



REPUBLIC OF TURKEY MINISTRY OF JUSTICE  
DIRECTORATE GENERAL FOR STRATEGY DEVELOPMENT

# JUDICIAL REFORM STRATEGY

APRIL 2015



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## ABBREVIATIONS

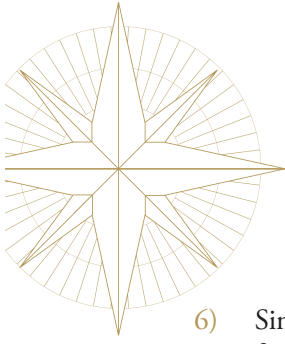
EU	: European Union
USA	: United States of America
ECtHR	: European Court Of Human Rights
ECHR	: European Convention of Human Rights
PES	: Personalized Execution System
CCBE	: Council of Bars and Law Societies of Europe
CEPEJ	: The European Commission for the Efficiency of Justice
MMC	: Minor Monitoring Center
EJN	: European Judicial Network
HCJP	: High Council of Judges and Prosecutors
HUDOC	: Human Rights Documentation
IPA	: International Phonetic Alphabet
OSP	: Official Statistics Program
SATURN	: Study and Analysis of Judicial Time Use Research Network
AVIS	: Audio-Visual Informatics System
VMS	: Voice Message System
SRR	: Social Inquiry Report
NGO	: Non-governmental Organizations
TUCCE	: The Union of Chambers and Commodity Exchanges of Turkey
UNDP	: United Nations Development Programme
NJIS	: National Judiciary Informatics System

## DEFINITIONS

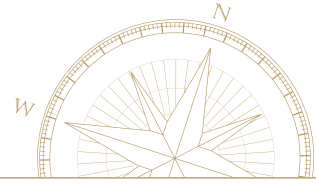
Ministry	: Means Ministry of Justice
Disadvantageous Groups	: Means defenseless and vulnerable groups such as women, children, poor, aged and disabled.
Members of Judiciary	: Means Judges and Prosecutors
Employees of Judiciary	: Means all employees of judiciary except for judges and prosecutors.
Judicial Actors	: Means higher judicial bodies, Ministry of Justice, Union of Turkish Bar Associations, Union of Turkish Notaries, Law Faculties and bars.

## INTRODUCTION

- 1) EU membership process of Turkey, which has been proceeding for more than a half century, is one of the most significant democratization steps of our republic. Each reform carried out during this process aims to contribute to building a stronger and, at the same time, more democratic Turkey. Turkey maintains the EU membership goal pertinaciously as a strategic objective. Becoming a member to EU will not only provide democratic and socio-economic benefits, but also will raise the economic, political and strategic significance and profundity and contribute to the transformation of the EU from a regional power to a global force by all means.
- 2) In the European Union Summit which took place in Brussels on December 17th, 2004, the decision regarding the initiation of the accession negotiations was taken and therefore the virtual accession negotiations within the scope of 35 chapters were initiated on October 3rd, 2005. Ministry of Justice is directly accountable for the Chapter 23 titled “Judiciary and Fundamental Rights” within the scope of negotiation process.
- 3) In this respect, the Post-screening Report for Chapter 23 was accepted by EU Commission and submitted to member states for approval. The approval process however was not completed. That being said, EU authorities have expressed the significance of submittal of the Judicial Reform Strategy of Turkey to the Commission.
- 4) Ministry of Justice conducted broadly participated studies in order to prepare the first Judicial Reform Strategy in 2009. The prepared Judicial Reform Strategy began to be implemented after its submittal to the Council of Ministers.
- 5) In order to support the accession negotiations, the process regarding the “Positive Agenda” concerning Turkey – EU relations was initiated in May 2012. Positive Agenda aims to accelerate the negotiations and keep Turkey’s negotiation process alive until the political obstructions are removed. Within the mentioned scope, 8 study groups were created, including the chapter 23. The works carried out in order to meet the opening and closing benchmark of the chapters are still proceeding and the parties keep each other informed.

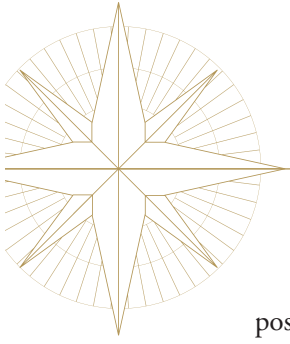


- 6) Since the application of Judicial Reform Strategy was initiated, some fundamental changes in judiciary were experienced in accordance with the developments within the financial, social and political fields in our country. Therefore, considering the actualization of the objectives and goals that were included in the first Strategy Document, the update, which aims to project the new developments that have been experienced in our country and around the world to the Judicial Reform Strategy, was initiated in 2011.
- 7) The works concerning the updates were shaped with the help of the opinions and the suggestions of our stakeholders. The successful implementation of the reforms requires the existence of a justice policy which was created with participative methods. With this perception, joint workshops with the participations of high judicial bodies and some non-governmental organizations such as occupational organizations, unions, judicial associations and university delegates were created. Moreover, written advices of all the concerned segments were taken and surveys and interviews were conducted.
- 8) In addition to all of the above, in order to analyze the impact of judicial reforms, “The Project Regarding the Evaluation of the Impacts of Judicial Reform Process with the Intention of Efficient and Productive Establishment of Justice” was initiated in May 2013 with the collaboration of United Nations Development Programme (UNDP). The main objective of the Project is forming a detailed opinion regarding the impact of judicial reform process and also identifying some strategic areas that are crucial for judiciary in order to develop strategical frame concerning the problematic areas, depending on the Strategic Plan and Judicial Reform Strategy of Ministry of Justice, while analyzing the impacts of the reform attempts on the efficient and productive establishment of justice. The national legislations concerning the determined subjects were studied, the evaluation reports concerning the Judicial Reform Strategy and Action Plan were scanned and the opinions of the higher judicial bodies and other partners were obtained through interviews within the scope of the Project. Benefiting from the output formed as a result of the Project, Judicial Reform Strategy was prepared.
- 9) The updated version of Judicial Reform Strategy was submitted to the Council of Ministers on March 2<sup>nd</sup> and April 8<sup>th</sup> in 2015, and was declared to the public by Prime Minister Prof. Dr. Ahmet DAVUTOĞLU to the public on April 17<sup>th</sup> 2015.



## STATE OF PLAY ANALYSIS

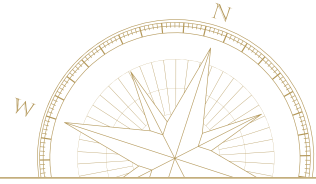
- 10) The sufficiency of financial and economic resources bears a crucial significance when managing the workload of judiciary and performing a qualified justice service. The budget allocated to judiciary showed a continuous increase during the term. While the sum of TL 3.843.852.305 of a budget was assigned to judicial authorities in 2009, this number increased in a 136% rate to TL 9.078.129.000 despite the economic crisis experienced globally in 2015.
- 11) In order to provide judicial services in a modern, efficient and productive way, the construction of new courthouses continued. During the term 2007-2014, a total of 199 judicial service buildings, including the buildings in Istanbul European Side (343.000 m<sup>2</sup>) and in Istanbul Asian Side (360.000 m<sup>2</sup>) were constructed, and the surface of closed areas in total was raised from 569.000 square meters to 3.000.000 square meters. The goal, that is, to raise the number to 6.000.000 square meters in the closed areas that provide judicial services as the construction of new service buildings, were aimed.
- 12) Regional Courts of Justice are located in 15 different points whereas Regional Administrative Courts are located in 8 different points. As the infrastructural works regarding those courts were carried out, the quantitative inadequacy of the human resources were eliminated substantially. It is planned that those courts will be activated as soon as possible.
- 13) Works regarding raising the number of judges, prosecutors and employees of the judiciary to the international standards have been conducted since 2002. On the other hand, great efforts were made regarding not only the elimination of the inadequacy of number, but also for raising the efficiency of the education. The capacity of Turkish Justice Academy, which is a significant institutional agent in judicial field, was extended during the mentioned term. The educational issues of members and auxiliary staff of judiciary were approached with a broad point of view that also includes foreign language training. The recruitment of judges and prosecutors were conducted annually in order to raise the number of judges and prosecutors to the average number of the states that are members to the Council of Europe. Within the scope of the works conducted in order to increase the number of judges and prosecutors, the legislation regulating the procedure as to the recruitment of judges and prosecutors among the attorneys who



possess the necessary requirements was amended in order to facilitate the procedure in question. With the mentioned implementation, it is aimed to fill the gap in the number of judges and prosecutors completely. While the number of the professional judges to serve per 100.000 people used to be 7,5 in 2002, the mentioned number was increased to 10.1 in 2008, and to 10.6 in 2009, and to 13 in February 2015. Likewise, the number of the prosecutors to serve per 100.000 people was increased to 6.5. In the states that are members to the Council of Europe, the average number of the judges to serve per 100.000 people is 21 while the number of prosecutors to serve per 100.000 people is 11. Despite the increase in the number of the judges and prosecutors with a rate of 41% in the last 5 years, the gap still exists considering the European average.

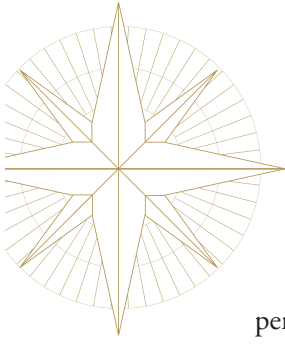
- 14) During the term of First Plan, the studies regarding the fundamental codes such as Turkish Code of Obligations, Code of Civil Procedure, and Turkish Commercial Code were completed and the codes entered into force. With the mentioned codes, the legal structure was aimed to meet the economic and social conditions of today and at the same time significant progress was achieved as a large part of the obligations prescribed by the EU acquis were fulfilled.
- 15) Through the referendum that took place in September 12<sup>th</sup>, 2010, articles of the Constitution as regards the High Council of Judges and Prosecutors were amended and High Council of Judges and Prosecutors were restructured in accordance with the principle of wide based participation. Through the amendment, the number of the members was increased to 22, the Inspection Board was brought under the authority of HCJP, a Secretariat and budget for HCJP was formed and an effective appeal mechanism against the decisions of HCJP and a judicial remedy regarding the dismissal penalty were introduced.
- 16) In the period of the First Judicial Reform Strategy, the jurisdiction of the military justice was restricted as the related regulation prescribed that the civilians were not subject to trial in the military courts. The implementation concerning the employment of the military officer members in the courts of first instance was repealed and the discipline courts were commissioned only to be in charge during wartime. Moreover, all the discipline sanctions regarding public officials' offences were included within the scope of the judicial control and the Ombudsman Institution was founded in order





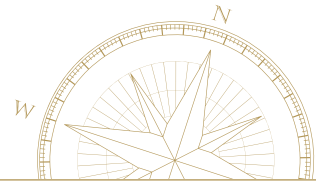
to provide functioning of the administration and reduce the workload of administrative jurisdiction.

- 17) Six judicial reform packages were adopted within the term in question in order to improve the efficiency of judicial services and strengthen the fundamental rights and freedoms. Within the scope of the legislative amendments adopted, the crimes that their penalty is under two years imprisonment were excluded from the scope of pre-trial detention, the condition that prescribes concrete reasons for order of pre-trial detention was set, and the maximum pre-trial detention period was limited up to 5 years. Besides, the penal prescription in torture was abolished, the issue of interest in expropriation cases was regulated, and the application procedure for legal aid within the scope of civil suits was facilitated. The criminal provisions regarding the i) canvassing of criminal organizations, ii) praising crime and criminals, iii) estranging the public from military service were re-defined and “discrimination” was included within the scope of Turkish Criminal Code for the first time as well as some positive amendments were made in the Law on Assembly and Demonstrations.
- 18) One of the most significant judicial reforms carried out in our country during the recent years is the regulation of the right to individual application to the Constitutional Court. Another improvement is the introduction of an efficient domestic remedy in Turkey which enables an efficient and appropriate compensation. Within this scope, Human Rights Compensation Commission was founded with the Law number. 6384 on January 9<sup>th</sup>, 2013. The application opportunities were extended to cover cases such as value reduction in expropriation or servitude and the claims regarding the restriction of defense rights of the convicted persons and the detainees during disciplinary sanctions, as well as long continued trials.
- 19) With a view to protect and improve the fundamental rights and freedoms, Department for Human Rights was founded affiliated to the Ministry of Justice. The Department for Human Rights, along with the other duties assigned to them, also translates all ECtHR judgements that were given about Turkey, and only the significant judgements given about the other countries, into Turkish. Also, “Action Plan on Prevention of ECHR Violations”, which was approved by the Decree of Council of Ministers and entered into force on March 1<sup>st</sup> 2014 during this period, is a significant step regarding the improvement of human rights. Through the reforms made the



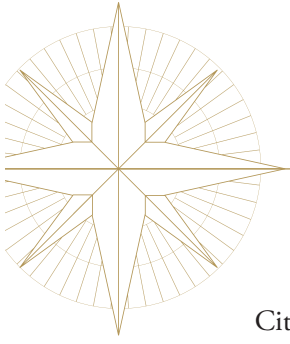
pending applications to ECtHR against our country, while being 16.876 in December 31<sup>st</sup> 2012, dropped by 44% to 9.448 in December 31<sup>st</sup>, 2014. The average of the rate of pre-trial detainees to the total pre-trial detainees in prisons in Europe is 22.9% while this rate in Turkey has dropped to 14%. Turkey in this aspect is the 12<sup>th</sup> country among 57 European countries.

- 20) Within the term of the Plan, significant steps regarding the access to the justice were taken. The remedies to legal aid concerning civil suits were enabled with the amendments made on the Code of Civil Procedure. Within the scope of access to the information, the access of the parties to the necessary legal information on [www.hukukiyardim.gov.tr](http://www.hukukiyardim.gov.tr) was enabled and NJIS citizen and attorney portals were made more functional. Moreover, the budget spared for legal aid increased by 85% to TL. 263.000.000 in the last 4 years.
- 21) Another initiative that has overcome a significant obstacle within the area of access to the justice has been the Protective Legal Practices. The “Protective Legal Practices Project” was intended to create a legal culture in society through educating individuals from early ages by giving the fundamental legal information in schools. To achieve the objective, “Law and Justice Course” has been applied since the beginning of the academic year of 2013-2014, as the books and written and visual materials were prepared and distributed to all the courthouses and the secondary schools.
- 22) A more efficient and proactive working method was created regarding the access to justice for the vulnerable groups through the efficient follow-up of the victim rights in an institutional level. Within this scope, Department of Victim Rights affiliated to the Ministry of Justice was founded. The Department continuous decisively its activities in order to provide an efficient intervention program concerning the victims.
- 23) Children Protection Law guarantees the fundamental principles prescribed by the Convention on the Rights of the Children. Our prior field will still be looking after the “best interest” of the children and developing strategies that “support their welfare and well beings”. Within this scope, it is aimed to prevent child abuse in line with the principle of the “child’s best interest”.
- 24) Regarding the domestic violence against women, a new step was taken by Committee of Ministers of The Council of Europe. The “Council of Europe Convention on Preventing and Combating Violence Against Women and



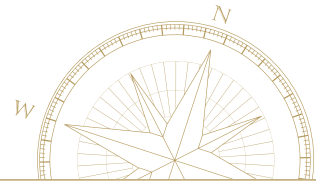
Domestic Violence”, which was submitted for signature by the Council on May 11<sup>th</sup> 2011 in Istanbul, is the very first convention that has enforcement power within the scope of international law. Turkey was the first state to sign and ratify the Convention. The Convention includes the creation of prevention, protection, and prosecution and victim support mechanisms in order to create an extensive legal frame regarding the combating of violence against women. In the previous term, “The Law on the Protection of Family and Prevention of Violence Against Women” no. 6284, drafted in order to comply with international conventions and preventing the violence against women, was adopted in 08/03/2012. The necessary steps are going to be taken in order to implement the mentioned Law effectively by conducting works in collaboration with the relevant ministries, authorities, institutions and universities.

- 25) The discussions regarding the reviewing of the quality and the content of the legal education, have been mounting among the legal community. Within the context of those discussions, the quantitative increases of the law faculties that have been opened recently hold a significant role. The education provided in the law faculties needs to be supported by the theory while also concretized by the practical implementations. In the new period, the legal education, also embracing the vocational schools on justice, is intended to be improved. Within this scope, the curriculum is going to be reviewed and the opportunity of internship is going to be provided for the senior students.
- 26) Today, the curriculum of law faculties from many countries includes legal clinics. Clinical education on the one hand strengthens the bond between the law faculty education and the practice on the other hand it provides the opportunity of legal support to the people who are financially incapable of receiving legal services. The practices carried out by the law faculties in our country within this scope are very inadequate. Works on the legislation and awareness to enable the dissemination of legal clinic education are going to be carried out in the new period.
- 27) The hardware and software infrastructure of National Judiciary Informatics System (NJIS), which is going to carry the judicial processes and services into electronic environment and initially set up a network of information between the judicial bodies, is completed and further works are going to be carried out in order to enable a more efficient system. Through NJIS



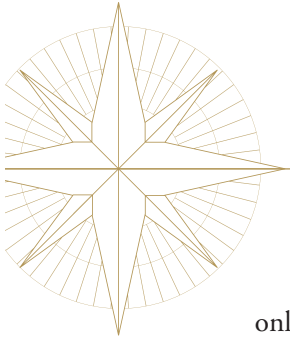
Citizen Information System, all citizens are able to track all the information concerning their cases. The attorneys are able to bring lawsuits, commence execution proceedings, examine case files and perform other actions online. The people who have subscribed to NJIS SMS Information System receive information about the case files, execution proceedings, or other actions that they are party to as SMS. Within the scope of Audio-Visual Informatics System (AVIS), which aims the use of videotaping and video conferencing during testimonies, pleadings and proceedings, the system setup has been completed in all criminal courts and prisons. The setup has been proceeding in civil courts and prosecution offices. The integration of NJIS with the other institutions is aimed for the following term.

- 28) Within the scope of the access to justice, a new practice area for the following term is going to be the activities regarding raising the recognition of pro-bono legal services. The works regarding the legal substructure concerning the mentioned service that will be provided to vulnerable groups voluntarily are going to be carried out through the collaboration with the stakeholders.
- 29) The fundamental ethical principles that should be abided by the members of the judiciary have long been discussed by the legal community. Within the scope of the right to a fair trial, it is a necessity to have a strong credence concerning the independent, impartial and efficient execution of the proceedings both for the litigants and the public. One of the most significant instruments to provide the right to a fair trial which was prescribed by Article 6 of the European Convention of Human Rights is the determination of the ethical principles concerning the members of the judiciary. The determination of the ethical principles will enhance the transparency and the accountability of the judicial proceedings and thus the judicial reliability while the principles of judicial independence and impartiality which are firmly pursued will become more auditable. While there are documents bearing internationally accepted fundamental principles such as “Bangalore” and “Budapest”, each country determines their own ethical codes concerning the members of the judiciary in practice. Determining the ethical principles through a joint study carried out with the attendance of all members of the judiciary will facilitate the implementation and the monitoring of the determined principles while at the same time constitute a guideline for the actions of members of judiciary. For the following term, the ethical codes concerning the members of judiciary will be determined by all members of judiciary in collaboration with the higher courts and HCJP.



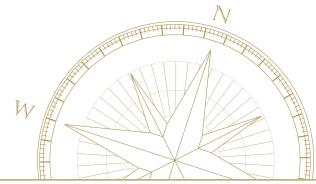
The attorneys, establishing the defense party of the judicial process, carry out a highly significant function by means of fair trials. Likewise, it is aimed to improve ethical principles concerning the legal practice in collaboration with Union of Turkish Bar Associations.

- 30) Within this term, the project called “Strengthening the Relations between the Mass Media and Judiciary” was initiated in order to develop sound relations between the judiciary and the media and enable the implementation of judicial press office institution. The objectives of the project are i) to enable accurate information flow about judicial activities within the principle of judiciary independence and presumption of innocence, , ii) to raise the credibility of judiciary by strengthening the principle of presumption of innocence and considering right to receive correct information of the public and the freedom of press. Within this scope, the press communication offices in the courthouses are being founded and also activities concerning the professional training for the members of judiciary, who will also be spokesmen, are conducted. The works concerning the implementation of the project will be continued in a way to include higher courts and other judicial institutions apart from civil jurisdiction.
- 31) The excessive workload is one of the most important reasons among the others that lead to delays in judicial proceedings. Today, many countries have taken measures in their judicial systems regarding the resolution of certain disputes out of judiciary. The conciliation in criminal procedure or the alternative dispute resolution methods in civil procedure are among the mentioned measures. The alternative dispute resolution methods expressing the will to an amicable settlement are also preferred since they provide the opportunities for an active participation and offer alternative solutions to the parties, and also do not have the publicity requirement. On the other hand, the facts such as pursuit for a peaceful settlement and social conciliation have emerged as the factors which support the developments in this direction. The institution of conciliation in criminal procedures and mediation in civil procedure should be marked as significant stages within the scope of the development of alternative dispute resolution methods. Through the amendments made in Code of Criminal Procedure no. 5271 in 2006 and 2009, the conciliation was intended to be rendered more efficient. With The Law on Mediation in Civil Disputes no. 6325 that was enacted in 2012, mediation was included among the alternative dispute resolution methods. Thus, the adversarial civil proceeding no longer remains as the



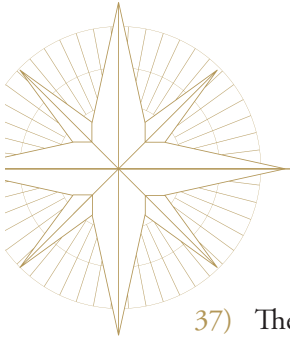
only way of resolving civil disputes. For the following term, apart from enabling the more efficient use of alternative dispute resolution methods, it is anticipated that the implementations such as lay judgeship and plea bargaining will be discussed by the legal community. Moreover, it is aimed to secure the efficiency of the arbitration board.

- 32) Istanbul Arbitration Center is an establishment that has just recently been launched in our country. An effective and efficient way of alternative commercial dispute resolution in national and international areas is also going to be implemented in Turkey, by making the arbitration center operational
- 33) Another significant element of the Judicial Reform is to make the enforcement and bankruptcy system more effective. Within this scope, a Department was established in the Ministry of Justice. Increasing the number of the staff working in the enforcement and bankruptcy system was one of the initiatives conducted regarding the efficiency. Additionally, the obligation on obtaining license for the store of depositary was imposed on, the opportunity was provided to make electronic bids in auctions in order to enable transparency and provide a perfect competition, and the attachment of the indispensable goods for family members was prohibited. On the other hand, a comprehensive project including many fields such as organizational structure, modus operandi, and the physical structure is also carried out in order to improve the functionality of the enforcement and bankruptcy offices. Within the scope of the project that has been implemented in pilot courthouses, a single model of execution office is being created. Thus, specialization and the process flow are accelerated while efficiency in the human resources and the costs come to the fore. The mentioned project is intended to be disseminated throughout the country.
- 34) The first study addressed the time management in judiciary in a holistic and systematic way was carried out by The European Commission for the Efficiency of Justice (CEPEJ). CEPEJ suggested applicable advices concerning “Time Management in Judiciary” with respect of finalizing the judicial proceedings in a reasonable time. Our country joined the study called SATURN (Study and Analysis of Judicial Time Use Research Network) conducted by Council of Europe in 2013. Advices concerning judicial time management have started to be implemented in the pilot courthouses. The courts in the pilot courthouses determined the ideal period



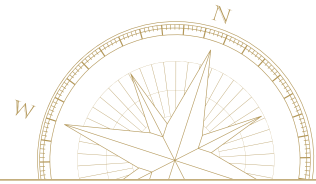
of time for proceedings and launched to undertake the ideal period of time to the parties. Thus the parties are able to anticipate the finalization period of the judicial proceedings of them. The Project is planned to be continuing extensively for the following term. The Project, unlike the practice in the European countries, was firstly carried out in Chief Public Prosecutorship and taking our country into consideration as an example, SATURN guideline principles were extended by CEPEJ to cover the Prosecution Offices. The Court of Cassation and The Council of State are anticipated to participate in the Project for the following term.

- 35) Our country is, quantitatively, the leading country among the European states by means of number of judicial experts. Despite this fact, there are some severe critics regarding the redundant assignment of the experts and the quality of the expertise system. Considering the output of “Advanced Expertise Project” that has been carried out with the intention of finding comprehensive and efficient solutions to the problems regarding the expertise, a new draft was prepared in order to establish an institutionalized system. By virtue of this system, the quality of the official expert reports will be enhanced, the length and the costs of the proceedings will be mitigated. Forensic Medicine Institution, which performs official expertise services, has a direct effect on the speedy, efficient and productive functioning of the judiciary. Within this scope, a commission was founded by the Ministry of Justice with a view to amend the Law on Forensic Medicine Institution and, afterwards a draft was prepared accordingly by the commission. The draft prescribes increasing the number of the specialized chambers in order to manage the workload of the institution as well as establishing new upper boards. The codification process that will strengthen the capacity of the Institution will be monitored in the following term.
- 36) In Turkey there are 2011 specialized courts including criminal judgeship of peace and judgeship of execution in total. That being said, %33 of the existing courts among civil and criminal courts consists of specialized courts. According to data provided by CEPEJ, the rate of specialized courts to courts with general jurisdiction is %24 in the member states of the Council of Europe. In the past term, the competence to distribute the cases was assigned to HCJP in the areas where more than one court have jurisdiction. Within the term of this Plan, the specialized courts are aimed to be disseminated considering the quality and the feature regarding the acceleration of proceedings of the specialized courts.



- 37) The importance of attorneys, who are the quintessential actors of judiciary, is indisputable for rendering the justice. In order to apply the changes that have been experienced in the areas of operating fields, means of practice and appointments of attorneys to the practices in Turkey, the new draft for Legal Profession Act has been prepared. The objective is to review the Draft, which will help to solve the problems of the profession, in collaboration with the bar associations and to be legislated afterwards.
- 38) One of the works conducted within the scope of judicial reform was strengthening the notary system by assigning some of the ex parte proceedings to the competence of the notaries. In this context, the competence to draw up inheritance certificate was assigned to notaries as well as the courts. Besides, the numbers of the notaries were increased in order to provide faster services. Additional works regarding the extension of the scope of the vocational definitions of the notaries and regulation of the recruitment criteria are planned to be conducted for the following term.
- 39) The amendments as to the legislative infrastructure of our penal execution system and the modernization of the prisons have been among the subjects stressed out in the previous Strategy Document term. 61 inadequate prisons that had not been complying with the standards have been shut down, and human resources have increased by % 69 since 2010.
- 40) Another strategical area whose structuring process has been recently completed in penal execution process is probation services. Allowing the convicts to spend their execution period under control within the community instead of the prison, the system provides an alternative for the suspects and perpetrators instead of pre-trial detention. Thus, the criminals or the suspects can sustain their social lives and reintegrate into community. Another reform introduced during this term is the electronic bracelet tracking and monitoring system. Further works will be conducted in order to strengthen the services in question for the following term. Other priorities will be the improvement of the collaboration with the non-governmental organizations within the scope of the penal execution services and increasing the human resources.
- 41) Many innovations within the scope of penal execution system regarding the rehabilitation of the criminals were introduced. In the context of “Personalized Rehabilitation System” established specific to children, a separate rehabilitation programme for each child is founded. Besides, works

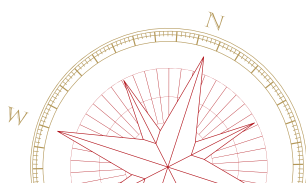




regarding the dissemination are still conducted by virtue of establishing educational houses. For the prisoners apart from the children, psycho-social support and intervention programmes were developed.

## SCOPE

- 42) New Judicial Reform Strategy was prepared in order to carry out judicial services in an independent and impartial way, finalize proceedings in a reasonable time, and constitute a faster and a more reliable justice system. 10 goals, 68 objectives and 197 strategies were prescribed in the document in order to increase the efficiency in judiciary.
- 43) Some part of the goals and objectives included in the new Judicial Reform Strategy is similar to the ones included in the previous document. The similarities arise from the facts that some studies require longer periods and the some areas need for continuous progress.
- 44) By their very nature, it is refrained from certain statements and factual conclusions. It was anticipated that some topics should be discussed by the public opinion and implemented as the result of the consensus that would be formed as the outcome.



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# GOALS

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- 1 STRENGTHENING THE INDEPENDENCE AND IMPARTIALITY OF JUDICIARY

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- 2 ENHANCING THE ACCOUNTABILITY AND THE TRANSPARENCY OF JUDICIARY

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- 3 IMPROVING THE CIVIL AND CRIMINAL JUSTICE SYSTEMS

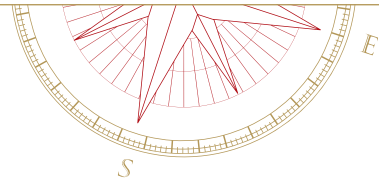
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- 4 IMPROVING THE ALTERNATIVE METHODS OF DISPUTE RESOLUTION AND ENHANCING THE EFFECTIVENESS IN PRACTICE

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- 5 IMPROVING THE INTERNATIONAL JUDICIAL COOPERATION AND ENHANCING THE EFFECTIVENESS OF EU ACCESSION PROCESS

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# GOALS

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6 IMPROVING THE LEGAL TRAINING , PRE-SERVICE AND IN-SERVICE TRAINING

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7 IMPROVING THE PRACTICES REGARDING THE DISADVANTAGEOUS GROUPS SUCH AS WOMEN, CHILDREN AND THE DISABLED

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8 STRENGTHENING THE ACCESS TO JUSTICE

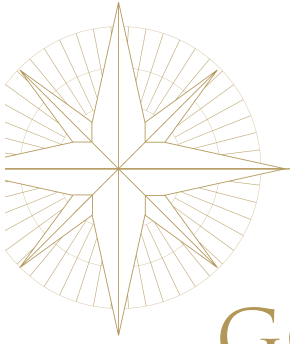
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9 PREVENTING THE VIOLATION OF HUMAN RIGHTS DUE TO THE JUDICIAL PRACTICES AND STRENGTHENING THE STANDARDS OF HUMAN RIGHTS

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10 IMPROVING THE PENAL EXECUTION SYSTEM

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# GOAL - 1

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## STRENGTHENING THE INDEPENDENCE AND IMPARTIALITY OF JUDICIARY

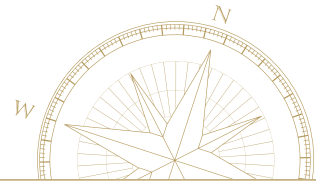
The independence of judiciary is among the preconditions of the rule of law and at the same time an assurance to the right to a fair trial. Beyond being a privilege granted to the judges, independence has been defined as meeting the expectations of the parties that claim their rights. The judges have to be independent and impartial while performing their judicial duties. While independence can be measured based on a set of principles, rules and institutions; the impartiality of the judges signifies the necessity to create personal convictions without getting involved in any sort of vertical or horizontal interactions.

The impartiality, in practice as well as in doctrine, is subject to a dual evaluation: subjective impartiality and objective impartiality. The subjective impartiality signifies that the judges shall adjudicate based on their personal convictions that were created in accordance with the constitution, legislation and law. The objective impartiality, on the other hand, is described as a formal notion, that is, the parties should have their faith and

trust in the impartiality of the court.

Independent judiciary means an impartial and competent judiciary. Judiciary that is not impartial and competent fails to be capable of being independent. The judiciary and all the judges are responsible for maintaining the impartiality and demonstrating their independence and competency to the parties and the public. Hence, the judges must be impartial as well as seem impartial and refrain from all sorts of behaviors that are not consonant with their profession ethics both in their judicial and non-judicial activities.

When the international documents on the judicial independence and impartiality (1985 United Nations Basic Principles on the Independence of the Judiciary, 2003 United Nations Bangalore Principles of Judicial Conduct, Committee of Ministers of Council of Europe Recommendation No R (94)12 On The Independence, Efficiency and the Role of Judges, Venice Commission's Reports on Judicial Appointment -dated 2007-, and on the Independence of the Judicial System -dated 2010-, the Opinions of



the Consultative Council of European Judges, European Charter on the Status for Judges) are examined, the major topics are the tenure of judges, the organization and the structure of judicial supreme boards, judicial appointments and promotions, the procedure of disciplinary proceedings, the budget of judiciary, the personal rights of the judges and the prosecutors, the independence and the impartiality of the judiciary.

The point that has been emphasized within the scope of the documents is the necessity of an objective, transparent, efficient and productive implementations carried out by the judicial management and judicial system, based on the merit.

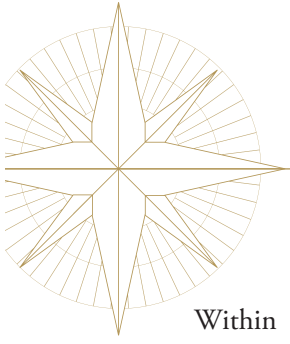
Throughout the world, it is observed that there is no unified practice in the domestic legislations and institutions established for providing the judicial independence and impartiality. Each state has organized a judicial system in order to accomplish the determined principles and the objectives within the scope of its own dynamics and structure.

In our country, the independence of judiciary is prescribed in Articles 138-140 of the Constitution. Article 138 prescribes that all judges are independent and shall adjudicate

according to their personal convictions created in accordance with the Constitution, legislation and the law. The following Articles prescribe the tenure of the judges and prosecutors, the judgeship and prosecution as a profession, the openness of the trials, and the establishment of the courts. The Constitution of 1982 aimed the functioning of the legislation, the execution and the judiciary all independent from each other by virtue of separation of powers and securing the independence and the impartiality of the judiciary at a constitutional level.

Considering the European Union membership process, in order to strengthen the independence and the impartiality of judiciary in Turkey, the works specifically concerning the appointment and the promotion systems of the judges and the prosecutors and also the impartiality and the independence of judiciary are going to be prioritized according to the international documents' systematic structure.

On the other hand; it is observed that in our country there are still four different types of jurisdictions as constitutional, military, administrative and civil justices. It is possible to add the Court of Audit and Court of Jurisdictional Dispute to these jurisdictions.



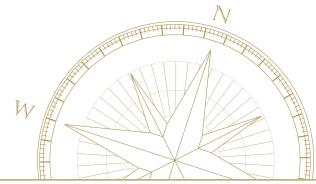
Within the scope of the judicial order, the diversity of the jurisdictions leaves not only the citizens but also the practitioners in doubt. Even the law practitioners have difficulties while determining the competent jurisdiction. Due to the judgments given on the same subjects by different jurisdictions, various precedents were occurred and as a result, the unification of judicial jurisprudence which should be existed could not be rendered. In that case, the plurality of jurisdictions complicates the efficient and productive functioning of the justice services while making it difficult to access the justice.

In comparative law, many countries do not have military justice or military justice system during peacetime while in some countries the military courts only function as disciplinary courts. When the critics and advices regarding the existence of military justice are taken into consideration, the necessity of redefining the competence and the jurisdiction of the military courts and the high military courts arises in the context of the criteria required by a democratic state where the rule of law prevails.

Once again in comparative law, a jurisdiction similar to Military High

Administrative Court does not exist. Considering the facts that the court is composed of both judges and military officers and the right to appeal against the judgments given by the court in question is not provided, there are some critics as to the failure of the court in question to comply with the fundamental principles and the democratic standards.

The plurality of high courts is criticized in our country and the critics specially focus on the military high courts. Therefore, a broad consensus among the society regarding the simplification of the military high courts has come into existence. The same situation has discussed in the Commission of Conciliation of Turkish Grand National Assembly. In the following process, it is aimed to bring the subject into a nationwide discussion, especially among the judicial public opinion, and make a constitutional amendment after reaching a solution by observing the experiences in Turkey and the practices throughout the world. The amendment is going to be shaped after these discussions and also made in compliance with the principles regarding the independence and the impartiality of judiciary introduced during the EU membership process.



# OBJECTIVES

## OBJECTIVE 1.1

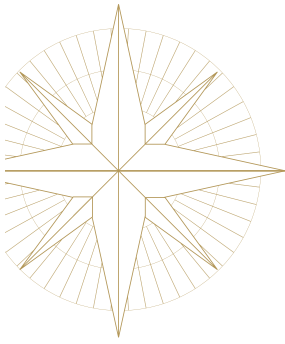
### Simplifying the diversity in Jurisdictions

In the following term the plurality of jurisdictions is going to be brought up to discussion. In accordance with this objective, some constitutional and legal amendments are aimed to be made in order to simplify the diversity of jurisdictions in our country.

STRATEGIES	2015	2016	2017	2018	2019
Making Constitutional amendments	√	√			
Making other legal amendments	√	√			

BUDGET	INSTITUTION IN CHARGE	INSTITUTIONS TO COLLABORATE
Ministry of Justice	Ministry of Justice	Higher Courts HCJP Occupational organizations Non-governmental organizations



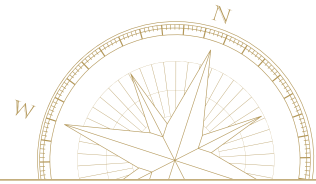
## OBJECTIVE 1.2

### Raising Public Awareness as regards the Independency and Impartiality of Judiciary

In order to render the independency and impartiality genuinely, the members of the judiciary, on the one hand, should interiorize the independence and the impartiality, on the other hand several activities such as seminaries and symposiums with the participation of the bar associations, occupational organizations, non-governmental organizations and especially media organizations; and also platforms which bring the independence and the impartiality subjects into discussion with all aspects and determine the responsibilities of the society on a common sense; are necessary. Activities in accordance with these subjects are going to be conducted in order to raise public awareness concerning the independence and the impartiality of the judiciary.

STRATEGIES	2015	2016	2017	2018	2019
Conducting activities with respect to raising public awareness	√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Higher Courts HCJP Occupational organizations Non-governmental organizations		





## OBJECTIVE 1.3

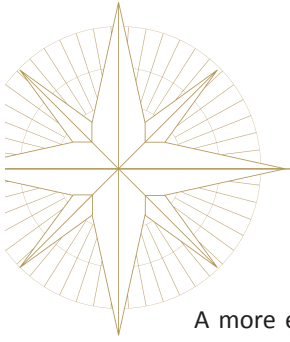
### Improving the promotion and appointment system regarding the members of Judiciary in accordance with objective criteria

According to Article 2 of the By-law on the Appointment and the Transfer of Judges and Prosecutors, which has been promulgated in accordance with Article 35 of the Law no. 2802 *“The locations that have judicial organizations are divided into five regions depending on the geographical and economic conditions, health, social and cultural conditions, their level of nondevelopment, their development and significance, their distances to the centers of transportation, , and such other conditions as shown in the enclosed list.”* According to the mentioned bylaw, the locations that have judicial organizations are divided into five regions. Furthermore, the judicial organization has been determined as courts in which one judge exists, courts in which more than one judge exist and high criminal courts.

According to Article 2 of the By-law on the Appointment and the Transfer of Administrative Judges, *“the locations that have district administrative court organizations are divided into three regions depending on the geographical and economic conditions, health, social and cultural conditions, their level of nondevelopment, their development and significance, their distances to the centers of transportation, and such other conditions as shown in the enclosed list.”* The bylaw states that administrative court organization is divided into three regions.

The regional system and the terms of the duties in the regions should be reviewed due to the improvement of the transportation conditions, social and economic improvements occurred at regional and local level, the increasing the number of judges and prosecutors and the judicial workload.

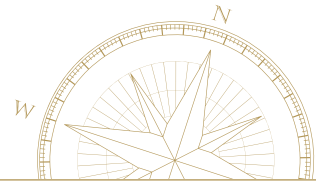
The promotions of the judges and prosecutors are determined by the HCJP within the scope of the Law no. 2802 and the principles manifested by the HCJP. The matters that are considered problematic by the majority of the members of judiciary can partly and briefly be described as follows; shortening the three month period in between the promotion records, a more efficient evaluation of the cases submitted to the higher appeal courts in order to be effective considering the promotions of the judges and prosecutors, handling the issues arising from the performance evaluation and improvement forms filled by the inspectors, and reviewing the quantities regarding the percentage of the work that is considered a ground for the promotion of judges and prosecutors.



A more extended and consistent frame regarding the judicial performance should be created. In this regard, more extensive models that include all the stakeholders regarding the performance and the quality of justice exist in the majority of EU member states in the recent years. The 360 degree evaluation system, user surveys and the SATURN time management programme are the means created by the European judicial systems regarding the judicial performance. The average amount of time for the conclusion of a trial should be taken into consideration when determining the promotions and that average amount of time depending on the type of the case should be identified and be capable of being announced to the public.

Furthermore, the establishment of some mechanisms in the high courts that might affect the promotion system of judges and prosecutors are also considered beneficial.

STRATEGIES	2015	2016	2017	2018	2019
Improving the promotion systems regarding Judges and Prosecutors	√	√			
Revising the appointment, transfer and competence systems	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		HCJP		



## GOAL - 2

### ENHANCING THE ACCOUNTABILITY AND THE TRANSPARENCY OF JUDICIARY

Accountability means; “the responsibilities concerning the qualified and efficient performance of the services and announcing the aforementioned responsibilities through feasible means. The accountability of the persons or authorities whose powers are derived from public serves for the building of trust regarding the relationship between the state and the citizens, and lies at the core of the democracy.

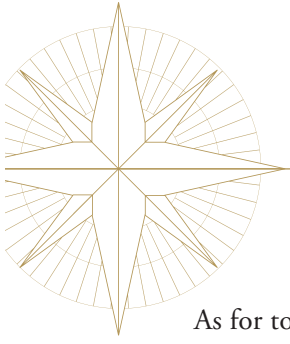
Accountability emerges as legal accountability, administrative accountability, public accountability and political accountability depending on its nature. Legal and administrative accountabilities are solidified by providing legal remedies to the judicial activities and establishing a disciplinary system.

One of the distinctive features of an accurate democracy is the political accountability and this notion represents the traditional liability of the administration to the parliament. Therefore the parliament representing the society carries great significance

while performing an effective supervision in order to create an accountable public administration.

On the other hand, while the traditional public administration anticipates the mere accountability of the politicians and public administrators are only hold responsible for compliance with the existing rules; the new approach emphasizes the importance of the liability of public bureaucracy not only to the politicians but also to the public due to the transformation occurred in the public administration. In that case, public accountability reflects the responsibility of making a public announcement by the politicians and the administrators regarding their decisions and policies that affect the interests or rights of the people.

Although the accountability at first view might seem only as being effective for the legislation and execution powers and it cannot be applicable to the judiciary in view of the judicial independence, democracy today brings the judicial accountability forward to the public agenda insistently.



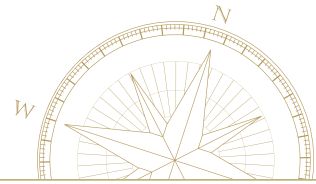
As for today, while it is not possible to implement the traditional methods of accountability in public administration to the judicial services as a whole it is possible to create mechanisms that comply with the judicial services and whereby strengthen the judicial independence. There are many advisory opinions, critics and declarations issued by the United Nations, Council of Europe and the European Union with regard to the necessity of establishing these mechanisms.

As a matter of fact, there are traditionalized establishments about judicial accountability that are also deemed applicable. Although there is no direct link to the judicial activities, the relation formed between the administration and the parliament through the budgetary matters is an element of the mentioned. The substantiated judicial decisions and judgements, the openness of the trials, the existence of the legal remedies prescribed by law against the court decisions, and the judicial inspections by means of inspection boards are all examples of the accountability of the direct judicial services. These traditionalized establishments are deemed inadequate in the context of judicial trust-building against the new public administration approach.

New implementations regarding the accountability and transparency other than make the afore-mentioned establishments more efficient should be carried out. Taking new steps regarding this subject was prescribed in the Judicial Reform Strategy.

In this regard, the designation method created in order to provide judicial independence and impartiality is considered as a significant element of the accountability. The composition of the HCJP that was only composed of the higher courts' members prescribed by Constitution of 1982 is an important example of introversion. With the 2010 amendment, a broad-based participation structure was established and the accountability of this structure was also intended to be improved. During the course of this Plan, the composition of HCJP's structure is intended to be established in a way more compliant with the democratic accountability, and the parliament is also intended to be developed by electing some council members.

Another significant section of the judicial accountability and transparency is the relationship between the media and judiciary. Increasing the judicial transparency via the media is intended through the objectives within the scope



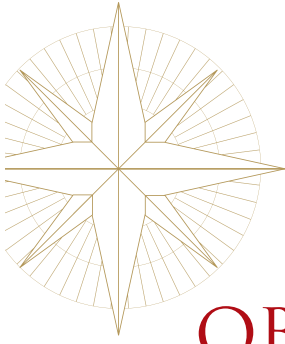
of the strategy document . The “press communication offices” that have been recently organized in the courthouses and the trainings regarding the “press agency” are the activities concerning the objectives in question. Further works will be conducted in order to disseminate those implementations and also have the professionals of judiciary internalized implementations in question..

As stated above, the disciplinary and the inspectional procedures are among the significant elements of accountability. Our legislation regulating the inspection and disciplinary have never been approached with a holistic and systematic point of view. The elimination of the legislation disarray within the scope of this strategy, the recast of the disciplinary provisions in accordance with the “objective and substantive criteria” and the inspection procedure in accordance with the performance are anticipated.

The activity reports function significantly as a way to render transparency within the performance of public services. It is anticipated to benefit from this management instrument also in the judicial services. Through the reports that will be publicly announced by the higher courts and all courthouses, the

inspection of the judicial performance by the public opinion will be provided. Similarly, the public announcement of the disciplinary actions carries great importance regarding the strengthening of the accountability and the transparency.

The improvement of the capacity of public relations of the judiciary is another significant field. Within the scope of this goal, the regular conduct of “Credence to the Judiciary and Satisfaction Surveys” is anticipated in order to learn the public opinion regarding the justice mechanisms and ascertaining the related complaints and expectations. Through this practice, a significant step will be taken in participative management.



# OBJECTIVES

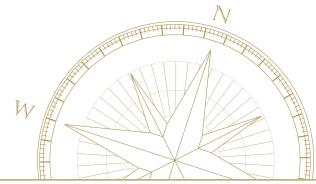
## OBJECTIVE 2.1

### Strengthening the democratic accountability of High Council of Judges and Prosecutors

Upon adopting the separation of powers principle, the idea concerning the establishment of judicial councils that has initiated in France in the 19th century spread into other countries in time. There are differences regarding the structures and competences of these councils in Europe and other countries. While the councils with broad authorities are capable of making appointment, nomination and disciplinary sanctions, some councils only have administrative duties.

The changes that have emerged in the judicial management field in Europe lead to the adoption of several judicial reforms in our country. The subjects about the judicial independence and the impartiality especially focused on the judicial management and tenure of judges.

The principles regarding the judicial independence and impartiality are included within Constitution of 1924, of 1961 and of 1982 in our country. No judicial councils were included in Constitution of 1924, but the Laws no. 766 and 2556 regulated the issue afterwards. High Council of Judges, being one of the first examples of its kind in the world, was prescribed by the Constitution of 1961 in order to deal with topics of appointment, nomination, and disciplinary actions of judges. The Article 143 of the Constitution of 1961 prescribed that the council consisted of 18 members in total, and Turkish National Grand Assembly, The Senate, and the judges themselves had a right to select six members, separately, out of 18. Due to the negations encountered during the elections, the election system was repealed by the Amendment of the Article 143 of Constitution by the Law no. 1488, dated September 20th, 1971 and it was prescribed that the entire council consisted of 11 delegates of High Courts, all elected by themselves. The High Council of Prosecutors was prescribed by the Law of Judges no. 45 and later acquired a constitutional status by the Constitutional Amendment of 1971. Introducing a fundamental change, Article 159 of the Constitution of 1982 prescribes the establishment of High Council of Judges and Prosecutors in order to deal with topics of appointment, nomination, and disciplinary actions of civil and administrative judges and the prosecutors, as well.



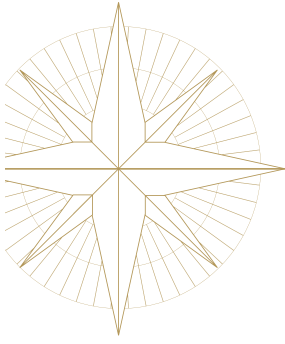
The structure of HCJP was widely criticized by the domestic and international public opinion regarding the scarcity of its members, the selection only being made among the members of high judiciary, the absence of the judges and prosecutors that serve in the courts of first instance, the absence of judicial remedies to the council decisions, the absence of a Secretariat, a building and a budget of its own.

In this regard, the structure of HCJP was restructured by virtue of the Constitutional Referendum that took place in September 12th, 2010 in order to meet the points stated in the critics as to the structure of the Council and strengthen the independence and the impartiality of the judiciary . The structure of HCJP was restructured as having a wide based participation while the number of members was increased from 7 to 22, and the working procedures and principles were determined with the Law on High Council of Judges and Prosecutors no. 6287.

Since the constitutional amendment, there have been two elections held for high council membership. However, the election system was highly criticized by the members of judiciary and the public opinion.

In this respect, it is highly significant that Turkish National Grand Assembly takes part in the election for the HCJP members by means of restructuring the council in order to strengthen the democratic legitimacy and accountability of judiciary.

STRATEGIES	2015	2016	2017	2018	2019
Making Constitutional amendments	√	√			
Making other legal amendments	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Higher Courts HCJP Non-governmental organizations		



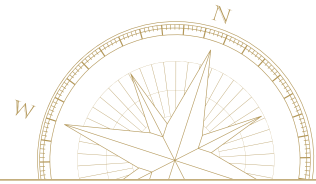
## OBJECTIVE 2.2

Determining the ethical principles that all members of judiciary should abide by

*“Bangalore Principles of Judicial Conduct”*, that is widely accepted principles regarding the judiciary in the international arena were advised by HCJP by the opinion, June 27<sup>th</sup>, 2006 no. 315. Furthermore, the *“Budapest Principles”*, which determines European principles in respect of ethic codes for prosecutors, was also adopted by the HCJP with the decision no. 424, October 10<sup>th</sup>, 2006 and announced to the legal community to be taken into account. Moreover, the ethical principles regarding the members of judiciary are all included in the Law on Judges and Prosecutors and the laws of other higher courts. Ethical principles regarding the members of judiciary are going to be determined in collaboration with HCJP and the higher courts while taking the international documents into consideration and embracing all stages of judiciary.

STRATEGIES	2015	2016	2017	2018	2019
Organizing a working group	√				
Determining the ethical principles in cooperation with High Courts	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Higher Courts HCJP		





## OBJECTIVE 2.3

Rendering the disciplinary provisions regarding High Court members and the other members of judiciary to be improved and compatible with each other within the scope of objective and substantial criteria

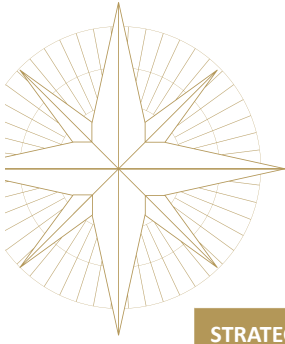
It is observed that the Turkish disciplinary legislation prescribes different provisions for the people that are included within the same group. The sanctions that are applied to the judges and prosecutors, the members of Court of Cassation, the members of Council of State, the members of Military High Administrative Court and the members of the Military Court of Cassation are, respectively, as follows:

- 1) Giving notice, wage cut, reprimand, suspension of promotion, suspension of ranking, transposition and dismissal (according to the Article 62 of the law no. 2802)
- 2) Giving notice and invitation to withdrawal from the profession (according to Article 19 of Law of Court of Cassation)
- 3) Giving notice and invitation to resigning or retirement (according to Article 73 of Law of Council of State)
- 4) Giving notice, reprimand, invitation to withdraw from the profession (according to Article 28 of Law of Military High Administrative Court)
- 5) Giving notice, reprimand, invitation to withdraw from the profession (according to Article 34 Law of Military Court of Cassation).

On the other hand, it is observed from Law of Civil Servants no. 657 that the law includes different sanctions other than the afore-mentioned laws.

As seen, there are differences between the disciplinary provisions that apply to the higher court members and the ones that apply to the other members of judiciary.

Within the scope of this objective title, the review of the disciplinary legislations in accordance with Bangalore and Budapest principles and the recast of the provisions in unambiguous language rather than some abstract and general notions is aimed while harmonizing (unifying) the disciplinary provisions.



STRATEGIES	2015	2016	2017	2018	2019
Organizing a working group	√				
Creating ethical principles in cooperation with High Courts	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Higher Courts HCJP		

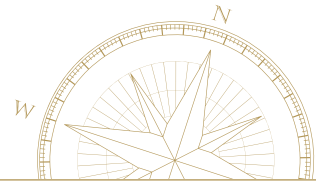
## OBJECTIVE 2.4

Preparing the activity reports of the high courts, regional courts of justice, regional administrative courts, and courts of first instance

Transparency entails providing of comprehensible, available and accurate information about judicial activities and services. Therefore, it is a fact directly linked to the judicial effectiveness and efficiency

Ensuring transparency requires the announcement of the information to the public opinion in an easily comprehensible and also accessible way. In addition to the independence and the impartiality of the judiciary, the democratic accountability of the judiciary has also become a necessity for the building of the trust.

Within this scope, the preparation and the publication of the activity reports, which are likely to reflect the performance criteria, by the higher courts, regional administrative courts and regional courts of justice, and the courts of first instance, are aimed. Through this objective, the public announcement of the information concerning i) the number of the cases handled by the courts, and ii) the quantity of the consumption made concerning the human resources and the budget is intended.

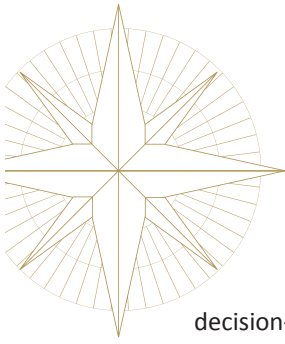


STRATEGIES	2015	2016	2017	2018	2019
Determining the criteria of performance and the information that are going to be involved in the Activity Reports to be prepared by Regional Courts of Justice and Regional Administrative Courts within the scope of the regulatory action enacted by the Ministry of Justice and High Council of Judges and Prosecutors in cooperation.	√				
Determining the criteria of performance to be contained in the activity reports and the information that are going to be involved in the reports that are to be prepared by High Courts	√				
The annual preparation and public release of the Activity Reports		√	√	√	√
<b>BUDGET</b>	<b>INSTITUTION IN CHARGE</b>		<b>INSTITUTIONS TO COLLABORATE</b>		
Ministry of Justice	Ministry of Justice		Higher Courts HCJP		

## OBJECTIVE 2.5

### Conducting surveys about credence and satisfaction in judiciary on a regular basis

The economical, technological and social transformations that have been experienced in the last quarter century required the redefinition of the law among the society. The consideration of the reflections of law on the social life and its forms of perception while the preparation, amendment, and the implementation of the rules of law is deemed directly linked to the increase in the participation of the public to the



decision-making process in the democratic societies . The opinions of the service receivers and the service providers are evaluated as the true outcomes of the legal institutions and their functioning.

The quality of the judicial activities is measured via the surveys which target the people who take part in the adjudication process in nearly all of the European states. The surveys, apart from enabling the ascertaining of the strong and the weak spots of the institutions, are also instructive for the steps that need to be taken in the future.

STRATEGIES	2015	2016	2017	2018	2019
Conducting surveys about the credence and satisfaction on the persons who benefit from judicial services	√	√	√	√	√
Reporting the survey results	√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice				

## OBJECTIVE 2.6

### Institutionalizing the relations between the judiciary and the media

The objective of the EU Project titled “Improved Relations between Mass Media and Judiciary” that has begun to be implemented in order to improve the relations between the media and judiciary, increase the trust in the judiciary and strengthen fundamental freedoms is to provide the accurate and reliable information flow regarding the judicial activities within the scope of the principle of the independence of judiciary and presumption of innocence and increase the reliability of judiciary by strengthening the principle of presumption of innocence and considering the



public’s right to take the accurate information and freedom of press. As part of the Project, it is planned to structure the press spokesman institution and establish press spokesman offices in court houses.

In the courthouses associated with this Project, media communication offices were founded and became operational. The training and other works concerning the implementation and materialization of the Project are going to be continued for the following term. Within the scope of the same objective, in order to inform the public and the media about the investigations accurately and in a timely fashion, it is aimed that the current units are going to be disseminated and rendered functional.

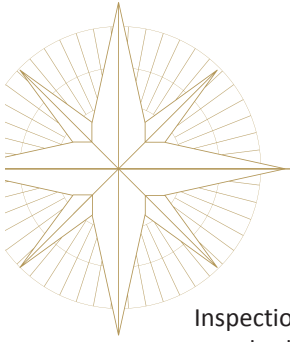
STRATEGIES	2015	2016	2017	2018	2019
Disseminating the press spokesmanship practice	√	√	√	√	√
Activities concerning training and awareness	√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		HCJP		

## OBJECTIVE 2.7

### Re-regulating the inspection system of judicial services

Today, it is observed worldwide that there is a transition from the standard inspection system that is based upon the legislation to a guiding and performance-oriented audit system which produces solutions. Our country is among the leading countries that use the information technologies with all aspects in the field of judiciary. As a natural consequence, it is very significant to develop an inspection model on NJIS along with proceeding on to the usual inspection practices.

The audit of the notary offices and the enforcement and bankruptcy offices are conducted by the inspectors that are assigned judges from the Ministry of Justice



Inspection Board. It is targeted to conduct works regarding the assignation of the people that have been or currently are serving in these institutions in the audit of these institutions in order to enhance the efficiency and effectiveness of the audit and also to designate a new structure for the audit of notary.

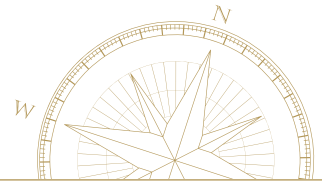
STRATEGIES	2015	2016	2017	2018	2019
Strengthening the capacity of inspection system to the extent that it contains performance and system auditing	√	√			
Reconstructing the system regarding the auditing of the notaries and enforcement offices	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		HCJP Professional Associations		

## OBJECTIVE 2.8

### Enabling public access to High Courts' judgments

All the judgments of the Constitutional Court and the Court of Jurisdictional Disputes are published on the Official Gazette and also online while among all judgments given by Court of Cassation and Council of State, only those that are precedential are published. As this situation restricts the examination of the judgments by judicial professionals and other concerned people as a whole, it is unable to provide the opportunities in respect of conducting research for the decisions in doctrine and voicing scientific criticisms.

Facilitating the access to the entire judgments provided that the personal data is protected, is going to enable the users, especially the litigants, to take the right steps in the course of the litigation by learning the case-law and making litigation procedures transparent.



STRATEGIES	2015	2016	2017	2018	2019
Increasing the opportunities to access the high courts' judgments provided that all the personal data is protected in cooperation with High Courts	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		High courts		



# GOAL - 3

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## IMPROVING THE CIVIL AND CRIMINAL JUSTICE SYSTEMS

The existence of a judicial system which aims efficiency and effectiveness are among the requirements of a state of law. Efficiency and effectiveness refer to the designation of a system that includes the appropriate tools in order to receive the best results with the limited sources (human, finance, technology, etc.) that are used within the scope of judicial services and establishment of a system containing appropriate tools in taking the best result and achieving the goals . These notions are stated within the scope of the Constitution of 1982 as a requirement with the phrase which reads as: “finalizing the judgment with the least expensive and the fastest way possible”.

The efficiency and effectiveness of the criminal and civil justice systems are directly linked to the quality of the proceedings. There are universal criteria regarding the determination of quality in justice systems. One of the most important criteria is the Council of Europe Guiding Principles. According to this, judicial quality means “accurate judgments, low appeal rates, judgments given on time (trial in a reasonable

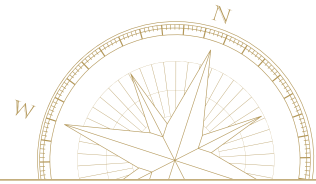
period of time), fewer technical legal errors and the implementation of the right to a fair trial”.

Failure to finalize judgments within a reasonable period of time is among the most important elements that affect the confidence put in judiciary by the individuals and the institutions. With the principle of a trial within a reasonable course, it is aimed to perform the trials without resulting in delay or injustice. The absence of the service of justice due to the long trials can cause distrust in the judicial system.

The criminal and civil justice systems create the main body of the judicial activities. Significant works were carried out within the scope of this field and substantial progress has been achieved concerning the legislative infrastructure as well as other areas. It is aimed to proceed with the mentioned works for the following term.

One of the works in question pertains to the positions of the courts and prosecution offices within the courthouses and the structure of justice commissions. The efficiency is





aimed to be increased by the tasks to be performed within this scope.

The effectiveness of justice is also one of the significant elements that directly affect the criminal and civil justice systems. The effective conduction of the investigations contributes to the revelation of the substantial truth and finalization of the trials with accurate judgments in a short period of time.

It is also planned for the following term that the court expert system will be addressed considering the significance it holds for the trial course. This is because, it is aimed to enable more efficient and effective contribution by the experts to the judicial services and the identification and solution of some issues arising from the practice.

Another important issue regarding the structural section of the judicial services is the need for human resources. Despite the significant increases, sufficient number of judiciary members in proportion to the work load that increases day by day has not been reached yet. The studies which provide international data also verify this fact. Therefore, our objective regarding the quantity of the human resources is to catch up with the international standards.

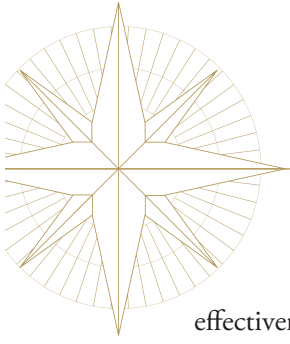
Attorneys, who are among the subjects of adjudication, carry significance

for the efficiency and effectiveness of the justice systems. Therefore, along with the steps taken in order to solve the issues of the legal profession, strengthening the profession will be useful in order to accomplish the mentioned objective.

Apart from the mentioned, the necessity to improve the efficiency and the effectiveness of the law and justice system and contributing to the finalization of the trials within a reasonable course of time by conducting works within the scope of various fields such as the organizational and legislative infrastructure and administrative courses, should also be taken into consideration.

Enforcement and bankruptcy system is another important point within this scope. If a law system does not provide the opportunity of compulsory execution sufficiently, it is out of the question that it performs the function of establishing justice properly. Therefore, it is aimed to increase the effectiveness of the enforcement and bankruptcy system.

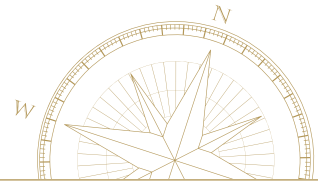
It is also an obligation for the justice spokesmen to be in touch and also in collaboration with each other in order to develop effective and solution-oriented policies regarding the improvement of efficiency and



effectiveness in the field of justice services. It is intended to conduct participatory and result-oriented works regarding the fulfillment of the anticipated objective.

Other works that are going to be conducted within the scope of this field are: i) strengthening the physical and technical hardware of the courthouses and also developing the capacity

regarding the judicial statistics, ii) restructuring notary system, iii) disseminating and making specialized courts operational, iv) making courts of appeal operational, v) enabling the participation of the lay judges out in some of the courts of appeal, vi) determining the work process in the judicial organization, and vii) making the job definitions of the members and auxiliary staff of judiciary.



# OBJECTIVES

## OBJECTIVE 3.1

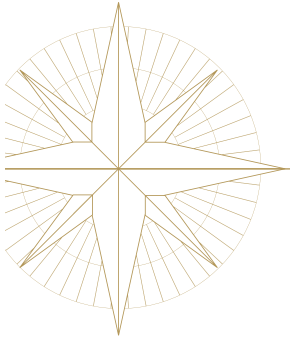
Restructuring the justice commissions and the locations and venues of court and prosecution organizations within the court house

Another quality element, inter alia, is certainly the service buildings.

The recent implementation that allows the judges and the prosecutors to spatially split from each other especially in main districts while constructing the service buildings enables better performance of the service. Therefore, the current practice is going to be proceeded.

The justice commissions carry out a significant function with their current duties. Works regarding further efficiency of the commissions are going to be conducted by renewing the commissions in terms of their structure and duties.

STRATEGIES	2015	2016	2017	2018	2019
The spatial separation of court and prosecution organizations within service buildings	√	√	√	√	√
The restructuring of justice commissions	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		HCJP		



## OBJECTIVE 3.2

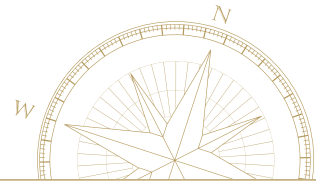
### Conducting regular meetings regarding the legal problems between the judicial actors on a regular basis

The multi-headed judicial system in our country complicates the opportunity to make collaborations among the judicial actors.

Facilitation of the access to the information, the developments in the information and communication technologies and the increased population due to the increased growth and the immigrations have also led to many legal issues. The issues such as i) court expert institution, ii) the interpretation of the laws and legal amendments, iii) the variations in case laws, iv) the development of alternative dispute resolution methods, v) the simplification of the trial processes, vi) the determination of the priority cases, vi) effective use of technological developments in the judicial activities, and vii) designation of common practices for the new types of crimes require collaboration among judicial actors.

The symposiums, seminars and council meetings during which the current legal issues will be addressed are highly significant for producing common solutions, making legislative amendments and providing unified practice. Accordingly, works are going to be conducted in the forthcoming period.

STRATEGIES	2015	2016	2017	2018	2019
Conducting regular meetings with the participation of judicial actors on a regular basis	√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		High courts HCJP Professional Associations		



## OBJECTIVE 3.3

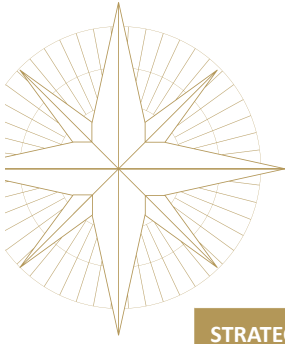
### Strengthening the institutions of attorneyship and defense

The right to a fair trial was prescribed under Article 6 of ECHR as well as under the various articles of Constitution of 1982. One of the most significant reflections of human rights in the field of judiciary is the right to a fair trial. While the most fundamental element of the right to a fair trial is the right to stand trial in a legal, independent and impartial court, the equality of arms principle is also one of the elements of this right. The attorneys, who constitute the defense party of the trial process, carry out an extremely significant function regarding fair trial. European Court of Human Rights also acknowledges the equality of arms principle as one of the most necessary requirements of a fair trial. The mentioned principle requires pursuance of a strict equality among the litigants in regards to the rights and responsibilities before the court. The full implementation of the equality of arms principle within the scope of judiciary will provide a great contribution to Turkish legal system.

The Council of Bars and Law Societies of Europe (CCBE), which is directly related to the this fact, has drafted Charter of Core Principles of The European Legal Profession and Code of Conduct for European Lawyers. The said charter and the codes of conduct have the same binding effect for all member states as for the attorneys who are members of the bar associations in the countries.

Also in our country, attorneys are liable to abide by the codes of conduct set by Turkish Union of Bar Associations. The mentioned set of rules, known as Principles of Attorneyship, were drafted by the Union in order to i) protect the occupational order and traditions, ii) fulfill the rights entitled to the attorneys by the laws, and iii) perform the duties assigned by the laws entirely and honorably. Within the scope of the mentioned objective, it is aimed to strengthen the bar associations in collaboration with Turkish Union of Bar Associations and also improve the ethical principles regarding attorneyship.

On the other hand, it is also planned for the following term to enact a new Draft Law on Attorneyship that brings up solutions to the current problems in compliance with the changes and developments regarding the attorneyship, which have been experienced throughout the world.



STRATEGIES	2015	2016	2017	2018	2019
Conducting regular meetings with the participation of judicial actors on a regular basis	√	√			
Conducting regular meetings with the participation of judicial actors on a regular basis	√	√			
Conducting regular meetings with the participation of judicial actors on a regular basis	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Professional Associations		

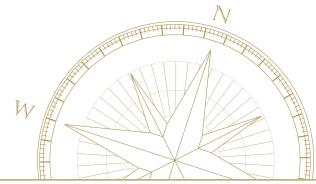
## OBJECTIVE 3.4

### Revising and restructuring the court expert system

The courtexperts contribute to the establishment of justice and judges' efficient performance of their duties by delivering true and scientific point of views regarding the genuine and complicated issues that they are supposed to handle. While there are various models regarding the selection of the court experts, they are selected by the courts or ministries of justice in many countries.

According to the data provided by the 2014 report of The European Commission for the Efficiency of Justice (CEPEJ), there are 252.6 court experts per 100.000 people, while 23.5 court experts per one judge. Our country is on the top of the list of European countries with regard to the number of court experts.

In our country, along with the criticisms regarding the court expert system , some criticisms that have been included within the scope of progress reports state that the court expert institution appears like a different judicial system which is an alternative



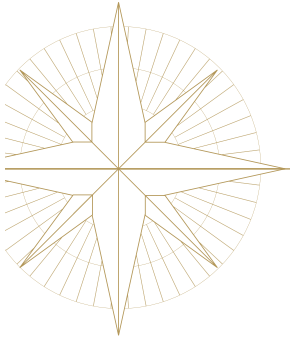
of judiciary and also it fails to increase the quality of judiciary. The criticisms were concentrated on the following points: i) judges apply to the opinion of court expert even within the scope of legal questions, ii) large number of court experts, depending on the plea from the litigants, provide opinions for the same case, iii) the mentioned points prolong the trials and, iv) the opinions of court experts are copied directly to the reasoning of decisions by the judges.

Regarding the solution for these problems, “Project of Improved Court Expert System”, co-financed by the European Union and Ministry of Justice, was implemented and legislative studies were carried out in order to prepare a Draft Law that regulates i) the establishment of an effective court expert audit system ii) providing of an institutional structure to manage the accreditation and certification procedures when compiling a judicial expert list or registry especially in terms of court expert institution by also taking into account the project outputs.

Furthermore in this respect, the works for the identification and solution of the problems arising from the courtexpertise are aimed to conduct and trainings about the courtexpertise concerning the judges and the public prosecutors are intended to be carried out.

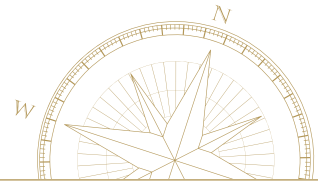
Another field that is significant within the scope of judicial services is the services performed by the Forensic Medicine Institution. The fundamental elements of the policies regarding forensic sciences are i) dissemination of the services across the country, ii) continuous updating of the technological infrastructure and installation and setting a standard concerning this subject across the country, iii) improvement of international collaboration in the field of the forensic medicine and continuous updating of the structure of human resources.

Considering the role of Forensic Medicine Institution in Turkish judicial system, it is clear that there is a necessity concerning the improvement of human resources, and its physical and technological infrastructure along with its organizational structure. It is highly important to disseminate the services performed by the institution across the country. Some changes in the organizational structure are foreseen in order to strengthen the capacity of the institution and making the entire Forensic Medicine Institution Group Presidency functional and increasing the number of the branches are planned. The changes mentioned are going to ensure the establishment of an internal control system in the Institution and attaining an administrative mentality in accordance with the strategic management, thus accelerate the judicial proceedings by providing a better management of the workload of the Institution.

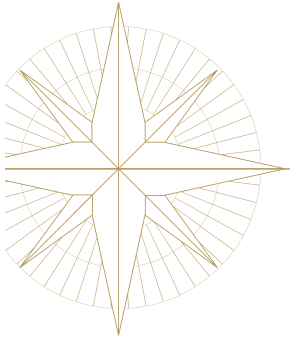


STRATEGIES	2015	2016	2017	2018	2019
The identification of the problems experienced within court expert institution and conducting studies for their solution	√				
Training of judges and prosecutors regarding the court expert practices	√	√	√	√	√
Setting the objective selection of court experts for objective criteria and setting out quality standards	√	√			
Establishing an institutional structure that will manage the process of accreditation and certification when preparing an expert list or registry		√	√		
Collaborating with universities, bar associations and professional associations	√	√	√	√	√
Establishing an effective judicial expert audit system	√				
Updating the legislative infrastructure of Forensic Medicine Institution	√	√			





Proceeding with the strengthening of the capacity of Forensic Medicine Institution in terms of physical infrastructure and human resources and disseminating the services throughout the country	√	√	√	√	√
Ensuring the drafting of forensic medicine reports within the framework of European Court of Human Rights' jurisprudence	√	√			
Preventing the deferrals regarding the reports that should be prepared after judicial medical examination	√				
Proceeding with the works regarding the accreditation of forensic sciences laboratories	√	√	√	√	√
Establishing forensic science academies	√	√	√		
Conducting legislative works regarding the court expertise	√	√			
<b>BUDGET</b>	<b>INSTITUTION IN CHARGE</b>		<b>INSTITUTIONS TO COLLABORATE</b>		
Ministry of Justice	Ministry of Justice		High courts HCJP Professional Associations		



## OBJECTIVE 3.5

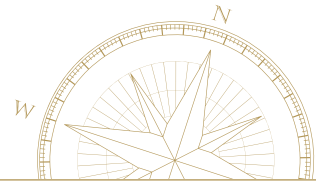
### Proceeding with the works regarding the improvement of physical and technical capacities of courthouses

It is not possible to perform better judicial services without having sufficient and fit for needs working places, an up-to-date and effective information system, and sufficient technological equipment. Technological infrastructure, which is the most important element of infrastructure, enhances the effectiveness and efficiency regarding the public services, while saving time and labor.

One of the infrastructural fields advanced by the works which have been carried out within this scope is the courthouses. Providing judicial services in the modern working places while benefiting from the high technology facilities is very important in regard to the convenience and satisfaction of the individuals in access to justice and the efficiency of the auxiliary staff of judiciary. Furthermore, all the issues mentioned above are the factors that increase the quality, solemnity and prestige of justice. In the last 12 years, 199 buildings have been constructed within this scope. The surface of closed areas of the completed courthouses is 2.785.261 square meters. When the pending constructions are completed, the total surface of closed areas will be more than 6.000.000 square meters. With the works to be conducted within the next 5 years, the deficiencies in this field will be made up completely.

The use of the information technologies within the scope of judicial services improves the opportunities of the access to justice and thus serves for the effectiveness of the state of law. Stunning developments have been experienced within the scope of electronic transformation in judiciary in our country. With regard to the improvement of this field, a separate objective is prescribed under the same aim.

STRATEGIES	2015	2016	2017	2018	2019
Proceeding with the enhancement of physical and technical capacities of courthouses	√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Ministry of Finance Ministry of Development		



## OBJECTIVE 3.6

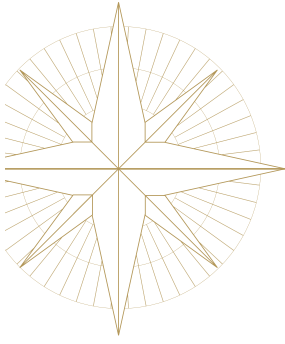
### Improving the capacity regarding the judicial statistics

Reporting the statistics and converting the data into information is of vital importance for the superiors in order to develop future policies. The statistics is not only the collection of the data, but also the classification, presentation and analyses of data and reaching an outcome from these data. The crime and justice statistics is a significant source of information for identifying the needs and planning for the future.

Within the scope of Official Statistics Programme (OSP), the fundamental principles and standards regarding the production and publishing of the official statistics were introduced. According to the programme, Ministry of Justice undertook significant responsibilities within the scope of justice statistics.

The new and varying needs of the developing Turkey have led to the need for a great amount of statistical data. Similarly, the works regarding i) increasing the capacity and quality of judicial statistics in compliance with the EU standards, ii) the necessity of complying with the comparative data system of CEPEJ that aims to improve the efficiency and functioning of the judiciary in the member states, of which Turkey is also a member , and, iii) providing the true and complete data entry to NJIP in relation to the detailed data requests from the new international authorities and institutions during the EU harmonization process, are aimed.

STRATEGIES	2015	2016	2017	2018	2019
Bringing the judicial statistics in conformity with international practices	√				
Ensuring the data security and diversity	√	√	√	√	√
Reporting of data	√	√	√	√	√
<b>BUDGET</b>	<b>INSTITUTION IN CHARGE</b>		<b>INSTITUTIONS TO COLLABORATE</b>		
Ministry of Justice	Ministry of Justice				



## OBJECTIVE 3.7

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### Restructuring the notary system

Notary offices provide public service. Notary officials certify the transactions in order to provide legal security and prevent disputes and also perform other duties assigned by law. An impartial, independent and highly competent notary system plays a role in less problematic performance of the legal services, thus reduces disputes.

The classification of the notary offices and the re-determination of their duties, form of acts, legal and criminal liabilities, job descriptions and criteria for official authorization carry importance in order to i) adapt the notary establishment, which has a significant role in the social life to the fast changes occurring in the financial, social and legal platforms in our country, and ii) ensure compatibility with the notary legislations of EU member states within the scope of EU harmonization process.

Within the scope of the objective, it is aimed to i) restructure the admission system to notary profession to make the notaries more functional and ensure that notaries fulfill the modern needs in a much better way, ii) define an initiation age for the profession, iii) increase duties in the field of ex-parte proceedings, iv) make amendments in the current laws regarding the title transfer of the real property and establishment of limited real rights, v) increase public awareness regarding the actions undertaken by the notaries, vi) designate professional principles for the notary offices in collaboration with Turkish Union of Notaries and Ministry of Justice.



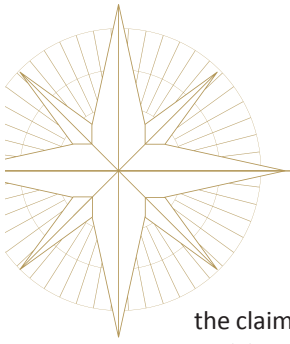
STRATEGIES	2015	2016	2017	2018	2019
Redefining the job description of notaries	√	√			
Making regulations that enable the notaries to perform notarial acts related to the rights in immovable property	√	√			
Extending duties regarding the ex parte proceedings	√	√			
Re-defining criteria for official authorization of notary offices	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Professional Associations		

## OBJECTIVE 3.8

### Reducing the workload arising from public administration

One of the most important conditions of increasing the quality of judicial services is the reduction of judicial workload. Within this scope, works regarding the designation of suggestions for solutions need to be conducted while designating the implementations of the public institutions that have negative impacts on the judicial workload.

Articles 10 and 11 of Law on Administrative Procedure prescribe the optional application procedure to the administrative bodies while Article 13 prescribes the compulsory application procedures for the parties that claim the violation of a right before bringing annulment or full remedy actions. According to the mentioned articles, if the administration does not respond within 60 days, the claim is deemed to be declined. In practice, the administration either does not respond or declines



the claim without any reasoning, thus the application mechanism fails to provide the anticipated favor. Ensuring the support of the reasons for decline of the administration with sufficient and persuasive reasoning in light of the judicial precedents and legislation by making amendments in the law or creating a new system, is going to provide the benefit expected from the application procedure while rendering the application more functional.

Furthermore, amendments are planned to be made in the legislation in order to resolve the disputes arising from the exams held for the selection of civil servants and also the exams regarding the education by the commissions that are going to be created by the related administrations

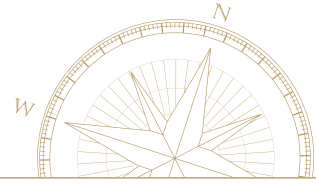
It will be ensured that after the revision of the competences assigned to the treasury solicitors and the legal departments of administrations, disputes will be decreased.

It is essential that the administrative operations established by the public authorities and institutions should comply with the law. The implementations that are not going to lead to lawsuit processes during the acts and actions of the public administrators need to be improved.

Similarly, the disputes are brought to courts due to the fact that public administrators do not exercise discretion or fail to do so. This situation prolongs the administrative processes as it leads to the waste of time and labor, increasing the workload of the courts.

For the reasons in question, works regarding the reduction in the workload arising from the public administration are planned to be conducted for the following term.

STRATEGIES	2015	2016	2017	2018	2019
Making impact analyses of workload in courts arising from the public administration	√				
Improving the practices regarding granting authorization to the public administrators and treasury solicitors	√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Ministry of Finance		



## OBJECTIVE 3.9

### Making the specialized courts operational and disseminating them

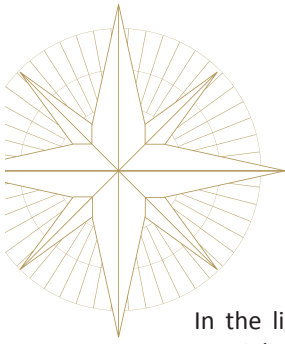
In a period when new disputes arise due to the complication of social and financial relations and the reflection of scientific and technological developments in the legal systems, it is hard to expect that the current structure, judicial procedures and the jurisdictions of the courts remain the same. Although different models are observed based upon the social and cultural features of the countries regarding the organization of the judicial system and the courts, there seems a general tendency throughout the world regarding the resolution of the disputes by the professional specialized courts. In this aspect, the specialized courts are recommended as the most significant tool for providing efficiency and effectiveness.

Just as in the judicial systems of other countries, the practice of courts with general jurisdiction has been abandoned and instead the practice of specialization has been implemented while the courts that have been specialized in certain fields have been founded and made operational for the last decade. In this sense, consumer courts, family courts, children's courts, labor courts, cadastral courts, intellectual and industrial rights courts, civil and penal courts are the first examples of specialized courts in Turkish judicial system in that sense.

Based upon the principle accepted and prescribed under ECHR which reads as: "everyone is entitled to a fair and public hearing by the professional judges within a reasonable time", the most important objective for the establishment of the specialized courts is to provide the efficiency and effectiveness in the judicial procedures by the professional judges and courts.

With the amendments made in the Law no. 6460 and Law no. 6572, the regulation regarding the division of labor among the courts or the distribution of work among the chambers by HCJP was introduced "by taking into account the incoming workload and its nature so as to ensure specialization". Law no. 6352 enables the opportunity for the regional administrative courts to operate in more than one commission, and the amendment made in the Law on Cadastre enables the unification of the cadastral courts in the central counties, considering the number of the files, file features, geographical conditions, and the transportation conditions.

Similar to the mentioned practices, considering the facilitation of the transportation opportunities and the need regarding this subject, the extension of the jurisdictions of the other specialized courts which are located in the centers is foreseen.



In the light of the evaluations, it is considered that the judgments given by the specialized courts are going to increase the confidence in justice, periods of judicial proceedings will be shortened as a result of reduction in the application to judicial remedies, and thus efficiency and the effectiveness will further be improved by the activation and the dissemination of the specialized courts.

STRATEGIES	2015	2016	2017	2018	2019
Conducting training activities intended to make specialized courts operational	√	√	√	√	√
Disseminating the specialized courts	√	√	√	√	√
Extending the jurisdiction areas of some specialized courts	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		HCJP		

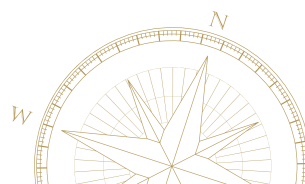
## OBJECTIVE 3.10

### Making the information services effective in judiciary

The use of information technologies within the scope of judicial services provides great contribution to the strengthening of the conditions to access justice and consequently the rule of law.

NJIP, one of the significant components of e-state, has made a great progress since the beginning of the 2000s when it emerged as an idea. The completion of the hardware and software infrastructure only became possible with the development of economic conditions. Conducting the entire works and operations via the use of the system and providing the integrations with all the relevant institutions, notably the judicial institutions, became the successive steps



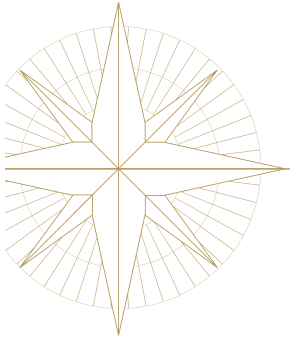


Today, the citizens and the attorneys can conduct operations via the system.

SMS information system is another implementation that facilitates the citizens' access to the justice. On the other hand, works regarding the Audio-Visual Informatics System (AVIS) are still on-going while another network of communication was formed between AVIS and places of jurisdictions. The remote testimony method facilitates the tasks of members of judiciary and the citizens and also the transfer from the penal institutions to the courthouses has dropped. The area of use of the system is going to be further extended for the following term.

Within the scope of the objective, the adaptation of the informational infrastructure to the modern technological developments, increasing the number of integrations with the other institutions, the development of the implementations regarding the beneficiaries and the dissemination of the AVIS are foreseen.

STRATEGIES	2015	2016	2017	2018	2019
Disseminating and making AVIS practice effective	√	√			
Improving the system regarding the hearing record system			√		
Updating the legislation in line with NJIP requirements	√	√			
Increasing the capacity of technology and human resources	√	√	√	√	√
Establishing the necessary system in order to provide up-to-date and appropriate statistical data in NJIP system	√	√			
<b>BUDGET</b>	<b>INSTITUTION IN CHARGE</b>		<b>INSTITUTIONS TO COLLABORATE</b>		
Ministry of Justice	Ministry of Justice		The related ministries, its institutions and organizations		



## OBJECTIVE 3.11

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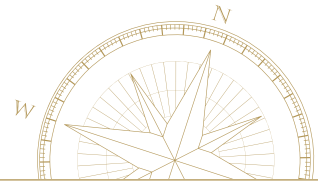
### Improving the effectiveness of investigations

Stable, simplified and predictable procedures carry a great importance for ensuring the efficiency and effectiveness of the judiciary. Within this scope, determination of the guiding principles is a valuable instrument to consolidate the feeling of the justice by strengthening the efficiency and effectiveness.

Determining the investigation stages by each crime type and enabling the predictability of the procedures to be implemented and also the operations to be followed-up have vital importance for the practitioners and those benefiting from the judicial services.

The mentioned situation is going to provide a great convenience for the practitioners and also help providing standardized implementation in the investigation processes.

Various problems are experienced in the relevant practice concerning the management of law police while the investigations are conducted. Within the scope of the objective, in order to render the judicial police implementation functional; i) providing special trainings for the judicial police concerning the investigation techniques and criminal procedure law, ii) designating the guiding principles concerning the intervention to the judicial crimes and control lists and ensuring that the judicial police operates within the scope of the mentioned principles, iii) increasing the number of the judicial criminal offices and ensuring the specialization of the staff in this field, iv) providing the integration between the information systems used in the courthouses and the judicial police in order to prevent waste of time and labor in the shortest period of time while providing the data integration and processing, v) making legal regulations that will enable the sharing of information and making collaborations among the judicial police departments within the scope of judicial crimes, vi) increasing the collaboration and task sharing between the public prosecutors and the staff of the judicial police are among the tasks that are aimed to be conducted with the collaboration of the Ministry of Internal Affairs.



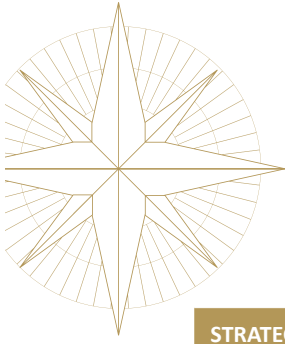
STRATEGIES	2015	2016	2017	2018	2019
Designating guiding principles regarding investigations	√	√			
Conducting works on trainings and awareness-raising	√	√	√	√	√
Provide trainings regarding the judicial police for public prosecutors	√	√	√	√	√
Providing training to judicial police	√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Ministry of Interior		

## OBJECTIVE 3.12

### Making the courts of appeal in civil and administrative judiciary become operational

The first Judicial Reform Strategy, which was announced to the public in 2010, prescribed the activation of the civil and administrative courts of appeal. Within this scope, a significant progress has been achieved in the works conducted with regard to the regional courts of justice which is going to implement appeal procedure in civil and administrative judiciary.

The legal infrastructure of the regional courts of justice was completed by the Law no. 5235 in 2004. The activation of the regional courts of justice prescribes the most extensive structural change that has been implemented in the judicial organization up to the present. As of the end of the year 2014, regional courts of justice were established in 15 provinces. While the Law no. 6545 prescribes the establishment of regional administrative courts that are going to conduct appellate judicial proceedings in lieu of the regional administrative courts that are currently located in 25 provinces, regional administrative courts were established in 8 provinces in 2014. The courts in question will become operational in the near future.



STRATEGIES	2015	2016	2017	2018	2019
Completion of the physical and technical infrastructure	√				
Making regional courts of justice operational	√				
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Ministry of Finance Ministry of Development		

## OBJECTIVE 3.13

### Restructuring the enforcement and bankruptcy system

With the amendment made by the Law no. 6352 on the Enforcement and bankruptcy, the opportunity to participate in the judicial sales by making electronic bids via NJIP was introduced. With this practice, it is aimed to conduct sale transactions in a more transparent environment by a combination of compulsory execution sale transactions which have become an indispensable part of enforcement and bankruptcy offices with technology which has become an organ of our lives. Furthermore, the Law enables that all operations that are normally conducted in the enforcement and bankruptcy offices are conducted via the safe electronic signature, the entire operations are saved and stored via NJIP by the offices, the collections and refunds are made via the banks, thereby preventing the cash flow in the office and enforcement clerk cadre has been created.

On the other hand, within the scope of the works conducted in order to restructure the enforcement and bankruptcy system and increase the effectiveness and efficiency of the debt enforcement services, a new model of execution offices began to be implemented in the pilot courthouses in order to perform the execution services by the professional sub-offices and abandoning the multi-office practice in the same location.

It is a known fact that the execution proceedings arising from the subscription agreements constitute a significant part of the workload of execution offices. An



alternative procedure to collect that type of claims is going to be provided in the near future.

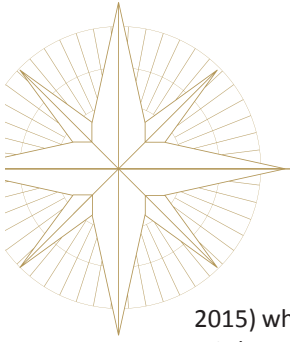
Furthermore, a “Science Commission” to draft an Enforcement and Bankruptcy Law in order to meet today’s needs was designed and is currently continuing its works. Based on the outcome of the works, an amendment in the legislation is going to be made in order to facilitate and simplify the operations.

STRATEGIES	2015	2016	2017	2018	2019
Re-arranging the organizational structure of enforcement offices	√	√			
Revising the legislation regarding the enforcement and bankruptcy law	√	√			
Dissemination of a new enforcement office model that enables specialization and efficiency	√	√			
Developing an alternative collection procedure regarding subscription agreements	√	√			
<b>BUDGET</b>	<b>INSTITUTION IN CHARGE</b>		<b>INSTITUTIONS TO COLLABORATE</b>		
Ministry of Justice	Ministry of Justice		Ministry of Finance Ministry of Development		

## OBJECTIVE 3.14

Enabling the participation of lay judges in some of the specialized courts

According to the CEPEJ reports of 2014 that have been drafted based on the 2012 data, despite the number of the judges that have been admitted to the profession, the number of judges per 100.000 people is 10.7 in our country (it was 9 in 2004, 13 in



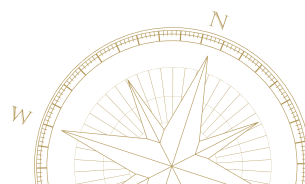
2015) while the number of judges per 100.000 people is 21 on the European average. It is known that in France, Italy and Spain, whose work load and the population rates are similar to those in Turkey, the number of judges per 100.000 people is respectively 10.7, 10.6 and 11.2. Turkey has the same number of the professional judges as in the mentioned countries. However, when the number of lay judges is considered, a serious difference is observed in the number of judges per 100.000 people. While the number of the lay judges is 108 per 100.000 people in 21 EU member states where this practice is observed, this rate is 41 in the UK, which is closer to us with regard to the population, 38 in France, 122 in Germany, 16.7 in Spain and 5.5 in Italy. While it is a principle to conduct judicial proceedings by the judges from the profession, ECtHR did not consider the functioning of the lay judges in courts as a violation of the right to a fair trial.

Lay judges are being hired stipendiary in some countries (such as France) while others work free of charge on a volunteer basis in the others (such as the UK).

Considering the difficulties that are experienced by our judicial system while managing the increased workload, lay judges could be admitted to profession especially in intellectual and industrial courts, specialized courts and commercial courts.

With the mentioned establishment, the problems experienced within the scope of court expert system could be minimized by ensuring specialization in courts in real terms and also the court expenses could be reduced.

STRATEGIES	2015	2016	2017	2018	2019
Examining the practices of other countries by mutual collaboration and disclosing the attained reports to the public	√	√	√		
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		HCJP Professional associations		



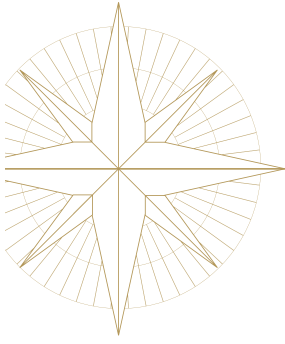
## OBJECTIVE 3.15

### Proceeding with the works regarding the improvement and dissemination of the court management system

Some of the practices that were implemented in the first Judicial Reform Strategy period were executed within the scope of “the Project on Support to Court Management System” and some help desks and front offices were established in some courthouses. Courthouse management and judicial assistantship were prescribed by the project as the new areas of specialization. The Project influenced the courthouse architecture and “restricted areas” were designed in order to enable a more comfortable execution of the judicial services in this regard. It has been confirmed that the front offices, help desks and the restricted areas have adapted to the system, bringing great facilities for the citizens and the attorneys and that the information brochures which had been placed in the courthouse entrances within the scope of the tasks sparked great interest.

The works conducted in this field are going to be disseminated in the other courthouses across the country with regards to fulfilling the objective and increasing the quality of service.

STRATEGIES	2015	2016	2017	2018	2019
Establishing the court management and judicial service expertise	√	√			
Disseminating help desks and front offices	√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		HCJP Professional associations		



## OBJECTIVE 3.16

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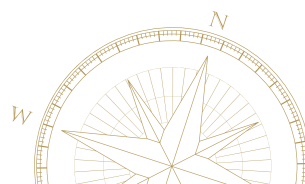
Determining the working processes in judicial organisations, preparing job descriptions of judicial members and auxiliary staff of the judiciary and increasing their numbers

The effectiveness in judicial services requires i) planning at all the stages, ii) determining the work processes, and iii) taking the necessary preventive measures for each step. The opportunity to intervene with the problem fields shall arise only in the case when the judicial and administrative processes are determined within the entire judicial organization. Determining each procedure is going to constitute a basis for implementing time management and completion of the judicial processes within a reasonable course of time.

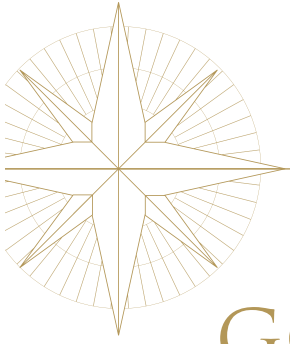
In order to shorten the judicial processes and increase the quality of the service, the administrative processes in the Ministry headquarters, the courthouses and also the judicial processes in the courts and public prosecution offices are going to be determined. It is intended to bring out the ideal course of time following the stages and procedures.

Within the scope of this objective, it is anticipated that the job definitions for every title are going to be made. Although the outline of the job definitions was drawn by the legislation within the scope of public personnel regime, the determination of the definitions specifically for the service is going to improve efficiency.





STRATEGIES	2015	2016	2017	2018	2019
Determining the working standards of judicial organization and making the job descriptions in cooperation with Ministry of Justice and High Council of Judges and Prosecutors	√	√			
Proceeding with the structural and practical improvements including judicial time management system in order to overcome the problem of the lengthy trials	√	√	√	√	√
Increasing the number of members and auxiliary staff of the judiciary	√	√	√	√	√
<b>BUDGET</b>	<b>INSTITUTION IN CHARGE</b>		<b>INSTITUTIONS TO COLLABORATE</b>		
Ministry of Justice	Ministry of Justice		HCJP		



## GOAL - 4

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### IMPROVING THE ALTERNATIVE DISPUTE RESOLUTION METHODS AND IMPROVING THEIR EFFECTIVENESS IN PRACTICE

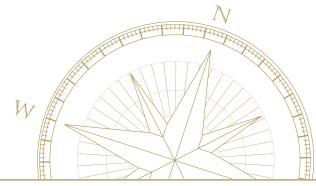
Recently, the financial and social developments, immigration, population growth and the technological progress have led to disputes and conflicts with a rapidly growing rate. The situation has brought up a new pursuit of judicial methods other than the traditional ones. The core of the law is based upon the principle of peace. In contemporary legal systems, the idea that claims “the legal remedies are not always the best and the only way to resolve disputes” has gained strength.

The alternative dispute resolution means the resolution of the dispute between the parties during the adjudication by an optional or mandatory method without being brought to the court. It is beyond doubt that the practice has various forms. While the structure of mediation, just as in the conciliation, arbitration, and arbitral tribunals, allows an impartial and objective third person to gather the parties of the dispute and contact with each other in order to find a collective solution for themselves or providing

of support in the context of resolution of disputes by producing and offering suggestions for optimal solution on which they will reach a compromise in accordance with the features and the conditions of the substantial case it also has an assistive impact as it offers a recommendatory solution as in the cases of ombudsmanship or granting authority to administration to develop pre-court resolution procedures.

Another practice that was developed by the Common Law and has begun to be adopted throughout the world is the method of conclusion of the investigations via conciliation between the public and the perpetrator. Although the mentioned practice is unfamiliar to our criminal law system, it is considered that the discussions made by the public and especially the academia regarding the mentioned notion will make a great contribution to the reduction of the heavy workload of the criminal procedure for the following term.

Preventive law project aims to improve the legal awareness and prevent the

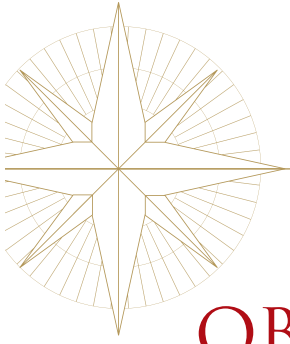


disputes before they arise. Within the scope of this goal, the objective regarding “the education of the basic legal information from the beginning of elementary school age” is one of the most significant steps to be taken regarding the fulfillment of the goal.

The implementation regarding the alternative dispute resolutions in the varied disciplines of law is going to make a positive contribution to the

legal order along with the conciliation culture in society.

It is also very significant that the alternative resolution methods that are going to be developed within the scope of this objective are known by the public. In accordance with this, it is planned to carry out activities intended to improve the public awareness, and also to disseminate these practices.



# OBJECTIVES

## OBJECTIVE 4.1

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### Improving the preventive legal practices

The “Law and Justice Course”, an elective course prepared in accordance with the Protocol drafted between the Ministry of National Education and Ministry of Justice in order to provide to teach rudimentary information on law since the age of elementary school has been implemented since 2013-2014 educational year with a view to strengthening legal awareness and preventing disputes among citizens, and the textbooks along with the visual and written materials have been prepared and distributed to all courthouses and secondary schools.

In the following term, it is aimed to conduct works in collaboration with the universities and the NGOs for the purposes of i) making the practices of law and justice courses in the elementary schools effective, ii) raising the number of the students taking the law and justice course, iii) organizing activities in order to increase awareness of the social sciences teachers that are going to teach the course and facilitate the teaching of the lesson, iv) conducting works to ensure teaching of the lesson also apart from secondary schools, v) creating awareness among the students by adding texts about the subject into the mandatory curriculum regarding the social sciences.



STRATEGIES	2015	2016	2017	2018	2019
Extending the practice area of “Law and Justice” course	√	√			
Enabling the inclusion of “Law and Justice” topics into the curricula of other courses	√	√			
Organizing training activities for the instructors of “Law and Justice” course	√	√	√	√	√

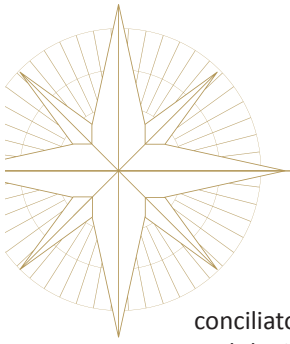
BUDGET	INSTITUTION IN CHARGE	INSTITUTIONS TO COLLABORATE
Ministry of Justice	Ministry of Justice	Ministry of National Education Universities Non-governmental organizations

## OBJECTIVE 4.2

### Improving the conciliation institution in criminal law and making it effective

The “establishment of conciliation”, which was codified by Code of Criminal Procedure no.5271 and amended by the Law no. 5560, has been implemented in our country for more than eight years as a well-accepted flexible, extensive, remedial and participative procedure. When the data is examined, it is observed that the 61,58 % of the cases that were subject to conciliation interviews resulted in conciliation. Proceeding with the training works and conducting amendments that are going to increase the operability of the implementation are planned to be conducted for the new term.

Some other issues are i) the management and the following-up of the conciliation system at a national level and the selection of the conciliators, ii) the eligibility of the



conciliators, iii) providing a qualified training for the conciliators, iv) the certification and the inspection of the conciliators.

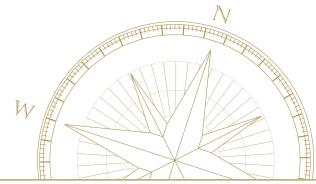
With the inclusion of the victim-perpetrator and restorative justice notions into the curriculum of the law faculties, the legal practitioners are going to be able to recognize the system and have a confidence in the outcomes.

The following activities are intended: i) conducting works for a new legislation in order to improve the institution of conciliation and make it effective, ii) raising the number of the crimes that fall within the scope of conciliation, iii) establishing a central department within the Ministry of Justice that is in charge of the management and inspection of the system at the national level, iv) training the conciliators, v) designating and improving the recruitment standards, vi) providing in-service training for judges and prosecutors, vii) creating awareness in the attorneys, viii) conducting informative activities via the media with the pamphlets and booklets, and ix) designating conciliation offices within the courthouses.

STRATEGIES	2015	2016	2017	2018	2019
Extending the scope of conciliation	√	√			
Providing trainings for Judges and Public Prosecutors	√	√	√	√	√
Raising the awareness for attorneys	√	√	√	√	√
Conducting informative activities via brochures, pamphlets and media	√	√	√	√	√
Establishing offices in courthouses	√	√			
Enabling the law faculty students to take courses regarding conciliation	√	√			

BUDGET	INSTITUTION IN CHARGE	INSTITUTIONS TO COLLABORATE
Ministry of Justice	Ministry of Justice	Board of High Education Universities Professional Associations



## OBJECTIVE 4.3

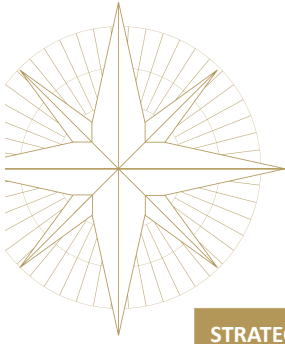
### Making mediation system in legal disputes effective

The Law no. 6325 of Mediation in the Legal Disputes, which prescribes the mediation method in order to resolve the legal disputes, entered into force on June 22nd, 2013. The following activities are aimed: i) increasing the number of the institutions that provide training in order to make the system operational and set a training module, ii) providing training in the specialization areas in order to provide specialization in mediation, iii) increasing the number of the mediators from 3719 to 10.000 within the next five years, iv) providing the publicity of mediation in Turkey, v) conducting meetings in the secondary schools and high schools in order to give lectures concerning the mediation to the students by the selected voluntary mediators,

vi) facilitating the communication with the mediators that have been registered within the record via NJIP, vii) raising the awareness on the mentioned subjects through the collaboration that is going to be made with the non-governmental organizations and educational institutions..

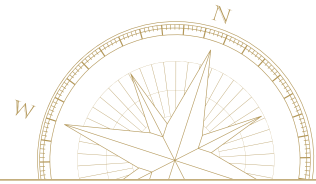
In line with the fulfillment of the objective, it is aimed to: i) conduct the confidence and satisfaction surveys concerning the mediation at regular intervals, ii) examine the legislations of foreign countries, iii) conduct legislative amendments for the problems that are going to arise after the practice in our country, and iv) increase the popularity of the mediation by conducting practices that promote mediation.

Furthermore, i) introducing the mandatory mediation as a resolution method in some disputes, ii) enabling the people that will apply for mediation to benefit from legal aid provided that they meet certain conditions, and iii) designating the specialization areas of mediation and providing specialization in those areas are also aimed.



STRATEGIES	2015	2016	2017	2018	2019
Increasing the number of the institutions which provide training	√	√	√		
Increasing the number of the mediators	√	√	√	√	√
Providing the promotion of mediation	√	√	√	√	√
Raising the awareness in judges and attorneys	√	√	√	√	√
Enabling the law faculty students to take mediation courses	√	√	√		
Introducing compulsory mediation in some of the disputes	√	√			
Enabling the specialization regarding mediation	√	√	√	√	√
Enabling the mediation applicants to benefit from legal aid under certain conditions	√	√	√		
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Professional Associations Non-governmental organizations Universities		





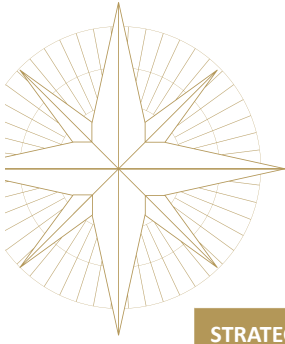
## OBJECTIVE 4.4

### Improving the pre-trial procedures regarding the resolution of administrative disputes

Although the lawsuits to which our state is a party are governed by the administrative trial procedure rules, there are also some lawsuits that are governed by private law in our country. The fundamental regulations regarding those lawsuits are included in the “Statutory Decree no. 659 Regarding the Performance of Legal Services in the Public Administrations and Special Budgeted Administrations within the Scope of General Budget”. The Article 9 of the Statutory Decree primarily prescribes the prevention and amicable resolution of the disputes in order to perform the legal services more efficiently and in compliance with economy of procedure while also prescribing the mandatory invitation made to the other party for settlement by the legal departments of public institutions before bringing a lawsuit or commencing execution proceedings. In addition to this significant obligation, considering the fact that the administration agreed to make an optional peace offer concerning the lawsuits or execution proceedings that were to be brought against itself, it is concluded that the contribution of administrative official to the resolution of the dispute, has great importance in proportion to the interest they take in the establishment. To put it more clearly, the administration has a serious part in disseminating and improving the conciliation practice.

It is evaluated that it would be beneficial to amend dispute amounts prescribed by Statutory Decree no:659 and re-determine the authority and areas of responsibility for the implementation of the system.

Within the scope of the objective, drafting new regulations (just as in the related provisions of Tax Procedure Law, Village Law, Petroleum Law, and Expropriation Law, which are still in force) in order to resolve the disputes before bringing them to the court and thus, strengthening the amicable resolution methods are aimed. The mentioned situation is going to help reduce the workload of judiciary.



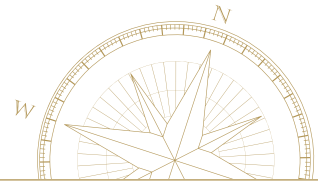
STRATEGIES		2015	2016	2017	2018	2019
Conducting legislation works in order to extend the scope of conciliation practices		√	√			
Raising the awareness among the public administrators		√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE			
Ministry of Justice Ministry of Finance	Ministry of Justice		Ministry of Finance Related public institutions and organizations			

## OBJECTIVE 4.5

Conducting works regarding the termination of investigations by making conciliation between the perpetrator and public

Since the standard criminal investigation and proceeding activities are conducted based upon the presumption of innocence in line with the principle that requires the verification of the charges imputed on the suspect or the accused with the strong evidences, the suspect or the accused has the right to deny the accusations or remain silent. The mentioned procedure encourages the accused to deny the crime. The plea bargaining is a model that has been developed by Common law system, based on the right of the accused to confess the crime, contrary to the standard approach. By virtue of this system, the 90% of the crimes in the USA for instance, are concluded without being brought to trial in a court.

Thanks to its features of being fast and affordable, and at the same time reducing the excess workload in the criminal trial procedure, the system was adopted by Germany, France, Bulgaria, Russia, India, Taiwan, South Africa, Australia and Argentina and these countries transposed it into their law systems.



Considering the fact that the system is one of the alternative dispute resolution methods with its various models such as plea bargaining, charge bargaining, sentence bargaining, it is considered beneficial to conduct works in order to introduce this system in our country by providing the public and academic discussions of the system.

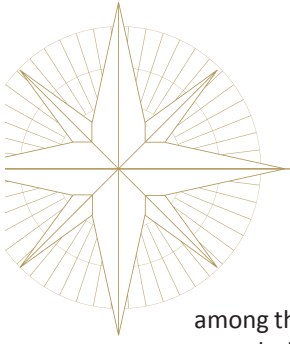
STRATEGIES	2015	2016	2017	2018	2019
Conducting needs analysis by examining the practices of other countries	√	√			
Conducting legislative amendments depending on the outcome of needs analysis when necessary			√	√	
<b>BUDGET</b>	<b>INSTITUTION IN CHARGE</b>		<b>INSTITUTIONS TO COLLABORATE</b>		
Ministry of Justice	Ministry of Justice		Universities		

## OBJECTIVE 4.6

### Making the arbitration institution effective

The increases experienced in the volume of international trade, which has developed with the notion of globalization, and also the increase in the number of multinational companies altogether have featured the institution of arbitration, which is one of the alternative dispute resolution methods. Our country has gained a modern regulation on arbitration with “International Arbitration Law” no. 4686, which was drafted in accordance with UNCITRAL Model Law. The Law currently provides a faster resolution of the disputes concerning international trade in Turkey.

In our country, the importance of the arbitration institution increases day by day and many steps are taken in order to solve the commercial disputes within a short period of time. TUCCE has established a “Court of Arbitration” in order to resolve rapidly the disputes arising among the Turkish and the foreign companies, as well as disputes



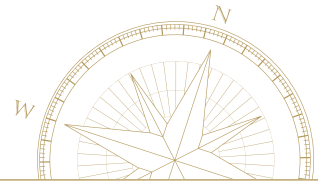
among the foreign companies, regarding the commercial and industrial issues. In this regard, the disputes that have arisen or will arise among the parties with regard to the subjects that are not prohibited by law are aimed to be resolved by the arbitral awards given by real persons appointed by the parties or the authorized persons or authorities in accordance with the provision called “Arbitration Agreement” or “Arbitration Clause” without bringing the dispute to a court.

It is considered that Istanbul Arbitration Center, which has an independent legal entity as stated in the Law on Istanbul Arbitration Center no. 6570, which entered into force in January 1st, 2015, is going to perform optimally the duties prescribed by Article 4 of the mentioned law which reads as: “making presentations and publishing regarding the arbitration and alternative resolution methods, promoting the scientific studies within this scope, making collaborations with the relevant persons within and outside of the country”.

Since the references made or conditions imposed to contracts or mutual correspondences on arbitration will be binding, the application to the ordinary remedies before applying to arbitration is going to be prevented.

In arbitration, the resolution of the disputes faster than in the courts, and resolution of disputes without making them public due to the possibility of the establishment of the organ to provide resolution of dispute by the parties are among the important advantages of the system.

Furthermore, in the next term, the following works are aimed to be conducted: i) creating awareness regarding the dissemination of arbitration, ii) imposing arbitration clauses on some of the administrative and civil contracts to which the state is the party in order to provide the arbitral resolution of the disputes that will arise afterwards, iii) designate ethical principles and job descriptions of arbitration, and iv) take incentive measures to make arbitration effective.



STRATEGIES	2015	2016	2017	2018	2019
Conducting awareness works in order to disseminate the arbitration institution	√	√	√	√	√
Inserting arbitration clauses within the scope of some of the administrative and private law agreements to which the state is a party	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Customs and Trade	Ministry of Customs and Trade		Ministry of Justice		

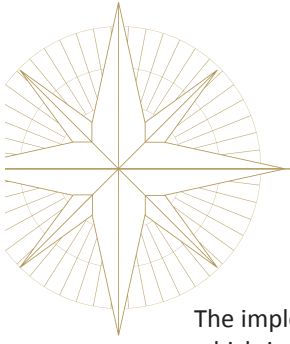
## OBJECTIVE 4.7

### Disseminating the legal arrangements prescribing compulsory arbitration board practice

The arbitration boards, along with their impact on reducing the workload of judiciary, are faster and more affordable functioning authorities compared to the courts. In our legal system, some arbitration boards are mandatory authorities to apply to, depending on the subject and the amount of the dispute.

“Arbitration Boards for Consumer Problems” is the most publicly known and applicable arbitration boards. While a total of 33.000 applications were made in 2002 to these boards, established in 975 locations countrywide, this number increased to 562.282 in 2013. Considering the increase in the numbers, the workload reducing impact of the boards in the courts could clearly be seen.

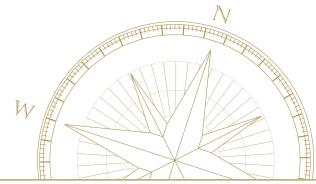
The “Marketplace Arbitration Boards”, which was established within the scope of Law no. 5957, is another mandatory arbitration board introduced recently. Adding such examples in our law is going to reduce the workload submitted to the courts and also provide a faster resolution of the disputes.



The implementation of “arbitration board concerning the individual labor disputes”, which is actively implemented in other countries in order to reduce the increasing workload of the labor courts and recovering the rights of the citizens in a faster way, is also considered to be necessary for Turkish law system.

Furthermore, legislative arrangements are anticipated to be made on some matters of dispute with small amounts (the claims arising from the car accidents, execution proceedings under a certain amount, the disputes arising from lease and subscription agreements etc.) so as to resolve them compulsorily in arbitration boards to be established.

STRATEGIES	2015	2016	2017	2018	2019
Extending the areas of dispute within the scope of the compulsory arbitration board practice	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Ministry of Customs and Trade		



## GOAL - 5

### IMPROVING THE INTERNATIONAL LEGAL ASSISTANCE AND INCREASE THE EFFECTIVENESS OF EU ACCESSION PROCESS

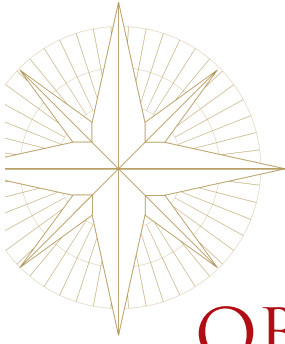
The relations between the nations and also supranational and international institutions have intensified in this century with the notion of globalization. Our country has also closely followed the organizations and developments occurring in this field, and has participated in many international organizations and become party to mutual agreements.

It is vitally important to engage in effective and efficient judicial assistance on the issues constituting the common problem of humanity and requiring international intervention such as i) terrorism and financing of terrorism ii) cyber-crimes, iii) human trafficking, iv) migrant smuggling, v) drug and stimulant substance trafficking etc. Many fields that are accepted as domestic affairs of countries have gained international characteristics in contemporary legal systems. The

securing of the right to access justice and the right to a fair trial by the ECHR, which have acquired an international dimension, is within the mentioned scope.

Other than the mentioned fields, in order to provide judicial services to the benefiteres in the best possible way, following up the implementations of other countries, sharing the experiences and conducting comparative law studies, are required.

The EU membership process of Turkey is still continuing. The supranational structure of the EU anticipates the integration to the union and the implementation of the legal framework that has been created to the law system of our country. Significant steps within the scope of works concerning harmonisation to the EU legislation were taken in the recent years and the works are still continuing.



# OBJECTIVES

## OBJECTIVE 5.1

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### Making the International Judicial Assistance Practices Effective and Improving the Judicial Cooperation at Regional and Bilateral Level

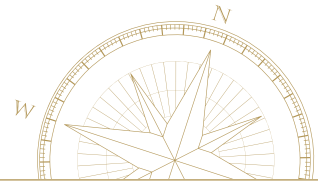
The procedures and the principles of the international judicial assistance are based upon the international agreements in general. In practice, Ministry of Justice plays a central role in the preparation and the execution of the requests for the judicial assistance. Within this scope, our country has become a party to many conventions regarding the judicial assistance in recent years. Our country is still party to the agreements signed with 45 countries regarding the judicial assistance and collaboration. Along with increasing the number of judicial assistance treaties, designing a legal framework has also a great significance. Therefore, an independent law on the judicial assistance is planned to be drafted and entered into force in the next period.

Furthermore, in order to increase the quality of the mentioned activities, i) preparation of a guide that indicate the procedure of judicial assistance, ii) establishment of the practice of liaison judges/prosecutors, and lecturing of the liaison staff in the Justice Academy of Turkey are aimed.

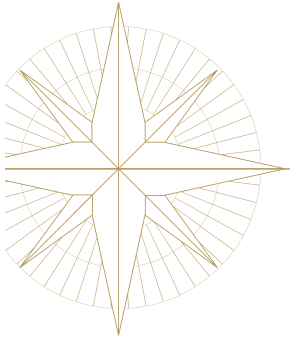
Within the scope of the objective, i) disseminating the information integration between the Ministry of Justice and Ministry of Foreign Affairs, ii) designing a judicial assistance policy within the scope of principle of reciprocity, and, iii) increasing the pre-vocational and vocational training activities concerning judicial assistance are also anticipated.

In order to improve the efficiency of the judicial collaboration, it will be ensured to proceed with the negotiations that have been initiated based on the judicial assistance by further exchanging views in the other legal fields and conducting joint projects and works.





STRATEGIES	2015	2016	2017	2018	2019
Conducting legislative arrangements on judicial assistance	√	√			
Designating contact points at commission presidencies of ordinary and administrative first instance courts in order to ensure coordination in judicial assistance activities	√				
Improving Turkey's effectiveness before the international judicial collaboration institutions at global and regional levels	√	√	√	√	√
Identification of problems through holding meetings at a regional level and developing resolution recommendations	√	√	√	√	√
Conducting activities to make bilateral judicial collaboration agreements	√	√	√	√	√
<b>BUDGET</b>	<b>INSTITUTION IN CHARGE</b>		<b>INSTITUTIONS TO COLLABORATE</b>		
Ministry of Justice	Ministry of Justice		Ministry of Foreign Affairs Ministry of EU Affairs		



## OBJECTIVE 5.2

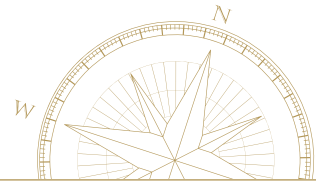
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Developing international collaboration regarding the cross border organized crimes, terrorism, financing of terrorism, cybercrimes, human trafficking, migrant smuggling and drug and stimulant substance trafficking

Organized crimes, which are perceived as a severe threat throughout the world, emerge in different forms such as terrorism, financing of terrorism, cybercrimes, human trafficking, migrant smuggling, and drug and stimulant substance trafficking, depending on the varying global conditions and new opportunities. The organized crime groups, aiming for maximum benefit, tend to use the mentioned opportunities. It is observed that in some situations terrorism and organized crimes that threaten the countries in various levels and forms sometimes overlap or criminal organizations form partnerships among themselves.

The cross-border features of terrorism and organized crimes, which are universal crimes against humanity, have necessitated the international collaboration. In this respect, “United Nations Convention against Transnational Organized Crime” is a significant international document regarding the combat against international organized crimes. European Judicial Network (EJN) conducts a significant function as it makes an effective and fast collaboration through more than a hundred contact points within the scope of all cross border crime types and mutual judicial assistance regarding the developments in line with its goal of being a field of justice, freedom and security. The works regarding those subjects are also going to continue in the next term.

Furthermore, new methods that can give rapid response in the fight against cybercrimes when the traditional collaboration methods remain incapable need to be developed. The “Law no. 6533 on the Approval of the Ratification of the Cyber-Crime Convention” was enacted on April 22nd, 2014. Accordingly, i) forming basic training materials concerning the international standards in the conduct of the investigation and proceedings, ii) designating training schedules in this context, iii) revising the related legislation are aimed.

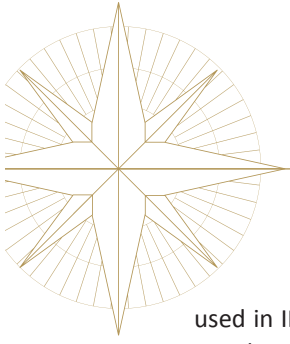


STRATEGIES	2015	2016	2017	2018	2019
Organising training programmes by forming basic educational materials about the international standards of conducting investigations and proceedings	√	√	√	√	√
Improving coordination with the relevant institutions and organizations in line with the objective	√	√	√	√	√
Improving the effectiveness of the judicial collaboration with the foreign countries	√	√	√	√	√
Aligning our legislation with Convention on Cyber Crime	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Ministry of Interior Ministry of Foreign Affairs		

## OBJECTIVE 5.3

### Strengthening the Capacity of Judiciary for the Adoption of the EU Acquis

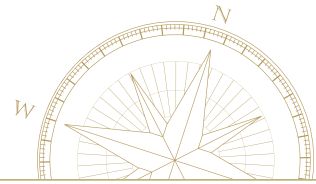
The alignment of the EU norms with the norms of our domestic law is a significant phase for our country in its way to become a full member of the EU. In recent years, the instruments for the pre-accession assistance were used efficiently in order to strengthen the capacity of our country to adopt the European Union's acquis within the scope of judiciary. These instruments took a great part in the reforms performed in the amendments made in the recent years and the EU funds that were successfully



used in IPA I term, were regulated by new rules under the IPA II programming. The new term covers the years in between 2014-2020.

With “Indicative Strategy Paper for Turkey”, drafted by the EU Commission, Ministry Of Justice as the “leader institution”, was held responsible from all the projects of judicial institutions. Department for EU Projects Implementation was established so as to perform the duties prescribed in the paper.

STRATEGIES	2015	2016	2017	2018	2019
Raising the awareness of judicial professionals regarding European Union Law	√	√	√	√	√
Increasing the implementation capacity of the European Union projects on judiciary	√	√			
Translating the European Union <i>acquis</i> with regard to judiciary and the Court of Justice of the European Union judgments into Turkish	√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Ministry for EU Affairs		



## GOAL - 6

### IMPROVING THE LAW EDUCATION, PREVOCATIONAL AND VOCATIONAL TRAINING

One of the most important goals of the judicial reform is providing the occupational competence. The solution to the issues regarding the law education should be the priority of all agents of judiciary and become a national policy.

While “the Recommendation of the Council of Europe’s Committee of Ministers to member states on judges: independence, efficiency and responsibilities”, points out that the selection and the career of the judges should be in accordance with the principle of merits that considers their features regarding the education, honesty, skills and efficiency; “The United Nations Basic Principles on the Independence of the Judiciary” states that the individuals that are selected as judges should be honest individuals that are adequately educated or qualified in law.

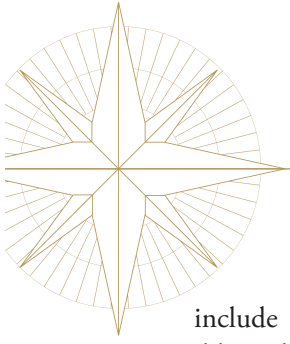
A jurist is a very special person considering the job he carries out. Thus, he must be specially trained, and also informed about not only *de lege lata* but also social sciences, aware of the world, and intellectual.

Only then he can study and interpret *de lege ferenda*. Through the well-educated jurists, while the law is going to improve, the social culture is also to improve together with it. Providing well education for the jurists is going to ensure peace and tranquility, supporting justice, which is the foundation of state.

The first step to be taken when educating the jurists is the law faculties. The public opinion of judiciary is convinced by a highly common belief that there are problems concerning the education and training provided in the law faculties.

Considering the direct relationship of the law faculties with the judicial policies, it is quite clear that there is a necessity of reviewing law education in every aspect and finding new solutions regarding the subject.

The in-service training of the members of judiciary is also very important. Independence of judiciary, along with vesting rights and providing assurances for judges and prosecutors, also assigns duties and responsibilities. Those

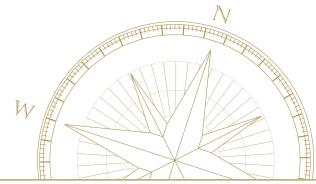


include fulfilling duties perfectly and diligently. Regular and systematic attendance to the educational activities in order to protect their professional competency is both a right and a duty for the judges and prosecutors.

Justice Academy of Turkey has a vital importance with regard to education of the members of judiciary. The foundation of the academy has accelerated pre-service and in-service trainings. It is estimated that increasing

the capacity of Justice Academy of Turkey is going to be appropriate in order to raise the standard and the quality of the judicial services.

Furthermore, developing the capacity of the vocational high schools on justice and activating the training centers which have been founded in order to provide trainings to the auxiliary staff of judiciary are also going to raise the quality of the judicial services.



# OBJECTIVES

## OBJECTIVE 6.1

### Conducting Works Regarding the Improvement and Enhancing the Quality of Legal Education and Training

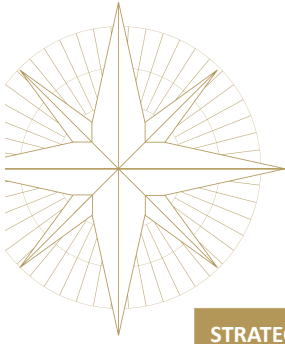
Legal education and training of a jurist have a significant importance. One of the important conditions of enhancing the quality of judicial services is the upbringing of well-educated and trained jurists who internalize the law, keep up with the recent developments, to make appropriate interpretation and get the right outcome. Attributing and strengthening those qualifications are formed depending on the education provided in law faculties.

To perform legal education in accordance with necessities and expectations indicate not only the appropriateness of content of the training curriculum to the necessities, but also the improvement of education methods in a way to let raising qualified jurists. It is targeted to conduct the works on taking the new measures concerning the elimination of problems that exist within the legal education system and reorganization of the education in line with the current priorities .

Besides the improvement of the curriculum in the legal education, the new emerged fields and international implementations need to be included in the curriculum and become a part of the legal education.

The execution of the legal education should be provided in line with the practice when reformulating the legal education. It is beyond doubt that a Legal Education which only based on theoretical knowledge leads to the upbringing of the jurists who are unaware of the facts. Therefore, the legal education should be connected with the practice.

In line with this goal, implementations such as mandatory courthouse internship are going to be introduced for the senior year law students. Thus, the law students are going to be able to learn the practices of the duties that they will undertake when they become jurists after the graduation during their legal education.



STRATEGIES	2015	2016	2017	2018	2019
Revising Legal Education and improving the curriculum	√	√			
Providing internship opportunities to law students in the courts, bar associations and professional organizations	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Board of Higher Education Universities Professional Associations		

## OBJECTIVE 6.2

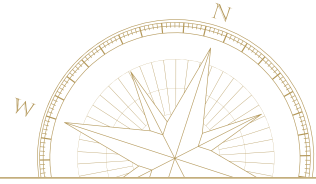
### Improving the capacities of Vocational School of Justice

Vocational schools of justice are the education institution which aims the upbringing of members of the profession that are basically going to work within the scope of judicial system such as court clerks, guardians, jail clerks, and ushers.

The students who study in the vocational high schools of justice need to receive result oriented, interactive, and instructor-tracked education in order to be informed on the issues experienced on the administrative duties of judicial process. The internship education of the students who enroll in vocational school of justice is going to be activated in the court and prosecution offices, criminal execution institutions, and in execution offices.

Furthermore within the scope of this objective, works regarding the revision of curricula of vocational schools of justice are aimed to be conducted.



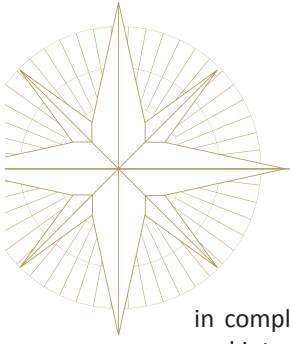


STRATEGIES	2015	2016	2017	2018	2019
Unification of the curriculum applied in vocational schools of justice	√	√			
Strengthening the link between the practices and the education given in vocational schools of justice	√	√			
Diversification of the curriculum applied in vocational schools of justice in accordance with the needs of the sector (i.e. court clerkship, prosecution clerkship, attorney clerkship, execution clerkship)	√	√			
Opening new programs in necessary fields within the scope of justice structure (such as the external security services of the criminal institutions) or conducting the necessary amendments in curriculum	√	√			
<b>BUDGET</b>	<b>INSTITUTION IN CHARGE</b>		<b>INSTITUTIONS TO COLLABORATE</b>		
Ministry of Justice	Ministry of Justice		Board of Higher Education Universities		

## OBJECTIVE 6.3

### Raising the capacity of Justice Academy of Turkey

Justice Academy of Turkey, which was founded aiming to i) follow up the developments regarding the justice and law closely, ii) producing genuine knowledge within the scope of scientific research and development, iii) sharing the knowledge with the society, iv) providing training regarding the bringing of a fast and fair trial



in compliance with the law and human rights, v) developing projects at national and international level, and, vi) designating resolutions with the partners, is a great acquisition for the judicial organization.

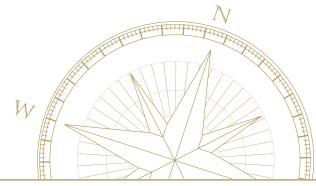
The proficiency training and education programme for i) the judges or prosecutors of the civil and criminal, administrative, or military jurisdiction, ii) the legal counselors or attorneys who work for public institutions, organizations or councils, iii) self-employed attorneys, and iv) notaries in order to enable them to gain expertise in the fields of law and justice is executed by Justice Academy of Turkey.

The foundation and the improvement of the Academy have accelerated by the pre-service and in-service training.

The Academy has also gained a structure in which national and international legal studies are carried out and international legal practices are followed up.

The Academy makes various publishing in order to contribute to the necessity of information arising in the legal and judicial fields. The works regarding i) increasing the number of the publishing, ii) initiating the practice of e-library, and iii) building the biggest legal library of Turkey are still proceeding to be conducted.

STRATEGIES	2015	2016	2017	2018	2019
Developing the capacity of the Academy for conducting scientific research	√	√			
Increasing the physical capacity of the Academy	√	√			
Developing the library and documentation services, setting up an electronic library in the Academy	√				
Setting up a comparative law center in the Academy	√	√			
<b>BUDGET</b>	<b>INSTITUTION IN CHARGE</b>		<b>INSTITUTIONS TO COLLABORATE</b>		
Justice Academy of Turkey	Justice Academy of Turkey		Ministry of Justice HCJP		



## OBJECTIVE 6.4

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Improving the capacity of the foreign language and professional competencies of members of judiciary and conducting professional internship and exchange programs abroad

Increasing the number of the members of judiciary who are capable of speaking foreign languages emerges as a significant element when improving the professional competence of the judiciary. Judiciary members who are capable of advanced foreign languages and updating comparative law implementations and current legal developments are going to contribute to the judicial services.

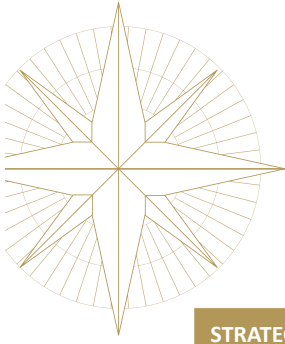
Ministry of Justice collaborates with various universities across the country providing foreign language education to members of judiciary

Every year a certain number of judges and prosecutors are assigned abroad for one year in order to learn foreign languages. Furthermore, within the scope of the collaboration with private language schools, judges and prosecutors have opportunities to continue their language education after work hours

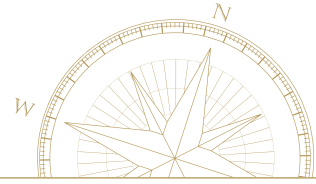
By maintaining these trainings, qualified foreign language education for the members of judiciary is provided either in the country or abroad

It is deemed to be relevant that providing participation in the internship programs for judges and prosecutors carried out in the countries which are advanced within the field of law and have similarities with Turkey for a certain period of time, and preparing exchange programs with regard to the mentioned. Thus, the source of international information and experiences are going to be used and also the members of judiciary are going to get the opportunity to follow foreign publishing, contribute to the literature and share their knowledge with their colleagues at an international level through that formation.

Furthermore, it is aimed to be conducted professional internship and exchange programs for the entire judicial employees, particularly for experts of the Forensic Medicine Institution and other experts.



STRATEGIES	2015	2016	2017	2018	2019
Increasing the number of national and international foreign language training programs	√	√	√	√	√
Increasing the opportunities of national and international postgraduate education	√	√	√	√	√
Collaborating with European Court of Human Rights and other international institutions regarding the in-service training of judges and prosecutors	√	√	√	√	√
Enabling the members of judiciary to benefit from professional internship and exchange programs	√	√	√	√	√
Designating professional internship and exchange programs for judiciary staff, including the experts in Forensic Medicine Institution and other experts	√	√	√	√	√
<b>BUDGET</b>	<b>INSTITUTION IN CHARGE</b>		<b>INSTITUTIONS TO COLLABORATE</b>		
Ministry of Justice	Ministry of Justice		HCJP		



## OBJECTIVE 6.5

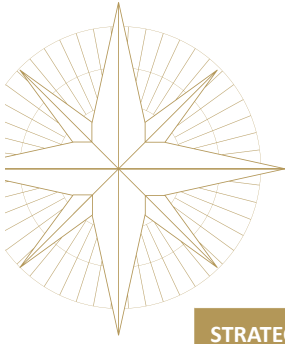
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Translating the judgments of European Court of Human Rights and the judgments of the other countries' high courts, international documents regarding judiciary and significant works within the field of law to Turkish and our fundamental legislation to foreign languages

The following up of the scientific studies and legal precedents by the members of judiciary is another significant component of the professional competence. It is highly important to translate the significant publishing to Turkish in order to bring them to the use of members of judiciary. It is beyond doubt that the works that are significant in jurisdiction fields are going to contribute to knowledge of our jurists while improving the Turkish jurisprudence.

The translation of the judgments of ECtHR and the judgments of the other countries' higher courts, the international documents that concerns the judiciary into Turkish language, and sharing the documents on NJIS and enabling the access of the judges and the prosecutors to the documents will provide an easier way to access the international legislation and decisions, thus they will be enlightening for the judges and prosecutors.

The judgments of ECtHR and some international documents regarding judiciary are still being published in the website of Ministry of Justice. Considering their importance, these documents will continue to be updated and published.



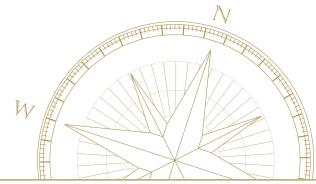
STRATEGIES	2015	2016	2017	2018	2019
Translating the fundamental legislation to foreign languages	√	√			
Translating the judgments of European Court of Human Rights and the judgments of the other countries' high courts into Turkish	√	√	√	√	√
Translating the international documents and significant legal works regarding judiciary into Turkish	√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Universities		

## OBJECTIVE 6.6

Activating the personnel education centers, obligating the members and employees of judiciary to complete the in-service trainings for a certain period of time

A systematic education enables the upbringing of the qualified employees, providing works in accordance with the necessities and also providing a healthy organizational structure. The first way to provide knowledge and skills for the employees is inservice training. Law on Public Servants no. 657 attributes great importance for the upbringing of the employees and provides a legal status for the education of the employees.

Council of Europe's Committee of Ministers recommended that members of judiciary should be provided appropriate education after being appointed which is related to their independency, impartiality and role of judges in the jurisdiction. In line with the extraordinary developments occurring in contemporary legal systems,



the legal issues and disputes also undergo significant changes with regard to the quality and quantities, getting more and more complex. Considering the mentioned developments, inservice trainings of the members and auxiliary staff of judiciary take a great part in order to ensure efficient execution of their duties. Therefore, re-designating the trainings as mandatory for certain terms is aimed for the next term.

Justice Academy of Turkey and the Ministry of Justice provide trainings to the members and auxiliary staff of judiciary with regard to the improvement of professional competence and personal development. Within this scope, especially the trainings given within the boundaries of the amended legislation, ethical principles, modern information technologies, and efficient communication, are going to be proceeded.

It is aimed to be raised, alsoconsidering the increase in the number of the employees, the physical and training capacities of the training centers, which have a great importance for the training of the judicial staff

STRATEGIES	2015	2016	2017	2018	2019
Conducting works regarding the mandatory in-service training	√				
Completing the physical and technical infrastructure	√	√	√		
Preparing the training modules	√	√			
Designating the training staff	√	√			
Training also the foreign staff of judiciary			√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice				



## GOAL - 7

### IMPROVING THE PRACTICES REGARDING THE DISADVANTAGEOUS GROUPS LIKE WOMEN, CHILDREN AND THE DISABLED

Today, some special measures regarding the disadvantaged groups such as children, women and the disabled are taken and disseminated. Those measures, which are taken in order to provide an effective access to justice, include measures such as the strengthening of the legal remedy mechanisms and raising the awareness of the mentioned groups regarding the legal remedies.

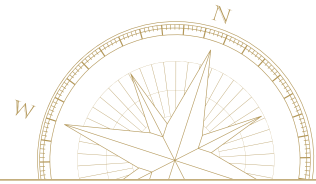
Recently within this scope, taking into account of the “best interest” of the children and designating government strategies that “support their welfare and well beings” has become a well-regarded field of policy especially in the EU member states and EU candidate states. The priority of the “best interest” of the child is considered more important and privileged than any other benefits and acting within that scope. Supporting the well beings of the children means ensuring the strengthening of all types of services that elevate the development of the children with regard to qualities and quantities.

UN Convention on the Rights of the Child which was adopted and opened to signature by the General Assembly of the United Nations on November 20th, 1989 and European Convention on the Exercise of Children’s Rights which was approved to be ratified on January 18th, 2001 are the major regulations conducted regarding the children’s rights throughout the world. UN Convention on The Rights of The Child has been implemented since October 2nd, 1995 in our country.

During the change and transformation process that has been experienced for the recent years in our country, significant progressions has been made made concerning the practices for children. In this framework, the legislation was improved, some changes regarding the organization were conducted, and works regarding the improvement of the quality standards were conducted within the scope of child protection implementations.

”The Law on Child Protection” no: 5395, which was enacted in 2005 in order to align the legislation regarding





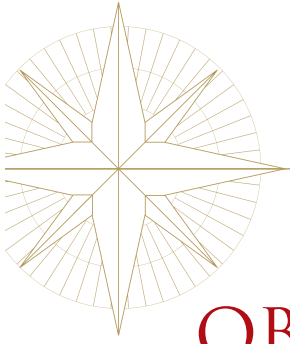
the child justice system includes i) the processes regarding the care and the treatment of the children in need of being protected by the child protection mechanism who are pushed to crime, ii) the procedures and principles regarding the measures that are to be taken for the children in need of being protected and the protective measures to be taken regarding the children who are pushed to crime, and iii) the provisions regarding the establishment , authority and jurisdiction of the juvenile courts. While the fundamental principles of UN Convention on The Rights of The Child were secured within the scope of the code, the works regarding the improvement of the efficiency and productivity are planned to be conducted.

Regarding the domestic violence and violence against women, a new and important step was taken by Committee of Ministers of The Council of Europe. The “Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence”, which was submitted for signature by the Council on May 11th 2011 in Istanbul, is the very first convention that has the power of sanction within the scope of international law.

In the convention, which is the first binding document to point out the violence against women is the violation of human rights, a regulation regarding the organization of an independent inspection mechanism, was included. Turkey was the first state to sign and ratify the Convention. The Convention prescribes prevention, protection, and adjudication and victim support mechanisms in order to create an extensive legal frame regarding the combating of violence against women.

“The Law on the Protection of Family and Prevention of Violence against Women” no: 6284, which brings up new implementations and institutions along with the signing of Istanbul Treaty, was adopted in March 8th, 2012. It is aimed to implement preventive and protective measures which were prescribed in the law. It is planned to conduct joint activities in collaboration with the Ministry of Justice, bodies, organizations, and universities.

It is very important to eliminate the difficulties that prevent the disabled from using judicial services. In the next term, works regarding this subject are going to be expedited.



# OBJECTIVES

## OBJECTIVE 7.1

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Taking the necessary measures in order to provide effective child protection within the scope of child justice system and strengthening the interinstitutional collaboration

Within the scope of the basic objective which states that “protecting the children from all types of dangers and making them take their places within the social life as mentally healthy, educated, and socially beneficial individuals”, the revision of all the legislation with regard to the children within the scope of public and private law in line with the principle of *“the best interest of the child”* is considered beneficial. Within this scope, it is aimed to recast of the legislation regarding the child justice system in accordance with the international standards.

In the next term, i) conducting works in order to provide a more efficient and productive implementation of the coordination mechanism that has been designated within the scope of “the Law on Child Protection”, ii) eliminating the issues arising from the legislation, institutional functioning, deficient inter-institutional communication and implementation, iii) securing the physical and mental welfare of the children who are victims, witnesses and pushed to crime, iv) preventing the children from facing the risk of being pushed to crime are anticipated.

In order to prevent the child abuse and enable conscious and efficient interventions to the children who are victims of abuse, the related Circular issued by the Prime Ministry prescribes the organization of the Child Monitoring Centers (CMC) within the bodies of the hospitals/institutions that are governed by the Ministry of Health and in order to i) primarily minimize the secondary traumatization of the children who have been abused sexually to minimum, ii) ensure the execution of the judicial and medical operations in a single center consisting of educated people and in one time and Coordination Board of Child Monitoring Center was designated in order to provide services in a coordinated manner within the scope of the Circular. In line with the mentioned, i) strengthening the Child Monitoring Centers especially in terms of financial regulations, ii) disseminating the commission, and ii) providing more efficiency are important points that will ensure the accomplishment of the goal of the foundation.



STRATEGIES	2015	2016	2017	2018	2019
Revising the legislation within the scope of the international standards	√	√			
Providing the effective and efficient application of coordination mechanism (within the scope of the Law on Child Protection)	√	√			
Activating the Child Monitoring Centers	√	√			
<b>BUDGET</b>	<b>INSTITUTION IN CHARGE</b>		<b>INSTITUTIONS TO COLLABORATE</b>		
Ministry of Justice Ministry of Health	Ministry of Justice Ministry of Health		Ministry of Family and Social Policies		

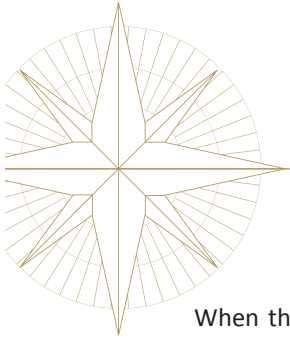
## OBJECTIVE 7.2

### Improving the practices regarding children within the scope of restorative justice system

The principle of focusing on the best interest of the child requires the designation of separate procedures concerning the children. With the changing criminal justice system approach, various diversions and restorative justice programs were developed for the children who were pushed to crime.

One of the options that are taken in order to implement restorative justice is giving a try to the alternative resolution methods for the settlement of disputes before the trial stage. The institute of conciliation is among them. Ensuring the efficient use of the mentioned institution regarding the children that were pushed to crime will contribute to the improvement of restorative justice system.

The use of conciliation regarding the child justice system provides the opportunities to the children pushed to crime such as, i) taking the responsibility of the crime by understanding the outcome, ii) apologizing from the victim and being forgiven by the victim and the justice system, and iii) getting to be reintegrated to the society.



When the goals of the institution of conciliation are taken into consideration, i) a separate redesignation of its aspects regarding the children pushed to crime, ii) the determination of its convenience to the child pushed to crime based upon the social inquiry report, iii) extending its scope are the things that are considered beneficial.

Within the scope of this objective, designation of alternative obligations for the children pushed to crime and the efficient supervision of the measures that were given are planned for probation system.

STRATEGIES	2015	2016	2017	2018	2019
Determining and disseminating conciliation procedures for children	√	√			
Developing alternative obligations for children within the scope of probation system	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		HCJP		

## OBJECTIVE 7.3

### Activating the special measures within the scope of the judicial procedures regarding children

The natures of children, being dissimilar to those of adults, bring different needs in its wake. This notion requires the adaptation of the judicial processes for children to the peculiar needs of them.

Within the scope of accomplishing this objective; it is planned to provide i) strengthening the children Prosecution offices for juvenile, ii) making employment of social workers widespread and functional within Prosecution offices for juvenile in order to provide the proper psycho-social assessment of the children, iii) encouraging the prosecutors in these offices to become specialized, iv) the reassessment of the



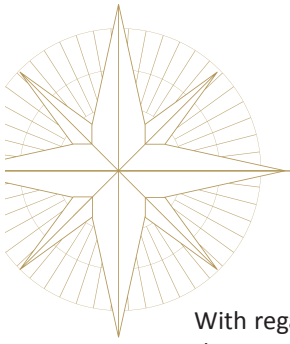
promotion system regarding the prosecutors considering the genuine structure of Child justice system, v) designating standards regarding the works of social workers in judicial procedures and vi) promoting sensibility of the other staff that work for child offices with the help of educational activities regarding awareness.

STRATEGIES	2015	2016	2017	2018	2019
Strengthening the prosecution offices for juvenile	√	√			
Improvement of the effectiveness and efficiency of the social workers by determining standards regarding the works which the social workers conduct within the framework of preliminary investigation.	√	√			
Reassessment of the promotion system regarding the public prosecutors that are working in the prosecution offices for juvenile	√				
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		HCJP		

## OBJECTIVE 7.4

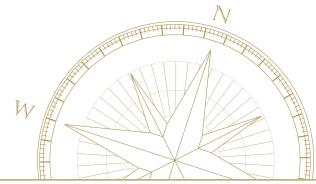
Dissemination of juvenile courts, overcoming the structural and physical problems

Dissemination of juvenile courts and solving their problems are of the utmost importance. By the end of 2014, the number of the established juvenile and juvenile high criminal courts is 118. And 93 of these courts are operational.



With regard to the accomplishment of the objective; i) promoting specialization for the members and employees of judiciary who work for juvenile courts, ii) reassessing the promotion system of the judges officiating in the juvenile courts in accordance with the needs and prioritized goals, iii) rendering the physical conditions as goal oriented, iv) standardizing the Social Inquiry Reports (SIRs), v) eliminating issues concerning the execution and the following up of the supportive and protective measures, vi) conducting arrangements in order to prevent contradictions and repetitions of measures that might occur within the scope of electronic record system, vii) eliminating problematic fields within the scope of functioning of the juvenile courts are planned to be conducted.

STRATEGIES	2015	2016	2017	2018	2019
Specialization of the members and auxiliary staff of judiciary that are working within juvenile courts	√	√			
Reassessing the promotion system regarding the judges working in juvenile courts	√				
Making the physical conditions fit for needs	√	√			
Standardizing the social inquiry reports (SIR)	√				
Making arrangements in order to prevent contradictions and repetitions that might occur in the orders of measure within the scope of electronic record system	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		HCJP Ministry of Family and Social Policies		



## OBJECTIVE 7.5

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### Raising the effectiveness of protection and investigations within the scope of the combat against domestic violence

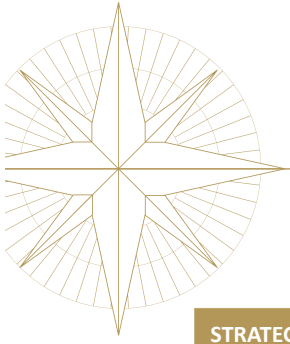
Law no: 6284 prescribes the procedures and principles regarding the measures to be taken in order to protect the women, children, family members and stalking victims who are exposed to violence and threatened of being exposed to violence and also preventing the violence guided to those people.

The speedy and effective implementation of the law is very significant when combating the violence. The contrary situation could accelerate the aggravation of the violence and create negative results.

Therefore, i) conducting an impact analysis of the related legislation and the implementations and ii) detecting the necessities and making necessity oriented updates in the legislation in accordance with the outcome of the analysis are going to contribute to the activities regarding the protection of family and combating the violence against women.

Facilitating efficient and perpetual coordination with the related Ministries and institutions is also significantly important within the scope of the Law on the Protection of Family and the Prevention of Violence against Women.

In line with this objective, determining the working standards of the professionals officiating in the family courts and providing the necessary infrastructure for performing works in accordance with the standards will lead the judicial authorities benefit efficiently from family court professionals within the scope of the procedures regarding domestic violence.



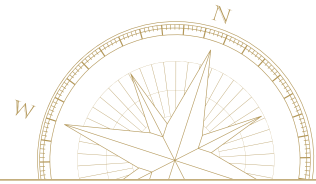
STRATEGIES	2015	2016	2017	2018	2019
Updating the legislation and strengthening the practice in accordance with the result of impact analysis	√				
Making the coordination with the related Ministries and institutions effective	√				
Enabling the judicial authorities benefit from family court experts effectively and efficiently within the scope of the procedures regarding domestic violence	√				
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice Ministry of Family and Social Policies	Ministry of Justice Ministry of Family and Social Policies		Ministry of Health Universities		

## OBJECTIVE 7.6

### Improving practices regarding the disadvantaged groups within the courthouses and criminal institutions

Personalized Rehabilitation System (PRS) is a self-inspecting implementation model in which i) a separate situation determination for each convicted is carried out, ii) the rehabilitation process to be executed in the prison is planned and implemented, iii) a restorative atmosphere for each convicted where personalized programs are carried out, is provided and iv) perpetual assessment and evaluation is conducted. The actions such as i) the admittance of the convicted to the institution, ii) the monitoring and classification of the convicted, iii) the life of the convicted in institution, iv) rehabilitation activities, v) the participation of the family to the process,

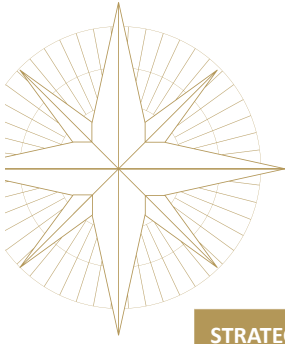




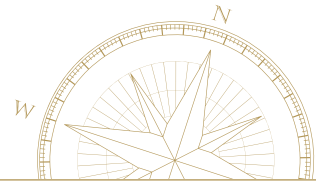
vi) administrative implementations, and vii) release process are all conducted in accordance with the Personalized Rehabilitation System.

In accordance with the mentioned objective, i) conducting works regarding the detection and the resolution of the issues experienced by the women, children, disabled and aged, ii) the popularization of Personalized Execution System and the “criminal execution institutions” that provide execution for children, iii) the preparation of a draft on the “Law on Criminal Execution for Child and Youth Criminal” and the enactment of it , and iv) designation of practices for the disadvantaged groups in the courthouses and criminal executioncriminal institutions are the priority fields.

Also, taking measures concerning the physical infrastructure regarding the disadvantaged groups in the courthouses and designating the necessary regulations are anticipated within the scope of the objective.



STRATEGIES	2015	2016	2017	2018	2019
Raising the effectiveness of the works regarding the identification of the problems of the disadvantaged groups in the institutions/ organizations	√				
Disseminating criminal execution institutions peculiar to children	√	√	√	√	√
Disseminating the PES (Personalized Execution System)	√	√	√	√	√
Preparing a Draft Law on Criminal Execution for Child and Youth	√	√			
Taking measures related to the physical infrastructure for the disadvantaged groups in the courthouses and criminal execution institutions	√	√	√	√	√
Training the staff working in the criminal execution institutions regarding the practices applied to the disadvantaged groups	√	√	√	√	√
<b>BUDGET</b>	<b>INSTITUTION IN CHARGE</b>		<b>INSTITUTIONS TO COLLABORATE</b>		
Ministry of Justice	Ministry of Justice				



# GOAL - 8

## STRENGTHENING THE ACCESS TO JUSTICE

CEPEJ makes a framework definition of the access to justice as “all legal and organizational factors which affects the accessibility and the effectiveness of judicial services”. The access to justice means the taking of all types of measures with the support of the state by the law system in order to assure that the individuals are informed about their rights and they are capable of accessing their rights effectively.

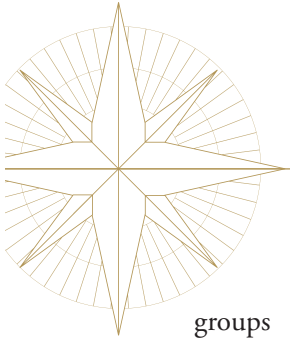
The judiciary, being one of the elements of the state, has an obligation regarding the equal dispense of justice and protection of equality before the law. Fulfilling this obligation requires the efficient and collaborative functioning of all institutions including the members and the employees of judiciary. The legal procedures that fail to function properly and the legal systems which fail to provide the right holders with the opportunity regarding a strong and efficient applications not only cast doubts on their legitimacy but also diminish the confidence in democracy.

The financial and social developments that were experienced in the last century, the notion of migration and

population movements have led to an increase in the legal disputes, leaving the judiciary to experience great difficulty in managing the workload. In this term, within the scope of the principle “justice for all”, alternative dispute resolution methods primarily in common law system and later in civil law system were initiated to be designated, primarily in Anglo-Saxon law system then in Continental Europe, along with the institution of legal information and aid as a social policy for the unprotected groups who experience issues regarding the access to the law.

While the “access to justice” is secured within the scope of the regulation on Article 6 of the European Convention on Human Rights, Article 2 of our Constitution of 1982 points out the principle of social state as it secures the right to access to justice.

Within the scope of the mentioned goal, the facilitation of the tools concerning the legal counseling, benefiting from attorneyship services within the scope of trial procedures, and being exempt from litigation costs regarding the disadvantaged



groups such as children, women, disabled, aged, refugees, convicted, and the financially inadequate ones are aimed to be conducted. Therefore, the obstructions such as lack of information, non-confidence, and complex legal procedures which prevent the disadvantageous groups from using the legal remedies planned to be eliminated.

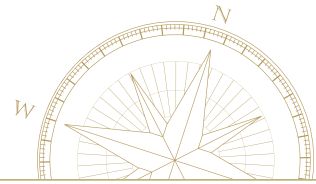
In order to strengthen the access to justice in our country, many significant changes have been conducted in the recent years. First of all, anyone who asks to have legal representation is granted the opportunity to have so and as free of charge. With the amendment conducted in the Code of Civil Procedure, facilitating steps were taken to enable legal representation and exemption from the litigation costs for the individuals who are financially incapable of hiring attorneys. According to CEPEJ data, Turkey takes the fourth place as of the amount of legal aid assigned per litigation, which is € 855, coming after Britain, Ireland and Austria.

Despite all improvements, the efficient functioning of the legal aid system is required.

There are some legal, institutional, financial and socio-cultural obstacles that prevent the disadvantageous

groups from accessing justice. Some steps with regard to the elimination of those obstacles have been taken up to date. Within this scope, information desks and direction panels were designated in part of some courthouses and also some measures were taken for the disabled. Furthermore, the website [www.hukukiyardim.gov.tr](http://www.hukukiyardim.gov.tr) was designated and the information regarding the judicial procedures was created on the website and all the information that had been put there was published as booklets and distributed to the courthouses. Apart from the opportunities of bringing and accessing lawsuits via e-signature on NJIS and receiving information via VMS subscription, the revision and transformation of the courthouse websites to the structures that include judicial activities, some basic legal information, and petition samples are required.

Furthermore, one of the important institutions that need to be brought into the practice is legal clinics. Practices of legal clinics on one hand strengthen the bond between the law faculty education and on the other hand the practices of legal clinics provide the opportunity to access of the disadvantageous groups to justice . In the following years, efficient collaborations with the universities



and the bar associations are going to be conducted in order to popularize and render the legal clinics more commonly known.

Access to justice requires taking some measures regarding the victim rights. Within this scope, The Department of

Victim Rights was founded within the body of Ministry of Justice.

In the next term, legislative arrangements are going to be conducted and an intervention program is going to be developed within the objective of strengthening the victim rights.



# OBJECTIVES

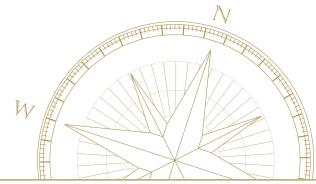
## OBJECTIVE 8.1

### Improving the legal clinic methods

Legal clinic implementations have been designated based on the idea of providing contribution and support to the legal issues experienced by the disadvantaged / unprotected groups that cannot benefit from judicial services throughout the world. With the mentioned implementation, the law students who are still studying in the law faculties are given the opportunity to provide legal counsel to the disadvantaged groups under the supervision of their faculties. Therefore, the access to the justice for the segments of society will be strengthened on one hand while on the other hand the students will be provided the skills that they will need in practice.

In order to accomplish the mentioned objective; i) making collaborations with the universities and the law faculties and, ii) conducting the necessary legislative amendments while studying the practices in other countries are considered.

STRATEGIES	2015	2016	2017	2018	2019
Conducting activities regarding information and awareness	√	√	√	√	√
Preparing pilot projects in cooperation with the universities and bar associations	√	√			
Making legislative amendments	√	√			
Developing supportive programs	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Board of Higher Education Universities		



## OBJECTIVE 8.2

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### Activating legal aid system

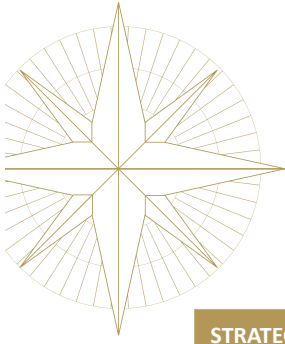
The legal aid consists of the opportunities given to the financially inadequate individuals by the state with regard to the judicial procedures. By this implementation, it is aimed to provide facilities for the individuals who are financially incapable of receiving legal services the exercise of their right to legal remedies.

The legal aid system plays a significant part in accessing to justice. The legal aid system that has been structured in our country is ahead that of many European states. According to CEPEJ data (report of 2014 based on the data of 2012), our country takes the 14th out of the 47 Council of Europe countries with regard to the budget it spares for legal aid while also taking the 18th out of the countries with regard to the best increase level in the legal aid budget in the years between 2010 – 2012.

Currently, the opportunity to appoint attorneys to the parties, as if requested, during all stages of criminal law procedure has been implemented. This service is performed by the courts and the bar associations regarding the civil law procedure.

Considering the ECtHR decisions, the amendment conducted within the scope of law no: 6459 enables the appointment of attorneys for the people who are financially incapable of hiring attorneys while also deeming them exempt from litigation costs within the scope of civil law procedure. The financial funds spared for this service increases every year on a regular basis.

Despite the improvements experienced within the scope of legal aid system, there are still some problem fields. Within the scope of this objective, works aiming to eliminate the problems are going to be conducted.



STRATEGIES	2015	2016	2017	2018	2019
Improving the effectiveness of legal aid system	√	√			
Establishing monitoring and auditing mechanisms	√	√			
Increasing the activities regarding the information and awareness	√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Ministry of Finance Professional Associations		

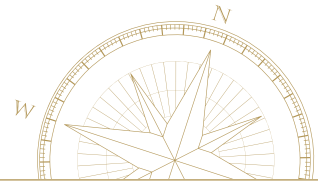
## OBJECTIVE 8.3

Informing the persons who benefit from judicial services about legal matters and procedures and improving the websites of courthouses

Raising the awareness of the individuals who benefit from the judicial services regarding the legal subjects, trial procedure and their rights is just as important as designating legislation regarding the access to justice. In accordance with this, the universities bar associations and non-governmental organizations play a great part in raising social awareness.

Within the scope of the objective, i) executing informatory activities, ii) setting up information offices in all courthouses, iii) creating booklets and public service ads, iv) making efficient use of online tools and social media tools in line with the social changes are planned as well as i) reformulating and enriching the contents of the courthouse websites so that they include legal information and petition samples, and ii) updating the information included in these websites.





STRATEGIES		2015	2016	2017	2018	2019
Publishing and distributing informative pamphlets about the judicial system within courthouses		√	√			
Standardization of the websites of courthouses		√				
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE			
Ministry of Justice	Ministry of Justice					

## OBJECTIVE 8.4

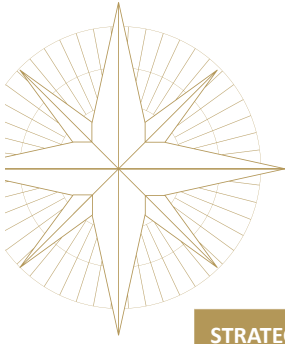
### Activating the legal protection insurance system

Legal Protection Insurance is an insurance branch that has been rapidly developing in most of the states who are members to Council of Europe.

In return for the premiums paid, this insurance system enables the assured to receive attorneyship service or legal aid in the event that legal risks and issues occur within the term that he continues to pay the premiums. The insurance covers the attorney fees and litigation expenses that the assured is supposed to pay for in the case of losing the lawsuit.

Although in our country the insurance activities are implemented against any sorts of risks that the individuals face, the legal protection insurance has not yet developed sufficiently. Awareness should be created in order to develop the insurance branch and enhance its applicability.

Within the scope of the objective, providing the common use of legal protection insurance is aimed in order to provide legal aid for the individuals in return for a low price against the legal risks they might face.



STRATEGIES	2015	2016	2017	2018	2019
Conducting activities regarding the awareness	√	√	√	√	√
Conducting works in order to provide state subsidy to legal protection insurance system	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Undersecretariat of Treasury		

## OBJECTIVE 8.5

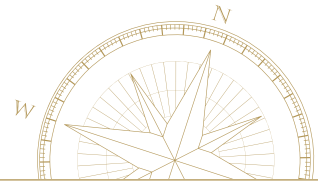
### Strengthening the access of the victims to justice

The victim-oriented approach has been getting stronger throughout the world. The conviction of the suspect as the outcome of the trials does not provide satisfaction for the victim. Apart from that, the victim expects the elimination of the outcomes arising from the action that has been directed, while also to receive compensation for the damages to bear. The new steps that are taken throughout the world within the scope of the victim rights serve the purpose of meeting this expectation.

Providing all sorts of supports and services to the victim in order to eliminate the suffering that is the outcome of the crime while compensating the financial damages as far as possible have all arisen as requirements. As a result of this approach, the presence of an organization which is going to provide services regarding the guidance and support is a necessity.

The mentioned necessity is also required within the scope of “European Convention on the Compensation of Victims of Violent Crimes” and “Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence”, which is referred as Istanbul Convention.

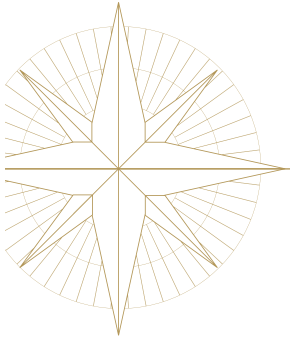
Within this scope, i) designating the legal frame with regard to the victim rights, ii) informing the victims regarding the rights, supports and aids that are provided by



the laws, public authorities and institutions, and non-governmental organizations, iii) performing psycho-social support service for the victims, iv) developing victim intervention programs, v) producing a guideline concerning the approach to the victims, vi) providing coordination among the public and non-governmental organizations that carry out activities regarding the victims, and, vii) creating awareness in the publicity concerning the victim rights are aimed.

A Scientific Commission was founded by Ministry of Justice in order to prepare a basic draft with regard to the victim rights, identify the deficiencies within the scope of other laws, and make amendments whenever necessary. The commission has begun its studies.

STRATEGIES	2015	2016	2017	2018	2019
Conducting legislative works	√	√			
Strengthening the institutional capacity	√	√			
Developing intervention programs for the victims	√				
Collaborating effectively with NGOs, government institutions and organizations	√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Ministry of Interior Ministry of Family and Social Policies		



## OBJECTIVE 8.6

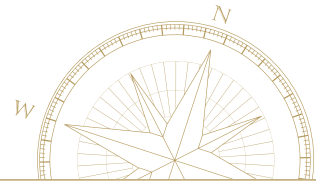
Providing the practice of legal services for the benefit of society (Pro – Bono legal services)

Pro – bono practices, which are for the benefit of society, are the services performed for the persons or pro-bono voluntary organizations that are financially inadequate for very little or no attorney fee in return. Within the scope of this system, which is particularly implemented in Anglo-Saxon countries, the attorneys perform voluntary legal services for free of any charges.

The institutionalization of the pro-bono practices within the scope of the fundamental goal of strengthening the access to justice is going to be a significant step that will lead to a change in legal culture of Turkey.

Within this scope, steps that will ensure the implementation of pro-bono legal services are going to be taken.

STRATEGIES	2015	2016	2017	2018	2019
Performing the activities regarding awareness	√	√	√	√	√
Holding study visits regarding the pro-bono practices in foreign countries	√				
Conducting works on providing government support	√				
Conducting legislative works	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Professional Associations		



## GOAL - 9

### PREVENTING THE VIOLATION OF HUMAN RIGHTS ARISING FROM THE JUDICIAL PRACTICES AND STRENGTHENING THE STANDARDS OF HUMAN RIGHTS

The notion of human rights, withdrawing from the field that has only been left to the states for their own interpretations and implementations, has become an international concept and the mechanisms that protect fundamental rights and freedoms have been formed at a global level.

Turkey has joined the Council of Europe as the founding member in 1949 and recognized the right to individual application to ECtHR in 1987.

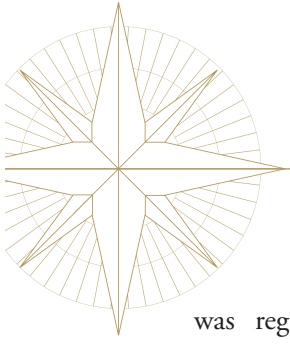
For the past decade, some significant reforms have been implemented in order to comply with the ECtHR precedents and improve and protect the standards of human rights in our country.

The protection and the improvement of the fundamental rights and freedoms require the elimination of the structural and practical issues. Based on this necessity, Department of Human Rights was founded affiliated to the Ministry of Justice. With this regulation, duties with regard to the

procedures regarding the human rights and the preparation of the defenses of government regarding the applications conducted against our country were assigned to Ministry of Justice.

One of the most significant reforms conducted in this term is the foundation of Human Rights Compensation Commission with the Law no. 6384. As of the December 31st, 2014 the number of applications that have been made to Human Rights Compensation Commission is 6773. The commission has resolved 5553 of them. The average period of time to it takes to give a decision is 171 days.

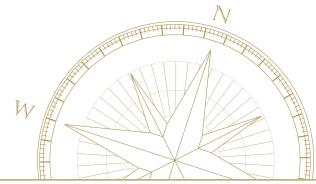
Apart from that, legislative amendments regarding the improvement of human rights were conducted. Within the mentioned scope, the limit in the prohibition of arrest was raised to two years, the condition that prescribes concrete reasons for arrest warrants was set, and the maximum arrest period was limited with five years. On the other hand, the criminal prescription in torture crime was abolished, the issue of interest in expropriation cases



was regulated, and the application procedure to legal aid within the scope of civil suits was facilitated. The criminal provisions regarding i) canvassing of criminal enterprises, ii) praising crime and criminals, iii) estranging the public from military service were reshaped and “discrimination” was included within the scope of Turkish Criminal Code for the first time as

well as some positive amendments were made in the Law on Assembly and Demonstrations.

“The Action Plan on Prevention of European Convention on Human Rights Violations”, which was approved by the decree of Cabinet is a significant step regarding the improvement of human rights.



# OBJECTIVES

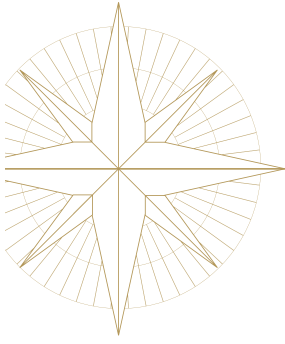
## OBJECTIVE 9.1

Monitoring the effective functioning of the individual application procedure to the Constitutional Court

The Constitutional Court has begun accepting the individual applications since September 24th, 2012.

Action Plan on Human Rights has prescribed the objective of “proceeding the activities regarding the education, research and raising the awareness within the scope of monitoring the efficiency of other national law remedies with regard to the compensation of the violation of human rights through the individual application to Constitutional Court.” Works in accordance with this objective are going to be proceeded in the next term.

STRATEGIES	2015	2016	2017	2018	2019
Monitoring the effectiveness of individual application procedure and proceeding with activities regarding training , research and awareness-raising.	√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Constitutional Court		



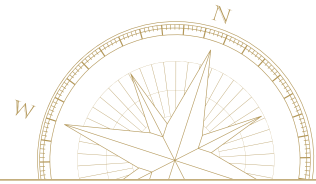
## OBJECTIVE 9.2

Identifying the problems leading to violation in ECtHR judgments and conducting works regularly in order to eliminate such reasons with the participation of the related organizations and institutions

The elimination of the causes that lead to violation in ECtHR decisions requires the collaboration of the institutions. Action Plan on Human Rights also prescribes the mentioned. Extending the collaboration opportunities of the institutions is intended for the next term.

STRATEGIES	2015	2016	2017	2018	2019
Analyzing the problems leading to violation in ECtHR judgments on a regular basis and collaborating with national and international institutions on the issue	√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice				





## OBJECTIVE 9.3

Proceeding the works regarding training and awareness within the scope of human rights on a regular basis

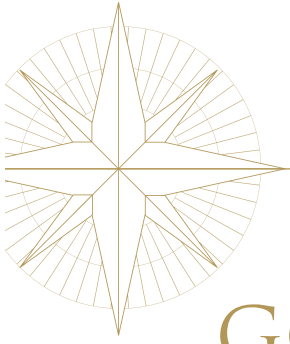
Apart from structural arrangements and legislation amendments, awareness and sensibility also take a significant part regarding the field of human rights. In order to fully assure the mentioned, some important steps were taken in the previous term.

Web sites were designated in order to enable the access of judicial publicity to the ECtHR judgments and statistical data regarding the judgments.

The judgments, published after being translated into Turkish , are submitted to the related institutions, higher judicial bodies and HCJP.

Within the scope of this objective, works regarding the human rights and the translation and the distribution of the ECtHR judgments to the practitioners are going to be proceeded.

STRATEGIES	2015	2016	2017	2018	2019
Training the practitioners (i.e. judiciary professionals and police force) regarding human rights	√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		HCJP Justice Academy of Turkey		



## GOAL - 10

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### IMPROVING THE CRIMINAL EXECUTION SYSTEM

With the reforms conducted in the last decade, a criminal execution system which is in accordance with the European Union legal acquis and in compliance with the developments of the current necessities and human rights, while meeting the social needs has been provided.

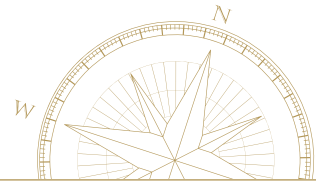
In this term, the legislative infrastructure of a modern criminal execution system was created with the Law on the Execution of Sentences and Security Measures and Law on Probation Services, within the scope of the new criminal justice system that has been created in our country.

One of the most important elements that determine the efficiency of the criminal execution system is the sufficiency of the physical infrastructures of the criminal execution institutions. Significant steps were taken within this scope as the new criminal execution institutions that are modern, suitable to improvement activities, and free of any security problems were constructed. Moreover, remote institutions that fail to comply with the international standards were closed down.

A well-educated, open to changes, respectful to human rights, and motivated execution staff is a significant element for the success of criminal execution system. Within this scope, raising the technical and physical capacities of the education centers which play a significant part with regard to criminal execution policy is planned.

Efficiency and productivity of the probation services play a significant part. In order to raise the efficiency of the system, i) making amendments in accordance with the problems that have been experienced within the scope of practice, ii) raising the number of voluntary staff, iii) improving the collaborations with the non-governmental organizations, and iv) strengthening the protection commissions, are aimed.

Moreover, the improvement of the health services performed for the convicts and detainees plays a great role. In order to achieve this, further improvement of the health units in collaboration with the related health institutions is intended.



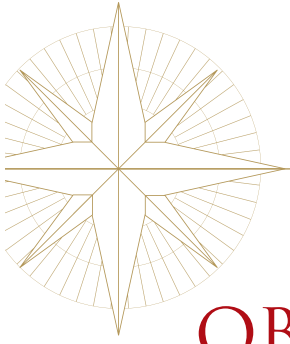
In the next term, the lines of works conducted in the prison workshops, which are created in order to enable the convicts learn jobs and arts while being rehabilitated, are going to be diversified and the number of convicts and detainees that work in these places is going to be raised. In this way it is aimed for the convicts to earn money and get reintegrated to the society.

In the previous term, a Draft Law was prepared in order to provide the performance of the services regarding i) providing the external security of the criminal execution institutions, ii) the transportation and the conveyance of the convicts and detainees, iii) the protection of the convicts and detainees in the hospitals and health institutions, iv) providing life safety for the convicts and detainees during the trials by Ministry of Justice. In the event that Draft Law on External Security Services for the Criminal Execution Institutions is enacted,

the external security services are going to be assigned to Ministry of Justice gradually and the internal and external securities are going to be rendered in compliance with each other.

The active participations of the public authorities, non-governmental organizations, and the voluntary people to the works conducted within the scope of execution field hold a great part. The mentioned situation strengthens the transparency of the execution system. Therefore, the works conducted in the mentioned line are going to proceed progressively.

Furthermore, a separate objective was prescribed under the goal titled “Improving the Practices Regarding the Disadvantageous Groups like Women, Children and the Disabled” with regard to the identification and resolution of the issues experienced by the disadvantageous groups in the criminal execution institutions.



# OBJECTIVES

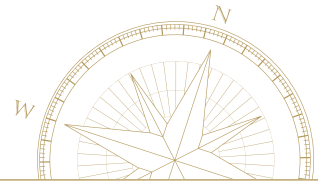
## OBJECTIVE 10.1

### Improving the life standards within criminal institutions

Improving the life standards of the convicts and detainees within the criminal institutions, closing down the old execution institutions while instead opening new ones which are in compliance with the modern execution standards are planned to be conducted.

Within this scope, a sum of 143 small and inadequate criminal execution institutions (32 in 2015, 16 in 2016, 37 in 2017, 27 in 2018, 31 in 2019) are aimed to be closed down between the years 2014-2019.

STRATEGIES	2015	2016	2017	2018	2019
Improving the life standards within the criminal institutions and extending the capacity of institutions by constructing new criminal institutions	√	√	√	√	√
Closing the small criminal institutions and establishing district criminal institutions in order to enable more effective training and rehabilitation activities	√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Ministry of Development Ministry of Finance		

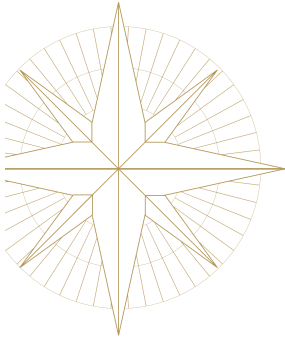


## OBJECTIVE 10.2

Improving the capacity of human resources and management in criminal institutions and probation centers

Employment of the staff which is/are needed due to the labor force planning within the bodies of criminal execution institutions and probation directorates is going to be provided. Within this scope; i) increasing the number of the staff in line with the needs, ii) determining the job definitions and professional standards of the entire staff who works for the criminal execution institutions and probation directorates, iii) raising the productivity of the labor force of staff who works for criminal execution institutions and probation directorates are intended.

STRATEGIES	2015	2016	2017	2018	2019
Determining professional standards	√	√			
Increasing the quality and quantity in human resources	√	√	√	√	√
<b>BUDGET</b>	<b>INSTITUTION IN CHARGE</b>		<b>INSTITUTIONS TO COLLABORATE</b>		
Ministry of Justice	Ministry of Justice				

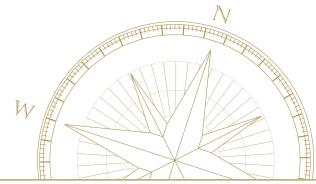


## OBJECTIVE 10.3

### Improving the probation system and making it more effective

Within the scope of this objective, activities such as i) disseminating the alternative obligations, ii) developing criminal execution programs peculiar to the crime and person, iii) conducting works in order to extend the educational activities and the curriculum, iv) qualitative and quantitative improvement of the intervention programs regarding to the adults and children who are on probation, v) developing special intervention programs depending on the disadvantageous groups and the type of crimes (sexual crimes, violence, etc.)

STRATEGIES	2015	2016	2017	2018	2019
Developing special intervention programs for disadvantageous groups	√				
Preparing special intervention programs depending on the risk	√				
Improving the physical and technical capacities of the probation branch offices	√	√			
Developing execution programs peculiar to the crime and person	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice				



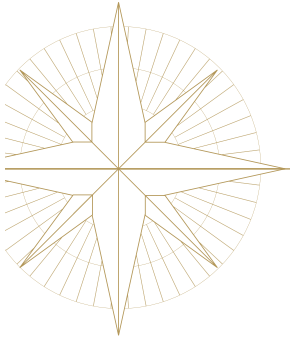
## OBJECTIVE 10.4

Raising the opportunities of collaboration with public and non-governmental organizations within the scope of criminal execution system

The contributions made by the public authorities, non-governmental organizations and voluntary individuals to the improvement and reintegration of the convicted persons are of the great importance.

Devoted to this objective, designating activities with the authorities in question, conducting seminars and study programs in order to discuss the issues concerning the practice within the scope of a broad ground, and extending the opportunities of collaboration are planned.

STRATEGIES		2015	2016	2017	2018	2019
Organizing activities for the convicts and detainees in cooperation with public and non-governmental organizations		√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE			
Ministry of Justice	Ministry of Justice		Related Government Authorities Non-governmental organizations			



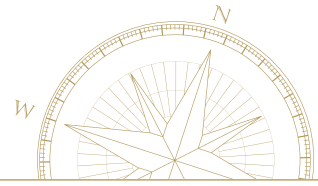
## OBJECTIVE 10.5

Developing the technological infrastructure that is used within the scope of criminal execution

For the next term, works with regard to extending the capacity of the electronic tracking system and introducing new technological control tools to the implementation are planned to be conducted.

STRATEGIES	2015	2016	2017	2018	2019
Extending the technical and physical capacity of electronic tracking system	√	√	√	√	√
Conducting works within the scope of alternative criminal execution systems	√	√			
Making the necessary legislative amendments in order to raise the effectiveness of electronic tracking system	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice				



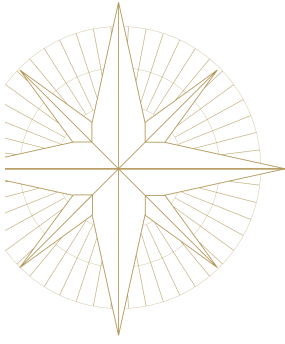


## OBJECTIVE 10.6

Improving the relations with the media and the public within the scope of criminal execution system

By the investments that have been made in recent years, the physical capacities of the criminal execution institutions were increased and life standards became humane and rehabilitation oriented. The press and public relations have a great part in the criminal execution systems. Therefore, providing educations for the staff in the criminal execution institution with regard to public relations and strengthening the relations with the media are planned to be conducted.

STRATEGIES	2015	2016	2017	2018	2019
Training the staff working in criminal institutions regarding press and public relations	√	√	√	√	√
Strengthening the press and public relations offices	√				
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice				



## OBJECTIVE 10.7

Transferring external security services of the criminal institutions to the Ministry of Justice and centralizing the external and internal management

In the event that Draft Law on Security Services of Criminal Institutions is enacted, the external security services are going to be performed by Ministry of Justice staff. Therefore, the dichotomy is going to be prevented and there are going to be no delays during the transportation of the convicts and detainees to the courthouses for hearing or hospitals.

STRATEGIES	2015	2016	2017	2018	2019
Making legislative amendments	√				
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Ministry of Interior		

## OBJECTIVE 10.8

Improving the vocational course programs for the convicts and detainees within the criminal institutions

Having a profession is vitally important for the convicts and detainees in order to accomplish their integration to the social life. New business lines are aimed to be introduced in order to provide increase in the number of convicts and detainees who have professions. This implementation is going to enable the convicts and the detainees to find a job or start a business after they are released. Within this scope, the number of the convicts who work in the prison workshops is also planned to be raised.

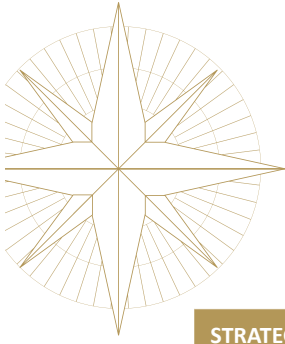


STRATEGIES		2015	2016	2017	2018	2019
Increasing number of convicts and detainees acquired having a profession		√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE			
Ministry of Justice	Ministry of Justice					

## OBJECTIVE 10.9

Improving the psycho-social support and the social re-adjustment programs provided to the convicts and detainees in criminal institutions

Within the scope of the objective, improvement of the psycho-social service standards which provide service to the convicts and detainees and revision of the psycho-social support and group intervention programs applied to the convicts and detainees will be provided. Furthermore, i) developing “Individual and Group Work” rooms that comply with the standards and raise their number, ii) monitoring the individual and group works in order to provide a healthier performance of the improvement works conducted by the psycho-social service professionals, are intended. Other works that are going to be conducted within the scope of the objective will include i) the identification of the risks and needs in order to designate the settlement of convicts and detainees, ii) improvement works that aim the social reintegration of the convicts and detainees, iii) revision and reformulation of the related legislation, iv) raising the number of the professional staff within this scope.



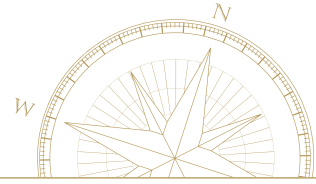
STRATEGIES	2015	2016	2017	2018	2019
Improving the psycho-social support and group intervention programs applied to the convicts and detainees	√	√	√	√	√
Conducting rehabilitation works regarding the resettlement of the convicts and detainees and revising and redrafting the legislation	√	√			
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice				

## OBJECTIVE 10.10

### Improving the health services in criminal institutions

Proceeding the collaboration conducted with the related institutions, fully equipping the convicted patient wings, increasing the number of the Type – R Criminal Execution Institutions that are allocated only for this purpose in order to enable the convicts and detainees to benefit from health services properly are aimed.

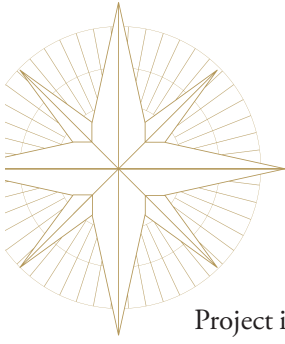
STRATEGIES	2015	2016	2017	2018	2019
Strengthening the health units in terms of equipment and staff	√	√	√	√	√
Extending the capacity of the convicted patient wards and improving the standards in hospitals	√	√	√	√	√
BUDGET	INSTITUTION IN CHARGE		INSTITUTIONS TO COLLABORATE		
Ministry of Justice	Ministry of Justice		Ministry of Health		



## APPENDICE

# THE PREPARATORY STAGE OF THE NEW JUDICIAL REFORM STRATEGY

- 1) A commission within the Ministry of Justice was founded in order to update Judicial Reform Strategy in October 2011.
- 2) A workshop with the attendance of representatives from all international judicial bodies was organized in Çeşme, Izmir on December 20-21<sup>st</sup>, 2011.
- 3) The International Judicial Symposium with the attendance of reputable academicians and members of judiciary was organized in Ankara on April 2-3<sup>rd</sup>, 2012.
- 4) The new Judicial Reform Strategy draft was designated upon evaluating the development plans, government programs, EU progress reports and peer review reports, strategy plans of the foreign countries while considering the outputs of workshops and symposiums and also the possibility of the actualization of the first Judicial Reform Strategy document.
- 5) In order to receive the opinions and suggestions of the institutions and organizations, the Draft was submitted to i) Constitutional Court, ii) Court Of Cassation, iii) Council of State, iv) HCJP, v) Military Court Of Cassation, vi) Military High Administrative Court, vii) Justice Academy, viii) Ombudsman Institution, all bar associations and occupational organizations being Union of Turkish Bar Associations in the first place, viii) Board of Higher Education, ix) all universities and law faculties, x) the related non-governmental organizations and the letters of response were processed to the text.
- 6) The updated Draft was announced to the public on September 12<sup>th</sup>, 2012.
- 7) In order to analyze the impact of judicial reforms to the efficient and productive functioning of judiciary, The “Project Regarding the Evaluation of the Impacts of Judicial Reform Process with the Intention of Establishment of Efficient and Productive Justice in Turkey” was initiated by Turkey Headquarters of United Nations Development Programme (UNDP). The main objective of the



Project is to get a detailed opinion regarding the impact of judicial reform process and also identifying some strategic areas that are crucial for judiciary in order to develop a strategically frame concerning the problematic areas, depending on the Strategic Plan and Judicial Reform Strategy of Ministry of Justice, while analyzing the impacts of the reform attempts on the efficient and productive establishment of justice. A broad analysis was conducted within the scope of the Project. Furthermore, feedback forms in order to allow people submit their feedback to the ministry departments regarding the confirmation of the consistency of the received information and the gathered documentation, the functioning of the judicial system in Turkey, and the identification of the current issues and needs. The report was prepared based on the interviews and responses given in the feedback forms. The problematic areas and suggestions that had been expressed in the feedback forms were projected to the Draft text within the scope of updating works regarding the Judicial Reform Strategy.

8) Works with the attendance of senior executives of Ministry of Justice regarding the draft were conducted on May 12-16<sup>th</sup>, 2014 in Kızılcahamam Lodge of Judges.

9) A workshop with the attendance of Ministry of Justice departments, non-governmental organizations, occupational organizations and participants from different levels of the law faculty was conducted on May 14-15<sup>th</sup>, 2014 in Ankara Lodge of Judges.

10) A contact meeting was conducted under the presidency of the Minister of Justice, with the attendance of Presidents of Court Of Cassation and Council of State on February 14<sup>th</sup>, 2015 in Ankara Lodge of Judges.

11) The New Judicial Reform Strategy was submitted to the Council of Ministers on March 2<sup>nd</sup> and April 8<sup>th</sup>, 2015 and announced to the public by esteemed Prime Minister Prof. Dr. Ahmet DAVUTOĞLU at the publicity meeting conducted on April 17<sup>th</sup>, 2015.