



1.3. PROFESSIONALISM AND COMPETENCE OF THE JUDICIARY



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PRE-SERVICE TRAINING

Judge and prosecutor are career professions in Turkey. It is possible for a law graduate to be recruited in the judiciary right after the graduation provided that he passes the required exams and completes the candidacy period.

The graduates of political sciences, economy and international relations faculties are entitled to be recruited in the administrative judiciary in addition to the law graduates.



In order to eliminate the probable risks of early recruitment of newly graduated people to the profession, pre-service training programs during the candidacy period have been introduced which are compulsory for candidate judges and prosecutors to attend.

The candidacy period for judges and public prosecutors is two years. (Article 28 of the Law on Justice Academy, Law No: 4954)

However, this term has been shortened by one year taking into consideration the existing vacancies in the positions and expected increase of the number of these vacancies after introduction of the Regional Courts of Appeal by 1 June 2007.

This will be an exceptional case and will be implemented for five years. (Article 51 of the Law Amending the Law on Judges and Prosecutors, Law No:5435, O.G.24.12.2005, No:26033)



The pre-service training of candidate judges/prosecutors is conducted in two parts:

1. Training on practical matters: In this phase of the training, candidates visit several courts, public prosecutors' offices and other relevant institutions as shown in the following chart.



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Institutions to be visited	Civil Judiciary	Administrative Judiciary
Public Prosecutor's Office	45 days	-
Criminal Courts	180 days	-
Civil Courts	150 days	-
Court of Cassation	90 days	-
Other Judicial Institutions	45 days	-
Administrative Courts	-	120 days
Tax Courts	-	120 days
Regional Courts of Appeal	-	30 days
Council of State	-	180 days
Governorship Offices	-	60 days
TOTAL	510 days/17 months	510 days/17 months



2. Training on theoretical matters: Candidate judges/prosecutors attend courses at the Justice Academy for two 3 month-periods during their candidacy.



JUSTICE ACADEMY

The Justice Academy has been established by the Law on Justice Academy and started to function as of 31.10.2003.
(Law No: 4954, O.G. 31.7.2003, No:25185)

It is autonomous from scientific, administrative and financial points of view.

The Justice Academy has the responsibility and role for organizing and implementing candidacy programs and pre-service training among other tasks.
(Articles 5 and 26 of the Law on Justice Academy)



Main tasks of the Justice Academy are as follows:

- To organize pre-service and in-service training programs for civil, administrative, military judges, notaries and auxiliary personnel and for lawyers upon their demand.
- To organize specialization programs, seminars, symposiums, conferences etc.
- To publish scientific works, research, periodicals or books.



The candidate judges and prosecutors are invited to the Academy two separate times during their candidacy for terms of three months each. They are given theoretical and practical courses by academics, members of the high courts, judges and prosecutors.

The courses that candidates are given during their first visit to the Academy which is called “preparatory term” are mostly focused on procedural matters.

In the final phase they are given more substantial courses. In addition to theory, practical explanations are given to candidates.



Some Preparatory Term Courses for Judges/Prosecutors in the Civil Judiciary:

- Procedural Rules for Public Prosecutors and Their Tasks
- Procedural Rules for Criminal Judges
- Procedural Rules for Civil Judges

(Administration of trials, hearing expert witnesses, witnesses and parties, writing decisions and reasoned judgments, works in case of appeal applications etc.)



Some Final Term Courses for Judges/Prosecutors in the Civil Judiciary

Civil Law Courses:

- Family Law and Matrimonial Matters including Maintenance Allowance
- Property Law
- Dissolution of Partnership
- Actions for changes in land registries and avoidance of intervention to the property rights
- Compensation Law
- Application of the Law on Negotiable Instruments
- Application of the Law on Obligations



Some Final Term Courses for Judges/Prosecutors in the Civil Judiciary

Criminal Law Courses:

- Crimes against life
- Crimes of homicide and wounding
- Crimes against property
- Crimes against freedoms
- Enforcement of sentences
- Law on misdemeanors
- Special Prosecution Procedures and applications
- Application of certain special laws



Some Final Term Courses for Judges/Prosecutors in the Civil Judiciary

Courses Related to Prosecution:

- Tasks of the prosecutor
- Relations of Prosecutors with judicial police, the Ministry of Justice and other authorities
- Techniques for evidence collecting and apprehension
- Forensic medicine applications
- Prison management
- Preparation of indictment



Some Courses for Administrative Judges in the Preparation Term

- Duties, competences and functions of the administrative courts and court structure
- Official correspondence rules
- Relations between colleagues, citizens, parties and lawyers
- Administrative cases
- Preliminary examination of the petitions and decisions upon preliminary examination
- Requests for stay order
- Notification process
- Collecting evidences and evaluation
- Examination of files and techniques for writing decisions
- Implementation of administrative decisions
- Appeal procedure for administrative judiciary
- Human rights law, EU law
- Judicial and social ethics



Some Courses for Administrative Judges in the Final Term:

- Administrative lawsuits for damages
- Disputes related to civil servants
- Disputes on administration of provinces and villages
- Disputes on educational matters
- Procurement law and its implementation
- Trial procedures for civil servants
- Disputes stemming from banking law and legislation regarding high boards
- Tax legislation
- Disputes stemming from implementation of legislation on revenue of public debts



In the three years since the Justice Academy started to function, 1472 candidates in the civil jurisdiction for the preparation term and 856 for the last term have been trained.

In the administrative jurisdiction, 445 candidates for the preparation term and 285 for the last term have been trained.



IN-SERVICE TRAINING

Judges, public prosecutors and auxiliary personnel are supported by life-time in-service training programs. These in-service training programs are conducted by three different groups of institutions:

1. Justice Academy
2. Training Department of the Ministry of Justice
3. High Courts of Appeals (Council of State and Court of Cassation)



IN-SERVICE TRAINING ORGANIZED BY THE JUSTICE ACADEMY

The following charts show the subjects, number of attendees and duration of the training programs which have been organized by the Justice Academy in the last three years.



In-service training (2004)

Subject	Attendees	Days
Family law	95	5
Enforcement of sentences	17	5
Labour Law	73	5
Land Registry Law	80	5



In-service training (2005)

Subject	Attendees	Days
Family law	71	5
Enforcement and Bankruptcy	103	5
Labour Law	89	5
Land Registry Law	39	5
Juvenile Law	32	5
Intellectual Property Law	19	5
Public Prosecutors	155	5
Chief P. Prosecutors/Head of Justice Commissions	118	5
Consumer Law	39	5
Administrative and Tax Law	49	5

In-service training (2006)

Subject	Attendees	Days
Family law	51	5
Foundations law	14	5
Labour law	78	5
Land Registry law	72	5
Juvenile law	32	5

Including some training for lawyers and military judiciary, totally 1567 people have attended courses at the Justice Academy.



JUSTICE ACADEMY

According to the training program of the Justice Academy for May 2006- April 2007, 900 judges and prosecutors are expected to attend the Academy.

The following chart shows course topics and expected attendance.



Planned In-service trainings (2006-2007)

Subject	Attendees	Days
Family law	60	5
Enforcement and Bankruptcy	120	5
Labour Law	140	5
Land Registry Law	60	5
Juvenile Law	160	5
IP Law	20	5
Public Prosecutors	160	5
Enforcement of Sentences	20	5
Consumer Law	40	5
Administrative and Tax Law	100	5
Foundations Law	20	5



IN-SERVICE TRAININGS ORGANIZED BY THE TRAINING DEPARTMENT OF THE MINISTRY OF JUSTICE

The in-service training programs had been mostly implemented by the Training Department until the Justice Academy have been set up. One of the expected outcomes of the Justice Academy's establishment was transference of the Training Department's tasks to the Justice Academy. The Justice Academy has undertaken the responsibilities of the Training Department partially and broadens its activities step by step. However, it will need some time to finalize the transitional period and become a fully effective institution.



Training Department of the Ministry of Justice

Having broad experience in the field of training organizations, the Training Department continued to organize some training activities together with the Justice Academy. Despite the fact that the Training Department is a unit under the Ministry of Justice, all of the in-service activities organized for judges and prosecutors are subject to the approval of the High Council for Judges and Prosecutors. Without the consent of the High Council, judges and prosecutors cannot be invited to attend any activity of the Training Department.

In the following charts the training activities and number of attendees in the last 5 years is shown.



Subject	Attendees
Civil Code Seminars	1832
EU Harmonization Packages and EU Law	934
Turkish Criminal Code	6266
Turkish Criminal Procedure Code	5577
Foreign Language Courses (in various languages and institutions)	787
Specialized Civil Law Seminars	478
Extradition	89



Subject	Attendees
Private International Law Seminar	106
Juvenile Law (5 activities)	211
Anti-corruption law+Financial Crimes	125
Judicial Police	103
Illegal Migration (5 activities)	200
Trafficking in Human Beings (4activities)	89
Administrative Law	70
Forensic Medicine Law	2051
Criminal Justice System	654
Freedom of Expression	150
Judicial Network Project (Software)	6587



Subject	Attendees
Enforcement of Sentences+Probation System	282
Reform in Judicial System (4 activities)	788
In-service training at the Court of Cassation	496
Judicial Statistics	5
Intellectual Property Law	122
Prison Management	18
Combating Terrorism	91
Human Rights Law (9 activities)	13605
Access to Justice	52



IN-SERVICE TRAININGS AT THE COURT OF CASSATION AND THE COUNCIL OF STATE

Visiting the Court of Cassation and the Council of State for certain periods is an important opportunity for judges and prosecutors to follow the case-law of these high courts. Judges and prosecutors are allowed to work at the chambers or Chief Public Prosecutor's Office generally for two months. The following chart provides number of participants to these in-service training activities:



IN-SERVICE TRAININGS AT THE COURT OF CASSATION

Year	Number of Attendees
2003	118
2004	72
2005	31
2006	61



TRAINING ON FOREIGN LANGUAGES, HUMAN RIGHTS LAW AND EU LAW

The Justice Academy and the Training Department of the Ministry of Justice have given great importance to training activities in human rights law, EU law and foreign languages.

These topics have been added to the pre-service training curricula on the one hand and on the other hand judges, prosecutors and auxiliary personnel are supported by in-service programs which are implemented intensively.



FOREIGN LANGUAGE TRAINING

In recent years foreign language training has gained great impetus with support of the Ministry of Justice, private universities and cultural centers of the foreign embassies in Ankara.

The Ministry of Justice supports the language training by paying 60% of the fees of private language courses. The Ministry approaches all of the applications of judges and prosecutors for attending language in a positive way.

Each year approximately 100 judges/prosecutors attend private language courses. 509 judges/prosecutor were financially supported between 2001-2006 for these courses.



Bahçeşehir and Yeditepe Universities located in Istanbul offered full-time courses for judges and prosecutors for 8 months each year. In order to follow these courses, judges and prosecutors are given permission by the High Council for Judges and Prosecutors for the course term .

Institution	Number of Attendees		
	2004/2005	2005/2006	2006/2007
Bahçeşehir University	5	30	30
Yeditepe University	30	30	30



The Ministry of Justice cooperates with the cultural centers of the EU Member States' embassies in Ankara and various language courses are provided for judges and prosecutors free of charge.

49 of them attended courses at the French Cultural Center,
8 of them attended courses at the Italian Cultural Center,
58 of them attended courses at the British Council



The Ministry of Justice has launched a project in 2005 which aimed to send 20 judges to the UK, France and Germany to take language courses for one year. This Project has been successfully fulfilled for the first year and it is decided to continue in the future. In this regard 22 judges/prosecutors have been chosen to be sent abroad for the coming year.



Language training is also supported for the candidate judges and prosecutors. The Law on Justice Academy envisages the support for language training and aims to send successful candidates abroad for continuing of their language training in a foreign country for 6 months.

(Article 28 of the Law on Justice Academy)



TRAINING ON EU LAW

EU Law has been one of the most attractive fields among judges in recent years in parallel to the acceleration in EU –Turkey relations.

Especially the EU funded scholarship programs and projects have given opportunity to Turkish judges to have postgraduate studies in EU countries.

In the last 5 years 12 judges benefited from the Jean Monnet Scholarship Program, and 7 judges from the EU funded Modernization of the Judiciary Project. All of the mentioned judges continued master programs in the EU countries.

11 judges/prosecutors were sent to the UK by the MoJ for 6 months to attend post-graduate certificate programs on EU matters



In the last 3 years, 555 judges and prosecutors attended the seminars on EU Law which were held in cooperation with the EU.

EU law courses are also provided by some Turkish Universities. The Ministry of Justice encourages judges/prosecutors to attend such courses by paying their fees.

In the last 5 years, 56 judges/prosecutors have attended and been financially supported for the courses on basic EU knowledge and EU Law at Ankara University EU Research Centre which last for three months in each term.

Apart from the mentioned training programs EU Law is taught at the Justice Academy both in preparatory and final terms of the pre-service training.



TRAINING ON HUMAN RIGHTS LAW

Human Rights Law is a priority area for the Ministry of Justice. Therefore, training programs are implemented continuously and intensively.

The courses on human rights law and incorporation of the caselaw of the European Court of Human Rights to the national legal system are taught at the Justice Academy in the pre-service training period.

The Ministry of Justice and the Justice Academy are in close cooperation with the international organizations to organize training on Human Rights Law and study visits to the leading institutions and courts in this field.



The EU-Council of Europe Joint Project on Human Rights presented an opportunity to reach all judges and prosecutors in Turkey for providing human rights law training.

Under this Project, 225 judges were given the responsibility of being trainers and they were trained by Turkish and European experts on the European Convention on Human Rights (ECHR) and jurisprudence of the European Court of Human Rights (ECtHR).

Following the completion of the Project, the Ministry of Justice organized regional seminars and through these seminars 225 trainers trained 8470 judges and prosecutors on the ECHR and the jurisprudence of the ECtHR.

The early impacts and results of these trainings have been positive.

Judges and prosecutors started to make direct references to the ECHR and ECtHR in their judgments, indictments or other judicial documents.



A similar project on training of judges and prosecutors on human rights had been implemented in cooperation with the British Council in 2001.

10 experts have been trained in the UK and they reflected their knowledge and experience to the chief public prosecutors and presiding judges of the heavy criminal courts in 81 provinces. In the last phase of the Project, 1000 judges and prosecutors have been trained on human rights matters.

The implementation of this Project was continued in 2002, and 4594 judges and prosecutors were given human rights training through regional seminars.



In the last five years significant legislative changes have been introduced in order to align with the EU standards in the field of human rights. Following the legislative process, the Ministry of Justice has prepared and implemented EU funded seminars to explain reform packages which have mostly included human rights issues. Through 6 regional seminars 934 judges and prosecutors have been trained on human rights.



The Ministry of Justice is one of the beneficiaries of the Project on Support for the Implementation of Human Rights Reforms in Turkey which has been designed for use of several governmental institutions. Under this Project 400 judges/prosecutors and 180 inspector judges are aimed to be trained on European Convention on Human Rights and jurisprudence of the European Court of Human Rights. Under the scope of this Project 40 judges/prosecutors and 50 inspector judges will be given opportunity to attend study visits to international institutions and EU member states.



Apart from the abovementioned projects on human rights, the Ministry of Justice organized several training programs in cooperation with universities, international organizations and institutes working in this field. The following chart provides figures about this training between 2001-2006.



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YEAR	Cooperation with International Institutions	Cooperation With National Institutions	TOTAL
2001	1323	542	1865
2002	5244	86	5330
2003	275	-	275
2004	9207	-	9207
2005	54	80	134
TOTAL	16103	708	16811