Within Turkish system, expenses of many services (it services, training of staff, security, archives, cleaning, etc.) are met by courts' own budget while a few (such as renting of needed vehicles) are outsourced.

C1. Please indicate the sources for answering the questions in this part

Sources: CJP, 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 posts actually filled, for all types of courts – general jurisdiction and specialised courts).

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	6 863 [] NA [] NAP	5 847 [] NA [] NAP	1 016 [] NA [] NAP
1. Number of prosecutors at first instance level	6 385 [] NA [] NAP	5 437 [] NA [] NAP	948 [] NA [] NAP
2. Number of prosecutors at second instance (court of appeal) level	235 [] NA [] NAP	222 [] NA [] NAP	13 [] NA [] NAP
3. Number of prosecutors at Supreme Court level	243 [] NA [] NAP	188 [] NA [] NAP	55 [] NA [] NAP

Comments - Please indicate any useful comment for interpreting the data above: The aim is to reach the average number laid down by the CEPEJ and policy of recruitment and appointment of judges and prosecutors has been conducted accordingly. Therefore, the numbers of judges and prosecutors provided here is actually prosecutors recruited and appointed. The number of female prosecutors has increased due to the specific effort made.

The number of prosecutors at second instance level has increased because of the new chambers established in each second instance courts. The number of prosecutors at Supreme Court level has increased because of the effort regarding fair distribution of workload.

=

055-1-1. Does your system allow part-time work for prosecutors with proportionally reduced remuneration?

() Yes

(X) No

Comments

055-1-2. If yes, please specify in which situation part-time work can be granted? (multiple

replies possible):

- Child-care
- Elderly care
- For the purposes of early retirement
- Other reason, please specify:
- Without reason

Comments

055-1-3. If yes, what is the percentage of prosecutors working part-time (in relation to the total number of prosecutors)?

	Total (%)	Male (%)	Females (%)
Total (1 + 2 + 3) (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. At first instance level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. At second instance (court of appeal) level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. At Supreme Court level (%)	<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

055-1-4. What is the percentage of work time of a prosecutor working part-time compared to a full-time equivalent prosecutor?

- Less than 50%
- 50 - 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

056. Number of heads of prosecution offices.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	225 <input type="checkbox"/> NA <input type="checkbox"/> NAP	222 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of heads of prosecution offices at first instance level	208 <input type="checkbox"/> NA <input type="checkbox"/> NAP	205 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> 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	2 [] NA [] NAP	2 [] NA [] NAP	0 [] NA [] NAP

Please provide any useful comment for interpreting the data above:

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

- Yes
- No

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

057-1. Please specify their number (in full-time equivalent):

[]
[] NA

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

- Yes
- No
- [] NAP

Comments

059-1. Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?

	-
Domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Sexual violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify Domestic violence and sexual violence issues are important parts of the initial and in-service training of prosecutors working in prosecution offices.

=

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

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA

Comments In Turkey, prosecution offices and courts serve in the same building. Although there are non prosecutor 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 regarding the number of staff (non public prosecutors) in public prosecution offices.

C2. Please indicate the sources for answering the questions in this part

Sources: Council of Judges and Prosecutors, MoJ

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

	Yes, please specify	No
judges	<input checked="" type="checkbox"/>	<input type="checkbox"/>
prosecutors	<input checked="" type="checkbox"/>	<input type="checkbox"/>
non-judge staff	<input checked="" type="checkbox"/>	<input type="checkbox"/>
lawyers	<input type="checkbox"/>	<input checked="" type="checkbox"/>
notaries	<input type="checkbox"/>	<input checked="" type="checkbox"/>
enforcement agents	<input type="checkbox"/>	<input checked="" type="checkbox"/>

NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: There are some circulars regarding the recruitment procedure of civil servants which are enforceable for the recruitment of judges, prosecutors and non judge staff. According to these circulars, recruitment of women is encouraged and state institutions are advised to increase the number of working women.

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

	Yes, please specify	No
judges	<input checked="" type="checkbox"/>	<input type="checkbox"/>

prosecutors	(X)	()
non-judge staff	(X)	()
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

Comments - If the situation changed since the reference year or you have additional comments, please specify: There are specific provisions included in Principles on The Promotion of Judges and Prosecutors (675/1) published by Council of Judges and Prosecutors. This Principle was published on 5 th of April 2017. Before this Principle, there was another version of Principle on the promotion. (Namely this is a new and updated one.) In this Principle, it is laid down that if a woman judge or woman prosecutor is on maternity leave, the promotion period of that judge or prosecutor will not be intercepted. It means, the period of time which is obligatory to be completed for being promoted is facilitated for women judges and prosecutors. Furthermore, there is also a regulation in the Law on Civil Servants (art.108) which facilitates the promotion of non-judge women staff even if they are given non paid day off.

=

061-3-1. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

	Yes / No
Court president	() Yes If "yes", please specify:[Comment] (X) No
Head of prosecution services	() Yes If "yes", please specify:[Comment] (X) No

Comments

3.4.2 At national level

061-5. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?

(X) Yes

() No

Attachments

 yrseng.pdf

Comments - If the situation changed since the reference year, please indicate in the comments. Could you specify the reference or internet link of this/these document(s) or send/upload it/them to us? Judicial Reform Strategy Document which were shared with public in May, 2019 has many actions to promote males/females equality within the judicial system. For instance, according to objective 3.7; "The principle of gender equality will continue to be looked after in the recruitment of judges, prosecutors and staff." and objective 6.4; "Practices related to women's rights in the justice system will be improved.

061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner) / institution dealing with gender issues in the justice system concerning:

	Yes, please specify	No
The recruitment of judges	()	(X)
The promotion of judges	()	(X)
The recruitment of prosecutors	()	(X)
The promotion of prosecutors	()	(X)
The recruitment of non-judge staff	()	(X)
The promotion of non-judge staff	()	(X)

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments:

061-6-1. Please specify the text which set up this person/institution :

(title, date, nature of the text)

NAP

061-6-2. Please specify the status of this person/institution:

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality)

NAP

061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:

(e.g. to block a decision or allow an appeal)

NAP

3.4.3 At court/public prosecution services level

061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender

equality in the organisation of judicial work:

	Yes	No
in courts (judges)	()	(X)
in public prosecution services (prosecutors)	()	(X)
for courts' non-judge staff	()	(X)

Comments - Please specify the details of this person/institution, in particular its titles and function:

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

	Yes	No
Assignment to different positions	()	(X)
Workload distribution	()	(X)
Working hours	(X)	()
Modalities of teleworking and presence in the workspace	()	(X)
Replacement of absent persons	()	(X)
Organisation of the hearings	()	(X)
Other	()	(X)

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments. According to the Law on Civil Servants (art.104), after giving birth, the working hours of women judges, prosecutors and non judge staff are significantly decreased. In addition to that, women judges, prosecutors and non judge staff who have given birth shall not work night shift up to 2 years after the birth (art.101). On the other hand, during the pandemic, if a woman who has a children under 10 years, is allowed to work from home. Besides, if a woman is pregnant, that woman is also allowed to work from home regardless of the period of her pregnancy.

061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) : Judicial Reform Strategy(2015 - 2019) had some specific actions to improve gender balance. These actions can be classified from training of judges, prosecutors and non judge staff to prioritise women in different areas.

are planned (please specify) : Judicial Reform Strategy Document which were shared with public in May, 2019 has many actions to promote males/females equality within the judicial system. For instance, according to objective 3.7; "The principle of gender equality will continue to be looked after in the recruitment of judges, prosecutors and staff." and objective 6.4; "Practices related to women's rights in the justice system will be improved."

Comments - If the situation changed since reference year, please specify in the comments. After the launch of Judicial Reform Strategy Document, action plan was made public in October 2020. The action plan comprises overarching details, such as timetable and budget of all activities. The action plan is reachable on <https://yargireformu.adalet.gov.tr>. Besides, the monitoring of the Judicial Reform Strategy is being made through that website. Specific reports are being prepared to have the clear picture of the recent developments regarding each activity. For instance; according to the recent data collected in this regard has shown that the percentage of women judges recently recruited is nearly corresponding to the percentage of men judges. This is one of the concrete results of the actions of the Judicial Reform Strategy.

NAP

061-10. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

- Recruitment procedures, please specify:
- Appointment to the position of court president, please specify:
- Appointment to the position of head of prosecution services, please specify:
- Promotion procedures and access to the functions of responsibility, please specify:
- Other studies, please specify:

NAP

Comments - Please specify also the reference documents.

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

062-1. Basic principles and models used in Information technology policies and strategies definition

	Organisation
IT policies and strategies	<input checked="" type="checkbox"/> Defined and coordinated at national level by one institution <input type="checkbox"/> Defined and coordinated at national level by several institutions <input type="checkbox"/> Defined and coordinated at unit/stakeholder level <input type="checkbox"/> Other

IT Governance	<input checked="" type="checkbox"/> Governed at national level by one institution <input type="checkbox"/> Governed at national level by several institutions <input type="checkbox"/> Organised at unit/stakeholder level <input type="checkbox"/> Other
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Comments

065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?

- administrative, technical and scientific staff only
- mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented):

065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

	Implementing new projects	Management of applications
Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other alternatives (external service provider only – specify in a comment)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - please also describe in case of “other alternatives”

065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?

- Yes
- No

065-4-1. If yes, have you measured the impact on (multiple answers possible):

- Business processes
- Workload
- Human resources
- Costs
- Other, please specify

Comments (please specify examples of the impact) There are several new IT projects conducted in Turkey. For instance, electronic

notification which was introduced in 2019, has significantly reduced the cost of notification and it also enhance the access to justice for citizens by shortening the period of notification. The second example could be the online hearings which have been launched in 2020 in many courthouses in Turkey. Currently there are 738 courts have been equipped with the needed tools to access to the system. Namely, the online hearing system is properly functioning at these courts. Online hearing system is based on a specific regulations in procedural laws and a secondary legislation has recently been published to lay out all the details of the usage of the system. In the regulations both in the Law and the secondary legislation, there are specific rules to protect and enhance the fundamental rights of the parties. The use of the online hearing requires the consent of the applicant party as being present at the court is the main rule of trials.

3.5.2 Security of courts information system and personal data protection

065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

Yes

No

Comments (please specify in particular if national frameworks of information security exist): Information security audits and all other operational steps in the UYAP system are conducted by IT Department of MoJ. Besides, there are other audits which are conducted by the independent specialists. As a result of these audits, the UYAP is awarded to get the ISO27001:2013 standard. On the other hand, there is another work is ongoing as to conducting a new independent audit process in 2022.

065-6. Is the protection of personal data managed by courts ensured at legislative level?

Yes

No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) Code on Protection of Personal Data No 6698, came into force in 2016. The Board for protection of personal data is responsible of the processing of personal data in compliance with fundamental rights and freedoms.(article 22) Those who do not delete or anonymise personal data contrary to this Code shall be punished in accordance with Turkish Criminal Code No.5237. (article 17)

Judges and public prosecutors are responsible for the protection of personal data to which they have accessed during the judicial proceedings accordingly. Citizens through UYAP citizen's portal can access information on their cases. Via e-signature, they can exchange documents/informations and make requests before the judicial authorities. Controls and limitations regarding the sharing of databases managed by courts with other administrations are mainly regulated by protocols between MoJ and the relevant institution, like police forces. Those protocols shall not be contrary to the fundamental rights and freedoms laid down by the legislation, otherwise shall be annulled by the courts.

3.5.3 Centralised databases for decision support

062-4. Is there a centralised national database of court decisions (case-law, etc.)?

Yes

Non

Comments

062-4-1. If yes, please specify the following information:

For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data

Civil and/or commercial	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	(X) Yes () No	(X) Yes () No	(X) Yes () No	(X) Yes () No
Criminal	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	(X) Yes () No	(X) Yes () No	(X) Yes () No	(X) Yes () No
Administrative	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	(X) Yes () No	(X) Yes () No	(X) Yes () No	(X) Yes () No

Comments - if it exists in other matters please specify

062-6. Is there a computerised national record centralising all criminal convictions?

(X) Yes

() No

Comments

062-6-1. If yes, please specify the following information:

- Linkage with other European records of the same nature
- Content directly available through computerised means for judges and/or prosecutors
- Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access

3.5.4 Writing assistance tools

062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)

(X) Yes

() No

Comment – if it exists in other matters please specify

062-7-1. If yes, please specify the following information:

Availability rate

<p>Civil and/or commercial</p>	<p><input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>
<p>Criminal</p>	<p><input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>
<p>Administrative</p>	<p><input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>

062-8. Are there voice recording tools?

Yes

No

Comments

062-8-1. If yes, please specify:

<p>Availability of simple dictation tools</p>	<p>Availability of multiple speakers recording tools</p>	<p>Voice recognition feature</p>
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Civil and/or commercial	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA

062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

Availability rate:

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access

NA

Comments

3.5.5 Technologies used for administration of the courts and case management

063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

- Yes
- No

Comments - if it exists in other matters please specify

063-1-1. If yes, please specify the following information:

	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/connection of a CMS with a statistical tool
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input checked="" type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input checked="" type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input checked="" type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comment - If it exists in other matters please specify: The UYAP system is fully integrated as a statistical module. So, there are specific features of the system, such as preparing reports, graphs as well as statistics in certain subjects.

063-2. Computerised registries managed by courts

	Deployment rate	Data consolidated at national level	Service available online	Statistical module integrated or connected
Land registry	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Business registry	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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Comment – if it exists in other matters please specify:

Budgetary and financial monitoring

063-6. Budgetary and financial management systems of courts

	Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)
Budgetary and financial management of courts	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Justice expenses management	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Other (please specify in comments)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments Name of the system is e-budget.

Other tools of courts management

063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments

063-7-1. If yes, please specify the following information:

Tools deployment rate	Data used for monitoring at national level	Data used for monitoring at court local level	Tool integrated in the CMS
-----------------------	--	---	----------------------------

For judges	(X) 100% () 50-99% () 10-49% () 1-9% () 0% (NAP) [] NA	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP
For prosecutors	(X) 100% () 50-99% () 10-49% () 1-9% () 0% (NAP) [] NA	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP
For non-judge/non-prosecutor staff	() 100% () 50-99% () 10-49% () 1-9% (X) 0% (NAP) [] NA	() Yes () No [] NA [X] NAP	() Yes () No [] NA [X] NAP	() Yes () No [] NA [X] NAP

3.5.6 Technologies used for communication between courts, professionals and/or court users

users

064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

(X) Yes

() No

Comments

064-2-1. If yes, please specify the following information:

	Availability rate	Simultaneous submission of cases in paper form remains mandatory	Specific legislative framework authorising the submission of a case	An integrated/connect ed tool with the CMS
Civil and/or commercial	(X) 100% () 50-99% () 10-49% () 1-9% () 0% (NAP) [] NA	() Yes (X) No [] NA [] NAP	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP
Criminal	(X) 100% () 50-99% () 10-49% () 1-9% () 0% (NAP) [] NA	() Yes (X) No [] NA [] NAP	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments - if it exist in other matters please specify UYAP Citizen's Portal, UYAP Lawyer's Portal

064-3. Is it possible to request legal aid by electronic means?

Yes

No

Comments

064-3-1. If yes, please specify the following information:

	Requesting legal aid electronically
Availability rate	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Formalisation of the request in paper form remains mandatory	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Specific legislative framework regarding requests for legal aid by electronic means	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Granting legal aid is also electronic	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Information available in CMS	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

Yes

No

Comments

064-4-1. If yes, please specify the following information:

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
Civil and/or commercial	[X]	[]	[X]	[X] SMS [X] E-mail [] Specific computer application [] Other	[X]
Criminal	[X]	[]	[X]	[X] SMS [X] E-mail [] Specific computer application [] Other	[X]
Administrative	[X]	[]	[X]	[X] SMS [X] E-mail [] Specific computer application [] Other	[X]

Comments Electronic notification has become obligatory for some public institutions, lawyers, notaries, mediators and court experts after the amendment of Law on Notification which came into effect on 1 January 2019. From that date until now, 63.098.819 electronic notifications have been sent to parties. By doing so, notification procedure has been accelerated and access to justice has been strengthened.

Use of information technologies for improving the quality of the communication between courts and professionals

064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework	Availability for

Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer

Comments

064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Tool deployment rate	Modalities (if there are different according to the deeds or if other, please specify in a comment)	Specific legal framework
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Enforcement agents (as defined in Q169 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Notaries (as defined in Q192 and following)	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Experts (as defined in Q202 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Judicial police services	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Comments In October 2020, e-noter system has been introduced. The system enables citizens(users) to make some applications online, specifically sending some documents (notary letters) could be done via the system without any need to be present at the notary office. The system is operational but there is work underway to enhance the quality of the citizen centred system.

064-9. Are there online processing systems of specialised litigation (small claim litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)?

Yes

No

Comments – Please describe the system that exists.

Use of information technologies between courts, professionals and users in the framework of judicial proceedings

064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

Yes

No

Comments In Turkey, videoconferencing between courts, professionals and/or users is possible for both criminal and civil procedures. There are specific rules to cover the details of the videoconferencing. Online hearings have been launched in 2020 in many courthouses in Turkey. Currently there are 738 civil courts have been equipped with the needed tools to access to the system. Namely, the online hearing system is properly functioning at these courts. Online hearing system is based on a specific regulations in procedural laws and a secondary legislation has recently been published to lay out all the details of the usage of the system. In the regulations both in the Law and the

secondary legislation, there are specific rules to protect and enhance the fundamental rights of the parties. The use of the online hearing requires the consent of the applicant party as being present at the court is the main rule of trials.

064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees' transfers to the court):

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comments

064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

Yes

No

Comments Because of the launch of the use of e-duruma (electronic hearing system) system in civil and commercial cases, the deployment rate in question has significantly increased. That system is currently being used by many civil and commercial courts. There is also a website to share the details of the system. (on <https://edurusmabilgi.adalet.gov.tr/assets/edurusmatema/harita/>)

064-11-1. If yes, please specify the following information:

	Tool deployment rate	Type of recording	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Criminal	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

064-12. Is electronic evidence admissible?

	Admissibility of electronic evidence	Legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP

Comments - Other devices of electronic communication between courts, professionals and/or users

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 at national level (are there quality systems for the judiciary and/or judicial quality policies)?

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 (2019) and Strategic Plan (2019) of MoJ determines quality standards for the judicial system at national level including judges, prosecutors and judicial staff.

067. Do you have specialised personnel entrusted with implementation of these national level quality standards?

	Yes / No
within the courts	() Yes (X) No
within the public prosecution services	() Yes (X) No

Comments

3.6.2 Performance and quality objectives at court level/public prosecution services

077. Concerning court activities, have you defined performance and quality indicators?

(X) Yes

() No

Comments

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

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

077-1. Concerning public prosecution activities, have you defined performance and quality indicators?

(X) Yes

() No

Comments

078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?

- Yes
- No

Comments

073-0. 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 years 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 along Turkey have published their 2019 and 2020 activity reports on their website 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, budget, technological tools, numbers of MLA requests, etc..

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

- Yes
- No

Comments

073-2. If yes, which courses of action are taken?

- Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?

Yes

No

Comments

073-4. 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 along Turkey have published their 2019 and 2020 activity reports on their website 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, budget, technological tools, numbers of MLA requests, etc..

073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

Yes

No

Comments

073-6. If yes, which courses of action are taken?

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments

=

079. Who is responsible for evaluating the performance of the courts (multiple replies possible)?

High Judicial Council

Ministry of Justice

Inspection authority

- Supreme Court
- External audit body
- Other (please specify):

Comments Council of Judges and Prosecutors is responsible for the evaluation of courts. There are some criteria of the evaluation of courts' performance. As of 2017, after the new regulation entered into force, CJP has started to consider the evaluation of supreme court and regional court of justice on specific cases of monitored court.

079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible)?

- Public Prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchically superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify):

Comments Council of Judges and Prosecutors is responsible for the evaluation of courts. There are some criteria of the evaluation of courts' performance. As of 2017, after the new regulation entered into force, CJP has started to consider the evaluation of supreme court and regional court of justice on specific cases of monitored court.

3.6.3 Measuring courts' / public prosecution services activity

070. Do you regularly monitor court activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time

other (please specify): Through the judicial IT system (UYAP), number of incoming cases, decisions delivered, postponed cases, length of proceedings, age of cases, types of cases and offences, number of suspects, accused, victims can be monitored.

Comments Through the judicial IT system (UYAP), number of incoming cases, decisions delivered, postponed cases, length of proceedings, age of cases, types of cases and offences, number of suspects, accused, victims can be monitored.

070-1. Do you regularly monitor public prosecution activities (performance and quality)

concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals

other (please specify):Through the judicial IT system (UYAP), number of incoming cases, decisions delivered, postponed cases, length of proceedings, age of cases, types of cases and offences, number of suspects, accused, victims can be monitored.

Comments Through the judicial IT system (UYAP), number of incoming cases, decisions delivered, postponed cases, length of proceedings, age of cases, types of cases and offences, number of suspects, accused, victims can be monitored.

071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

- civil law cases
- criminal law cases
- administrative law cases

Comments

072. Do you monitor waiting time during judicial proceedings?

	Yes (If yes, please specify)	No
within the courts	<input checked="" type="checkbox"/> In Criminal Procedure Code and Code of Civil Procedure, there are monitoring procedure for some implementations to prevent unnecessary delays.	<input type="checkbox"/>
within the public prosecution services	<input checked="" type="checkbox"/> In Criminal Procedure Code, there are monitoring procedure for some implementations to prevent unnecessary delays.	<input type="checkbox"/>

Comments

3.6.4 Information regarding courts /public prosecution services activity



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

Yes (please indicate the name and the address of this institution):DG for Criminal Records and Statistics, MoJ,
<http://www.adlisicil.adalet.gov.tr/>,Devlet Mahallesi Vekaletler Caddesi 06420 Çankaya/Ankara

No

Comments

080-1. Are the statistics on the functioning of each court published?

Yes, on the internet

No, only internally (on an intranet website)

No

Comments

=

080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

Yes (please indicate the name and the address of this institution):DG for Criminal Records and Statistics, MoJ,
<http://www.adlisicil.adalet.gov.tr/>,Devlet Mahallesi Vekaletler Caddesi 06420 Çankaya/Ankara

No

Comments

080-3. Are the statistics on the functioning of each public prosecution service published?

Yes, on the internet

No, only internally (on an intranet website)

No

Comments

=

081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases 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): The activity reports include data on average timeframes of the cases, clearance rates, numbers of judges&prosecutors&staff, numbers of suspects, accused, budget, technological tools, numbers of MLA requests, etc..

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

Internet

Intranet (internal) website

Paper distribution

Comments 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 along Turkey have published their 2019 and 2020 activity reports on their website accordingly. Those websites are free of charge and accessible by all. 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. All of the courts' and prosecution offices' reports are available on their own website.

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

- Annual
 Less frequent
 More frequent

Comments

=

081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors 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): The activity reports include data on average timeframes of the cases, clearance rates, numbers of judges&prosecutors&staff, numbers of suspects, accused, budget, technological tools, numbers of MLA requests, etc..

081-4. If yes, please specify in which form this report is released:

- Internet
 Intranet (internal) website
 Paper distribution

Comments 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 along Turkey have published their 2019 and 2020 activity reports on their website accordingly. Those websites are free of charge and accessible by all. 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. All of the courts' and prosecution offices' reports are available on their own website.

081-5. If yes, please, indicate the periodicity at which the report is released:

- Annual
 Less frequent
 More frequent

Comments

3.6.5 Courts administration

082. Is there a process or structure of dialogue between the public prosecution services and courts regarding 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. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

- Yes
- No

Comments - If yes, please specify:

3.6.6 Performance and evaluation of judges and public prosecutors

083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

- Yes
- No

Comments There are quantitative performance targets defined in principles of promotions of judges and prosecutors announced by Council of Judges and Prosecutors (CJP). According to these principles, the promotion system is defined considering the number of cases that judges deal with in a specific period of time.

083-1. Who is responsible for setting the individual 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):
- NAP

Comments

114. Is there a system of qualitative individual assessment of the judges' work?

- Yes
- No

Comments Judges are given grades by supreme courts according to the quality of the decisions which are detailed in secondary legislation and principles of CJP. These grades have an influence on judges' promotion.

114-1. If yes, please specify the frequency of this assessment:

- Annual
- Less frequent

() More frequent

=

083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

(X) Yes

() No

Comments

083-3. Who is responsible for setting the individual targets for each public prosecutor

[] Executive power (for example the Ministry of Justice)

[] Prosecutor General /State public prosecutor

[X] Public Prosecutorial Council

[] Head of the organisational unit or hierarchically superior public prosecutor

[] Other (please specify):

[] NAP

Comments

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

(X) Yes

() No

Comments

120-1. If yes, please specify the frequency of this assessment:

() Annual

(X) Less frequent

() More frequent

Comments Prosecutors are given grades by supreme courts according to the quality of the indictments/decisions which are detailed in secondary legislation and principles of CJP. These grades have an influence on prosecutors' promotion.

C4. Please indicate the sources for answering the questions in this part

Sources: CJP, MoJ

4.Fair trial

4.1.Principles

4.1.1Principles 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 is represented by a lawyer)?

[]

[X] NA

[] NAP

Comments - Please add methodology for calculation used. In principle, no hearings shall be held without the accused being present at the court. However, if the court will give a judgement other than conviction, for instance rule on acquittal, the hearing can be held without him/her being present. (Article 193 of Criminal Procedure Code) However, the data related to that questions has not been proven correct by data sources. Although we provided an answer to that question in previous cycle; we now come to a conclusion that the question basicy refers to the exceptional situation that is explained above. Therefore, the calculation methodology to find out the exact percentage should be revised. Because of that reason we've chosen the "NA" instead of sharing inconsistent data.

Under Turkish legislation, suspects and accused can represent themselves at criminal courts. Nevertheless there are exceptions to this rule. For instance, it is obligatory to appoint a free of charge lawyer for minors and disabled persons, individuals who cannot make his/her own defense. These legal aid lawyers must attend all the hearings.

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

(X) Yes

() No

Comments - Please could you briefly specify:

085-1. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):

[]

[X] NA

Comments All initiated procedures regarding recusals are finalised immediately. It means, these procedures are finalised in a few days and can't be handed over to the next year. Besides, there is no data about how many of these initiated procedures have been successfully finalised or not. According to article 24 of Criminal Procedure Code, "The recusal of the judge may be requested both in cases where the judge is not entitled to hear the proceedings, and for other grounds that raise doubt concerning his/her impartiality. The public prosecutor; the suspect, the accused person or their defence counsel; the intervening party or his/her attorney shall be entitled to request the recusal of the judge." In addition to that in Civil Procedure Code article 36, "If there is an important reason leading suspicion of the impartiality of the judge, one of the parties may request the recusal of the judge or the judge may withdraw himself." In both procedures, the proceedings of recusal of the judge is considered among the urgent matters.

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

[X] For civil procedures (non-enforcement)

[X] For civil procedures (timeframe)

[X] For criminal procedures (timeframe)

[] NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations): Department of Human Rights is an independent unit established in The Ministry of Justice. This department has been strengthened in recent years as it is in charge of the monitoring of enforcement of the decisions made by

ECHR on the violations of the Convention. This department submits action plans and reports to the Committee of Ministers of European Council regarding the activities to prevent violations. In addition to that, decisions of ECHR are interpreted into Turkish and shared with courts and related institutions. Considering the judgment of ECHR, The Human Rights Action Plan has recently been announced to the public by that Department.

086-1. 1 Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?

Yes

No

NAP

Comments There are different and separate provisions for administrative, criminal and civil cases. According to article 53 of the administrative procedure code, article 375 of civil procedure code and article 311 of the criminal procedure code; if a final judgement of the European Court of Human Rights has established that the decision has violated the Convention on the Protection of Human Rights and Fundamental Freedoms or its annexed protocols, this violation is considered as a motion for retrial of that case.

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

Sources: MoJ

4.2. Timeframe of proceedings

4.2.1 General information

087. Are there specific procedures for urgent matters regarding:

civil cases

criminal cases

administrative cases

There is no specific procedure for urgent matters

Comments - If yes, please specify: Civil cases: Simple trial procedure shall be followed for certain cases and circumstances such as precautionary decision and examination of the evidences. (Civil Procedure Code Article 316)

If it is considered that the acquisition of the claim will be considerably difficult or impossible due to a change that may occur, or if it is considered that a delay may cause a serious harm, then the court can rule a precautionary decision on the dispute. (article 389) If it is likely that it will be impossible or considerably difficult for the court to examine the evidences (of one party) in the future, evidences should be examined immediately. In such cases, courts can examine evidences without a prior notification to the other party. (article 400&403)

Criminal cases: In principle, seizure can be decided by judges. But on the condition that a delay would be detrimental, public prosecutors can decide on seizure. Seizure undertaken without the decision of the judge shall be submitted to the approval of the judge within twenty-four hours. The judge shall announce his/her decision within forty-eight hours from the seizure. Otherwise, seizure shall be automatically cancelled. (Article 127) Decision on monitoring the suspects and accused via technical tools can only be given by judges. But on the condition that a delay would be detrimental, public prosecutors can decide in this matter. However, within 24 hours, this decision of public prosecutor must be confirmed by the judge. The judge will decide within 24 hours at the latest. If the timeframe is not followed or if the judge decides otherwise, the records will be destroyed immediately. (Article 140) There are other provisions of Criminal Procedure Code which involves specific procedures for urgent matters of the same kind.

Also, in the investigation phase, during the period in which the suspect is kept in the detention center, at the latest in every 30 days, a decision shall be made by the judge either on the continuation of the detention or release of the suspect. (Article 108)

Administrative cases: On the condition that the execution of the administrative act leads to damages that are impossible to compensate or

considerably difficult to compensate, the court may decide to stop the execution of the administrative act before deciding on the main case. (Administrative Procedure Code 27)

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: In criminal procedure, simplified procedure system has been introduced in 2020. As of 1 January 2020 for some specified offences which are indicated in the law, over the explicit consent of the suspect/defendant, that simplified and expedited procedure has been under implementation.

088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify: There is no such a way in Turkey that judges deliver an oral judgement without the full reasoning of the judgement.

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
- 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. 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
Total of other than criminal law cases (1+2+3+4)	1 861 782 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 315 850 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 175 248 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 002 384 <input type="checkbox"/> NA <input type="checkbox"/> NAP	410 790 <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)	1 524 124 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 308 709 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 178 063 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 654 770 <input type="checkbox"/> NA <input type="checkbox"/> NAP	393 878 <input type="checkbox"/> NA <input type="checkbox"/> NAP

2. Non litigious cases (2.1+2.2+2.3)	145 268 [] NA [] NAP	659 519 [] NA [] NAP	665 738 [] NA [] NAP	139 049 [] NA [] NAP	11 325 [] 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)	133 017 [] NA [] NAP	638 031 [] NA [] NAP	644 017 [] NA [] NAP	127 031 [] NA [] NAP	10 049 [] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	12 251 [] NA [] NAP	21 488 [] NA [] NAP	21 721 [] NA [] NAP	12 018 [] NA [] NAP	1 276 [] NA [] NAP
2.2.1. Non litigious land registry cases	3 069 [] NA [] NAP	7 181 [] NA [] NAP	6 718 [] NA [] NAP	3 532 [] NA [] NAP	518 [] NA [] NAP
2.2.2 Non-litigious business registry cases	8 123 [] NA [] NAP	12 299 [] NA [] NAP	12 881 [] NA [] NAP	7 541 [] NA [] NAP	669 [] NA [] NAP
2.2.3. Other registry cases	1 059 [] NA [] NAP	2 008 [] NA [] NAP	2 122 [] NA [] NAP	945 [] NA [] NAP	89 [] NA [] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	192 390 [] NA [] NAP	347 622 [] NA [] NAP	331 447 [] NA [] NAP	208 565 [] NA [] NAP	5 587 [] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments There is no specific reason have been detected so far regarding the fluctuations seen in the numbers above. During the period of the cycle, the pandemic may have an effect on that case flow. However, it is not certain to state any particular reason. On the other hand, we've summarised the measures taken in 2020 to prevent the spread of the virus in Turkey.

Please note that all these measures have been eased over time.

The measures in judiciary taken in Turkey to prevent the spread of the coronavirus are based on the two main aspects, the first one is to protect the staff from the disease, including judges and prosecutors. The second one is the measures to protect individuals (parties) from the unexpected results of the measures. In this context, all measures are set to prevent any result that cause deprivation of the rights of individuals.

Ministry of Justice and Council of Judges and Prosecutors are in charge of taking all actions in this regard. Main measures are as follows:

- The number of staff at the courthouse have been reduced considering the workload of each prosecution office and court. Reduced number of staff were on the shift while the rest of the staff are required to work from home.
- Face to face contact were reduced between staff and parties. SEGBS (System of Video Conference and Records In Courts) and UYAP (National Judiciary Informatics System) are used to ensure communication between parties and staff, especially for the urgent matters.
- All measures on hygiene in courthouses have been meticulously implemented.
- To prevent all the risks that may occur during the hearings, all hearings and face to face proceedings were postponed until the end of April in 2020, with the exception of the matters related to arrest, other preventive measures in criminal proceedings, the matters related to alimony and violence against women, etc..

- All the time limits to take actions before the courts and the time limits in alternative dispute resolutions were suspended until the end of the April 2020.

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. 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+3)	1 334 453 [] NA [] NAP	1 448 625 [] NA [] NAP	1 344 684 [] NA [] NAP	1 438 394 [] NA [] NAP	224 843 [] 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
3. Other criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories. If “Other criminal cases”, please specify According to our system, there is no distinction such as 'serious offences' and 'minor offences.' Because of that reason, there is no data specifically determined for these type of offences. The increase seen in the pending cases above is because of some reasons, such as the complexity of some disputes in criminal proceedings, the number of parties involved in the case as well as the need for expert opinion and reconnaissance which take a significant time for the proceedings to complete.

4.2.3 Case flow management – second instance

097. 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
Total of other than criminal law cases (1+2+3+4)	412 843 [] NA [] NAP	664 164 [] NA [] NAP	601 549 [] NA [] NAP	475 458 [] NA [] NAP	22 352 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	341 267 [] NA [] NAP	406 712 [] NA [] NAP	378 916 [] NA [] NAP	369 063 [] NA [] NAP	20 837 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	11 293 [] NA [] NAP	22 764 [] NA [] NAP	22 810 [] NA [] NAP	11 247 [] NA [] NAP	101 [] 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)	10 402 [] NA [] NAP	20 370 [] NA [] NAP	20 410 [] NA [] NAP	10 362 [] NA [] NAP	65 [] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	891 [] NA [] NAP	2 394 [] NA [] NAP	2 400 [] NA [] NAP	885 [] NA [] NAP	36 [] NA [] NAP
2.2.1. Non litigious land registry cases	239 [] NA [] NAP	381 [] NA [] NAP	374 [] NA [] NAP	246 [] NA [] NAP	24 [] NA [] NAP
2.2.2 Non-litigious business registry cases	422 [] NA [] NAP	1 665 [] NA [] NAP	1 671 [] NA [] NAP	416 [] NA [] NAP	9 [] NA [] NAP
2.2.3. Other registry cases	230 [] NA [] NAP	348 [] NA [] NAP	355 [] NA [] NAP	223 [] NA [] NAP	3 [] NA [] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	60 283 [] NA [] NAP	234 688 [] NA [] NAP	199 823 [] NA [] NAP	95 148 [] NA [] NAP	1 414 [] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If “Other cases” please specify The difference seen in the table is because of the fact that the number of second instance courts which are functioning has increased during the year of the cycle. This situation has already effect on the number of resolved cases.

This explanation is also valid for administrative cases. As the second instance courts for criminal, civil and administrative disputes are recently operational, the case flow of these courts aren't much stable.

098. 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+3)	335 070 [] NA [] NAP	438 680 [] NA [] NAP	417 964 [] NA [] NAP	355 786 [] NA [] NAP	8 680 [] 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
3. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] 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". If "Other cases", please specify. The difference seen in the table is because of the fact that the number of second instance courts which are functioning has increased during the year of the cycle. As the second instance courts for criminal, civil and administrative disputes are recently operational, the case flow of these courts aren't much stable.

4.2.4 Case flow management – Supreme Court

099. 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
Total of other than criminal law cases (1+2+3+4)	269 810 [] NA [] NAP	208 744 [] NA [] NAP	253 520 [] NA [] NAP	225 034 [] NA [] NAP	56 036 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	127 262 [] NA [] NAP	130 356 [] NA [] NAP	168 966 [] NA [] NAP	88 652 [] NA [] NAP	14 119 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	3 101 [] NA [] NAP	3 282 [] NA [] NAP	4 423 [] NA [] NAP	1 960 [] NA [] NAP	764 [] 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)	1 417 [] NA [] NAP	2 422 [] NA [] NAP	2 789 [] NA [] NAP	1 050 [] NA [] NAP	172 [] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	1 684 [] NA [] NAP	860 [] NA [] NAP	1 634 [] NA [] NAP	910 [] NA [] NAP	592 [] NA [] NAP
2.2.1. Non litigious land registry cases	1 470 [] NA [] NAP	584 [] NA [] NAP	1 295 [] NA [] NAP	759 [] NA [] NAP	571 [] NA [] NAP
2.2.2 Non-litigious business registry cases	214 [] NA [] NAP	276 [] NA [] NAP	339 [] NA [] NAP	151 [] NA [] NAP	21 [] NA [] NAP
2.2.3. Other registry cases	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	139 447 [] NA [] NAP	75 106 [] NA [] NAP	80 131 [] NA [] NAP	134 422 [] NA [] NAP	41 153 [] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "Other cases", please specify There is a specific policy to reduce the number of pending cases at Turkish Court of Cassation. That policy is under implementation since 2019 in which the system has started to prioritise the older cases by an alert system for the relevant officials. Moreover, the capacity of each chamber to supervise of the cases has been improved with the new software system which has been also introduced in 2019. Waiting time of each case has been monitored via that system. For these reasons, pending cases has significantly reduced compared to the previous cycle. All fluctuation seen in that table is connected to these works. In addition to that, newly introduced second instance courts, as explained in the previous section, have also significant effect on the workload of the higher instance court. As a note, As the definition in the 2.1 is not exhaustive (limited to those stated) for the type of non litigious cases, we couldn't find out any other non litigious cases to state in the section of "Other non-litigious cases"

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: 9373

() No

Comments The number of cases closed by the Highest court equals to all incoming cases to supreme courts in criminal law, civil law and administrative law in 2020.

100. 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+3)	258 987 [] NA [] NAP	276 442 [] NA [] NAP	272 269 [] NA [] NAP	263 160 [] NA [] NAP	40 206 [] 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
3. Other criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comment - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories.. If “Other criminal cases”, please specify There is a specific policy to reduce the number of pending cases at Turkish Court of Cassation. That policy is under implementation since 2019 in which the system has started to prioritise the older cases by an alert system for the relevant officials. Moreover, the capacity of each chamber to supervise of the cases has been improved with the new software system which has been also introduced in 2019. Waiting duration of each case has been monitored via that system. For these reasons, pending cases has significantly reduced compared to the previous cycle. All fluctuation seen in that table is connected to these works. On the other hand there is no separation in our system such as severe criminal cases and misdemeanour/minor cases.

4.2.5 Case flow management and timeframes – specific cases

101. Number of specific litigious cases 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	Pending for more than 2 years
Litigious divorce cases	105 730 [] NA [] NAP	127 043 [] NA [] NAP	106 667 [] NA [] NAP	126 106 [] NA [] NAP	11 397 [] NA [] NAP
Employment dismissal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	49 683 [] NA [] NAP
Insolvency	1 000 [] NA [] NAP	675 [] NA [] NAP	761 [] NA [] NAP	914 [] NA [] NAP	317 [] NA [] NAP
Robbery case	[X] NA [] NAP	[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	[X] NA [] NAP

Comments Please note that it is not possible in our system to distinguish attempted and completed robbery, attempted and completed homicide. Because of this reason, we can't give data regarding these cases. In addition to that the employment dismissal cases can not be separated from the cases in which the worker decides to quit.

The fluctuation seen above is mainly because of the reform made in the legislation of concordat. Concordat means an agreement made between debtors and claimants which enables parties to keep their interests and protect the corporate in question as those corporates are

not obliged to declare insolvency. The specific situations that the concordat could be implemented has been expanded with the recent legislation. So, the number of insolvency cases have dropped significantly in this cycle.



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101-0. Number of procedures/cases relating to asylum seekers and to the right of entry and stay for aliens.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
Non-court procedures relating to asylum seekers (refugee status under the 1951 Geneva Convention)	<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
Non-court procedures relating to the right of entry and stay for aliens	<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
Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	<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
Court cases relating to the right of entry and stay for aliens	<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

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

. There is a particular legislation in Turkey to cover this issue. The Law on Foreigners and International Protection” drafted by Ministry of Interior was adopted in General Assembly of the Parliament on 04.04.2013 and dispatched to the President. Law 6458 on Foreigners and International Protection (YUKK) was approved by the President on 10.04.2013 and published in the Official Gazette No. 28615 dated 11.04.2013. The details of the procedures have been laid out in that publicly reachable law which is shared on <https://en.goc.gov.tr/kurumlar/en.goc/Ingilizce-kanun/Law-on-Foreigners-and-International-Protection.pdf> That website comprises detailed information over the issue of legal remedies relating to asylum seekers and the right of entry and stay for aliens. According to that law, the decisions of administrative authorities can be taken to the administrative courts as a legal remedy. Such as; the refusal of the receiving certificate of residence as well as deportation decisions could be challenged before the relevant courts laid out in the law.

101-2. Number of cases relating to child sexual abuse and child pornography 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	Pending cases older than 2 years from the date the case came to the first instance court
Child sexual abuse	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Child pornography	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please explain what are the legal definitions of these categories of offences in your system: We cannot make clear separation in our system to find out that data considering the methodology of the CEPEJ.

102. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases. 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 investigation phase in criminal cases as well as 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
Civil and commercial litigious cases	_____ Max numeric value allowed : 100 3 [] NA [] NAP	60 [] NA [] NAP	182 [] NA [] NAP	494 [] NA [] NAP	245 [] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Litigious divorce cases	_____ Max numeric value allowed : 100 12 [] NA [] NAP	307 [] NA [] NAP	253 [] NA [] NAP	79 [] NA [] NAP	213 [] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Employment dismissal cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Insolvency cases	_____ Max numeric value allowed : 100 18 [] NA [] NAP	210 [] NA [] NAP	162 [] NA [] NAP	694 [] NA [] NAP	355 [] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Robbery cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP

Intentional homicide cases	Max numeric value allowed : 100	<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	Max numeric value allowed : 100
		<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP				<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments There are significant fluctuations seen in the table. Some of them, as it is stated above, are because of the fact that case flow at second instance has increased as these courts have started to fully operate during this period of time. However, there is no concrete finding to clarify the changes in some cases. To do so, there is a need to have a detailed work.

103. Where appropriate, please indicate the specific procedure regarding 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 six 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.
Average total length of the total procedure is calculated by adding the duration of a case in each instance and dividing the result into the number of instance that the case is being handled. As a further note; these numbers are the average length of proceedings from the commencement of the proceedings before the court until the delivery of a final and binding decision. If a case has been finalised in the first instance, that situation has also been taken into account.



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. Does the public prosecutor also have a role in:

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify:

107. Public prosecutors: Total number of 1st instance criminal cases.

	Number of cases
1.Pending cases on 1 Jan. ref. year	4 935 957 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2.Incoming/received cases	3 744 136 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.Processed cases (3.1+3.2+3.3+3.4)	3 594 361 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)	2 136 051 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.1 Discontinued by the public prosecutor because the offender could not be identified	262 171 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	524 220 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.3 Discontinued by the public prosecutor for reasons of opportunity	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

3.1.4 Discontinued for other reasons	1 349 660 [] NA [] NAP
3.2. Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	[] NA [X] NAP
3.3. Cases closed by the public prosecutor for other reasons	542 353 [] NA [] NAP
3.4. Cases brought to court	915 957 [] NA [] NAP
4. Pending cases on 31 Dec. ref. year	5 085 732 [] NA [] NAP

Comments The term of "Cases closed by the public prosecutor for other reasons" includes the discontinued decisions with the reason of lack of jurisdiction, merging the case with another case as well as sending the case to the another unit of the prosecution office due to the distribution of the workload.

107-1. If the guilty plea procedure exists, how many cases were concluded by this procedure?

	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
Total number of guilty plea procedures	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
Before the main trial	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
During the main trial	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments

109. Do the figures provided in Q107 include traffic offence cases?

() Yes

(X) No

Comments

D2. Please indicate the sources for answering the questions in this part

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. How are judges recruited?

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

Comments There are 2 different procedures for the recruitment of judges. One of which is the written and oral exam for the recently graduates. Before appointed as a judge, those candidates shall also be successful in 2 years of the internship and a final exam. The second option is a separate written and oral exam for lawyers who have 3 years of experience as lawyers. These lawyers shall be under 45. Furthermore, lawyers experienced at least 3 years of profession are subject to another written competitive examination and interview. Before appointed as a judge, those candidates should also be successful in 1 year of internship and a final exam.

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
- [X] An authority/authorities made up of judges and non-judges
- [] Other

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:

111-1. How many members compose this authority?

	Total	Male	Female
Members	13 <input type="checkbox"/> [] NA <input type="checkbox"/> [] NAP	12 <input type="checkbox"/> [] NA <input type="checkbox"/> [] NAP	1 <input type="checkbox"/> [] NA <input type="checkbox"/> [] NAP

Comments – Please specify what is the status of this authority and who is proposing its members? The Council of Judges and Prosecutors relies on Article 159 of the Constitution of the Republic of Turkey. In accordance with this article, the Council of Judges and Prosecutors shall be established and shall exercise its functions in accordance with the principles of the independence of the courts and the security of the tenure of judges.

Article 159 regulates fundamental matters such as who the Council shall be composed of, who the President of the Council shall be, the duties of the Council, and how the examinations and investigations about the judges and prosecutors shall be carried out.

Having its own budget, the CJP is an independent Council separate from the Ministry of Justice.

The President of the Council is the Minister of Justice. The Related Deputy Justice Minister is the ordinary member of the Council. 3 members from among the civil judges and prosecutors and 1 member from among the administrative judges and prosecutors are selected by the President of the Republic. 3 members from among the members of the court of cassation, 1 member from among the members of the Council of State, 3 members from among the university jurist lecturers and lawyers are elected by Turkish Grand National Assembly, it is obligatory that one lecturer and one lawyer are elected for this group of members. The elections for the membership of the Council is held every four years. The members can be re-elected at the end of their terms of office. The CJP is responsible for the initiating the procedures of the career of the candidate judges-prosecutors.

111-2. May non-selected candidates appeal against the decision on recruitment/appointment?

- (X) Yes

No

Comments – please specify which body is competent to decide on appeal? n accordance with Article 33 of the Law on the Council of Judges and Pprosecutors, candidates who are not recruited have the right to request a re-examination from the 2nd chamber of the board against this decision. In case of rejection of this request, there is the right to appeal to the General Assembly of the CJP, which consists of all members.

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

Yes

No

Comments The Council of Judges and Prosecutors is responsible for the promotion of judges and prosecutors.

113. What is the procedure for the promotion of judges? (multiple answers possible)

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion procedure for judges is organised (especially if there is no competition or examination): The criteria of promotion of judges is based on the Law on Judges and Prosecutors. These criteria are, among others, specific period of time to be fulfilled as a judge in certain courts, the number of cases that have been approved by the Court of Cassation, whether that judge has referred to the decisions of Constitutional Court and European Court of Human Rights.

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

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

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”):

5.1.2 Status, recruitment and promotion of prosecutors

115. What is the status of public prosecution services?

Has an independent status as a separate entity among state institutions

Is part of the executive power but enjoys functional independence (please briefly explain how and to what extent)

Is part of the executive power (without functional independence)

Is part of the judicial power but enjoys functional independence (please briefly explain how and to what extent)

Is part of the judicial power (without functional independence)

Is a mixed model (please explain)

Has other status (please explain)

Comments - When appropriate, please specify the objective guarantees of this independence (such as funding) and where they are enshrined (Constitution, legislation etc.).Furthermore, if “mixed model” or “other”, please specify.

115-1. Does the law or other regulation prevent specific instructions to prosecute or not, addressed

to a public prosecutor?

Yes

No

Comments - If yes, please specify: Turkish Constitution and Criminal Procedure Code comprises specific guarantees for prosecutors to fulfil their duties regarding investigations. Under Turkish legislation, attempting to influence persons in charge of a judicial duty by using force, giving instruction or by any other ways is a crime that shall be sentenced to a penalty of imprisonment for a term of two to four years. (Turkish Criminal Code No 5237, Article 277)

Also, during the investigation phase or a court phase, attempting to influence persons in charge of a judicial duty with the aim of influencing a fair trial is a crime that shall be sentenced to monetary sanction. (Turkish Criminal Code No 5237, Article 288)

115-2. If you answered “Yes” to Q115-1, are there exceptions provided by the law/regulations?

Yes

No

Comments - Please describe these exceptions:

115-3. If you answered “No” to Q115-1, which authority can issue the specific instructions?

General Prosecutor

Higher prosecutor/Head of prosecution office

Executive power

Other

Comments - If “Other”, please specify:

115-4. What form these instructions may take?

Oral instruction

Oral instruction with written confirmation

Written instruction

Other

NAP

Comments - If “Other”, please specify:

115-5. In that case, are the instructions:

Issued seeking prior advice from the competent public prosecutor

Mandatory

Reasoned

Recorded in the case file

Other

NAP

Comments - If “Other”, please specify:

115-6. What is the frequency of this type of instructions:

Exceptional

Occasional

- Frequent
- Systematic
- NAP

Comments

115-7. Can the public prosecutor oppose/report an instruction to an independent body?

- Yes
- No
- NAP

Comments - If yes, please specify to which body/institution and please describe under which conditions.

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
- Other

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. How many members compose this authority?

	Total	Male	Female
Members	13	12	1
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments - Please specify what is the status of this authority and who is proposing its members? The Council of Judges and Prosecutors relies on Article 159 of the Constitution of the Republic of Turkey. In accordance with this article, the Council of Judges and Prosecutors shall be established and shall exercise its functions in accordance with the principles of the independence of the courts and the security of the tenure of judges.

Article 159 regulates fundamental matters such as who the Council shall be composed of, who the President of the Council shall be, the duties of the Council, and how the examinations and investigations about the judges and prosecutors shall be carried out.

Having its own budget, the CJP is an independent Council separate from the Ministry of Justice.

The President of the Council is the Minister of Justice. The Related Deputy Justice Minister is the ordinary member of the Council. 3 members from among the civil judges and prosecutors and 1 member from among the administrative judges and prosecutors are selected by the President of the Republic. 3 members from among the members of the court of cassation, 1 member from among the members of the Council of State, 3 members from among the university jurist lecturers and lawyers are elected by Turkish Grand National Assembly,

it is obligatory that one lecturer and one lawyer are elected for this group of members. The elections for the membership of the Council is held every four years. The members can be re-elected at the end of their terms of office. The CJP is responsible for the initiating the procedures of the career of the candidate judges-prosecutors.

117-2. May non-selected candidates appeal against the decision on recruitment/appointment?

Yes

No

Comments - Please specify which body is competent to decide on appeal? n accordance with Article 33 of the Law on the Council of Judges and Pprosecutors, candidates who are not recruited have the right to request a re-examination from the 2nd chamber of the board against this decision. n case of rejection of this request, there is the right to appeal to the General Assembly of the CJP, which consists of all members.

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

Comments The CJP is responsible for the promotion of public prosecutors.

119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion procedure for prosecutors is organised (especially if there is no competition or examination):

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

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

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"):

5.1.3Mandate 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

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)?

[]

NA

NAP

Comments

125-1. Is it renewable?

Yes

No

NAP

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)?

[]

NA

NAP

Comments

126-1. Is it renewable?

Yes

No

NAP

Comments

E1. Please indicate the sources for answering the questions in this part

Sources: Council of Judges and Prosecutors

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 a 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
In-service training on ethics	<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 on child-friendly justice	<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
In-service training on ethics	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on child-friendly justice	<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:

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 in 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 (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
In-service training on ethics	<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 on child-friendly justice	<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 in 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 (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
In-service training on ethics	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on child-friendly justice	<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:

5.2.3 Training institutions

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

	Initial training only	Continuous training only	Initial and continuous training
Institution(s) for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institution(s) for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institution(s) for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments

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

	Budget of the institution(s) for the reference year, in €
Institution(s) for judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Institution(s) for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Institution(s) for both judges and prosecutors	2 783 867 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Turkish Justice Academy is responsible for training of judges and prosecutors. The budget of The Academy has increased in local currency however due to fluctuation in euro - tl exchange rate, the budget seems to decrease in euro.

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.

5.2.4 Number of trainings

131-2. Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training

	Number of in-person training courses available	Number of delivered in-person training courses in days	Online training courses available during the reference year (e-learning)
Total	267 <input type="checkbox"/> NA <input type="checkbox"/> NAP	399 <input type="checkbox"/> NA <input type="checkbox"/> NAP	81 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. For judges	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	33 <input type="checkbox"/> NA <input type="checkbox"/> NAP	44 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. For prosecutors	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	33 <input type="checkbox"/> NA <input type="checkbox"/> NAP	29 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. For other non-judge staff	187 <input type="checkbox"/> NA <input type="checkbox"/> NAP	333 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. For other non-prosecutor staff	187 <input type="checkbox"/> NA <input type="checkbox"/> NAP	333 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Training for other professionals	<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 – please specify if there are training courses of judges and/or prosecutors that include other professionals in the field of justice. It is not possible to have separate data on training courses for non judge staff and non prosecutor staff. Discrepancy seen above is due to the pandemic. However the number of online trainings has increased during that time. In the context of the measures taken by the MoJ, online training have been held instead of in person trainings. Online trainings have a variety of advantages. For instance, it is time saving and participants are able to attend the meetings wherever they are.

131-3. Number of participants of the training courses during the reference year

	Number of participants in in-person training courses	Number of participants in online training courses (e-learning)
Total	4 339 [] NA [] NAP	11 370 [] NA [] NAP
Judges	308 [] NA [] NAP	1 525 [] NA [] NAP
Prosecutors	263 [] NA [] NAP	379 [] NA [] NAP
Non-judge staff	[X] NA [] NAP	[X] NA [] NAP
Non-prosecutor staff	[X] NA [] NAP	[X] NA [] NAP
Other professionals	3 768 [] NA [] NAP	9 466 [] NA [] NAP

Comments It is not possible to have separate data on training courses for non judge staff and non prosecutor staff. Therefore, the numbers of trainings for staff (non judge and non prosecutor) is included in training for other professionals.

5.3.Practice of the profession

5.3.1Salaries 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	15 475 [] NA [] NAP	12 114 [] NA [] NAP	140 051 [] NA [] NAP	109 632 [] 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)	28 467 [] NA [] NAP	21 820 [] NA [] NAP	257 632 [] NA [] NAP	197 471 [] NA [] NAP
Public prosecutor at the beginning of his/her career	15 475 [] NA [] NAP	12 114 [] NA [] NAP	140 051 [] NA [] NAP	109 632 [] 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).	28 467 [] NA [] NAP	21 820 [] NA [] NAP	257 632 [] NA [] NAP	197 471 [] NA [] NAP

Comments The salaries of judges and prosecutors have increased in local currency but because of the exchange rate, it has decreased in

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Special pension	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Housing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other financial benefit	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments In some cities and towns where the courts are located, there are houses owned by the State for the use of judges and prosecutors as well as court staff (subsidised housing). These houses requires low renting prices compared to other houses located in that region. These houses are allocated to those who applied for them considering the point-based system to set out the entitlement of the relevant applicant.

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

. No.

[] NAP

=

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

	With remuneration	Without remuneration
Teaching	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Research and publication	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Arbitrator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Consultant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cultural function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mediator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Other function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 functions/activities?

	With remuneration	Without remuneration
Teaching	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Research and publication	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Arbitrator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Consultant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cultural function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mediator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?

Yes

No

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

5.3.2 Body/institution of ethics

138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

Yes

No

Comments The principles of ethics to be observed by members of the judiciary were shared with judiciary and public by Council of Judges and Prosecutors in 2019. These principles were prepared in accordance with the United Nations and Council of Europe standards.

138-1. If yes, who are the members of this institution/body?

- Only judges
- Judges and other legal professionals
- Other, please specify: Council of Judges and Prosecutors

Comments Council of Judges and Prosecutors is the body giving opinions on ethical questions of judges and prosecutors.

138-2. Are the opinions of this institution / body publicly available?

- Yes
- No
- NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. Judicial Ethical Principles have been shared with public by the Council of Judges and Prosecutors on 14 March 2019. The Council has the task over the making decisions about the applications of the violation claims of these principles. If there is any decision on the violation of the ethical principles have been made, that decision is shared on official website of the Council of Judges and Prosecutors considering personal data. Besides, judges and prosecutors could apply to the CJP if they a concern that a behaviour could be regarded as the violation of the Principles. That application is called a process of consultancy. Therefore, the decisions of the CJP is twofold as it is explained above, one is on "violation" and the second is on "consultancy". There is no regular period of time in making these decisions.

138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

- Yes
- No

Comments The principles of ethics to be observed by members of the judiciary were shared with judiciary and public by Council of Judges and Prosecutors in 2019. These principles were prepared in accordance with the United Nations and Council of Europe standards.

138-4. If yes, who are the members of this institution/body?

- Only prosecutors
- Prosecutors and other legal professionals
- Other, please specify: Council of Judges and Prosecutors is the body that is responsible for ethical questions of judges and prosecutors.

Comments

138-5. Are the opinions of this institution / body publicly available?

- Yes
- No
- NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. Judicial Ethical Principles have been shared with public by the Council of Judges and Prosecutors on 14 March 2019. The Council has the task over the making decisions about the applications of the violation claims of these principles. If there is any decision on the violation of the ethical principles have been made, that decision is shared on official website of the Council of Judges and Prosecutors considering personal data. Besides, judges and prosecutors could apply to the CJP if they a concern that a behaviour could be regarded as the violation of the Principles. That application is called a process of consultancy. Therefore, the decisions of the CJP is twofold as it is explained above, one is on "violation" and the second is on "consultancy". There is no regular period of time in making these decisions.

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 replies possible)?

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- 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 replies possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments

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

- Court
- Higher Court / Supreme Court
- High 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 replies possible)

- Supreme Court
- Head of the organisational unit or hierarchical superior
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High 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.

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

	Judges	Prosecutors
Total number (total 1 to 10)	[X] NA [] NAP	[X] NA [] NAP
1. Reprimand	[X] NA [] NAP	[X] NA [] NAP
2. Suspension	[X] NA [] NAP	[X] NA [] NAP
3. Withdrawal from cases	[X] NA [] NAP	[X] NA [] NAP
4. Fine	[X] NA [] NAP	[X] NA [] NAP
5. Temporary reduction of salary	[X] NA [] NAP	[X] NA [] NAP
6. Position downgrade	[X] NA [] NAP	[X] NA [] NAP
7. Transfer to another geographical (court) location	[X] NA [] NAP	[X] NA [] NAP
8. Resignation	[X] NA [] NAP	[X] NA [] NAP
9. Other	[X] NA [] NAP	[X] NA [] NAP
10. Dismissal	[X] NA [] NAP	[X] NA [] 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.

E3. Please indicate the sources for answering the questions in this part

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:

	Total	Male	Female
Number of lawyers	143 350 <input type="checkbox"/> NA	77 797 <input type="checkbox"/> NA	65 553 <input type="checkbox"/> NA

Comments Total number of lawyers practising in Turkey has increased due to the increase in the number of new law faculties and the number of graduates.

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

NAP

Comments

=

149. Is legal representation in courts exclusively exercised by lawyers in: (multiple replies possible)

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP
Dismissal cases	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP
Criminal cases – Defendant	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP
Criminal cases – Victim	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP	(X) Yes always () Yes in some cases () No <input type="checkbox"/> NAP



Administrative cases	(X) Yes always () Yes in some cases () No [] NAP	(X) Yes always () Yes in some cases () No [] NAP	(X) Yes always () Yes in some cases () No [] NAP
-----------------------------	--	--	--

Comments - Please indicate any useful clarifications regarding the content of lawyers' exclusive rights: Under Turkish legislation, natural 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. If other than lawyers may represent a client in court, please specify who:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	() Yes (X) No	() Yes (X) No	() Yes (X) No
Family member	() Yes (X) No	() Yes (X) No	() Yes (X) No
Self-representation	(X) Yes () No	(X) Yes () No	(X) Yes () No
Trade union	() Yes (X) No	() Yes (X) No	() Yes (X) No
Other	() Yes (X) No	() Yes (X) No	() Yes (X) No

Comments - If "other", please specify. In addition, for the categories selected please specify the types of cases concerned by this/these representation(s): Under Turkish legislation, natural 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
- [X] Arbitration / mediation
- [X] Proxy / representation
- [] Property manager
- [] Real estate agent
- [X] Other law activities (please specify):Lawyers can give lectures, courses to intern lawyers.

Comments

149-2. What are the statuses for exercising the profession of lawyer?

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 - Please indicate if there are other specific requirements as regards diplomas or university degrees:

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

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 the questions in this part

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 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?

a judge

Ministry of Justice

a professional authority

other (please specify):

Comments

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)	962 [] 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 subcategories of the disciplinary proceedings initiated against lawyers in Turkey are more different than above. Therefore, it is only possible to give the total number which is 962. 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)	443 [] NA [] NAP
1. Reprimand	127 [] NA [] NAP
2. Suspension	97 [] NA [] NAP
3. Withdrawal from cases	[] NA [X] NAP
4. Fine	29 [] NA [] NAP
5. Other	190 [] 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. The subcategory of other is correspond to the warning sanction.

7. Court related mediation and other alternative Dispute Resolution

7.1. Court related mediation

7.1.1 Details on court related mediation

163. Does the judicial system provide for court-related mediation procedures?

(X) Yes

() No

Comments

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

Before/instead of going to court

Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned:

163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Yes

() No

Comments - If there are mandatory informative sessions, please specify which fields are concerned: There are mandatory informative sessions in both criminal and civil disputes mediation.

164. Please specify, by type of cases, who provides court-related mediation services:

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	<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
Family cases	<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
Administrative cases	<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
Labour cases including employment dismissals	<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
Criminal cases	<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
Consumer cases	<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

Comments Even though we stated "yes" to the mediation in family cases in the previous cycle, we've realised that there is currently no mediation in family cases in Turkey. However there is a dedicated work to introduce the mediation in the disputes emerging from family issues. But there is no concrete schedule about the launch of the implementation.

165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

Yes

() No

Comments - If yes, please specify (only one or both options)::



=

166. Number of accredited or registered mediators for court-related mediation:

	Total	Males	Females
Number of mediators	44 372	24 696	19 676
	[] NA	[] NA	[] NA
	[] NAP	[] NAP	[] NAP

Comments Because of the importance given by our system on alternative dispute resolution methods, significant increase has been seen in the number of mediators.

167. Number of court-related mediations:

	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement
Total (1 + 2 + 3 + 4 + 5 + 6)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Civil and commercial cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Family cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Administrative cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Labour cases including employment dismissal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
5. Criminal cases	258 770 [] NA [] NAP	[X] NA [] NAP	219 639 [] NA [] NAP
6. Consumer cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please indicate the source: Although there is court related mediation in civil disputes, it is hard to provide separate data for different cases.



=

168. Do the following alternative dispute resolution (ADR) methods exist in your country?

- [X] Mediation other than court-related mediation
- [X] Arbitration
- [X] Conciliation (if different from mediation)
- [] Other ADR (please specify):

Comments In Turkey, in addition to court related mediation as detailed in Q 163, there is mandatory mediation methods in civil disputes (Some disputes on labour, consumer and commercial disputes.) Therefore, we've opted for mediation other than court related mediation. Additionally, arbitration is a kind of alternative dispute resolution that enables parties to settle their disputes by the help of arbitrators instead of going to court.

Conciliation in Turkey is an alternative method which is applicable to criminal disputes mostly before going to court. (This method is exactly same as we pointed in Q 163.)

G1. Please indicate the sources for answering the questions in this part

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 Number of enforcement agents, status and mandate



169. Number and type of enforcement agents in your country.

	Total	Male	Female
Total (1+2+3+4)	7 089 <input type="checkbox"/> NA	3 778 <input type="checkbox"/> NA	3 311 <input type="checkbox"/> NA
1. Private professionals under the authority (control) of public authorities	<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
2. Enforcement agents working in a public institution (civil servants paid by state)	6 889 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 778 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 311 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Judges	<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
4. Other	<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 - If other, please specify their status and competences: Enforcement agents in Turkey are all public officials (bailiffs) having the status of civil servant and working in enforcement offices. These officials are responsible for the implementation of debt collection procedures. The number of enforcement agents has increased compared to 2018 data by 27%. It is because of the endeavour to enhance the human resource and to have more efficient, quicker and improved services for citizens. Namely, this is a consequence of certain policy. There is also a twinning project "Improved Capacity of Civil Enforcement Offices" has been conducted in cooperation with the EU.

170. What are the requirements to access the profession of enforcement agent (multiple replies possible)?

diploma

professional experience

specific exam

appointment procedure by the State

initial training

other

Comments - If "other", please specify:

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

Yes, please indicate the age of retirement: 65

No, please specify the duration of the appointment:

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

8.1.2 Activities/scope of competence

171-1. Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?

	Access to information	Direct electronic access to information
Address	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date of birth	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Civil status	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cohabitant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Employer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Motor vehicle	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Movable property	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Immovable property	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Bank account	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other enforcement proceedings underway	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other", please specify:

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

	Option
Seizure of movable tangible properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Preventive seizure of movable tangible properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of immovable properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Preventive seizure of immovable properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

Eviction measures	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizures of boats and ships	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of aircrafts	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of electronic assets (e.g cryptocurrency)	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Sale of shares	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

171-3. Apart from 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 or public auctions of moveable or immovable property

- Custody 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

8.1.3 Training and ICT

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

- Yes
- No

Comments

172-2. Do you have an e-learning training system established for enforcement agents?

- Yes
- No

Comments - If yes, please specify:

172-3. Does the content of the continuous training system also include ICT (related to enforcement procedures)?

- Yes
- No

Comments - If yes, please specify:

172-4. Have an electronic service of documents or electronic notifications been introduced in your country?

- Yes
- No

Comments E notification system in Turkey has launched on 1 January 2019. There is a dedicated law on the use of e-notification. The details of e-notification has been covered in that law. The main point of the law is the e-notification is compulsory for lawyers, corporates as well as public institutions once they apply for the official e-mail address provided by the relevant institution. As of 28 September 2021, 78 million e notification have been issued by courts, instead of the conventional notification.

172-5. Does the development of new technologies have an effect on the different stages of the enforcement procedure?

Yes

No

Comments - Please explain: With the help of the development of the IT system used in the enforcement procedure, many process can be made through the UYAP system without any need to have physical presence. The UYAP is integrated with e-government system and the UYAP has sub-applications, called UYAP e-citizen and e-lawyer. Through these applications parties are able to send their documents to the relevant enforcement agents.

8.1.4 Fees

174. Are enforcement fees easily established and transparent for parties?

Yes

No

Comments

175-1. Are the fees charged in case of successful enforcement proceedings freely negotiated?

Yes

No

Comments

175-2. Who has to pay these fees if the enforcement proceedings are successful?

The debtor

The creditor

Other – please specify

Comments

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

Yes

No

Comments

H0. Please indicate the sources for answering the questions in this part

Source: MoJ

8.1.5 Organisation of profession and 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?

- professional body
- judge
- Ministry of Justice
- public prosecutor
- 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: There is an inspection procedure that is conducted by the inspectors, regularly.

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
- unethical behaviour of enforcement agent
- other (please specify):there is still need to improve human resource with the equal propotion of workload.

Comments

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

	Existence of the system
for civil cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
for administrative cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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

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

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)	912 [] NA [] NAP
1. For breach of professional ethics	9 [] NA [] NAP
2. For professional inadequacy	0 [] NA [] NAP
3. For criminal offence	879 [] NA [] NAP
4. Other	24 [] NA [] NAP

Comments - If "other", please specify: There is no specific reason to explain the decrease in the number of initiated disciplinary proceedings.

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	18 [] NA [] NAP
1. Reprimand	[X] NA [] NAP
2. Suspension	[X] NA [] 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 18. The sub categories of the sanctions in Turkey are more different than above. There is no specific reason to explain the decrease in the number of pronounced disciplinary proceedings. Besides, it might dropped as the number of initiated has also dropped in this cycle.

H1. Please indicate the sources for answering the questions in this part

Source: MoJ

8.2.Execution of decisions in criminal matters

8.2.1Functioning of execution in criminal matters

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

- Judge
- Public prosecutor
- Prison and Probation Services
- Enforcement agent
- 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%

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1 Number, status and mandate of notaries

192. Number and status of notaries in your country.

	Total	Male	Female
TOTAL (1+2+3+4)	1 745 [] NA [] NAP	825 [] NA [] NAP	920 [] NA [] NAP
1. Private professionals (without control from public authorities)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Holders of public offices appointed by the State	1 745 [] NA [] NAP	825 [] NA [] NAP	920 [] NA [] NAP
3. Civil servants (paid by the State)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "Other", please specify the status, or if "holder of a public office appointed by the State", please indicate which ministry is mainly engaged in the appointment procedure:

192-1. What are the access conditions to the profession of notary (multiple replies possible):

diploma

professional experience

specific exam

appointment procedure by the State

initial training

other (please specify): The specific document showing the entitlement of being a notary. This document is issued by the MOJ.

Comments After reviewing the answers we gave in the previous cycle, we've come to the conclusion that the answer above is quite better to explain the access conditions to the profession of notary.

192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

yes, please indicate the age of retirement: 65

no, please specify the duration of the appointment:

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

9.1.2 Activities/scope of competences

194. What kind of activities do notaries perform (multiple options possible):

	Please select one option
Authentication	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Certification of signatures	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Legalisation of signatures / Apostille	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Legality control of documents	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Mediation	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Taking of oaths	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Act as civil servant (for example performing marriage, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Other judicial functions (for example, payment orders)	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Public auctions	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other (for example collect taxes, run registers etc.)	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "other", please specify. Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or, on the opposite, other bodies that also have competences for the listed activities. 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. Furthermore, notaries do perform some activities that are laid down in the law, such as giving of certificate of inheritance and issuing of invitation letter to spouse who left the home in a marriage. (Law 1512, article 71/A)

After reviewing the answers we gave in the previous cycle, we've come to the conclusion that the answer above is quite better to explain the situation in Turkey.

194-2. In which areas of law do notaries perform their activities (multiple options possible)?

- Real estate transaction
- Family law
- Succession law
- Company law
- Legality control of gambling activities
- Protection of vulnerable persons
- Other

Comments

9.1.3 ICT, organisation of the profession and training

194-3. Do notaries use specialised ICT systems in their activity?

- In their relations with the State (e.g. courts, registries, chambers of commerce, tax authorities)
- In their relations with their clients
- In their relations with other notaries (e.g. videoconferencing, system to exchange documents)

Comments The use of specialised ICT systems ranges from the integration with other notaries to the electronic application system used by the clients. The details regarding the use of specialised ICT systems have been laid out in the Notary Law, article 198/A.

194-4. Which computerised registries can notaries consult?

- Land registry
- Business registry
- Civil status / Population registry
- Succession / Family law registry
- Any other registry (please specify)
- None

Comments

194-5. Are there registries/ registry infrastructures run by the notaries?

- Yes
- No

Comments - If yes, please specify:

194-6. In which computerised registries can notaries modify data (either directly or by submitting an online request)?

	Directly modifying	Indirectly modifying by submitting an online request
Land registry	<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
Business registry	<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
Civil status/ Population registry	<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
Succession / Family law registry	<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
Any other registry (please specify)	<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
None	<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

Comments

194-7. What ICT tools are used by notaries in their relations with clients?

- Videoconferencing (e.g. digital advice)
- Digital act
- Digital identification
- Digital archiving
- Other, please specify
- None

Comments

194-8. Who is responsible to run the digital archives?

- Notariat / Professional body
- Other public authority
- Another entity (please specify)

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 (multiple options possible)?

- professional body
- court
- Ministry of Justice
- public prosecutor
- other (please specify):

Comments

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

- Yes
- No

Comments

196-2. Do notaries have training on:

	Yes	No
European law	()	(X)
Law of another Member State (cross-border training programmes)	()	(X)

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities:

I1. Please indicate the sources for answering the questions in this part

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.

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

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.

199. Number of registered court interpreters:

[5 185]

[] NA

[] NAP

Comments These court interpreters are all registered to the system. 4697 interpreters work in criminal courts and 488 interpreters work in civil courts. The number of interpreters has increased due to the effective implementation of abovementioned Law and the importance given to strengthen access to justice for all.

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

Yes

No

Comments - If yes, please specify (e.g. having passed a specific exam):

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

Comments

J1. Please indicate the sources for answering the questions in this part

11. Judicial experts

11.1. Profession of judicial expert

11.1.1 Status of judicial experts

202. In your system, what types of judicial experts can participate in judicial procedures (multiple replies possible):

Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court

Experts appointed by the court or other authority independent of the parties

Other system of judicial expertise, please specify

Comments - Please specify who is proposing and appointing experts in an individual case. According to Law on Experts (Law 6754) published on Official Gazette on 24 November 2016, it is underlined in article 2/1.b that an expert is a natural person or a legal person under private law whose opinions are sought for issues that require specific or technical knowledge. It is also laid down in article 3/3 that the court can not seek expert opinions for issues that can be resolved with the judge's general knowledge, experience or legal knowledge that is required by the judge's profession. Therefore, in our legislation it is not allowed to get expert opinions on specific legal issues or support the judge in preparing the judicial work.

In addition to that parties have a right to receive expert opinions independently. In that option, the court decision isn't required. The main goal of the parties by receiving that and submitting to the court is to support their claims. In conclusion, there are two options in our system to receive expert opinions.

202-1. Are there lists or any other form of official registration for judicial experts?

Yes

No

Comments

202-1-1. If yes, at which level is the list established (multiple replies possible):

national

administrative district or federal entity

judicial district

other

Comments - Please, indicate any other comment regarding these lists or databases of experts, if they do exist (e.g. does the expert take an oath? How are his/her skills evaluated? By whom?): There are 15 expert district boards established along Turkey. These boards are responsible for the preparation of lists of experts who will be tasked by judge in courts. There are some conditions taken into account by these boards as the lists are prepared. Expert district boards evaluate the skills of the applicants before deciding of the registration on the list. While giving this decision, the boards consider the professional experience and background, in service training programmes. Experts must take oath to be able to work as experts in courts.

202-1-2. Are these lists publicly available?

Yes, available on the internet

Yes

No

Comments It is totally transparent system. Anyone could reach these lists on: <https://bilirkisilik.adalet.gov.tr/Home/SayfaDetay/bolge-bilirkisi-listeleri02072020030208>

202-2. Which authority is competent for the registration of judicial experts?

Ministry of justice

Courts

Administrative body

Independent body (association of judicial experts)

Other

Comments - Please also specify the registration criteria:

202-3. Is the registration of judicial experts limited in time?

Yes, for how long 3 years

No

Comments

202-4. Can an expert who is not on the list or not registered be appointed in a case?

Yes

No

Comment - If yes, please specify in which cases: According the article 12 of the Law on Expert; if there is any expert with specific expertise cannot be found on the list, an expert who has not been listed could be appointed in that specific case.

203. Is the title of judicial experts protected?

Yes

No

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

203-1. Does the judicial 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:

judicial proceedings

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 task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?

Yes

No

Comments - If yes, please specify:

205. Number of accredited or registered judicial experts:

	Total	Male	Female
Number of experts	42 808 [] NA [] NAP	32 613 [] NA [] NAP	10 195 [] NA [] NAP

Comments

206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties

	Number of cases
Total (1+2+3+4)	702 412 [] NA [] NAP
1.Civil and commercial litigious cases	464 587 [] NA [] NAP
2.Administrative cases	7 247 [] NA [] NAP
3.Criminal cases	100 217 [] NA [] NAP
4.Other cases	130 361 [] NA [] NAP

Comments In fact, there is no concrete data showing the reason of the decrease of the cases above. But, it may directly be linked to the decrease of the incoming cases in 2020.

205-1. Who defines the amount of the expert remuneration?

In civil/administrative cases	In criminal cases

Defined by law/by-law or a special regulation	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Defined by the court/judge	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Defined by Ministry of Justice or another ministry (setting a tariff for example)	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Salary of public official (in case of forensic or another specialist – who is public employee)	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Freely agreed between expert and the parties	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Other	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Comments - If other, please specify:

206. Are there binding provisions for judicial experts regarding:

	Yes	No
Deadlines to provide expertise	(X)	()
Quality of expertise	(X)	()
Other	(X)	()

[] NAP

Comments - If yes, please specify, and provide details in case there are possible sanctions: There are specific rules regarding the function of judicial expert in both civil and criminal proceedings. In addition to that, there are general provisions in Code on Experts no 6754 on the general and ethical principles that experts must regard when they fulfil their profession.

207-1. Does the judge or another body control the progress of the expertise?

(X) Yes

() No

If yes, please specify:

207-2. Are judicial experts' associations involved in:

[] Selection processes

[X] Initial or continuous training

[X] Disciplinary procedures

[] NAP

Comments

K1. Please indicate the sources for answering the questions in this part

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms? If possible, please observe the following categories:

208-1. (Comprehensive) reform plans

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: Reforms in Turkish Judicial System are mainly based on two separate documents. One of which is Judicial Reform Strategy Document which was shared with public in 2019 and still being implemented. In this Document there are 9 aims, 63 objectives and 256 activities. The aims are set out as protection and improvement of rights and freedoms, improving independence, impartiality and transparency of the judiciary, increasing the quality and quantity of human resources, enhancement of performance and productivity, ensuring efficient use of the right to self defence, ensuring access to justice and enhancing satisfaction from service, enhancing the efficiency of the criminal justice system, simplification and enhancement of the efficiency of civil and administrative trial, spreading of alternative dispute resolution methods.

As of September 2021, 133 out of 256 activities have been achieved. Reforms are being monitored through electronic system which is reachable on www.yargireformu.adalet.gov.tr. The implementation report is annually prepared and shared with public on this website. Besides, there is a specific section on this website which enables citizens submit their opinions about judicial reforms. So, that process of reforms are kept dynamic by receiving the views of the public. The second fundamental reform work is Human Rights Action Plan which was made public in 2021 and has still been implemented. Consultation process was conducted through a comprehensive and inclusive approach. The document has 9 objectives and 393 activities. The activities requires two years of time to be completed. Monitoring system of the document is being conducted through <https://insanhaklarieylemplani.adalet.gov.tr>. Besides the aforementioned documents, reforms on specific subjects have been ongoing. One of which is "Project of The Regulation on Determination and Implementation of Target Time Periods of Prosecution and Investigation" has launched in 2019. As of 1 January 2019, all court users in first instance criminal, civil and administrative proceedings started to be informed on foreseen completion time of the case they have been involved in. Also, the work is still in place to carry out this project in 2nd instance courts. Alternative dispute resolution is of great importance in Turkish judiciary. Being aware of this fact, in 2017, mediation in labour courts became a requirement for action and put into effect as of 01/01/2018. In 2018, the same regulation was brought to effect in commercial disputes. In addition to that, as of 2020, some disputes of consumers have been involved in the process of mediation. Namely, the number of disputes which requires mediation before going to court have significantly increased. In criminal matters, according to the recent amendment made in Turkish Criminal Procedure Code, the number of offences to which the conciliation must be implemented as a precondition of investigation procedure, has been increased. On the other hand, new methods in criminal procedure called simplified judgement method has been introduced. This new method features more expedited procedure in the investigation and prosecution of some specific offences. This method can be implemented after the consent of the defendants.

208-2. Budget

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: The budget of the abovementioned reforms has transparently been shared with public on the websites of the reforms. The Action Plan of Judicial Reform Strategy includes the budget, calendar as well as responsible units of each activity enshrined in the document. The Implementation Document of the Human Rights Action Plan also comprises the required information on the budget of the activities.

208-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: 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. To decrease the backlog of courts and public prosecutor offices, the number of judges, prosecutors and staff has increased. During this period of time, e-hearing system in civil procedures has been introduced in Turkey. To decrease the negative effect of the pandemic, e-hearing system is considered significant system in the system. The e-hearing system in Turkey has the legal basis, details of the system have been included in that legislation.

208-4. Access to justice and legal aid

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: In Turkey, significant steps regarding the access to justice were taken. In this regard, the budget allocated for legal aid has increased steadily. During this period of time, lots of activities have been carried out in the field of legal aid. One of these activities is the online application for legal aid which has been introduced recently. With the help of the system, people in need are able to apply for the legal aid online without any need to make a physical application. The other developments are in the field of victim's rights. The secondary legislation on victim rights have been completed and published. There are many centers on legal support and victim services have been established across Turkey. These centers have different tasks that are mainly based on the support of victims.

Lastly, separate interview rooms have been established in courthouses for victims of sexual assault and domestic violence, witnesses, juvenile offenders. These reforms are designed to enhance access to justice and increase the quality of legal aid.

208-5. High Judicial Council

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify:

208-6. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify: Both in Judicial Reform Strategy and Human Rights Action Plan, there are some measures have been foreseen to strengthen the rights of judges and prosecutors and increase the independence and impartiality of them. Such as; geographical guarantee for judges and prosecutors, enhancement of rights of judges and prosecutors in disciplinary proceedings. These reforms are planned and adopted in the relevant documents, the details of the implementation of these actions are underway. On the other hand, considering the conditions of pandemic, lots of trainings have been held online for judges, prosecutors, lawyers and court staff.

208-7. Gender balance

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify: In 2020, there are many different actions have been taken in Turkish judiciary. Training of legal professionals on gender balance is the one of the important components of these actions. For instance; in 2020, 580 court staff participated in the trainings on gender balance. As it is detailed in relevant question, in the process of recruitment, appointment and promotion, gender balance have been taken into consideration as this issue specifically underlined in both Judicial Reform Strategy and Human Rights Action Plan.

208-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify: After the launch of the Judicial Reform Strategy, four separate amendment were made in relevant codes by Turkish Parliament. First reform package was entered into force in 2019. That package includes a set of reforms ranging from the setting separate duration of arrest for investigation and prosecution process to the new procedural methods in criminal procedure in

order for the dispute to be resolved more accelerated. The second legislation package is mainly focussed on the civil procedure. It aims to eliminate the obstacles parties faced during the civil procedure while the third one is pertaining to the enforcement of criminal decisions. Lastly, the fourth package sets out specific reforms covered in Human Rights Action Plan. For instance, the vertical appeals of the decisions of the peace courts has been introduced. Besides, with the entry into force of the latest package, the required time for the completion of justification process of the administrative courts' decisions have been decreased. With that reform, parties involved in administrative procedures are now able to receive the justification of the decisions sooner than it was.

208-9. Enforcement of court decisions and in particular regarding decisions against public authorities

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify: With the entry into force of third legislative package, some reforms about the enforcement procedure of the criminal decisions have been carried out. The tasks of the enforcement court judges have been specified. The rights of women inmates and pregnant inmates have been enhanced. The preconditions on conditional release procedure have been redetermined and specific conditions stemmed from the pandemic have been also taken into consideration in this regard.

208-10. Mediation and other Alternative Dispute Resolution

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify: Alternative dispute resolution is of great importance in Turkish judiciary. Being aware of this fact, in 2017, mediation in labour courts became a requirement for action and put into effect as of 01/01/2018. In 2018, the same regulation was brought to effect in commercial disputes. In addition to that, as of 2020, some disputes of consumers have been involved in the process of mediation. Namely, the number of disputes which requires mediation before going to court have significantly increased. In criminal matters, according to the recent amendment made in Turkish Criminal Procedure Code, the number of offences to which the conciliation must be implemented as a precondition of investigation procedure, has been increased. On the other hand, new methods in criminal procedure called simplified judgement method has been introduced. This new method features more expedited procedure in the investigation and prosecution of some specific offences. This method can be implemented after the consent of the defendants.

208-11. Fight against crime

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify: Both in Judicial Reform Strategy and Human Rights Action Plan, several reforms have been foreseen. Some of these reforms are linked to specific offences, such as hate crimes, human trafficking, etc..These reforms mainly require increased cooperation both in the country and abroad to have effective fight against crime. Trainings of judicial professionals are also another main aspect to be followed in this issue.

208-12. Prison system

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: The prisons that did not comply with the standards were closed and the construction of modern prisons continued. The use of electronic monitoring systems in the monitoring and supervision of suspects, detainees and convicts, has been extended. To date, many EU funded projects have been successfully carried out in the penal enforcement area. Alternatives to imprisonment is on the top of the agenda of these works.

208-13. Child friendly justice

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Both in the Judicial Reform Strategy and the Human Rights Action Plan, child friendly justice is seen one of the main pillars of the reform agenda. In this regard, the number of judicial interview rooms have significantly increased all across Turkey. These rooms are established in courthouses to prevent children from revictimisation of the court procedures. Psychologist, social workers are all appointed to work at that rooms. In 2020, the number of judicial interview rooms is 90.

In addition to the newly introduced works, regular activities have been carried out as they were planned. For instance; in 2020 in the concept of the trainings on the prevention of domestic violence, 580 personnel were received in service trainings. Besides, within the module of the HELP, many social workers attended the trainings during the said year.

208-14. Domestic violence

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: As it is seen above, trainings on the prevention of domestic violence have been organised and conducted throughout the reference year. The Fourth National Action Plan for Combating Violence Against Women was also made public on July 1 2021. The action plan covers all the actions to be taken between 2021 and 2025 and the implementation process has been carried out by the Family and Social Services Ministry.

On the other hand, during the reference year the circular on the "Protection of Women and The Implementation of the Law on The Prevention of Violence Against Women" was updated by the Ministry of Justice.

208-15. New information and communication technologies

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: In addition to the integration of UYAP information system with other institutions, many applications have been developed to strengthen the access to justice for beneficiaries. In particular, the integration with law enforcement units has been one of the most important developments in this area. The application "Mobile Information System for Lawyers" which was prepared to increase the variety of services provided to lawyers and enable them to follow up the trial processes more easily, was also put into service in this period.

Audio-Visual Information System (SEGBIS) is available in courts, prosecution offices and prison and detention offices. 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. To alleviate the negative effect of the pandemic, e-hearing system have been introduced in civil proceedings in Turkey. This system is currently been used by lawyers but, in the near future it is planned to extend it to other court users. 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. In addition, parties who have subscribed to UYAP SMS Information System could receive information about the case files and proceedings as SMS.

Specific portals within the 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.

208-16. Other

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: