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PROJECT ON SUPPORT TO COURT MANAGEMENT SYSTEM IN TURKEY



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A. Introduction

The *Project on Support to Court Management System in Turkey*, implemented by the Council of Europe in cooperation with the Ministry of Justice and financed by the European Union, has been running since 1 December 2007 and will end on 30 November 2009. Deficiencies and shortcomings in the existing system were identified through interviews with Ministry of Justice officials, judges, public prosecutors, court staff members, lawyers, bar associations and the Union of Turkish Bars during needs assessment visits organised to different courts in Turkey. In order to address these shortcomings, it was decided to test new solutions in the field of court management in the the following selected pilot courts: Aydın, Konya, Mardin, Manavgat, and Rize.

The Project consists of two phases:

1st Phase of the Project

Teams composed of international and national experts paid needs assessment visits to various courts of different sizes in Turkey and prepared reports on the deficiencies of the present system and the solutions proposed in terms of case flow management, financial management, human resources management, court performance standards, technology management, and training strategies.

In addition to the needs assessment visits, international study visits were organised for Turkish judges and prosecutors to observe similar practices abroad and to exchange views and experience with colleagues from different countries.

A Strategy (Project Implementation) Plan was prepared, listing the deficiencies of the present system and the solutions proposed and the MoJ nominated five pilot courts in which the Strategy Plan was to be implemented: Aydın, Manavgat, Mardin, Konya, and Rize.

Proposed practices were discussed during 9 different working groups in which judges and prosecutors from pilot courts took part and concrete targets were elaborated for implementation. The necessary legal amendments to the new practices proposed within the Strategy Plan will be drafted by the Ministry of Justice. Those proposals which do not require legal amendments are currently being implemented.

The Ministry of Justice and the Council of Europe organised working group meetings with the participation of national experts, judges and prosecutors from pilot courts to develop training curricula and material for the

new posts within the Project (court managers, front office and information desk personnel, media spokespersons, judicial assistants, etc.).

2nd Phase of the Project

The implementation phase included information activities and training sessions on the New Court Management System for relevant staff members, information for the public on the new system, information for administrative and judicial staff on new practices and awareness raising activities to allow a more efficient and faster case flow. The activities are as follows:

Training Seminars

Training sessions for staff working in the new posts (court managers, media spokesperson, information desk staff, front office staff).

Information visits in pilot courts

The Ministry of Justice and the Council of Europe co-organised meetings in July with staff members from 5 pilot courts, alongside representatives from local bar associations in order to introduce and discuss which practices within the Court Management System should be implemented within the context of the Project.



Renovations in pilot courthouses

A number of measures were introduced within the Project in order to establish a disturbance-free working environment for judges, prosecutors and auxiliary staff members, allowing them to focus on cases. The introduction of restricted, semi-restricted areas and public zones were among the first of these measures.

Restricted zones: This practice was introduced with a view to making a distinction between areas such as information desks, front offices and post offices which require easy access by the public, and sections, such as offices of the judges, which require a peaceful working environment. Such distinctions would contribute to establishing a proper working environment for qualified tasks which require focus and allowing for a faster case-flow management at the same time.

Front offices: Front offices will be assigned with regular tasks carried out by the registries to centralise the processes. Thus, the public will deal with the one unit they need at the time and no longer have to search for registries in different courts. The staff working in the registries will no longer be obliged to act as information desks and focus on their work, resulting in a faster case-flow management.

Information desks: This unit is there to inform the public on the courts and the courthouse and provide overall information on judicial proceedings, orally or with brochures. The staff members of this unit were trained for this purpose.

Guiding systems: The objective is to make navigating around and locating the required unit easier, particularly in crowded courthouses, by using the coloured-coded guiding systems.

Information for the public and court staff

Brochures: 12 different brochures were developed and



printed, initially to inform and guide the public on the new courthouse system and on judicial proceedings in general. The number and the contents will be modified in accordance with the feedback received from courts and the public. Access to this information was also provided over UYAP and a separate section was developed on the official website of the Ministry of Justice under the name of "Hukuki Yardim (Legal Aid)". The English version

of the page is currently being developed (the section can be found at (<http://www.adalet.gov.tr/hukukiyardim>)).

Guidebook for the court staff: Accurate information and guidance of the public by the information desk and the front office staff members is necessary for the successful implementation of the new court management system. A guidebook with standardised information for the court staff members was developed to this end, explaining the composition and functioning of all units (courts, Prosecutor's Office and support units) as well as the people working in a courthouse. An initial version of this guidebook shall be further developed depending on the feedback received during implementation and dissemination.

Expert working groups

Experts of the Council of Europe, judges from relevant departments of the Ministry of Justice and academics meet

regularly and develop proposals on the following subjects with a view to improving the efficiency of the judicial system.

Improving the efficiency of civil proceedings: Measures for improvement within the existing Civil Code of Procedure are discussed, particularly on how to shorten the length of proceedings in civil cases. A set of proposals and awareness-raising programmes were developed, such as making better use of peaceful settlements and reducing the number of hearings.

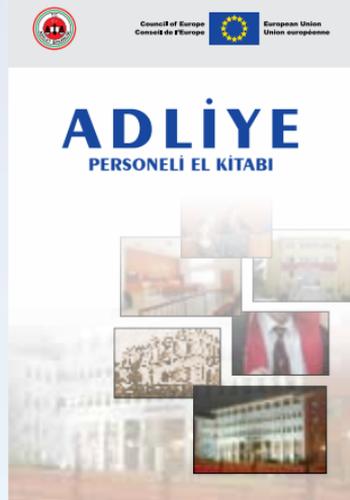
Improving the quality system in courts: The organisation of regular internal meetings is proposed for the judicial units, as well as meetings with other institutions (police, gendarmerie, etc.) in order to discuss problems and possible solutions and to improve co-ordination and co-operation. In addition, courts will prepare regular activity reports to inform the public of their work (including qualitative and quantitative data) which would contribute to the transparency of courts.

Notification trainings: One of the major problems in the functioning of the judiciary in Turkey is those arising from notifications. Improper, late or wrong notifications cause serious problems in the flow of judicial proceedings. A training programme on notification for the postmen was developed as an initial step towards the solution of this problem and was delivered to the Ministry of Justice for the organisation of local trainings for postmen.

Court performance criteria: The description of all tasks carried out in courts and prosecutors' offices and the identification of necessary working hours and human resources for each action is an important step towards a better planning of judicial activities and improving quality. Council of Europe experts and representatives of the relevant departments in the Ministry of Justice meet and discuss ways to develop performance criteria for the judicial system.

Legal Amendments Team

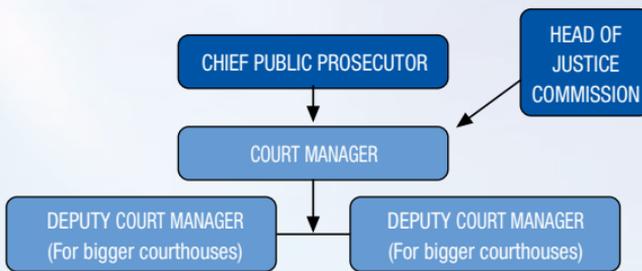
A working group was organised with the participation of judges from relevant departments of the Ministry of Justice to identify necessary legal amendments for the implementation of proposals developed within the Project. Commissions will be established within the Ministry in order to draft the amendments.



B. Other New Practices Introduced Within the New Court Management System

1- Court Managers

The needs assessment visits showed that Chief Public Prosecutors hold a very strong administrative position in all courthouses and are responsible for the overall administration of the courthouse. Financial administration, security, health conditions, the administration of premises, and human resources management are a few of the numerous administrative issues that fall under the direct and personal responsibility of Chief Public Prosecutors. This situation has two major effects: Chief Public Prosecutors cannot focus on their judicial tasks and judges and courts are in an obligatory relation with the Chief Public Prosecutor as he/she is the authority to provide them with any financial or material means.



The introduction of professional court managers was proposed in the Project Strategy Plan in order to overcome these negative effects and set up a management infrastructure capable of long-term planning and supporting a better use of resources. The administrative/management tasks currently performed by the Chief Public Prosecutors should be transferred to a professional court manager and a clear definition of the respective responsibilities of the staff categories concerned should be set.

A set of major legislative amendments, necessary for the implementation of court managers, were identified. Hence, the Ministry of Justice proposed to transform the existing “administrative directors” into court managers for the purpose of the pilot implementation. A set of administrative tasks to be delegated were identified and the appointment of court managers was officially announced on 10 August 2009. The evaluation reports so far show that the court managers were received positively and contributed to reducing the administrative burden of the Chief Public Prosecutor.

However, as the administrative directors were subordinates to the Chief Public Prosecutors, current court managers are functioning in the same way during the pilot implementation.

2- Judicial Assistants

The core business of courts should be the resolution of disputes and the prosecutor's office stands for conducting investigations and preparing indictments. However, almost all judicial and administrative tasks with any degree of relevance to judicial proceedings are assigned to judges and prosecutors in the Turkish judicial system, without any classification or prioritisation. Numerous extra-judicial tasks, such as overseeing even the simplest correspondence, signing all documents presented to courts for registration, checking if expert reports and requests from public institutions have arrived, calculating court fees and supervising duly depositions, scheduling and organising on-site examinations, etc. keep judges and prosecutors busy and prevent them from focusing on actual work. This situation at times causes excessive length of proceedings.

The Project Strategy Plan proposed the delegation of non-judicial tasks entrusted to judges and public prosecutors to other judicial officers, such as court clerks and registrars. Therefore, it was considered appropriate



to introduce the function of judicial assistant who would assist the judges and prosecutors in preparing cases, indictments, and hearings; make proposals to judges and prosecutors as regards actions to be taken; collect relevant case law, and possibly draft simple verdicts and indictments to be checked, approved (and signed) by judges and prosecutors. This would enable the judges and prosecutors to concentrate on their actual business.

Throughout the implementation of the Project, it was observed that the introduction of judicial assistants as a separate judicial profession required further discussion and a significant amount of legislative amendments. During the discussions, it was foreseen that even an amendment to the Constitution would be necessary. Hence, the Ministry of Justice proposed using candidate judges and prosecutors as judicial assistants.

Around 50 judicial assistants were selected and received customised training. Judicial assistants were assigned to all five pilot courts from 10 August 2009. The evaluation reports filled in by the judges and prosecutors working with them show that judicial assistants have contributed positively to reducing the workload of the judges and prosecutors.

3- Media Spokespersons

During the needs assessment visits, it was observed that no structured relation existed between the judicial system and the media. No official information was provided to the media, yet the media published numerous articles daily about judicial proceedings, sometimes with confidential information or slandering the good reputation of the people and violating the right to privacy. Such a lack of clarity affected the image and credibility of justice in the public eye and prevented the necessary transparency. The introduction of media spokespersons was therefore proposed in the Project Strategy plan with a view to overcoming those problems.



Although the initial proposal foresaw the selection of two judges and two prosecutors from each pilot court in order to prevent any conflict of interest regarding any given case, one judge and one prosecutor was selected as media spokesperson for each courthouse and received training in two sessions. The training session included the legal background of the matter, with a particular focus on the presumption of innocence and the right to privacy

and also a skill training session, which was carried out by media professionals. The media spokespersons were trained in real life situations in the presence of cameras and video recorders.

Although regulation Number 26 of DG Criminal Affairs of the Ministry of Justice foresees press statements to be made only by the Chief Public Prosecutors, media spokespersons in Rize, Manavgat, and Aydin held press conferences, released statements and provided the requested data to the media on a number of occasions.

Further developing this practice will contribute to the transparency and improving the public image of judiciary ■