



Reference data 2022 (01/01/2022 - 31/12/2022)

Start/end date of the data collection campaign : 15/03/2023 - 01/10/2023

Objective :

The CEPEJ decided, at its 39th plenary meeting, to launch the ninth evaluation cycle 2024, focused on 2022 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 46 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan).

The present questionnaire was developed 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, in service of the European citizens.

For better understanding of the questions it is necessary to consult the Explanatory note that gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, You can download the Explanatory note as a whole document on the CEPEJ website. In addition to the Explanatory note, there is also the User manual that is a technical document to help you navigate through this application for data collection.

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.

Instruction :

Explanatory note: <https://rm.coe.int/explanatory-note-2024-cycle-cepej-2023-2-en/1680aae30a>

Word version of the questionnaire - <https://rm.coe.int/evaluation-scheme-2024-cycle-cepej-2022-9rev1-en-30-march-2023/1680aae309>

CEPEJ COLLECT - User manual – you can download under Documentation tab

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)

[85 279 553]

Comments

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

[10 130]

Comments Even though there is a depreciation in exchange rates in 2022, per capita GDP in Euro has increased.

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

[]

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.

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

+1:

[20.01]

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 Türkiye

- 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, 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) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Annual public budget allocated to (gross) salaries | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Annual public budget allocated to computerisation (2.1 + 2.2) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | |
|--|--|--|
| 2.1 Investments in computerisation | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2.2 Maintenance of the IT equipment of courts | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Annual public budget allocated to court buildings (maintenance, operating costs) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Annual public budget allocated to investments in new (court) buildings | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 6. Annual public budget allocated to training | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 7. Other (please specify) | <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. 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 | 745 096 751 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 230 597 507 <input type="checkbox"/> NA <input type="checkbox"/> 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 | 797 171 214 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 328 330 015 <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 when comparing previous year's data. However, the exchange rate of national currency in € is 20.01 for this year and 9.05 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 |

Comments - 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 Türkiye, 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 2022, the said fee is 9 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 9 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 2022 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 €):

[203 945 352]

[] NA

[] NAP

Comments Discrepancy is because of the fluctuation seen in the exchange rate. This is the only reason to explain this fluctuation.

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) | 52 074 462 | 34 782 608 | 17 291 854 |
| | [] NA | [] NA | [] NA |
| | [] NAP | [] NAP | [] NAP |

| | | | |
|--|---|---|---|
| 12.1 for cases brought to court (court fees and/or legal representation) | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 12.2 for cases not brought to court (legal advice, ADR and other legal services) | <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 In Türkiye, 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. Even though there is high exchange rate between euro and Turkish lira, the budget of legal aid both in allocated and implemented budget have gone up because of a dedicated policy to increase the efficiency of legal aid. Further to this improvement, in order to facilitate the application procedure for legal aid, standard application forms were created and entered into the UYAP system.

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) | 97 732 506 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 72 106 854 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 25 625 652 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 12-1.1 for cases brought to court (court fees and/or legal representation) | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 12-1.2 for cases not brought to court (legal advice, ADR and other legal services) | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> 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: In Türkiye, 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. Even though there is high exchange rate between euro and Turkish lira, the budget of legal aid both in allocated budget have gone up because of a dedicated policy to increase the efficiency of legal aid. Further to this improvement, in order to facilitate the application procedure for legal aid, standard application forms were created and entered into the UYAP system. As it is seen on the table, there is a difference between the approved and implemented budget in legal aid. It is due to the fact that the need emerged during the period of spending of allocated budget in a whole year.

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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 (Legal aid does not include coverage of court fees) |
| Exemption from court fees | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP (Legal aid does not include exemption from court fees) |

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.

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 Türkiye, there is no separation between the budget of the courts and public prosecution offices.

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

Sources: MoJ

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 € | 1 718 050 524 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 2 559 489 147 <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 20.01 for this year and 9.05 for the previous year.

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

| | Included |
|-----------|--|
| Courts | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Legal aid | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |

| | |
|------------------------------------|--|
| Public prosecution services | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Probation services | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| High Judicial Council | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| High Prosecutorial Council | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Constitutional court | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Judicial management body | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP |
| Service for legal representation of the State | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Enforcement services | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Notariat | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Forensic services | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Judicial protection of juveniles | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Functioning of the Ministry of Justice | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Refugees and asylum seekers services | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Immigration Service | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |

| | |
|--|--------------------------------|
| Some police services (e.g. : transfer, investigation, prisoners' security) | (X) Yes () No [] NAP |
| Other | () Yes (X) No [] NAP |

If "Other", please specify:

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.

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

| | Criminal cases | Other than criminal cases |
|--|--|--|
| Representation in court | (X) Yes () No [] NA [] NAP | (X) Yes () No [] NA [] NAP |
| Legal advice, ADR and other legal services | (X) Yes () No [] NA [] NAP | (X) Yes () No [] NA [] NAP |

016-1. Please briefly describe the organisation of the legal aid system in your country.

-- 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 Türkiye, 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) 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. 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.

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 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 |

| | | | |
|-------------------------------------|---------------------|---------------------|---------------------|
| In criminal cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| In other than criminal cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

Comments - Please specify when appropriate:

020-0. Please indicate the number of recipients of legal aid:

| | Total | Cases brought to court | Cases not brought to court |
|-------------------------------------|---------------------|-------------------------------|-----------------------------------|
| TOTAL | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| In criminal cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| In other than criminal cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

Comments - Please specify when appropriate:

020-0-1. Are there statistical data disaggregated by gender in respect of recipients of legal aid?

() Yes

(X) No

Comments

020-0-2. If yes, please provide details on distribution by gender of recipients of legal aid:

| | Total | Males | Females |
|--|-------------------|-------------------|-------------------|
| Number of recipients of legal aid | [] NA [] NAP | [] NA [] NAP | [] NA [] NAP |

Comments

020-0-3. Is it possible to divide the number of recipients of legal aid per different categories of cases?

() Yes

(X) No

Comment: If yes, please specify for which categories of cases:

020-0-4. Are there situations where legal aid is automatically granted depending on categories of cases?

(X) Yes

() No

Comment: If yes, please specify: - 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 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. Besides, if a victim is a minor, where the victim is deemed mentally disable, mute or deaf, the assignment of a lawyer is compulsory.

020-0-5. How many of the recipients of legal aid are alleged victims of domestic violence?

| | Total | Males | Females |
|--|--|--|--|
| Number of recipients of legal aid who are alleged victims of domestic violence | <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

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 decision on 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 it's 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: Please see the comments made under the questions above.

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 specify the exact criteria for denying legal aid: For criminal cases, it is not possible to refuse legal aid for the reason of 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

(X) several authorities (court and external bodies)

Comments In criminal cases, for investigation phases, the Prosecutor asks the Bar Association to appoint a lawyer for 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 in civil matters.

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

2.2.1Rights 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/ | () |

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 |

Comments - Please provide more information on these systems and 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 parties 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 Türkiye. 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) | () Yes (X) No | () Yes (X) No | () Yes (X) No |

Comments - If “Other vulnerable person” and/or “Other specific arrangements”, please specify:

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?

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

Comment According to the activity 8.1.f of the Human Rights Action Plan launched in 2021, new model of courthouse architecture will be developed, which will host family and juvenile courts within a separated campus, with a view to offering a better protection for the family privacy and the best interest of the child. This activity gives special emphasis on the protection of children during judicial proceedings. Under this new model, it is aimed that juvenile interview rooms, juvenile support centers as well as juvenile courts are structured in one center to ease the proceedings for the interest of children. It is a kind of model reflecting "one stop shop" approach in

juvenile justice. In these centers, there are also juvenile police, lawyers expertised on juvenile justice, forensic experts, social service workers as well as psychologists working to prevent secondary victimisation of children.

031-1. What are the main criteria for a person under 18 years of age to act in court proceedings 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 type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> Age threshold [Comment]15 <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 checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP | <input type="checkbox"/> Age threshold [Comment] <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP |

Comments - Please specify if you selected “Other”. The general threshold for legal majority in Türkiye is 18. Therefore; age threshold is 18 to initiate a judicial proceeding in Türkiye. 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 grdian. 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 person under 18 years of age cannot act in court 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"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No |
| Another representative (instead of parent/legal guardian) | <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"/> 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 |

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 representative of the

minor instead of the parent. In conclusion the representative of the minor belongs to either parent or the legal guardian. Apart from that, there is no other representative.

For the proceedings in criminal matters, there are some regulations laying out the obligatory lawyer to be appointed by the court to the minor. The details about it have already been shared under the comments on legal aid questions.

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 the offender is unknown

Yes, but only if compensation could not be obtained from the offender

Yes, in both situations

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.

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.

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.

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

Yes

No

Comments

034. Is there a regular monitoring (official studies, reports etc.) allowing the evaluation of 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. 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. 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 Türkiye, 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 standards 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.

During the criminal procedures, public prosecutor is the main person who supervises the investigation and takes all the measures without any delay with a special care for the interest of children.

-
-

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 judgeship 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 of compensation in the following circumstances:

| | Number of requests for compensation | Number of compensations granted | Total amount of compensations granted (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/detention | <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 |

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

037-1. Please specify which authorities are responsible for dealing with the requests and whether a legal time limit exists to deal with these requests:

| | |
|-------------------------|------------------|
| Responsible authorities | Legal time limit |
|-------------------------|------------------|

| | | |
|---|-------|-------|
| Court concerned | [] | [] |
| Other court | [X] | [] |
| Ministry of Justice | [X] | [X] |
| High Judicial Council | [] | [] |
| Other external bodies (e.g. Ombudsman) | [] | [] |

Comments According to Turkish Criminal Procedure Code article 141, persons who have been subject to the following proceedings during the criminal investigation or prosecution may claim their pecuniary and non-pecuniary damages from the State:

a) Having been arrested, detained or the period of detention has been extended regardless of the conditions foreseen by the laws, b) Not having been taken before a judge within the legal period of custody, c) Having been detained without being reminded of his/her legal rights, or before the request to use the reminded rights has not been fulfilled,

d) Not having been brought before the court within reasonable time, despite having been detained in conformity with the laws, and not having received a judgment within this period, e) Having been subject to a decision of non-prosecution or acquittal after having been arrested or detained lawfully, f) Having spent more time in custody and detention while serving prison sentence than in conviction and having been obligatorily sentenced to such punishment since the penalty envisaged by law for the offence committed has been only a judicial fine,

g) Not having been given written documents of the grounds of arrest or detention and of the charges against them; or, in cases where this was not promptly possible, not having received oral explanation,

h) Having been arrested or detained without notifying their relatives,

i) Having been subject to an inproportionate search warrant, j) Having been subject to the seizure of their property or of their asset values, although the requirements have not been present, or not having had their property protected through measures, or having their property or other asset values used outside of the scope of the purpose, or not having had them returned timely. k) Not having been permitted to benefit from the opportunities of application envisaged by law against the arrest or detention.

In addition to information given above, the motion for compensation may be filed within three months after the relevant parties have been notified that the decisions or judgments have become final, or in any case within one year after the date when the decisions or judgments become final. The decision about the motion shall be rendered by the assize court in the district where the injured party is residing, and by the assize court in the closest district, in cases where this court is related to the proceedings which are subject to compensation, and if there is no other assize chamber in the district. (Article 142 of the CPC)

Besides, The Human Rights Compensation Commission which has been established under the Ministry of Justice is responsible for handling the applications by parties concerning the excessive length of judicial proceedings as well as the issues of non execution or partial execution of judicial decisions by public authorities. There is also a time limit for the decisions to be made by the Commission. According to the Law 6384 regarding the establishment of the Commission, 9 months and 16 months of time limit envisaged for the decisions to be made by the Commission. 9 months of time limit is for the some applications made to the ECtHR, on the other hand 16 months of time limit is laid down for the some applications made to the Constitutional Court of Türkiye.

The another option is the individual application before the Constitutional Court. Individual application is one of the basic rights or freedoms guaranteed by the Constitution and is a way of claiming rights which can be applied by anyone who is in the context of European Convention on Human Rights and additional protocols which Türkiye is a party by claiming that it was violated by public power. Further information and relevant statistics can be found on "<https://www.anayasa.gov.tr/en/individual-application>"

037-2. Are there statistical data disaggregated by gender concerning the number of:

| |
|--|
| Existence of statistical data disaggregated by gender |
|--|

| | |
|--|--|
| Persons who initiate a case in other than criminal matters | (X) Yes - If yes, please specify for which categories of cases: [Comment]There are statistics concerning persons who initiate a case by gender in all types of cases. () No [] NA |
| Victims recognised as such by the court | (X) Yes - If yes, please specify for which types of offences: [Comment]There are statistics concerning victims by gender in all types of cases. () No [] NA |
| Perpetrators of criminal offences | (X) Yes - If yes, please specify for which types of offences: [Comment]There are statistics concerning perpetrators by gender in all types of cases. () No [] NA |

Comments

037-3. Are there statistical data on the relation between the perpetrator of the criminal offence and the victim recognised by the court?

(X) Yes

() No

If yes, please specify: In our system, if the type of relationship is considered as a component of aggravated crime, the statistics in these crimes are regularly collected. In other words, if that relationship does not have special importance in relevant case, that statistics are not collected.

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 | [] Annual [] Other regular [X] Ad hoc | [] Annual [] Other regular [] Ad hoc |
| Surveys for court staff | [] Annual [] Other regular [X] Ad hoc | [] Annual [] Other regular [] Ad hoc |
| Surveys for public prosecutors | [] Annual [] Other regular [X] Ad hoc | [] Annual [] Other regular [] Ad hoc |
| Surveys for lawyers | [] Annual [] Other regular [X] Ad hoc | [] Annual [] Other regular [] Ad hoc |

| | | |
|---|---|--|
| Surveys for other professionals | <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 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"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |

NA

Comment - Please, indicate the references and links to the satisfaction surveys you mentioned above: Turkish Statistical Institute annually conducts life satisfaction surveys for the citizens. In the concept of that survey, citizens' satisfaction from justice services is measured annually. The results of that survey are reported and published by the Institute. The statistics can be found on "<https://data.tuik.gov.tr/Bulten/Index?p=Yasam-Memnuniyeti-Arastirmasi-2022-49691>"

In addition to that, there are several surveys conducted by different institutions in 2022. One of which is the survey conducted by the Council of Judges and Prosecutors which was carried out under the preparation process of the strategic plan of the CJP.

The Head of Department of Alternative Dispute Resolution at the MoJ also conducted various surveys for conciliators, lawyers, court staff as well as citizens to measure the efficiency of conciliation in criminal matters.

Furthermore, Turkish Court of Cassation conducted a survey to judges, prosecutors, lawyers as well as citizens at national level to measure their satisfaction from the services.

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) | 8 415 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3) | 6 176 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

| | |
|--|----------------------------|
| 1.1 First instance courts of general jurisdiction - legal entities | 5 612 [] NA [] NAP |
| 1.2 Second instance courts of general jurisdiction - legal entities | 525 [] NA [] NAP |
| 1.3 Highest instance courts of general jurisdiction - legal entities | 39 [] NA [] NAP |
| 2 Total number of specialised courts - legal entities | 2 239 [] NA [] NAP |

Comments

043. Number of specialised courts – legal entities.

| | First instance | Higher instances |
|--|----------------------------|---------------------|
| Total number of specialised courts - legal entities | 2 239 [] NA [] NAP | [] NA [X] NAP |
| Commercial courts (excluded insolvency courts) | 201 [] NA [] NAP | [] NA [X] NAP |
| Insolvency courts | [] NA [X] NAP | [] NA [X] NAP |
| Labour courts | 468 [] NA [] NAP | [] NA [X] NAP |
| Family courts | 428 [] NA [] NAP | [] NA [X] NAP |
| Rent and tenancies courts | [] NA [X] NAP | [] NA [X] NAP |
| Enforcement of criminal sanctions courts | 186 [] NA [] NAP | [] NA [X] NAP |
| Fight against terrorism, organised crime and corruption | [] NA [X] NAP | [] NA [X] NAP |
| Internet related disputes | [] NA [X] NAP | [] NA [X] NAP |
| Administrative courts | 156 [] NA [] NAP | [] NA [X] NAP |
| Insurance and / or social welfare courts | [] NA [X] NAP | [] NA [X] NAP |
| Military courts | [] NA [X] NAP | [] NA [X] NAP |

| | | |
|--------------------------|--------------------------|---------------------|
| Juvenile courts | 135 [] NA [] NAP | [] NA [X] NAP |
| Other specialised courts | 665 [] NA [] NAP | [] NA [X] NAP |

Comments - If "Other specialised courts", please specify:

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) | 592 [] 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) | 620 [] NA [] NAP |

Comments

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

Sources: 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.

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) | 14 862 [] NA [] NAP | 7 803 [] NA [] NAP | 7 059 [] NA [] NAP |
| 1. Number of first instance professional judges | 10 875 [] NA [] NAP | 5 559 [] NA [] NAP | 5 316 [] NA [] NAP |
| 2. Number of second instance (court of appeal) professional judges | 2 725 [] NA [] NAP | 1 748 [] NA [] NAP | 977 [] NA [] NAP |
| 3. Number of Supreme Court professional judges | 1 262 [] NA [] NAP | 496 [] NA [] NAP | 766 [] 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. As the number of second instance courts has increased, this effected the number of judges at the third instance court, as a result of reduced workload at the Court of Cassation. The increase of the number of second instance female judges is a consequence of special policy to increase the number of women.



=

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

Yes

No

Comments

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

- Child-care
- Elderly care or other dependant persons' care
- Training
- For the purposes of early retirement
- No specific reason required
- Other reason, please specify:

Comments

046-1-3. If yes, what is the number of professional judges working part-time with reduced remuneration?

| | Total | Males | Females |
|--|--|--|--|
| Total (1 + 2 + 3) | <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 |
| 1. At first instance level | <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. At second instance (court of appeal) level | <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 |
| 3. At Supreme Court level | <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

046-1-4. Are there other possibilities (apart from part-time) for regular adjustment of working time or conditions with or without reduced remuneration?

| | Adjustment of working time or conditions with or without reduced remuneration |
|---|---|
| Temporary reduction of the workload | () Yes (X) No |
| Temporary reduction of the working time / special leave | (X) Yes () No |
| Other measures | () Yes (X) No |

Comment: If such possibilities for regular adjustment exist, please specify if they imply or not a reduction of the remuneration? There is a special leave when parents have a newborn baby which is 10 days for father and 16 weeks (maternity leave) for mother with remuneration. After this 16 weeks of leave mother could benefit from a specific leave about breastfeeding which is 3 hours a day. This reduction of the working time could cover up to almost 1.5 years after the birth. On the other hand, if there is a medical report indicating that there is someone staying with the relevant official (in this case judge or prosecutor) needs medical maintenance, the Law allows that person to be given special leave to take care of this person in need.

046-1-5. If yes, please specify in which situation(s) these possibilities can be used?

- Child-care
- Elderly care or other dependant persons' care
- Training
- For the purposes of early retirement
- As part of induction process for new judges
- No specific reason required
- Other reason, please specify:
- 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 .

| | Total | Males | Females |
|--|--|--|--|
| Total number of court presidents (1 + 2 + 3) | 869 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 740 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 129 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Number of first instance court presidents | 842 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 713 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 129 <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 Türkiye is among the tasks of the head of the justice commissions which are functioning in 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) | () | () | () |
| Criminal cases (misdemeanour and/or minor) | () | () | () |
| Family law cases | () | () | () |
| Labour law cases | () | () | () |
| Social law cases | () | () | () |
| Commercial law cases | () | () | () |
| Insolvency cases | () | () | () |
| Other civil cases | () | () | () |

NAP

Comments - If "Other civil cases", please specify:

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

() Yes

(X) 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

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) (see Explanatory Note) | [] 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 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 Türkiye, 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 difficult 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) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 1. Total non-judge staff working in courts at first instance level | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] 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), 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 exact 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
- Other types of services (please specify):renting vehicles

Comments - If "Other types of services", please specify: 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.

NA

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.)

| | Total | Males | Females |
|--|----------------------------|----------------------------|----------------------------|
| Total number of prosecutors (1 + 2 + 3) | 7 434 [] NA [] NAP | 6 208 [] NA [] NAP | 1 226 [] NA [] NAP |
| 1. Number of prosecutors at first instance level | 6 868 [] NA [] NAP | 5 720 [] NA [] NAP | 1 148 [] NA [] NAP |
| 2. Number of prosecutors at second instance (court of appeal) level | 325 [] NA [] NAP | 304 [] NA [] NAP | 21 [] NA [] NAP |
| 3. Number of prosecutors at Supreme Court level | 241 [] NA [] NAP | 184 [] NA [] NAP | 57 [] NA [] NAP |

Comments - Please indicate any useful comment for interpreting the data above: The number of female prosecutors has increased due to the specific effort made. The number of prosecutors at second instance has increased due to the opening of new courts.

=

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(s) part-time work can be granted? (multiple replies possible)

- Child-care
- Elderly care or other dependant persons' care
- Training
- For the purposes of early retirement
- No specific reason required
- Other reason, please specify:

Comments

055-1-3. If yes, what is the number of prosecutors working part-time with reduced remuneration?

| Total | Males | Females |
|-------|-------|---------|
| | | |

| | | | |
|--|--|--|--|
| Total (1 + 2 + 3) | <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 |
| 1. At first instance level | <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. At second instance (court of appeal) level | <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 |
| 3. At Supreme Court level | <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

055-1-4. Are there other possibilities (apart of part-time work) for regular adjustment of working time or conditions with or without reduced remuneration?

| | Adjustment of working time or conditions with or without reduced remuneration |
|--|--|
| Temporary reduction of the workload | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Temporary reduction of the working time / special leave | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Other measures | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comment: If such possibilities for regular adjustment exist, please specify if they imply or not a reduction of the remuneration? There is a special leave when parents have a newborn baby which is 10 days for father and 16 weeks (maternity leave) for mother with remuneration. After this 16 weeks of leave mother could benefit from a specific leave about breastfeeding which is 3 hours a day. This reduction of the working time could cover up to almost 1.5 years after the birth. On the other hand, if there is a medical report indicating that there is someone staying with the relevant official (in this case judge or prosecutor) needs medical maintenance, the Law allows that person to be given special leave to take care of this person in need.

055-1-5 . If yes, please specify in which situation(s) these possibilities can be used?

- Child-care
- Elderly care or other dependant persons' care
- Training
- For the purposes of early retirement
- As part of induction process for new prosecutors
- No specific reason required
- Other reason, please specify:
- NAP

Comments

056. Number of heads of prosecution offices.

| | | |
|--------------|--------------|----------------|
| Total | Males | Females |
|--------------|--------------|----------------|

| | | | |
|---|--------------------------|--------------------------|------------------------|
| Total number of heads of prosecution offices (1 + 2 + 3) | 246 [] NA [] NAP | 240 [] NA [] NAP | 6 [] NA [] NAP |
| 1. Number of heads of prosecution offices at first instance level | 227 [] NA [] NAP | 221 [] NA [] NAP | 6 [] NA [] NAP |
| 2. Number of heads of prosecution offices at second instance (court of appeal) level | 17 [] NA [] NAP | 17 [] 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: The number of female heads of prosecutors has increased due to the specific effort made.

057. In your judicial system, do other persons have similar duties to those of public prosecutors?

- () Yes
(X) No

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

057-1. If yes, please provide the 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
[X] NAP

Comments

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

| | |
|--------------------------|---|
| | - |
| Domestic violence | [X] Yes [] Yes, specifically for minor victims [] No [] NA [] NAP |
| Sexual violence | [X] Yes [] Yes, specifically for minor victims [] No [] NA [] 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 | [X] NA | [X] NA | [X] NA |

Comment – please describe which categories of staff you have included in your reply: In Türkiye, 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 | (X) | () |
| prosecutors | (X) | () |
| non-judge staff | (X) | () |
| lawyers | () | (X) |
| notaries | () | (X) |
| enforcement agents | () | (X) |

[] 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 | (X) | () |
| 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. 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

 judicial reform strategy.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.

Moreover, Training Department of MoJ has included courses on women's rights in its in-service trainings. "Women's Empowerment and Prevention of Domestic Violence and Gender Equality" courses were given face-to-face and online to many female staff working in the judiciary. In order to further support the use of the Human Rights Education for Legal Professionals (HELP) e-Learning platform in Türkiye, efforts were also made to assign the "Violence against Women and Domestic Violence" training module for pedagogues, psychologists and social workers working in courthouses through distance learning.

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 - Please specify the status of this person/institution and if it has a consultative function or if its opinions/decisions have legal consequences:

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:

061-9. In order to improve gender balance in access to different judicial professions and gender 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 gender 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 Governance

ICT STRATEGY

062-01. Do you have an overall Information and Communication Technology (ICT) strategy in the judicial system?

(X) Yes

() No

Comments UYAP refers to National Judiciary Informatics System in Türkiye.

Also, there exists a National Artificial Intelligence Strategy by the Presidential Circular. Moreover, Digital Transformation Office of the Presidency of the Republic of Türkiye has published the Guideline on Information and Communication Security.

062-02. If there is an overall ICT strategy in the judicial system, who was involved in the process of its definition?

Judges (Judicial council)

Prosecutors (Prosecutorial or judicial council)

Ministry of justice

Lawyers (bar association)

Notaries (association of notaries)

Enforcement agents (association of enforcement agents)

Other (please specify) Civil law mediators, criminal law mediators (conciliators), judicial experts and any citizen can be an active user of UYAP.

NA

NAP

Comments

LEGISLATION

062-03. Does a national legislation/regulation of ICT in the judicial system exist?

Yes

No

Comments

062-04. If yes, how is this legislation/regulation of ICT in the judicial system structured?

Relevant norms are included in the general e-government legislation/regulation

Relevant norms are included in specific legislation/regulation only for the judicial system

Relevant texts are included in dedicated technical documents/specifications

Other, please specify

NA

Comment - If more than one of the proposed models exist in your country, please select them all and explain the details ICT norms are not included in a single/seperate code. But there are various ICT norms existing in national legislation such as Electronic Signature Law, Guideline on Information and Communication Security.

NA

IMPACT OF IMPLEMENTATION OF ICT SYSTEMS

062-05. Have you already organised audits/evaluations/assessments of the impact of the implementation of the ICT system?

Yes

No

Comments

062-06. If these audits/evaluations/assessments were already organised, please specify their modalities:

| | Format | Last conducted audit |
|--|---|--|
| ICT Governance | <input checked="" type="checkbox"/> Internal <input type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA | <input checked="" type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA |
| Security and risk management | <input checked="" type="checkbox"/> Internal <input checked="" type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA | <input checked="" type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA |
| Impact on efficiency and quality of the business processes and workflow | <input checked="" type="checkbox"/> Internal <input type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA | <input checked="" type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA |
| Impact on human resources (number, workload, wellbeing) | <input checked="" type="checkbox"/> Internal <input type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA | <input checked="" type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA |
| Other, please specify in comments | <input type="checkbox"/> Internal <input type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input checked="" type="checkbox"/> NA | <input type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input checked="" type="checkbox"/> NA |

Comment - If you have selected other area, please provide details. Please also add details on the content of the last organised evaluation. DG for IT of MoJ carries out regular audits and evaluations – such as ISO 27001 audit, assessments via the Turkish Information and Communication Security Guide- in order to ensure the sustainability of ICT tools in judiciary.

062-07. If these audits/evaluations/assessments were organised in the last 5 years, how did you apply their recommendations/results?

- Update applications
- Define new ICT projects/modules
- Adjust legislation

- Adjust working processes
- Withdraw/stop use of a module/application
- Reporting purpose only
- Other, please specify
- NA
- NAP

Comments

3.5.2 Electronic case processing

ELECTRONIC SUBMISSION OF CASES

062-08. If it is possible to submit a case to a court electronically, what are the deployment and usage rates?

| | Deployment rate | Usage rate |
|-----------------------|--|--|
| Civil | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA |

Comments In Türkiye, thanks to the UYAP system, all cases are submitted to courts electronically.

062-09. If it is possible to submit a case to a court electronically, please specify the modalities:

| | | |
|---------------------|---|------------------|
| Electronic or paper | Possible to be submitted electronically by: | Data integration |
|---------------------|---|------------------|

| | | | |
|-----------------------|---|--|--|
| Civil | <input checked="" type="checkbox"/> Paper submission is still possible <input type="checkbox"/> Paper submission is not possible anymore (electronic submission is the only way) <input type="checkbox"/> Double submission (paper must accompany the electronic submission) <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> The data are electronically transferred to the Case Management System (CMS) <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> Paper submission is still possible <input type="checkbox"/> Paper submission is not possible anymore (electronic submission is the only way) <input type="checkbox"/> Double submission (paper must accompany the electronic submission) <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> The data are electronically transferred to the Case Management System (CMS) <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> Paper submission is still possible <input type="checkbox"/> Paper submission is not possible anymore (electronic submission is the only way) <input type="checkbox"/> Double submission (paper must accompany the electronic submission) <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA | <input type="checkbox"/> Lawyer <input type="checkbox"/> Party not represented by a lawyer <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> The data are electronically transferred to the Case Management System (CMS) <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA |

Comments It is possible, for a party not represented by a lawyer, to submit a case to a court electronically in civil and administrative cases on the condition that this person uses an electronic signature. Public prosecutors carry out investigations. After the completion of the investigation, prosecutors issue indictments and send the indictments electronically to the criminal courts. Criminal courts can either

accept the indictments or send them back to the prosecution offices electronically (i.e. due to the lack of evidences.) If the criminal court accept the indictment, the day of this electronic acceptance is to be the starting day of the criminal case. This is why we have selected 'other' for criminal cases.

SENDING ELECTRONIC DOCUMENTS TO COURT



062-10. If it is possible to send case-related documents to the courts electronically, what are the deployment and usage rates?

| | Deployment rate | Usage rate |
|-----------------------|---|---|
| Civil | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input checked="" type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input checked="" type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input checked="" type="checkbox"/> NA |

Comments The deployment rate in all instances is almost 100% since in Türkiye, all documents in all courts can be sent via the UYAP system electronically. On the other hand, we have chosen NA for the usage rate since there is no concrete data regarding the number of documents which have been submitted in physical way. For this reason, the calculation of the usage rate is not possible for now.

062-11. If it is possible to send electronically case related documents to the courts, please specify the modalities:

| | | |
|---------------------|---|------------------|
| Electronic or paper | Possible to be submitted electronically by: | Data integration |
|---------------------|---|------------------|

| | | | |
|-----------------------|---|--|---|
| Civil | <input checked="" type="checkbox"/> Paper delivery is still possible <input type="checkbox"/> Paper delivery is not possible anymore (electronic delivery is the only way) <input type="checkbox"/> Double delivery (Paper delivery must accompany the electronic one) <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Documents sent by a lawyer <input checked="" type="checkbox"/> Documents sent by a party not represented by a lawyer <input checked="" type="checkbox"/> Documents sent by another person/institution <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> The data are electronically transferred to the CMS <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> Paper delivery is still possible <input type="checkbox"/> Paper delivery is not possible anymore (electronic delivery is the only way) <input type="checkbox"/> Double delivery (Paper delivery must accompany the electronic one) <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Documents sent by a lawyer <input checked="" type="checkbox"/> Documents sent by a party not represented by a lawyer <input checked="" type="checkbox"/> Documents sent by another person/institution <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> The data are electronically transferred to the CMS <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> Paper delivery is still possible <input type="checkbox"/> Paper delivery is not possible anymore (electronic delivery is the only way) <input type="checkbox"/> Double delivery (Paper delivery must accompany the electronic one) <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Documents sent by a lawyer <input checked="" type="checkbox"/> Documents sent by a party not represented by a lawyer <input checked="" type="checkbox"/> Documents sent by another person/institution <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> The data are electronically transferred to the CMS <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA |

Comment - If you have selected the option “Documents sent by another person/institution”, please specify details. It is possible, for a party not represented by a lawyer, to send electronically case related documents to the courts, in civil, administrative and criminal cases on the condition that this person uses an electronic signature.

In our system, some other institutions –other than the judiciary- can access to UYAP under certain limits. Such as birth registry, criminal records database, telecommunication authority, post offices, police offices, land registry and some banks’ database have been integrated with UYAP enabling online exchange of information. Thereby, for instance DG for Security, Ministry of Interior is able to send case related documents electronically to courts or prosecution offices.

ELECTRONIC NOTIFICATIONS



062-12. If it is possible for courts to send electronic notifications, what are the deployment and usage rates?

| | Deployment rate | Usage rate |
|-----------------------|--|--|
| Civil | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input checked="" type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input checked="" type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input checked="" type="checkbox"/> NA |

Comments The deployment rate in all instances is almost 100% since in Türkiye, all documents in all courts can be sent via the UYAP system electronically. On the other hand, we have chosen NA for the usage rate since there is no concrete data regarding the number of documents which have been submitted in physical way. For this reason, the calculation of the usage rate is not possible for now.

062-13. If it is possible for courts to send electronic notifications, please specify the modalities:

| Electronic or paper | Type of notification | Data integration |
|---------------------|----------------------|------------------|
| | | |

| | | | |
|------------------------------|--|--|---|
| <p>Civil</p> | <p><input checked="" type="checkbox"/> Paper notification is still possible</p> <p><input type="checkbox"/> Paper notification is not possible anymore (electronic notification is the only way)</p> <p><input type="checkbox"/> Double notification (paper notification must accompany the electronic one)</p> <p><input type="checkbox"/> NAP – electronic notifications are not possible</p> <p><input type="checkbox"/> NA</p> | <p><input checked="" type="checkbox"/> Notifications sent by the court to the lawyer</p> <p><input checked="" type="checkbox"/> Notifications sent by the court to the party not represented by a lawyer</p> <p><input checked="" type="checkbox"/> Notifications with attached official documents sent by the courts</p> <p><input checked="" type="checkbox"/> Notifications sent to other persons/institutions</p> <p><input type="checkbox"/> NAP – electronic notifications are not possible</p> <p><input type="checkbox"/> NA</p> | <p><input checked="" type="checkbox"/> The electronic notification is generated from the CMS</p> <p><input type="checkbox"/> The electronic notification is manually generated</p> <p><input type="checkbox"/> NAP – electronic notifications are not possible</p> <p><input type="checkbox"/> NA</p> |
| <p>Administrative</p> | <p><input checked="" type="checkbox"/> Paper notification is still possible</p> <p><input type="checkbox"/> Paper notification is not possible anymore (electronic notification is the only way)</p> <p><input type="checkbox"/> Double notification (paper notification must accompany the electronic one)</p> <p><input type="checkbox"/> NAP – electronic notifications are not possible</p> <p><input type="checkbox"/> NA</p> | <p><input checked="" type="checkbox"/> Notifications sent by the court to the lawyer</p> <p><input checked="" type="checkbox"/> Notifications sent by the court to the party not represented by a lawyer</p> <p><input checked="" type="checkbox"/> Notifications with attached official documents sent by the courts</p> <p><input checked="" type="checkbox"/> Notifications sent to other persons/institutions</p> <p><input type="checkbox"/> NAP – electronic notifications are not possible</p> <p><input type="checkbox"/> NA</p> | <p><input checked="" type="checkbox"/> The electronic notification is generated from the CMS</p> <p><input type="checkbox"/> The electronic notification is manually generated</p> <p><input type="checkbox"/> NAP – electronic notifications are not possible</p> <p><input type="checkbox"/> NA</p> |

| | | | |
|-----------------|---|--|---|
| Criminal | <input checked="" type="checkbox"/> Paper notification is still possible | <input checked="" type="checkbox"/> Notifications sent by the court to the lawyer | <input checked="" type="checkbox"/> The electronic notification is generated from the CMS |
| | <input type="checkbox"/> Paper notification is not possible anymore (electronic notification is the only way) | <input checked="" type="checkbox"/> Notifications sent by the court to the party not represented by a lawyer | <input type="checkbox"/> The electronic notification is manually generated |
| | <input type="checkbox"/> Double notification (paper notification must accompany the electronic one) | <input checked="" type="checkbox"/> Notifications with attached official documents sent by the courts | <input type="checkbox"/> NAP – electronic notifications are not possible |
| | <input type="checkbox"/> NAP – electronic notifications are not possible | <input checked="" type="checkbox"/> Notifications sent to other persons/institutions | <input type="checkbox"/> NAP – electronic notifications are not possible |
| | <input type="checkbox"/> NA | <input type="checkbox"/> NAP – electronic notifications are not possible | <input type="checkbox"/> NA |

Comment - If you have selected the option “Notifications sent to other persons/institutions”, please specify details. Paper notification is still possible for all proceedings. On the other hand, persons or institutions may have e-notification address that is registered under the national electronic notification system (UETS). In terms of these persons or institutions, that use UETS e-notification address, National Judiciary Informatics System (UYAP) includes necessary warnings and controls available, in order to avoid paper notifications.

CONSULTATION OF A CASE ONLINE

062-14. If it is possible for external users to consult a case online, what are the deployment and usage rates?

| | Deployment rate | Usage rate |
|-----------------------|--|--|
| Civil | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA |

| | | |
|-----------------|--|--|
| Criminal | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA |
|-----------------|--|--|

Comments Parties to the relevant cases are entitled to reach to the details of cases.

062-15. If it is possible for external users to consult a case online, please specify the modalities:

| | Content | Access | Consultation format |
|-----------------------|---|--|--|
| Civil | <input checked="" type="checkbox"/> Case status <input checked="" type="checkbox"/> Documents <input checked="" type="checkbox"/> Notifications <input checked="" type="checkbox"/> Events/calendar <input checked="" type="checkbox"/> Court decision <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA | <input type="checkbox"/> Electronic access at the court premises <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> Case status <input checked="" type="checkbox"/> Documents <input checked="" type="checkbox"/> Notifications <input checked="" type="checkbox"/> Events/calendar <input checked="" type="checkbox"/> Court decision <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA | <input type="checkbox"/> Electronic access at the court premises <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> Case status <input checked="" type="checkbox"/> Documents <input checked="" type="checkbox"/> Notifications <input checked="" type="checkbox"/> Events/calendar <input checked="" type="checkbox"/> Court decision <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA | <input type="checkbox"/> Electronic access at the court premises <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA |

Comment - If you have selected the option “Other”, please specify details. The e-Government is a website offering access to all public services from a single point. The aim of the Portal is to offer public services to citizens, businesses, and government agencies in an efficient and effective manner through information technologies.

This way, the Government targets offering its services to the citizens through the easiest and most effective means possible, in a high quality, speedy, uninterrupted, and secure way. Access to e-Government by foreigners is possible via their Foreigner ID and passwords. So it is possible for external users to consult online anywhere as long as they log in with an e-government password.

REMOTE HEARINGS

062-16. If it is possible to organise remote hearings what are the deployment and usage rates?

| | Deployment rate | Usage rate |
|-----------------------|---|---|
| Civil | <input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA |
| Administrative | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA |

Comments SEGBS refers to a system in which participation to hearings at courthouses is ensured through audio and video transmission. E-hearing, on the other hand, is the ability of the parties, the witness, the expert or other interested parties to attend the hearings from their place of residence.

In 2022, a total of 942826 SEGBS interviews were made.

Between 2012-2022, a total of 3227 SEGBS devices were distributed to courthouses.

In 2022, a total of 469343 e-hearings were held.

Between 2021-2022, a total of 2646 e-hearing devices were distributed to courthouses.

In terms of civil proceedings, the judge may either accept or reject the lawyer's request for an e-hearing. Thereby, e-hearing system is not used in all hearings. Although it is at the discretion of the judge to hold the hearings using the e-hearing system, the usage rate does not affect the deployment rate.)

062-17. If it is possible to organise remote hearings, please specify the functionalities and modalities:

| | Functionalities | Modalities |
|-----------------------|---|--|
| Civil | <input checked="" type="checkbox"/> Dedicated tool specially designed for the use by courts <input checked="" type="checkbox"/> Publicly available tools used by courts <input type="checkbox"/> Organisation of private sessions within online hearings for consultation between parties and their lawyers <input type="checkbox"/> Tools for witness protection (voice distortion, picture distortion) <input type="checkbox"/> Tools for simultaneous interpretation <input type="checkbox"/> Tools for automatic subtitling (speech-to-text) <input type="checkbox"/> NAP – remote hearings are not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Agreement of the parties is needed <input type="checkbox"/> The judge can impose a remote hearing <input type="checkbox"/> NAP – remote hearings are not possible <input type="checkbox"/> NA |
| Administrative | <input type="checkbox"/> Dedicated tool specially designed for the use by courts <input type="checkbox"/> Publicly available tools used by courts <input type="checkbox"/> Organisation of private sessions within online hearings for consultation between parties and their lawyers <input type="checkbox"/> Tools for witness protection (voice distortion, picture distortion) <input type="checkbox"/> Tools for simultaneous interpretation <input type="checkbox"/> Tools for automatic subtitling (speech-to-text) <input checked="" type="checkbox"/> NAP – remote hearings are not possible <input type="checkbox"/> NA | <input type="checkbox"/> Agreement of the parties is needed <input type="checkbox"/> The judge can impose a remote hearing <input checked="" type="checkbox"/> NAP – remote hearings are not possible <input type="checkbox"/> NA |

| | | |
|-----------------|---|--|
| Criminal | <input checked="" type="checkbox"/> Dedicated tool specially designed for the use by courts <input type="checkbox"/> Publicly available tools used by courts <input type="checkbox"/> Organisation of private sessions within online hearings for consultation between parties and their lawyers <input checked="" type="checkbox"/> Tools for witness protection (voice distortion, picture distortion) <input type="checkbox"/> Tools for simultaneous interpretation <input type="checkbox"/> Tools for automatic subtitling (speech-to-text) <input type="checkbox"/> NAP – remote hearings are not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Agreement of the parties is needed <input type="checkbox"/> The judge can impose a remote hearing <input type="checkbox"/> NAP – remote hearings are not possible <input type="checkbox"/> NA |
|-----------------|---|--|

Comments In terms of civil proceedings, lawyers of the parties can request e-hearing from the judge. Judge can either accept or reject this request. In criminal proceedings, the use of electronic hearing also depends on the consent of parties. For instance, if a defendant would like to give his/her statement in person, then it is obligatory to hear that person at the court, face to face.

ELECTRONIC ARCHIVES

062-18. If electronic archives of cases exist, what are the deployment and usage rates?

| | Deployment rate | Usage rate |
|-----------------------|---|---|
| Civil | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic archives do not exist <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic archives do not exist <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic archives do not exist <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic archives do not exist <input type="checkbox"/> NA |

| | | |
|-----------------|---|---|
| Criminal | <input checked="" type="checkbox"/> 95-100 % | <input checked="" type="checkbox"/> 95-100 % |
| | <input type="checkbox"/> 75-95 % | <input type="checkbox"/> 75-95 % |
| | <input type="checkbox"/> 50-75 % | <input type="checkbox"/> 50-75 % |
| | <input type="checkbox"/> 25-50 % | <input type="checkbox"/> 25-50 % |
| | <input type="checkbox"/> 1-25 % | <input type="checkbox"/> 1-25 % |
| | <input type="checkbox"/> 0 % | <input type="checkbox"/> 0 % |
| | <input type="checkbox"/> NAP - electronic archives do not exist | <input type="checkbox"/> NAP - electronic archives do not exist |
| | <input type="checkbox"/> NA | <input type="checkbox"/> NA |

Comments

062-19. If an electronic archive of cases exists, please specify the modalities:

| | Electronic or paper |
|-----------------------|---|
| Civil | <input checked="" type="checkbox"/> Paper archiving is still possible <input type="checkbox"/> Paper archiving is not possible anymore (electronic archiving is the only way) <input type="checkbox"/> Double archiving (paper archiving must accompany the electronic one) <input type="checkbox"/> NAP – electronic archives do not exist <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> Paper archiving is still possible <input type="checkbox"/> Paper archiving is not possible anymore (electronic archiving is the only way) <input type="checkbox"/> Double archiving (paper archiving must accompany the electronic one) <input type="checkbox"/> NAP – electronic archives do not exist <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> Paper archiving is still possible <input type="checkbox"/> Paper archiving is not possible anymore (electronic archiving is the only way) <input type="checkbox"/> Double archiving (paper archiving must accompany the electronic one) <input type="checkbox"/> NAP – electronic archives do not exist <input type="checkbox"/> NA |

Comments As it is explained in other questions, in Türkiye all cases are uploaded to the UYAP system without any exception. However, physical cases are still being used in practice. Because of that, paper archiving coexists with the electronic archiving.

3.5.3 Tools

CASE MANAGEMENT SYSTEMS (CMS)

062-20. If one or more case management system(s) (CMS) exist, what are the deployment and usage rates?

| | Deployment rate | Usage rate |
|-----------------------|---|---|
| Civil | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA |

Comments

062-21. If one or more case management system(s) (CMS) exist, please specify the functionalities of these system(s):

| |
|------------------------|
| Functionalities |
|------------------------|

| | |
|------------------------------|--|
| <p>Civil</p> | <p><input checked="" type="checkbox"/> Centralised and/or interoperable CMS databases</p> <p><input checked="" type="checkbox"/> Active case management dashboard</p> <p><input checked="" type="checkbox"/> Random allocation of cases</p> <p><input checked="" type="checkbox"/> Case weighting</p> <p><input checked="" type="checkbox"/> Identification of a case between instances (unique or linked id number)</p> <p><input checked="" type="checkbox"/> Electronic transfer of a case to another instance/court</p> <p><input checked="" type="checkbox"/> Anonymisation of decisions to be published</p> <p><input checked="" type="checkbox"/> Interoperability with other systems (civil register, tax register, insolvency register)</p> <p><input checked="" type="checkbox"/> Access to closed/resolved cases</p> <p><input checked="" type="checkbox"/> Advanced search engine</p> <p><input checked="" type="checkbox"/> Protected log files</p> <p><input checked="" type="checkbox"/> Electronic signature</p> <p><input type="checkbox"/> Other special functionality, please specify</p> <p><input type="checkbox"/> NAP – CMS does not exist</p> <p><input type="checkbox"/> NA</p> |
| <p>Administrative</p> | <p><input checked="" type="checkbox"/> Centralised and/or interoperable CMS databases</p> <p><input checked="" type="checkbox"/> Active case management dashboard</p> <p><input checked="" type="checkbox"/> Random allocation of cases</p> <p><input checked="" type="checkbox"/> Case weighting</p> <p><input checked="" type="checkbox"/> Identification of a case between instances (unique or linked id number)</p> <p><input checked="" type="checkbox"/> Electronic transfer of a case to another instance/court</p> <p><input type="checkbox"/> Anonymisation of decisions to be published</p> <p><input checked="" type="checkbox"/> Interoperability with other systems (civil register, tax register, insolvency register)</p> <p><input checked="" type="checkbox"/> Access to closed/resolved cases</p> <p><input checked="" type="checkbox"/> Advanced search engine</p> <p><input checked="" type="checkbox"/> Protected log files</p> <p><input checked="" type="checkbox"/> Electronic signature</p> <p><input type="checkbox"/> Other special functionality, please specify</p> <p><input type="checkbox"/> NAP – CMS does not exist</p> <p><input type="checkbox"/> NA</p> |

Comment - If you have selected the option “Other special functionality”, because of its importance please specify details.

062-22. If one or more case management system(s) (CMS) exist, please specify the functionalities of these system(s):

| | Functionalities |
|-----------------|--|
| Criminal | <input checked="" type="checkbox"/> Centralised and/or interoperable CMS databases <input checked="" type="checkbox"/> Active case management dashboard <input checked="" type="checkbox"/> Random allocation of cases <input checked="" type="checkbox"/> Case weighting <input checked="" type="checkbox"/> Identification of a case between instances (unique or linked id number) <input checked="" type="checkbox"/> Electronic transfer of a case to another instance/court <input type="checkbox"/> Anonymisation of decisions to be published <input checked="" type="checkbox"/> Interoperability with prosecution system <input checked="" type="checkbox"/> Interoperability with other systems (civil register, tax register, insolvency register) <input checked="" type="checkbox"/> Access to closed/resolved cases <input checked="" type="checkbox"/> Advanced search engine <input checked="" type="checkbox"/> Protected log files <input checked="" type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – CMS does not exist <input type="checkbox"/> NA |

Comment - If you have selected the option “Other special functionality”, please specify the details.

WRITING ASSISTANCE TOOLS

062-23. If writing assistance tools exist in courts, what are their deployment and usage rates?

| | Deployment rate | Usage rate |
|--------------|--|--|
| Civil | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA |

| | | |
|-----------------------|--|--|
| Administrative | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA |

Comments

062-24. If writing assistance tools exist in courts, please describe their functionalities:

| | Functionalities |
|-----------------------|--|
| Civil | <input checked="" type="checkbox"/> Templates <input checked="" type="checkbox"/> Automatically generated text <input type="checkbox"/> Automatically suggested decision <input type="checkbox"/> Speech-to-text <input checked="" type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – writing assistance tools do not exist <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> Templates <input checked="" type="checkbox"/> Automatically generated text <input type="checkbox"/> Automatically suggested decision <input type="checkbox"/> Speech-to-text <input checked="" type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – writing assistance tools do not exist <input type="checkbox"/> NA |

| | |
|-----------------|--|
| Criminal | <input checked="" type="checkbox"/> Templates <input checked="" type="checkbox"/> Automatically generated text <input type="checkbox"/> Automatically suggested decision <input type="checkbox"/> Speech-to-text <input checked="" type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – writing assistance tools do not exist <input type="checkbox"/> NA |
|-----------------|--|

Comment - If you have selected the option “Other special functionality”, please specify the details.

RECORDING OF COURT HEARINGS

062-25. If a tool to record court hearings exists, what are the deployment and usage rates?

| | Deployment rate | Usage rate |
|-----------------------|--|--|
| Civil | <input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there is no tool for recording hearings <input checked="" type="checkbox"/> NA |
| Administrative | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there is no tool for recording hearings <input checked="" type="checkbox"/> NA |

Comments We have looked through the explanatory note carefully. In our system the recording of hearings are possible in civil and criminal cases while it is not in administrative cases. In criminal courts, all court houses are equipped with the needed tools to record hearings but it is not as common in civil courts as it is in criminal courts. Therefore we have chosen these rates above. Although the estimate ratio of usage rate is demanded in this question, it is not possible in our system to find out the exact or approximate numbers (ratio) of the usage for now.

062-26. If a tool to record court hearings exist, please specify its functionalities:

| | Functionalities |
|------------------------------|---|
| <p>Civil</p> | <p><input checked="" type="checkbox"/> Audio recording <input checked="" type="checkbox"/> Video recording <input type="checkbox"/> Systematic recording for all hearings <input type="checkbox"/> Automatically indexed recording <input type="checkbox"/> Automatic transcript from recording <input checked="" type="checkbox"/> Possibility to request a copy of the recording <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – there is no tool for recording hearings <input type="checkbox"/> NA</p> |
| <p>Administrative</p> | <p><input type="checkbox"/> Audio recording <input type="checkbox"/> Video recording <input type="checkbox"/> Systematic recording for all hearings <input type="checkbox"/> Automatically indexed recording <input type="checkbox"/> Automatic transcript from recording <input type="checkbox"/> Possibility to request a copy of the recording <input type="checkbox"/> Other special functionality, please specify <input checked="" type="checkbox"/> NAP – there is no tool for recording hearings <input type="checkbox"/> NA</p> |
| <p>Criminal</p> | <p><input checked="" type="checkbox"/> Audio recording <input checked="" type="checkbox"/> Video recording <input checked="" type="checkbox"/> Systematic recording for all hearings <input type="checkbox"/> Automatically indexed recording <input type="checkbox"/> Automatic transcript from recording <input checked="" type="checkbox"/> Possibility to request a copy of the recording <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – there is no tool for recording hearings <input type="checkbox"/> NA</p> |

Comment - If you have selected the option “Other special functionality”, please specify the details. In terms of civil proceedings, recording of hearings is at the discretion of the judge.



062-27. If there is a national database of court decisions, please provide the percentage of the decisions published at each instance.

| | Percentage of 1st instance decisions published | Percentage of 2nd instance decisions published | Percentage of Supreme court decisions published |
|-----------------------|---|---|---|
| Civil | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input checked="" type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input checked="" type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input checked="" type="checkbox"/> NA |
| Administrative | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input checked="" type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input checked="" type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input checked="" type="checkbox"/> NA |
| Criminal | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input checked="" type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input checked="" type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input checked="" type="checkbox"/> NA |

Comments

062-28. If there is a national database of court decisions, please specify the modalities in publishing these decisions:

| 1st instance | 2nd instance | Supreme court |
|--------------|--------------|---------------|
| | | |

| | | | |
|-----------------------|---|---|---|
| Civil | <input checked="" type="checkbox"/> Published online (public website) <input checked="" type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Published online (public website) <input checked="" type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Published online (public website) <input checked="" type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA |
| Administrative | <input type="checkbox"/> Published online (public website) <input checked="" type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA | <input type="checkbox"/> Published online (public website) <input checked="" type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Published online (public website) <input checked="" type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA |
| Criminal | <input type="checkbox"/> Published online (public website) <input checked="" type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA | <input type="checkbox"/> Published online (public website) <input checked="" type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Published online (public website) <input checked="" type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA |

- If you have selected the option “Other” because the court decisions are published online in some other way than the presented modalities, please describe. There is a dedicated website to share decisions of civil courts at first and second instance which could be reached on <https://emsal.uyap.gov.tr/index>. On this website, one could reach the some decisions made by first and second instance civil courts by inserting specific words. In previous cycle, the type of corresponding question was totally different than the current one. In the last cycle, the question only refers to centralised national database which Türkiye has for a long time. In the database all decisions are uploaded regardless of instance.

062-29. If there is a database of court decisions at national level, what are the functionalities of this database?

| |
|-----------------|
| Functionalities |
|-----------------|

| | |
|------------------------------|---|
| <p>Civil</p> | <p> <input type="checkbox"/> Automatic anonymisation <input checked="" type="checkbox"/> Manual anonymisation <input checked="" type="checkbox"/> Free public online access <input checked="" type="checkbox"/> Link to the case law of the European Court of Human Rights (ECHR) <input checked="" type="checkbox"/> Open data <input checked="" type="checkbox"/> Advanced search engine <input type="checkbox"/> Machine-readable content <input type="checkbox"/> Structured content <input type="checkbox"/> Metadata <input type="checkbox"/> European Case Law Identifier (ECLI) <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – There is no database for these decisions <input type="checkbox"/> NA </p> |
| <p>Administrative</p> | <p> <input type="checkbox"/> Automatic anonymisation <input checked="" type="checkbox"/> Manual anonymisation <input checked="" type="checkbox"/> Free public online access <input checked="" type="checkbox"/> Link to the case law of the European Court of Human Rights (ECHR) <input checked="" type="checkbox"/> Open data <input checked="" type="checkbox"/> Advanced search engine <input type="checkbox"/> Machine-readable content <input type="checkbox"/> Structured content <input type="checkbox"/> Metadata <input type="checkbox"/> European Case Law Identifier (ECLI) <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – There is no database for these decisions <input type="checkbox"/> NA </p> |
| <p>Criminal</p> | <p> <input type="checkbox"/> Automatic anonymisation <input checked="" type="checkbox"/> Manual anonymisation <input checked="" type="checkbox"/> Free public online access <input checked="" type="checkbox"/> Link to the case law of the European Court of Human Rights (ECHR) <input checked="" type="checkbox"/> Open data <input checked="" type="checkbox"/> Advanced search engine <input type="checkbox"/> Machine-readable content <input type="checkbox"/> Structured content <input type="checkbox"/> Metadata <input type="checkbox"/> European Case Law Identifier (ECLI) <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – There is no database for these decisions <input type="checkbox"/> NA </p> |

Comment - If you have selected the option "Other special functionality", please specify the details.



STATISTICAL TOOLS

062-30. If there are statistical tools for analysing court case data, what is their deployment rate?

| | Deployment rate |
|-----------------------|---|
| Civil | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there are no statistical tools <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there are no statistical tools <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there are no statistical tools <input type="checkbox"/> NA |

Comments

062-31. If there are statistical tools for analysing court case data, please describe their functionalities and the data available for statistical analysis:

| Functionalities | Data available for statistical analysis |
|-----------------|---|
| | |

| | | |
|------------------------------|--|---|
| <p>Civil</p> | <p><input checked="" type="checkbox"/> Integration/connection with the CMS</p> <p><input checked="" type="checkbox"/> Business intelligence software</p> <p><input checked="" type="checkbox"/> Generation of predefined statistical reports</p> <p><input checked="" type="checkbox"/> Generation of customised statistical reports</p> <p><input checked="" type="checkbox"/> Internal page and/or dashboard</p> <p><input checked="" type="checkbox"/> External page with statistics (public website)</p> <p><input checked="" type="checkbox"/> Real-time data availability</p> <p><input checked="" type="checkbox"/> Automatic consolidation of data at the national level</p> <p><input type="checkbox"/> Other special functionality, please specify</p> <p><input type="checkbox"/> NAP – there are no statistical tools</p> <p><input type="checkbox"/> NA</p> | <p><input checked="" type="checkbox"/> Case flow data (number of incoming, resolved, pending)</p> <p><input checked="" type="checkbox"/> Age of a pending case</p> <p><input checked="" type="checkbox"/> Length of proceedings</p> <p><input checked="" type="checkbox"/> Number of hearings</p> <p><input checked="" type="checkbox"/> Cases per judge</p> <p><input checked="" type="checkbox"/> Case weights</p> <p><input checked="" type="checkbox"/> Number of parties in a case</p> <p><input checked="" type="checkbox"/> Indicator of appeal</p> <p><input checked="" type="checkbox"/> Result of the appeal</p> <p><input type="checkbox"/> NAP– there are no statistical tools</p> <p><input type="checkbox"/> NA</p> |
| <p>Administrative</p> | <p><input checked="" type="checkbox"/> Integration/connection with the CMS</p> <p><input checked="" type="checkbox"/> Business intelligence software</p> <p><input checked="" type="checkbox"/> Generation of predefined statistical reports</p> <p><input checked="" type="checkbox"/> Generation of customised statistical reports</p> <p><input checked="" type="checkbox"/> Internal page and/or dashboard</p> <p><input checked="" type="checkbox"/> External page with statistics (public website)</p> <p><input checked="" type="checkbox"/> Real-time data availability</p> <p><input checked="" type="checkbox"/> Automatic consolidation of data at the national level</p> <p><input type="checkbox"/> Other special functionality, please specify</p> <p><input type="checkbox"/> NAP – there are no statistical tools</p> <p><input type="checkbox"/> NA</p> | <p><input checked="" type="checkbox"/> Case flow data (number of incoming, resolved, pending)</p> <p><input checked="" type="checkbox"/> Age of a pending case</p> <p><input checked="" type="checkbox"/> Length of proceedings</p> <p><input checked="" type="checkbox"/> Number of hearings</p> <p><input checked="" type="checkbox"/> Cases per judge</p> <p><input checked="" type="checkbox"/> Case weights</p> <p><input checked="" type="checkbox"/> Number of parties in a case</p> <p><input checked="" type="checkbox"/> Indicator of appeal</p> <p><input checked="" type="checkbox"/> Result of the appeal</p> <p><input type="checkbox"/> NAP– there are no statistical tools</p> <p><input type="checkbox"/> NA</p> |

| | | |
|-----------------|---|--|
| Criminal | <input checked="" type="checkbox"/> Integration/connection with the CMS <input checked="" type="checkbox"/> Business intelligence software <input checked="" type="checkbox"/> Generation of predefined statistical reports <input checked="" type="checkbox"/> Generation of customised statistical reports <input checked="" type="checkbox"/> Internal page and/or dashboard <input checked="" type="checkbox"/> External page with statistics (public website) <input checked="" type="checkbox"/> Real-time data availability <input checked="" type="checkbox"/> Automatic consolidation of data at the national level <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – there are no statistical tools <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Case flow data (number of incoming, resolved, pending) <input checked="" type="checkbox"/> Age of a pending case <input checked="" type="checkbox"/> Length of proceedings <input checked="" type="checkbox"/> Number of hearings <input checked="" type="checkbox"/> Cases per judge <input checked="" type="checkbox"/> Case weights <input checked="" type="checkbox"/> Number of parties in a case <input checked="" type="checkbox"/> Indicator of appeal <input checked="" type="checkbox"/> Result of the appeal <input type="checkbox"/> NAP– there are no statistical tools <input type="checkbox"/> NA |
|-----------------|---|--|

Comment - If you have selected the option “Other special functionality”, please specify the details

OTHER TOOLS

062-32. Is there any application for online court-related dispute resolution?

Yes

No

Comments

062-33. If yes, is there a maximum value over which online court-related dispute resolution cannot be organised?

Yes, please specify the maximum value

No

Comments

062-34. If yes, can the online court-related dispute resolution be used in the following areas?

Small claim litigation

Undisputed claim

Payment order

Misdemeanour criminal cases

Enforcement of civil cases

Other, please specify

Comment: Please describe the existing online procedures:

062-35. Is there a computerised national record centralising all criminal convictions?

Yes

No

Comments

062-36. If yes, please specify the following information:

The computerised record includes biometric data (ex. fingerprint data, picture)

The computerised record is linked to other European records of the same nature (ex. ECRIS)

The content is directly available through computerised means for judges and/or prosecutors (ex. interoperability with the CMS)

The content is directly available for purposes other than criminal (ex. civil and administrative matters)

The record contains conviction information on third-country nationals and stateless persons

Comments

062-37. Is there a Document Management System (DMS) in the registry of courts?

Yes

No

Comment: If yes, please provide details on the purposes and usage of this system. In Türkiye, almost 20 years the document management system has been used thanks to the UYAP system. It enables users to store, share, track and manage files via the system.

062-38. In addition to the tools listed in the ICT section of this questionnaire does your judicial system use other innovative ICT tools?

Yes

No

Comment: If yes, please list and describe these ICT tools.

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 Measuring court/public prosecution services

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

073. Do you have a system to evaluate regularly court performance based on the monitored indicators of question 70?

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.

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 Türkiye have published their 2021 and 2022 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.. Also, the Council of Judges and Prosecutors has started to inspect the court activities across the country, in every 3 months to avoid lengthy judicial proceedings.

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 (multiple replies possible)?

- Identifying the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance)
- Reengineering of internal procedures to increase efficiency
- Other (please specify):

Comments

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based on the monitored indicators of question 70-1?

- 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 years by Council of Judges and Prosecutors.

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 Türkiye have published their 2021 and 2022 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.. Also, the Council of Judges and Prosecutors has started to inspect the prosecution activities across the country, in every 3 months to avoid lengthy judicial proceedings.

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 (multiple replies possible)?

- Identifying the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance)
- Reengineering of internal procedures to increase efficiency
- 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 prosecution services. There are some criteria of the evaluation of prosecution offices' performance. As of 2017, after the new regulation entered into force, CJP has started to consider the evaluation of public prosecution services.

3.6.3 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 (please provide the link) <https://adlisicil.adalet.gov.tr>

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 (please provide the link) https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/29032023141410adalet_ist-2022cal%C4%B1sma100kapak1%C4%B1.pdf

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 primarily 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 In order to further strengthen accountability and transparency in judicial services and to ensure that the functioning and performance of justice services are audited by the public, all first instance and second instance courts and prosecution offices shall publish annual activity reports in civil, criminal and administrative proceedings. All courthouses along Türkiye have published their 2021 and 2022 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. for whom the report is primarily 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 In order to further strengthen accountability and transparency in judicial services and to ensure that the functioning and performance of justice services are audited by the public, all first instance and second instance courts and prosecution offices shall publish annual activity reports in civil, criminal and administrative proceedings. All courthouses along Türkiye have published their 2021 and 2022 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

3.6.4 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 these 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

083-1-1. What are the consequences for a judge if these targets are not met?

| | Consequences: |
|---------------------------------------|--|
| Without disciplinary procedure | <input type="checkbox"/> Warning by court's president <input type="checkbox"/> Temporary salary reduction <input checked="" type="checkbox"/> Reflected in the individual assessment <input checked="" type="checkbox"/> Other, please specify: [Comment]it shall have consequences on the promotion status. |
| With disciplinary procedure | <input type="checkbox"/> Warning by court's president <input type="checkbox"/> Temporary salary reduction <input type="checkbox"/> Reflected in the individual assessment <input type="checkbox"/> Other, please specify: [Comment] |
| - | <input type="checkbox"/> No consequences |
| - | <input type="checkbox"/> NAP (no targets defined) |

Comments

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

| | Existence of a system of individual evaluation of the judges' work |
|---------------------|--|
| Quantitative | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Qualitative | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comment: Please specify the criteria on which the assessment is based, the authority competent for carrying out the assessment, the purposes for which the results of the assessment are used: Council of Judges and Prosecutors is competent for carrying out the assessment for both the judges and prosecutors.

114-1. Please specify the frequency of this evaluation:

- Annual
- Less frequent
- More frequent
- Different frequencies used, please specify: The assesment period for promotion differs according to the time spent in profession.

Until judges/prosecutors become more senior in profession (in average until 10 years spent in profession), the assesment period for

promotion is being carried out in every 2 years. After they become more senior in profession (in average after 10 years spent in profession), this period is being carried out in every 3 years.

NAP

=

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

Yes

No

Comments

083-3. Who is responsible for setting these targets for each public prosecutor?

Executive power (for example the Ministry of Justice)

Prosecutor General /State public prosecutor

Public Prosecutorial Council

Head of the organisational unit or hierarchically superior public prosecutor

Other (please specify):

NAP

Comments

083-3-1. What are the consequences for a prosecutor if these targets are not met?

| | Consequences: |
|---------------------------------------|--|
| Without disciplinary procedure | <input type="checkbox"/> Warning by head of prosecution <input type="checkbox"/> Temporary salary reduction <input checked="" type="checkbox"/> Reflected in the individual assessment <input checked="" type="checkbox"/> Other, please specify: [Comment]it shall have consequences on the promotion status. <input type="checkbox"/> NAP |
| With disciplinary procedure | <input type="checkbox"/> Warning by head of prosecution <input type="checkbox"/> Temporary salary reduction <input type="checkbox"/> Reflected in the individual assessment <input type="checkbox"/> Other, please specify: [Comment] <input type="checkbox"/> NAP |
| No consequences | <input type="checkbox"/> No consequences <input type="checkbox"/> NAP |

Comments

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

Existence of a system of individual evaluation of the public prosecutors' work

| | |
|--------------|---------------------|
| Quantitative | (X) Yes () No |
| Qualitative | (X) Yes () No |

Comment: Please specify the criteria on which the assessment is based, the authority competent for carrying out the assessment, the purposes for which the results of the assessment are used:

120-1. Please specify the frequency of this evaluation:

() Annual

() Less frequent

() More frequent

(X) Different frequencies used, please specify: The assesment period for promotion differs according to the time spent in profession.

Until judges/prosecutors become more senior in profession (in average until 10 years spent in profession), the assesment period for promotion is being carried out in every 2 years. After they become more senior in profession (in average after 10 years spent in profession), this period is being carried out in every 3 years.

[] NAP

Comments

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

Sources: Council of Judges and Prosecutors

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 basicly 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?

Yes

No

Comments - Please could you briefly specify:

085-1. If yes, what are:

| | |
|---|--|
| | - |
| The total number of the initiated procedures in the reference year | 2 260 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| The total number of recusals pronounced in the reference year | 2 260 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comment - Please, could you briefly specify: 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. 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?

For civil procedures (non-enforcement)

For civil procedures (timeframe)

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.

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

For civil cases

For criminal cases

For administrative cases

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:

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 Türkiye 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 etc.)?

| | |
|-----|----|
| Yes | No |
|-----|----|

| | | |
|-----------------------------------|-----|-------|
| Agreement on general arrangements | () | (X) |
| Agreement in specific cases | () | (X) |

Comments 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) | 1 980 898 [] NA [] NAP | 3 281 439 [] NA [] NAP | 3 085 123 [] NA [] NAP | 2 177 214 [] NA [] NAP | 333 508 [] NA [] NAP |
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 1 637 907 [] NA [] NAP | 1 847 267 [] NA [] NAP | 1 668 361 [] NA [] NAP | 1 816 813 [] NA [] NAP | 320 689 [] NA [] NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | 144 244 [] NA [] NAP | 1 007 073 [] NA [] NAP | 987 681 [] NA [] NAP | 163 636 [] NA [] NAP | 9 140 [] 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) | 133 315 [] NA [] NAP | 978 574 [] NA [] NAP | 959 521 [] NA [] NAP | 152 368 [] NA [] NAP | 8 454 [] NA [] NAP |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | 10 929 [] NA [] NAP | 28 499 [] NA [] NAP | 28 160 [] NA [] NAP | 11 268 [] NA [] NAP | 686 [] NA [] NAP |
| 2.2.1. Non litigious land registry cases | 3 226 [] NA [] NAP | 8 487 [] NA [] NAP | 8 482 [] NA [] NAP | 3 231 [] NA [] NAP | 364 [] NA [] NAP |
| 2.2.2 Non-litigious business registry cases | 6 737 [] NA [] NAP | 15 794 [] NA [] NAP | 16 020 [] NA [] NAP | 6 511 [] NA [] NAP | 278 [] NA [] NAP |
| 2.2.3. Other registry cases | 966 [] NA [] NAP | 4 218 [] NA [] NAP | 3 658 [] NA [] NAP | 1 526 [] NA [] NAP | 44 [] NA [] NAP |

| | | | | | |
|---------------------------------------|--|--|--|--|--|
| 2.3. Other non-litigious cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 3. Administrative law cases | 198 747 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 427 099 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 429 081 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 196 765 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 3 679 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments There is no specific reason to accurately explain the discrepancies between 2022 and 2020 data since there needs to be conducted a study to monitor this situation closely. However, these fluctuations may be linked with the effect of post covid.

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) | 1 325 713 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 978 027 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 916 890 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 386 850 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 210 125 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Severe criminal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Misdemeanour and / or minor criminal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Other criminal cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments - 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. There is no specific reason to accurately explain the discrepancies between 2022 and 2020 data since there needs to be conducted a study to monitor this situation closely. However, these fluctuations may be linked with the effect of post covid.



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) | 584 499 [] NA [] NAP | 1 028 327 [] NA [] NAP | 870 877 [] NA [] NAP | 741 949 [] NA [] NAP | 41 961 [] NA [] NAP |
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 444 869 [] NA [] NAP | 641 798 [] NA [] NAP | 515 874 [] NA [] NAP | 570 793 [] NA [] NAP | 39 065 [] NA [] NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | 13 071 [] NA [] NAP | 33 541 [] NA [] NAP | 29 508 [] NA [] NAP | 17 104 [] NA [] NAP | 404 [] 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) | 12 108 [] NA [] NAP | 30 182 [] NA [] NAP | 26 310 [] NA [] NAP | 15 980 [] NA [] NAP | 299 [] NA [] NAP |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | 963 [] NA [] NAP | 3 359 [] NA [] NAP | 3 198 [] NA [] NAP | 1 124 [] NA [] NAP | 105 [] NA [] NAP |
| 2.2.1. Non litigious land registry cases | 286 [] NA [] NAP | 633 [] NA [] NAP | 556 [] NA [] NAP | 363 [] NA [] NAP | 44 [] NA [] NAP |
| 2.2.2 Non-litigious business registry cases | 402 [] NA [] NAP | 2 142 [] NA [] NAP | 2 171 [] NA [] NAP | 373 [] NA [] NAP | 24 [] NA [] NAP |
| 2.2.3. Other registry cases | 275 [] NA [] NAP | 584 [] NA [] NAP | 471 [] NA [] NAP | 388 [] NA [] NAP | 37 [] 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 | 126 559 [] NA [] NAP | 352 988 [] NA [] NAP | 325 495 [] NA [] NAP | 154 052 [] NA [] NAP | 2 492 [] 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 discrepancies between 2022 and 2020 data may depend on the fact that regional courts of appeal have started to fully operate across Türkiye. Currently, there are 15 regional courts of appeal are operational as civil and criminal instance while 9 regional courts of appeal are operational as administrative instance. The jurisdiction of regional courts of appeal in civil and criminal issues can be found below:

<https://www.hsk.gov.tr/Eklentiler/070420221407bam-merkezleri-haritasipdf.pdf>

The jurisdiction of regional courts of appeal in administrative issues can be found below:

<https://www.hsk.gov.tr/Eklentiler/070420221412bim-merkezleri-haritasipdf.pdf>

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) | 351 446 [] NA [] NAP | 615 475 [] NA [] NAP | 600 677 [] NA [] NAP | 366 244 [] NA [] NAP | 6 456 [] 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: The discrepancies between 2022 and 2020 data may depend on the fact that regional courts of appeal have started to fully operate across Türkiye. Currently there are 15 regional courts of appeal are operational as civil and criminal instance while 9 regional courts of appeal are operational as administrative instance. The jurisdiction of regional courts of appeal in civil and criminal issues can be found below:

<https://www.hsk.gov.tr/Eklentiler/070420221407bam-merkezleri-haritasipdf.pdf>

The jurisdiction of regional courts of appeal in administrative issues can be found below:

<https://www.hsk.gov.tr/Eklentiler/070420221412bim-merkezleri-haritasipdf.pdf>

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) | 205 010 [] NA [] NAP | 228 639 [] NA [] NAP | 246 150 [] NA [] NAP | 187 499 [] NA [] NAP | 35 912 [] NA [] NAP |
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 75 417 [] NA [] NAP | 137 831 [] NA [] NAP | 150 179 [] NA [] NAP | 63 069 [] NA [] NAP | 773 [] NA [] NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | 612 [] NA [] NAP | 2 018 [] NA [] NAP | 2 027 [] NA [] NAP | 603 [] NA [] NAP | 0 [] 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) | 257 [] NA [] NAP | 1 406 [] NA [] NAP | 1 361 [] NA [] NAP | 302 [] NA [] NAP | 0 [] NA [] NAP |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | 355 [] NA [] NAP | 612 [] NA [] NAP | 666 [] NA [] NAP | 301 [] NA [] NAP | 0 [] NA [] NAP |
| 2.2.1. Non litigious land registry cases | 125 [] NA [] NAP | 351 [] NA [] NAP | 244 [] NA [] NAP | 232 [] NA [] NAP | 0 [] NA [] NAP |
| 2.2.2 Non-litigious business registry cases | 1 [] NA [] NAP | 3 [] NA [] NAP | 1 [] NA [] NAP | 3 [] NA [] NAP | 0 [] NA [] NAP |
| 2.2.3. Other registry cases | 229 [] NA [] NAP | 258 [] NA [] NAP | 421 [] NA [] NAP | 66 [] 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 | 128 981 [] NA [] NAP | 88 790 [] NA [] NAP | 93 944 [] NA [] NAP | 123 827 [] NA [] NAP | 35 139 [] 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 Since the regional courts of appeal have become fully operational in recent years, the workload of Court of Cassation has decreased significantly. Besides, as it was explained in the previous cycle, the Turkish Court of Cassation launched a specific and dedicated implementation which alerts judges via the system once the expected time to handle the case is approaching. As we directly communicated with the Turkish Court of Cassation, they underlined that the system contributes to the predictability and it also shortened the duration of procedures in this instance.

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: 4053

() No

Comments

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) | 296 904 [] NA [] NAP | 198 331 [] NA [] NAP | 202 028 [] NA [] NAP | 293 207 [] NA [] NAP | 21 598 [] 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 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. Since the regional courts of appeal have become fully operational in recent years, the workload of Court of Cassation has decreased significantly. Besides, as it was explained in the previous cycle, the Turkish Court of Cassation launched a specific and dedicated implementation which alerts judges via the system once the expected time to handle the case is approaching. As we directly communicated with the Turkish Court of Cassation, they underlined that the system contributes to the predictability and it also shortened the duration of procedures in this instance.

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 cases older than 2 years from the date the case came to the first instance court |
|-----------------------------------|-----------------------------------|------------------------------|------------------------------|-----------------------------------|--|
| Litigious divorce cases | 115 977 [] NA [] NAP | 143 042 [] NA [] NAP | 139 809 [] NA [] NAP | 119 210 [] NA [] NAP | 10 171 [] NA [] NAP |
| Employment dismissal cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| Insolvency | 783 [] NA [] NAP | 996 [] NA [] NAP | 1 077 [] NA [] NAP | 702 [] NA [] NAP | 175 [] NA [] NAP |
| Robbery case | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

| | | | | | |
|-----------------------------|--|--|--|--|--|
| Intentional homicide | <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 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 seperated from the cases in which the worker decides to quit.



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101-0. Number of 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 cases for more than 2 years |
|---|--|--|--|--|--|
| 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 Türkiye 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 | <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 |

| | | | | | |
|--------------------------|---|--|--|--|--|
| Child pornography | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
|--------------------------|---|--|--|--|--|

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 length of the entire procedure (in days) | % of cases pending for more than 3 years for all instances |
|---|--|--|--|--|--|--|
| Civil and commercial litigious cases | _____ Allow decimals : 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 42 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 112 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 167 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 107 <input type="checkbox"/> NA <input type="checkbox"/> NAP | _____ Allow decimals : 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Litigious divorce cases | _____ Allow decimals : 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 305 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 359 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 83 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 249 <input type="checkbox"/> NA <input type="checkbox"/> NAP | _____ Allow decimals : 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Employment dismissal cases | _____ Allow decimals : 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | _____ Allow decimals : 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Insolvency cases | _____ Allow decimals : 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 227 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 87 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 113 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 142 <input type="checkbox"/> NA <input type="checkbox"/> NAP | _____ Allow decimals : 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Robbery cases | _____ Allow decimals : 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | _____ Allow decimals : 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Intentional homicide cases | _____ Allow decimals : 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | _____ Allow decimals : 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments The fluctuation seen about the average length in the 2nd and 3rd instance is due to the increase on the number of the second instance courts and the alert system launched in Yargtay (Turkish Court of Cassation).

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.

4.2.6 Case flow management – public prosecution

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

[X] to conduct or supervise investigation

[X] when necessary, to request investigation measures from the judge

[X] to charge

[X] to present the case in court

[X] to propose a sentence to the judge

[X] to appeal

[X] to supervise the enforcement procedure

[X] 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:

[X] civil cases

[X] administrative cases

[] insolvency cases



=

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

| | Number of cases |
|--|--------------------------------|
| 1.Pending cases on 1 Jan. ref. year | 5 256 970 [] NA [] NAP |
| 2.Incoming/received cases | 4 993 103 [] NA [] NAP |
| 3.Processed cases (3.1+3.2+3.3+3.4) | 4 401 393 [] NA [] NAP |
| 3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.) | [X] NA [] NAP |
| 3.1.1 Discontinued by the public prosecutor because the offender could not be identified | [X] NA [] NAP |
| 3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation | [X] NA [] NAP |
| 3.1.3 Discontinued by the public prosecutor for reasons of opportunity | [] NA [X] NAP |
| 3.1.4 Discontinued for other reasons | [X] NA [] NAP |
| 3.2.Concluded by a penalty or a measure imposed or negotiated by the public prosecutor | [] NA [X] NAP |
| 3.3.Cases brought to court | 1 328 405 [] NA [] NAP |
| 4.Pending cases on 31 Dec. ref. year | 5 848 680 [] NA [] NAP |

Comments There is no specific reason to explain the fluctuations in the number of cases between 2022 and 2020 but the reason may be related to the after covid period. The increase of processed cases is compatible with the increase of incoming cases. In Turkish Criminal Procedure Law if there is no evidence which will raise sufficient suspicion to open a public prosecution, or there is no possibility of prosecution, a decision of non-prosecution shall be rendered. These conditions, among others, are laid down for the reasons of discontinuation decision by public prosecutor. The way of counting cases has changed. In previous cycles, to reach data about severe crimes and misdemeanours, the number of offences were counted separately. As the number of cases is asked here rather than the number of offences, this data is more accurate and reliable than previous ones.

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 | <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 |
| Before the main trial | <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 |
| During the main trial | <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

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

- Yes
- 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?

- through a competitive exam (open competition)
- through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- other (please specify):

Comments In order to be appointed as a candidate judge and prosecutor, the requirement is to graduate from law faculty and be under 35 years of age.

For those who were previously working as lawyers, there is a requirement that they have actually worked in their profession for at least three years and must not be over 45 years of age.

The number of candidate judges and prosecutors to be recruited each year is determined by the Ministry of Justice, based on needs, by taking the opinion of the Turkish Justice Academy.

Those who have the qualifications specified in Article 9 of the Law on Judges and Prosecutors and who are successful in the written competitive exam and interview are ranked according to their degree of success and appointed by the Ministry of Justice.

Ph.D. in Law degree graduates are only subject to interviews, exempted from the written exam.

The procedures and principles regarding the written competitive examination and interview for candidacy as judges and prosecutors are regulated in Article 9/A of the Judges and Prosecutors Law No. 2802, titled "How the written competitive examination and interview will be conducted";

In accordance with the said article:

- a) Judgment power,
- b) The ability to comprehend, summarize and express a subject,

- c) General and physical appearance, suitability and merit of behavior and reactions to the profession,
- d) Talent and culture,
- e) Openness to contemporary scientific and technological developments..." are also evaluated in the recruitment conditions.

110-1. Please briefly describe the recruitment procedure(s) for judges in your country:

. The internship period for judge and prosecutor candidates is 2 years. This period is determined as 1 year for the candidates who were previously working as lawyers.

Judge and prosecutor candidates are also subject to a written exam at the end of the candidacy period.

110-2. What are the recruitment requirements for judges (multiple replies possible)?

- Age
- Nationality
- Physical/Psychological capacity
- General studies in law
- Advanced studies in law (Master, PhD)
- Number of years of relevant experience
- Traineeship/judicial functions in courts
- Validation of a general state examination in law
- Validation of a specific examination for judges
- Clean criminal record
- Foreign languages
- Personal requirements (related to integrity)
- Other
- NAP

Comments - If "other", please specify: Article 9/A of the Judges and Prosecutors Law No. 2802, titled "How the written competitive examination and interview will be conducted";

- a) Judgment power,
- b) The ability to comprehend, summarize and express a subject,
- c) General and physical appearance, suitability and merit of behavior and reactions to the profession,
- d) Talent and culture,
- e) Openness to contemporary scientific and technological developments..." are also evaluated in the recruitment conditions.

110-3. In the frame of these recruitments, please indicate the number of applicants for the position of judge and the number of recruitments actually made during the reference year:

| | Total | Males | Females |
|------------------------------------|---------------------------------------|--|--|
| Number of applicants | 41 981 <input type="checkbox"/> NA | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA |
| Number of recruited persons | 1 498 <input type="checkbox"/> NA | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA |

Comments The applications for the position of judge and prosecutor are made through the same channels. That is why it is not possible to separate the numbers. These numbers are the joint numbers of the applicants to the position of judge and public prosecutor.

110-4. If the number of applicants decreased in the last years did you take any remedial measures?

- Yes
- No

Comments

110-5. If yes, please specify what remedies you implemented:

- Increase of salary
- Other financial incentives
- Improving working conditions
- Workload reduction at the beginning of career
- Other adjustments in the frame of the induction of new judges
- Other

Comments: If "other", please, specify:

=

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

- An authority made up of judges only
- An authority made up of non-judges only
- An authority/authorities made up of judges and non-judges
- Other

Comments - Please indicate the name of the authority(ies) responsible for 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 | Males | Females |
|----------------|------------------------------|------------------------------|------------------------------|
| Members | 13 | 11 | 2 |
| | <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/appointing its members: The Council of Judges and Prosecutors relies on Article 159 of the Constitution of the Republic of Türkiye. 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?

Yes

No

Comments – Please specify the procedure to be followed, the competent authority, the moment for exercising the right of appeal: In 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 - No, please specify which authority is competent for promoting judges 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 replies possible)

Competitive test / Exam

Previous individual evaluations

Other procedure(s) (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) and how the publicity of promotion processes is ensured: The criteria of promotion of judges is based on the Law on Judges and Prosecutors. In accordance with Article 18 of the Law on Judges and Prosecutors No. 2802, those who work as judges and prosecutors advance in rank every year and increase in degree every two years. Pursuant to Article 21/c of the same Law, in order to raise the rank of those in the profession of judge and prosecutor the below mentioned conditions are taken into consideration:

Moral conduct, professional knowledge and understanding, effort and hard work, whether they cause the work they do to accumulate, the amount and nature of the work they do, their work on the implementation of alternative dispute resolution methods, their commitment and attendance to duty, the documents issued by higher authorities and inspectors on their performance, their works subject to legal review, their legal remedy evaluation forms, sample decisions and opinions, and their professional works and writings, if any, and the in-service and special training they have attended.

The judges and prosecutors must also meet the conditions sought in the promotion principles announced by the Council of Judges and Prosecutors. There is no promotion procedure based on the application of judges.

113-0. In the frame of the promotion procedures, please indicate the number of applicants and the number of promotions actually made during the reference year:

| | Total | Males | Females |
|----------------------------|--------------------------------------|--|--|
| Number of applicants | 7 226 <input type="checkbox"/> NA | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA |
| Number of promoted persons | 7 226 <input type="checkbox"/> NA | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA |

Comments In Türkiye, there is no promotion procedure based on the application of judges. All judges are evaluated in every two years automatically, in other words without any application procedure.

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. The prosecutor's office is a part of the judicial power. It is regulated in the judicial section of the Constitution, not in the executive section.

According to the article 139 of the Constitution, judges and public prosecutors shall not be dismissed, or retired before the age prescribed by the Constitution; nor shall they be deprived of their salaries, allowances or other rights relating to their status, even as a result of the abolition of court or posts.

The executive organs do not have any legal authority to intervene against a judicial decision made by the public prosecutor.

115-1. Are specific instructions addressed to a public prosecutor to prosecute or not prohibited by law or other regulation?

- 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 they are prohibited by law or other regulation, are there exceptions?

- Yes
- No
- NAP

Comments - Please describe these exceptions: According to the Article 18 of the Law No. 5235 on the Establishment, Duties and Powers

of the First Instance Courts of Civil Jurisdiction and Regional Courts of Justice: "The Chief Public Prosecutor is responsible and authorized to resolve any differences that may occur between the decisions of the public prosecutors terminating the investigation and to supervise the legality of these decisions." This regulation, which has entered into force on 17.06.2021, can be considered as an exception to this rule.

115-3. Which authority can issue such specific instructions?

- General Prosecutor
- Higher prosecutor/Head of prosecution office
- Executive power
- Other
- NAP

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



=

116. How are public prosecutors recruited?

through a competitive exam (open competition)

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

other (please specify):

Comments In order to be appointed as a candidate judge and prosecutor, the requirement is to graduate from law faculty and be under 35 years of age.

For those who were previously working as lawyers, there is a requirement that they have actually worked in their profession for at least three years and must not be over 45 years of age.

The number of candidate judges and prosecutors to be recruited each year is determined by the Ministry of Justice, based on needs, by taking the opinion of the Turkish Justice Academy.

Those who have the qualifications specified in Article 9 of the Law on Judges and Prosecutors and who are successful in the written competitive exam and interview are ranked according to their degree of success and appointed by the Ministry of Justice.

Ph.D. in Law degree graduates are only subject to interviews, exempted from the written exam.

The procedures and principles regarding the written competitive examination and interview for candidacy as judges and prosecutors are regulated in Article 9/A of the Judges and Prosecutors Law No. 2802, titled "How the written competitive examination and interview will be conducted";

In accordance with the said article:

a) Judgment power,

b) The ability to comprehend, summarize and express a subject,

c) General and physical appearance, suitability and merit of behavior and reactions to the profession,

d) Talent and culture,

e) Openness to contemporary scientific and technological developments..." are also evaluated in the recruitment conditions.

116-1. Please briefly describe the recruitment procedure(s) for prosecutors in your country:

. The internship period for judge and prosecutor candidates is 2 years. This period is determined as 1 year for the candidates who were previously working as lawyers.

Judge and prosecutor candidates are also subject to a written exam at the end of the candidacy period.

116-2. What are the recruitment requirements for prosecutors (multiple replies possible)?

Age

Nationality

Physical/Psychological capacity

General studies in law

Advanced studies in law (Master, PhD)

Number of years of relevant experience

Traineeship/judicial functions in courts

Validation of a general state examination in law

Validation of a specific examination for prosecutors

- Clean criminal record
- Foreign languages
- Personal requirements (related to integrity)
- Other
- NAP

Comments - If “other”, please specify:

116-3. In the frame of these recruitments, please indicate the number of applicants for the position of prosecutor and the number of recruitments actually made during the reference year:

| | Total | Males | Females |
|-----------------------------|---------------------------------------|--|--|
| Number of applicants | 41 981 <input type="checkbox"/> NA | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA |
| Number of recruited persons | 1 498 <input type="checkbox"/> NA | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA |

Comments The applications for the position of judge and prosecutor are made through the same channels. That is why it is not possible to separate the numbers.

116-4. If the number of applicants decreased in the last years did you take any remedial measures?

- Yes
- No

Comments

116-5. If yes, please specify what remedies you implemented:

- Increase of salary
- Other financial incentives
- Improving working conditions
- Workload reduction at the beginning of career
- Other adjustments in the frame of the induction of new prosecutors
- Other

Comments: If “other”, please, specify:

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) responsible for 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 [] NA [] NAP | 11 [] NA [] NAP | 2 [] NA [] NAP |

Comments – Please specify what is the status of this authority and who is proposing/appointing its members: The Council of Judges and Prosecutors relies on Article 159 of the Constitution of the Republic of Türkiye. 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 the procedure to be followed, the competent authority, the moment for exercising the right of appeal: In accordance with Article 33 of the Law on the Council of Judges and Prosecutors, 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.

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

Yes

No, please specify which authority is competent for promoting public prosecutors

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

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

Competitive test / exam

Previous individual evaluations

Other procedure(s) (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) and how the publicity of promotion processes is ensured: The criteria of promotion of prosecutors is based on the Law on Judges and Prosecutors. In accordance with Article 18 of the Law on Judges and Prosecutors No. 2802, those who work as judges and prosecutors advance in rank every year and increase in degree every two years. Pursuant to Article 21/c of the same Law, in order to raise the rank of those in the profession of judge and prosecutor the below mentioned conditions are taken into consideration:

Moral conduct, professional knowledge and understanding, effort and hard work, whether they cause the work they do to accumulate, the amount and nature of the work they do, their work on the implementation of alternative dispute resolution methods, their commitment and attendance to duty, the documents issued by higher authorities and inspectors on their performance, their works subject to legal review,

their legal remedy evaluation forms, sample decisions and opinions, and their professional works and writings, if any, and the in-service and special training they have attended.

The judges and prosecutors must also meet the conditions sought in the promotion principles announced by the Council of Judges and Prosecutors. In Türkiye, there is no promotion procedure based on the application of prosecutors. All prosecutors are evaluated in every two years automatically, in other words without any application procedure.

119-1. In the frame of the promotion procedures, please indicate the number of applicants and the number of promotions actually made during the reference year:

| | Total | Males | Females |
|----------------------------|-----------------|----------|----------|
| Number of applicants | 4 125 [] NA | [X] NA | [X] NA |
| Number of promoted persons | 4 125 [] NA | [X] NA | [X] NA |

Comments In Türkiye, there is no promotion procedure based on the application of prosecutors. All prosecutors are evaluated in every two years automatically, in other words without any application procedure.

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 of judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)?

[]

[] NA

[X] NAP

Comments

125-1. Is it renewable?

Yes

No

[X] NAP

Comments

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

[]

[] NA

[X] NAP

Comments

126-1. Is it renewable?

Yes

No

[X] NAP

Comments

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

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 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 |
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | <input checked="" type="checkbox"/> Yes <input 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 |
| In-service training on gender equality | <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 |
| Other 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 |

Comments There has been a legal amendment on the Code on Judges and Prosecutors. According to the Article 32 of the Code No. 2802, it is now compulsory for a judge/prosecutor to attend at least 3 in service training programmes to be promoted as a senior judge/prosecutor.

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 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 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 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 checked="" type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training on gender equality | <input checked="" type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| Other in- service training | <input checked="" type="checkbox"/> Regularly (for example every year) <input 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: Child friendly justice is now a part of regular and occasional in service trainings at the Turkish Justice Academy due to the specific policy in this matter.

128-1. Do you have a minimum number of compulsory trainings per judge:

| | Per judge |
|---|--|
| Initial compulsory training – minimum number of trainings | _____ Min numeric value allowed : 0 57 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Initial compulsory training – minimum number of days | _____ Min numeric value allowed : 0 210 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| In-service compulsory trainings – minimum number of trainings per year | _____ Min numeric value allowed : 0 3 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| In-service compulsory trainings – minimum number of days per year | _____ Min numeric value allowed : 0 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments

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 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 |
| 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 |
| In-service training on gender equality | <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 |
| Other 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 |

Comments There has been a legal amendment on the Code on Judges and Prosecutors. According to the Article 32 of the Code No. 2802, it is now compulsory for a judge/prosecutor to attend at least 3 in service training programmes to be promoted as a senior judge/prosecutor.

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 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 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 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 |
| In-service training on gender equality | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| Other in- service training | <input checked="" type="checkbox"/> Regularly (for example every year) <input 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: Regular in-service training programs are carried out every year, both in person and online format.

130-1. Do you have a minimum number of compulsory trainings per prosecutor:

| | Per prosecutor |
|---|--|
| Initial compulsory training – minimum number of trainings | _____ Min numeric value allowed : 0 57 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Initial compulsory training – minimum number of days | _____ Min numeric value allowed : 0 210 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| In-service compulsory trainings – minimum number of trainings per year | _____ Min numeric value allowed : 0 3 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| In-service compulsory trainings – minimum number of days per year | _____ Min numeric value allowed : 0 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments

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 | [] | [] | [] |
| Institution(s) for prosecutors | [] | [] | [] |
| Institution(s) for both judges and prosecutors | [] | [] | [X] |

Comments Turkish Justice Academy is responsible for the initial and continuous training for judges and prosecutors.

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

| | Implemented budget of the institution for the reference year, in € |
|--|--|
| Institution(s) for judges | [] NA [X] NAP |
| Institution(s) for prosecutors | [] NA [X] NAP |
| Institution(s) for both judges and prosecutors | 3 522 822 [] NA [] NAP |

Comments The budget has increased due to the actual needs of the Academy.

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

. Judges and prosecutors have to attend initial training programmes. There has been a legal amendment on the Code on Judges and Prosecutors. According to the Article 32 of the Code No. 2802, it is now compulsory for a judge/prosecutor to attend at least 3 in-service training programmes to be promoted as a senior judge/prosecutor.

5.2.4 Number of trainings

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

| | Number of different live (in person, hybrid, videoconference) trainings available | Number of live (in person, hybrid, videoconference) trainings delivered | Number of days of delivered live (in person, hybrid, videoconference) trainings | Number of internet-based trainings available on the e-learning platform of the training institution (not live) |
|-------|---|---|---|--|
| Total | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

| | | | | |
|---------------------------------|--|--|--|--|
| For judges | 117 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 117 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 244 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 99 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| For prosecutors | 84 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 84 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 72 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 99 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| For non-judge staff | <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 |
| For non-prosecutor staff | <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 As it is challenging to reach concrete data here, we have communicated with the Turkish Justice Academy and Training Department of the MoJ several times. Some trainings were held jointly with the participation of judges and prosecutors together. In terms of non judge and non prosecutor staff, it would be better not to share data which does not seem reliable. We will work on it for the next cycles to give more data on that.

131-3. Number of participants in the trainings during the reference year.

| | Number of participants in live (in-person, hybrid, videoconference) trainings | Number of participants in internet-based trainings provided on the e-learning platform of the training institution (not live) |
|-----------------------------|---|---|
| Total | 35 421 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 24 724 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Judges | 10 284 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 11 913 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Prosecutors | 1 771 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 4 666 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Non-judge staff | 23 366 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 8 145 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Non-prosecutor staff | 23 366 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 8 145 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments

E2. Please indicate the sources for answering the questions in this part

Sources: Turkish Justice Academy, MoJ (Department of Training)

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 | 16 079 [] NA [] NAP | 13 000 [] NA [] NAP | 321 583 [] NA [] NAP | 259 985 [] NA [] NAP |
| Judge of the Supreme Court or the Highest Appellate Court (please indicate the highest salary of a judge at this level, excluding the salary of the Court President) | 29 370 [] NA [] NAP | 22 769 [] NA [] NAP | 587 384 [] NA [] NAP | 455 364 [] NA [] NAP |
| Public prosecutor at the beginning of his/her career | 16 079 [] NA [] NAP | 13 000 [] NA [] NAP | 321 583 [] NA [] NAP | 259 985 [] NA [] NAP |
| Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the highest salary of a public prosecutor at this level, excluding the salary of the Attorney General). | 29 370 [] NA [] NAP | 22 769 [] NA [] NAP | 587 384 [] NA [] NAP | 455 364 [] NA [] NAP |

Comment – Please describe briefly how the salaries are determined during the career of a judge/prosecutor: In recent years, there has been an increase in the salaries of judges/prosecutors along side with the other public servants.

133. Do judges and public prosecutors have additional benefits?

| | Judges | Public prosecutors |
|-------------------------|-------------------|--------------------|
| Reduced taxation | () Yes (X) No | () Yes (X) No |
| Special pension | () Yes (X) No | () Yes (X) No |
| Housing | (X) Yes () No | (X) Yes () No |
| Other financial benefit | () Yes (X) No | () Yes (X) 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 | (X) Yes () No | (X) Yes () No |
| Research and publication | (X) Yes () No | (X) Yes () No |
| Arbitrator | () Yes (X) No | () Yes (X) No |
| Consultant | () Yes (X) No | () Yes (X) No |
| Cultural function | () Yes (X) No | (X) Yes () No |
| Political function | () Yes (X) No | () Yes (X) No |
| Mediator | () Yes (X) No | () Yes (X) No |
| Other function | () Yes (X) No | () Yes (X) No |

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

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

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

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

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 guidelines and/or opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)?

Yes

No

Comment - Please specify:

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 guidelines and/or opinions of this institution / body publicly available?

Yes

No

Comments - Please describe the work of this institution / body, the frequency of the guidelines and/or 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. Moreover, "Guiding Principles" are being prepared to be used as a reference regarding the application of the principles in the Declaration of Ethics for Turkish Judiciary.

In this context, the "Social Media Guideline within the Scope of the Declaration of Ethics for Turkish Judiciary " was accepted by the CJP General Assembly on 08.03.2022. This Guideline was published in the Official Gazette No. 31816 dated 21.04.2022

138-2-1. How many guidelines and/or opinions were given during the reference year?

[]

[X] NA

Comments – Please specify what were the topics addressed in these guidelines and/or opinions

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

Yes

No

Comment: Please specify

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

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

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

Yes

No

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.

Moreover, "Guiding Principles" are being prepared to be used as a reference regarding the application of the principles in the Declaration of Ethics for Turkish Judiciary.

In this context, the "Social Media Guideline within the Scope of the Declaration of Ethics for Turkish Judiciary " was accepted by the CJP General Assembly on 08.03.2022. This Guideline was published in the Official Gazette No. 31816 dated 21.04.2022

138-5-1. How many guidelines and/or opinions were given during the reference year?

[]

NA

Comments – Please specify what were the topics addressed in these guidelines and/or opinions

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
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments Council of Judges and Prosecutors is authorised to initiate disciplinary proceedings against judges and prosecutors and has disciplinary power over judges and prosecutors.

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
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments Council of Judges and Prosecutors is authorised to initiate disciplinary proceedings against judges and prosecutors and has disciplinary power over judges and prosecutors.

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 Council of Judges and Prosecutors is authorised to initiate disciplinary proceedings against judges and prosecutors and has disciplinary power over judges and prosecutors.

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 Council of Judges and Prosecutors is authorised to initiate disciplinary proceedings against judges and prosecutors and has disciplinary power over judges and prosecutors.

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) | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Reprimand | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | |
|---|---|---|
| 2. Suspension | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Withdrawal from cases | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Fine | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Temporary reduction of salary | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 6. Position downgrade | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 7. Transfer to another geographical (court) location | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 8. Resignation | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 9. Other | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 10. Dismissal | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |

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

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

6.1.1Status of the profession of lawyers

146. Total number of lawyers practising in your country:

| | Total | Males | Females |
|-------------------|--|---------------------------------------|---------------------------------------|
| Number of lawyers | 174 533 <input type="checkbox"/> NA | 92 296 <input type="checkbox"/> NA | 82 237 <input type="checkbox"/> NA |

Comments Total number of lawyers practising in Türkiye 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

[X] 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 [] NAP | (X) Yes always () Yes in some cases () No [] NAP | (X) Yes always () Yes in some cases () No [] NAP |
| Dismissal 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 |
| Criminal cases – Defendant | (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 |
| Criminal cases – Victim | (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 |
| 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.

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

Comments

149-2. Professional lawyers may have the status of:

- 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 of lawyer

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 for lawyers



157. Have quality standards been determined for lawyers?

Yes

No

Comments - If yes, what are the quality criteria used? Attorneyship Law No.1136 sets out the professional rules for lawyers against all manner of organs in matters involving the honor and independence of the profession.

Moreover, Union of Turkish Bar Association (UTBA) Professional Rules Regulation was published by the UTBA on 26.01.1971. Its purpose is to protect the reputation of the legal profession and to draw the legal framework that will enable lawyers to act in a way that is worthy of the dignity of the profession.

This document regulates the general rules for the lawyers while carrying out the profession, the relations of the lawyers with judiciary and judicial authorities, colleagues solidarity and relationships and relationships with business owners.

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) | 1 118 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Breach of professional ethics | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

| | |
|----------------------------|--|
| 2. Professional inadequacy | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Criminal offence | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

| | Number of sanctions |
|--|--|
| Total number of sanctions (1 + 2 + 3 + 4 + 5) | 499 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Reprimand | 171 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Suspension | 148 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Withdrawal from cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 4. Fine | 30 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Other | 150 <input 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. 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?

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: Conciliation institution (mediation in criminal proceedings), which is one of the alternative dispute resolution methods in Turkish criminal legislation, is regulated in Criminal Procedure Code No. 5271.

The conciliation process can occur in both the investigation and prosecution phases.

For instance, some articles of robbery, intentional and reckless injury, threat, violation of the immunity of residence, insult, damage to property, theft by deception are subject to conciliation.

Currently, conciliation offices have been established in all 592 courthouses. Thus, by establishing a unit specific to conciliation, by evaluating the crimes within the scope of conciliation from a single center, the workload of investigation offices was reduced, the necessary attention and care was given to the conciliation institution, and institutionalization and professionalization in this field was achieved.

Employee-employer disputes, commercial disputes and consumer disputes, rental disputes, neighborhood disputes, disputes arising from condominium ownership, disputes regarding the dissolution of partnership and disputes arising from agricultural production contracts are within the scope of mediation in civil proceedings.

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

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

Yes

No

NAP

Comments - If yes, please specify: According to Article 38 of the Regulation on Conciliation in Criminal Procedure, titled "Conciliator expenses", the conciliator's fee and other conciliation expenses are covered by the State Treasury. The victim is in no way responsible for the conciliator fees and expenses.

Legal aid is regulated in Article 13 of the Law on Mediation in Civil Disputes No. 6325. The article states that "the party needing legal aid to cover the mediation fee may benefit from legal aid upon the decision of the civil court of peace where the mediation office is located."



=

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

| | Total | Males | Females |
|---------------------|------------------------------|------------------------------|------------------------------|
| Number of mediators | 74 957 | 39 075 | 35 882 |
| | <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 Because of the importance given by our system on alternative dispute resolution methods, significant increase has been seen in the number of mediators.

166-1. Could you please describe what are the requirements and what is the procedure to become an accredited or registered mediator in your country (educational requirements, working experiences, accrediting procedure etc.)?

. In accordance with Article 20 of Mediation in Civil Disputes No. 6325, in order to be a mediator in civil proceedings, it is necessary to be a Turkish citizen, to be a law faculty graduate with at least five years of experience in the profession, capacity for discernment, to complete mediation training and to be successful in the mediation written exam.

Additionally, one must not have been convicted of certain crimes. Examples of these crimes are embezzlement, extortion, bribery, theft, fraud, forgery, abuse of trust, bankruptcy by deception, false statements by expert witness or translator, perjury and not being affiliated or connected with terrorist organizations.

In accordance with Article 48 of Regulation on Conciliation in Criminal Proceedings, in order to be a conciliator (mediator in criminal proceedings) it is necessary to be a Turkish citizen, to have the capacity for discernment, to be a law faculty graduate with at least five years of experience in the profession, capacity for discernment, for the persons who have studied law, graduating from the law faculties of universities or having completed at least four years of higher education in the fields of law or political sciences, administrative sciences, economics or finance, which sufficiently include legal knowledge in their programs and for the lawyers being registered to the bar association. Additionally, one must not have been convicted of certain crimes.

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 + 7) | <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. Civil and commercial 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 |
| 2. Family 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 |
| 3. Administrative cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 4. Labour cases including employment dismissal 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 |
| 5. Criminal cases | 286 163 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 234 294 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 6. Consumer 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 |
| 7. Other cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments - Please indicate the source:

=

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

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

Comments

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

Source: MoJ, DG for Criminal Affairs, Department of Alternative Solutions, 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) | 9 097 [] NA [X] NAP | 4 457 [] NA [X] NAP | 4 640 [] NA [X] NAP |
| 1. Private professionals under the authority (control) of public authorities | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2. Enforcement agents working in a public institution (civil servants paid by state) | 9 097 [] NA [] NAP | 4 457 [] NA [] NAP | 4 640 [] NA [] NAP |
| 3. Judges | [] 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 their status and competences: Enforcement agents in Türkiye 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. Their number increased because of the endeavour to enhance the human resource and to have more efficient, quicker and improved services for citizens.

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 | (X) Yes () No | (X) Yes () No |
| Date of birth | (X) Yes () No | (X) Yes () No |

| | | |
|--|---------------------|---------------------|
| Civil status | (X) Yes () No | (X) Yes () No |
| Cohabitant | () Yes (X) No | () Yes (X) No |
| Employer | (X) Yes () No | (X) Yes () No |
| Motor vehicle | (X) Yes () No | (X) Yes () No |
| Movable property | () Yes (X) No | () Yes (X) No |
| Immovable property | (X) Yes () No | (X) Yes () No |
| Bank account | (X) Yes () No | () Yes (X) No |
| Other enforcement proceedings underway | (X) Yes () No | (X) Yes () No |
| Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.) | (X) Yes () No | (X) Yes () No |
| Other | () Yes (X) No | () Yes (X) 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 | (X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP |
| Preventive seizure of movable tangible properties | (X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP |
| Seizure of immovable properties | (X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] 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 | (X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP |
| Sale of shares | (X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP |
| Other | (X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] 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

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 | (X) Yes () No |
| for administrative cases | (X) Yes () No |

Comments

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) | 2 157 [] NA [] NAP |
| 1. For breach of professional ethics | [X] NA [] NAP |
| 2. For professional inadequacy | [X] NA [] NAP |

| | |
|-------------------------|---|
| 3. For criminal offence | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other | <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other", please specify: The numbers could be more different than previous cycle as it was 912 in previous cycle. However, this number was 1922 in 2020 cycle (2018 data). Considering these numbers, it could be said that during covid period the numbers dropped but after covid the numbers have reached to the numbers of previous years.

188. Number of sanctions pronounced against enforcement agents:

| | Number of sanctions pronounced |
|---------------------------------------|--|
| Total number of sanctions (1+2+3+4+5) | 128 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Reprimand | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Suspension | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Withdrawal from cases | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Fine | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Other | <input 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: The reason of fluctuation is quite same with the previous questions explanation.

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

| |
|-------------|
| Source: MoJ |
|-------------|

8.2. Execution of decisions in criminal matters

8.2.1 Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple 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 | Males | Females |
|---|--|--|--|
| TOTAL (1+2+3+4) | 1 935 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 925 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 010 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Private professionals (without control from 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. Holders of public offices appointed by the State | 1 935 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 925 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 010 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Civil servants (paid by the State) | <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 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

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 |
| 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)

Until 28.06.2022, the real estate sales contracts were exclusively performed by land registries. With the legislative amendment on 28.06.2022, those contracts can also be performed by the notaries.

194-2. In which areas of law do notaries perform their activities (multiple replies 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 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 |
| 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 Until 28.06.2022, the real estate sales contracts were exclusively performed by land registries. With the legislative amendment on 28.06.2022, those contracts can also be performed by the notaries.

=

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 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Law of another Member State (cross-border training programmes) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

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

Sources: Notaries Union of Türkiye

10. Judicial experts

10.1. Profession of judicial expert

10.1.1 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 Türkiye. 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 | Males | Females |
|-------------------|-----------------------------|-----------------------------|-----------------------------|
| Number of experts | 38 769 [] NA [] NAP | 27 354 [] NA [] NAP | 11 415 [] NA [] NAP |

Comments

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

| | Number of cases |
|--|--------------------------------|
| Total (1+2+3+4) | 1 483 697 [] NA [] NAP |
| 1.Civil and commercial litigious cases | 983 457 [] NA [] NAP |
| 2.Administrative cases | 19 308 [] NA [] NAP |
| 3.Criminal cases | 190 400 [] NA [] NAP |
| 4.Other cases | 290 532 [] NA [] NAP |

Comments There is no specific explanation to set out the reason of changes in the numbers.

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 the 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.

Pursuant to Article 13 of the Code on Experts, refraining from acting as an expert without a legal reason or not submitting the report within the specified period without an excuse, engaging in attitudes and behaviors that are incompatible with the duty of judicial expert and the ethical principles required by this duty and that undermine the sense of trust, in cases where expert activities are carried out in violation of the basic principles set out in this Code and are not deemed sufficient as a result of the performance evaluations to be made by the Regional Board, one of the sanctions of warning, temporary removal from the list for up to one year or removal from the registry and list is applied depending on the nature of the violation.

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

(X) Yes

() No

If yes, please specify: According to the Code on Experts, "In the event that the judge or public prosecutor obtains the opinion that the

attitude and behavior of the expert appointed by him/her in relation to his/her duty or the report prepared by him/her is not in compliance with the legislation, he/she shall notify this matter to the regional board." In line with the Code of Civil Procedure No. 6100, "The disciplinary provisions regarding testimony are applied to the experts who, without a valid excuse, comply with the invitation made by the court and are not present at the court on the appointed day and time, or who come to the court and refrain from taking the oath or expressing their vote and opinion in due time, and the situation is notified to the Regional Board of Expertise. If the report is not prepared in accordance with the procedures and principles set out in the legislation and if there is a violation of the legislation in the attitudes and behaviors of the expert in relation to expertise, it is reported to the relevant Regional Board of Expertise.

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

- Selection processes
- Initial or continuous training
- Disciplinary procedures
- NAP

Comments

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

Sources: MoJ

11.Reforms in judiciary

11.1.Foreseen reforms

11.1.1Reforms

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: The Judicial Reform Strategy started to be implemented in 2019. During the implementation period, activities were implemented according to the calendar and budget foreseen in the Action Plan. So far, 181 of the 256 activities included in this document covering the years 2019-2023 have been completed.

Some of these activities were implemented through legislative ammendments and some through administrative actions.

In recent years, alternative dispute resolution methods have been developed for civil and criminal proceedings, and the main goal has been to resolve disputes in a shorter time. The mediation has been adopted for consumer disputes in civil proceedings. Simple trial and expedited trial procedures have been introduced into the criminal justice system.

Facilitating the legal aid system is also among the main activities in this process. In order to facilitate the application process for legal aid

for people whose financial situation is inadequate, a standard application form has been created and made accessible via e-Government. Lawyers can track hearing information through the Lawyer Portal and CELSE application.

CELSE App (Mobile Attorney Information System): CELSE (the Turkish word for 'hearing') is an application developed for attorneys to (i) list the litigation and enforcement files in which they have a power of attorney and view the relevant information regarding such files; (ii) list the hearings on the selected date; (iii) list the hearings at a selected court and view the relevant information regarding such files; and (iv) update their contact information in the UYAP system.

The conditions of the arrest process in criminal procedure have been made more clear, and arrangements have been made to determine the grounds for arrest more concretely and explicitly.

Special measures have been taken for the crimes committed against women. For example in the Turkish Penal Code, the fact that the perpetrator commits these acts against his/her divorced spouse has been added to the qualified circumstances regarding the crimes of intentional murder, intentional injury, torture and deprivation of liberty.

In order to further strengthen access to justice, new regional courts of appeal have been operational and the number of specialized courts has been increased.

Moreover, to enhance the right to trial within a reasonable time, the "target time application" has been implemented in all units of the central and provincial organization of the Turkish Forensic Medicine Institute as of January 2021.

Arrangements have been made on the relevant screens of UYAP (National Judiciary Informatics System) to prioritize the monitoring of files related to children dragged into crime.

A victim information website (www.magdurbilgi.adalet.gov.tr), which contains simple and understandable expressions that all victims, including children, can easily understand, has been created and juvenile justice centers have been established.

The institution of deputy judges and prosecutors has been introduced to the Turkish judicial system.

As part of the reform process, the Human Rights Action Plan was prepared and shared with the public in 2021. Studies towards the implementation of the activities envisaged in the plan is carried out in accordance within the announced schedule.

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 these documents. 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 avoid any backlog of courts and public prosecutor offices, the number of judges, prosecutors and staff has been increased. The practise of

e-hearing system in civil procedures has been increased.

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: The Judicial Reform Strategy includes targets for strengthening the legal aid system for effective access to justice. Accordingly, in order to facilitate the application procedure for legal aid, standard application forms were created and entered into the UYAP system.

Besides the budget allocated to legal aid services is increased regularly every year.

208-5. High Judicial Council (competent for judges and/or prosecutors)

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: A new internet infrastructure has been created and put into practice for the planning and implementation process of all in-service training. A scientific commission has been established to introduce a new Code on Lawyers, and the studies of this Commission continues with a participatory approach.

208-7. Gender equality

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: In 2020, many different actions have been taken in Turkish judiciary. Training of legal professionals on gender balance is the one of the significant components of these actions. For instance; in 2022, 11676 judicial 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, many separate amendments 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 proceedings. It aims to eliminate the obstacles parties faced during the civil procedure while the third one is pertaining to the enforcement of criminal decisions. 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. The fifth reform package introduced several novelties regarding the enforcement procedure of civil judgements. The sixth package comprises significant steps, such as introduction of deputy judges and prosecutors to the Turkish judicial system. The last legislation package enshrines a bunch of reforms ranging from the procedural amendments for defendant's favor to the specific increase in the budget of legal aid system.

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: The structure of the Compensation Commission was rearranged with Code No. 7445 published in the Official Gazette on April 5, 2023. The commission, established by Code No. 6384, examines the individual applications that were submitted to the Constitutional Court with the claim of the right to be trial within a reasonable time and the enforcement of court decisions. Considering the possible workload, the structure and working method of the Commission has been rearranged.

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. During this period, some disputes arising from tenancy, neighbourhood and ownership of immovables have been included in mediation-required disputes. That is mediation is required before going to court if the dispute is among the abovementioned issues.

208-11. Fight against crime

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Two concrete steps stand out during this period of time. With the entry into force of Code no 7545, the punishment of drug crimes has been increased to strengthen deterrence. The content of the drug has also been specified in more detail with this amendment. Moreover, another novelty has been brought into the probation system. According to this amendment, the responsibilities of the defendant during the probation related to drug crimes have been more detailed. The second step is about migrant smuggling. Under the amendment in this regard, the punishment of this crime has been increased to enhance deterrence.

208-12. Prison system

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: 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 Türkiye. 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 2022, the number of judicial interview rooms is 152 .

New specialised courts have been established by the decision of Council of Judges and Prosecutors. On the other hand, with the Law published on 2021 November, personal relationship with the child for separated or divorced families was regulated for favor of children. New centers dealing with those procedures have started to be established after this amendment.

208-14. Domestic violence

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: With the legal amendments made by Law No. 7406 dated 12.05.2022, acts of persistent stalking have been regulated as separate crimes, and the scope of appointing a lawyer free of charge by the bar association to women victims of violence who do not have a lawyer has been expanded, and the following cases have been included: intentional injury (Article 86), persistent stalking (Article 123/A), torture (Article 94), torment (Article 96). In order to combat violence against women more effectively and to ensure deterrence, the punishment for intentional killing, intentional wounding, threat, torture and torment crimes "committed against women" has been increased, and the crime of intentional injury committed against women has been included among the catalog crimes that are assumed to be grounds for arrest.

On 10.01.2023, Circular No. 154/2 "Prevention of Domestic Violence and Against Women" was updated.

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: Within the scope of Joint Project on Strengthening the Institutional Capacity of Court of Cassation, an artificial intelligence-based "Court of Cassation Case Law Centre" has been established. The system, which will serve citizens, lawyers, judges and prosecutors through a database, will make significant contributions to the dissemination of jurisprudence of the Court of Cassation via web and mobile.

208-16. Other

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: