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Strengthening the Legal Aid Service in Turkey EU Twinning Project

STRATEGIC PLAN and ACTION PLAN





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STRENGTHENING THE LEGAL AID SERVICE IN TURKEY EU TWINNING PROJECT

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ACRONYMS

EU : European Union

EUcHR: European Court of Human Rights

EHRC: European Human Rights Convention

UN : United Nations

CEPEJ : The European Commission for the Efficiency of Justice

CCP: Code of Civil Procedure

CCrP: Code of Criminal Procedure

CAP: Code of Administrative Procedure

UTBA : Union of Turkish Bar Associations

TSI: Turkish Statistics Institute

INTRODUCTION

Access to justice means that state provides all means so that whole sections of society access to justice easily and claim their rights effectively. It is only possible to realize the principle of supremacy of law by this means.

One of the most important elements of access to justice is legal aid. Legal aid is a whole of legal remedies which foresee the elimination of barriers for people who are lack of financial means to benefit from justice services or who are not able to claim their rights by any means or who do not have the capacity to defend themselves.

In Turkish law, legal aid is accepted as a fundamental mean for access to justice in the framework of Article 6 of European Convention on Human Rights stating the right to fair trial and Constitution of Republic of Turkey, Art. 10's equal protection of law.

This continually existing need acquires a new dimension with every single development that closely effect the legal system. Especially political and financial area related complex international relations, law on asylum seekers and refugees, cross border crimes, health, security and educational services bring new approaches together.

These developments make it essential to keep the access to justice, in the very same context, the functioning of legal aid, dynamic.

Legal aid system in Turkey has a long-standing history with its legislative structure, organizational structure and traditional practices. The system functioning right now in criminal, civil and administrative procedures have contributed a lot to the current state of Constitutional State.

In the course of time, system has been amended in the framework of policies which are determined with a sensitive approach to human rights. In terms of criminal procedure, having a very comprehensive system of compulsory defence advocacy and the possibility to assign lawyer to certain victims; in terms of civil procedure, taking measures to facilitate legal aid are the consequences of above mentioned situation. Another marker of the improvement in legal aid is to have continuous annual increases in financial sources for this service.

Together with these, there are fields of the system that require to go under a reform. Sustainable success will be only possible with these means.

This very plan, prepared as an outcome of well-attended meetings in the framework of “EU Twinning Project Strengthening the Legal Aid Service in Turkey”, focuses on the fields that require improvements. It is targeted to have a better functioning of the system with this project in which Ministry of Justice is the main beneficiary and Union of Turkish Bar Associations is the co-beneficiary.

The focus points are to reform the organizational structure, financial structure and functioning of the system with a joint responsibility of Ministry of Justice, Union of Turkish Bar Associations and bar associations as parts of the system.

Beside to point of reforming some already existing practices, it is also targeted to add some new practices to the system.

The issues handled in this Plan will be included to the Judicial Reform Strategy, the basic policy document in the field of judiciary, which is still being updated within the scope of the reforms made by Turkey in the EU accession process and which is implemented after being discussed in the Council of Ministers.

MISSION

Ensure that the social and financial situation of individuals do not constitute an obstacle to freedom of claim their rights.

VISION

A legal aid system which is easily accessible, comprehensive, fast and functional.

ESSENTIAL VALUES

| | | |
|----------------|--------------|-------------------|
| Fairness | Equality | Accessibility |
| Efficacy | Productivity | Transparency |
| Accountability | Sensitivity | Comprehensiveness |

SITUATIONAL ANALYSIS

Scope of Legal Aid System

1. In civil procedure the main legislation is constituted by Law No. 6100 Code of Civil Procedure, Law No. 1136 Code of Lawyers, Law No. 6458 Code of Foreigners and International Protection, UTBA Bylaw on Legal Aid.
2. In criminal procedure the main legislation is constituted by Law No. 5271 Code of Criminal Procedure and Regulation on the Procedures and Principles of Payments for the Assignments of Defence Counsels and Lawyers in Accordance with Code of Criminal Procedure.
3. It is foreseen in Law No. 2577 Code of Administrative Procedure Art. 31 that the provisions of Law No. 6100 Code of Civil Procedure shall be applied in legal aid. Except this general rule, in administrative procedure, a situation that has features of legal aid is related to the suspension of execution which is peculiar to this very judicial branch. As a rule, decision on the suspension of execution is given after posting of a guarantee. However, there shall be no requirement of guarantee from legal aid beneficiaries¹.
4. In criminal, civil and administrative cases, legal aid is comprehensive in terms of case types, context and beneficiaries. It is designed to involve exemption of any kind of cost including the fees of legal aid lawyer and it is not limited to certain type of cases.

¹ Code of Administrative Procedure Art. 27 and Art. 52.

5. In accordance with the Law No. 5271 Code of Criminal Procedure, the right to have a representation by a lawyer free of charge is granted to every suspect, detainee, victims of sexual violence and victims of a crime that requires minimum five years of imprisonment upon their request. Also, this opportunity is given to minors, people with disabilities and offenders and victims of certain crimes by taking the minimum threshold of punishment without seeking the person's request².
6. Legal aid in criminal procedure entitles beneficiary to be exempted from any kind of cost that could occur including the fee of lawyer. Then again in the context of Law No. 5271, the costs of interpreter assigned for suspect, detainee, victim or witness who are non-Turkish speaking or with disability, are not counted as litigation costs and these costs are covered by State Treasury³.
7. In the fourth paragraph of the 10th article of the Regulation on the Procedures and Principles of the Payments to the Defence Counsels and Lawyers Assigned in Accordance with the Code of Criminal Procedure, the amendment has been made in 2016, with more than one suspect, defendant, victim, complainant, the same lawyer or defence attorney who is assigned to the duty is entitled to be paid a separate fee for each of these persons.
8. Legal aid application in civil cases is made to bar associations and courts. People who do not have the means to compensate lawyer's fee are given attorneyship services which are under the Law No. 1136, Code of Lawyers by legal aid offices of bar asso-

² Code of Criminal Procedure Art. 150 and Art. 234

³ Code of Criminal Procedure Art. 324.

ciations⁴. In addition to that the fee of lawyer who is assigned upon the request of court, is covered by Treasury, deemed as litigation cost⁵.

9. Legal aid provides beneficiaries to have temporary exemption from all litigation costs and pursuance costs and also exemption from posting a guarantee for litigation costs and pursuance costs⁶. In order to have this exemption, it is mandatory for court to order. Besides, as it is in criminal procedure, also in civil procedure there is not a limitation for types of cases.

10. In Code of Civil Procedure, in accordance with the amendment which went into force in year 2013; there is a possibility to reclaim against the decision of legal aid application rejection⁷. This has been one of the measures to improve the legal aid in recent years.

11. In accordance with the Law No. 6458 Foreigners and International Protection, attorneyship services are provided in line with the provisions of legal aid which is stated in Law No. 1136 Code of Lawyers, for applications made before court or prosecution office, regarding work and procedures again in the context of same

4 Code of Lawyers Art. 176.

5 Code of Civil Procedure Art. 340.

6 Code of Civil Procedure Art. 335.

7 Code of Civil Procedure Art. 337

Law, made by applicant who does not have the means to pay the fee of lawyer and who has international protection status⁸.

Financial Analysis

12. In Turkey, the budget allocated to legal aid is increasing according to the years. Between the years 2013-2017, total budget allocated to legal aid has increased 45.19%. Also, according to the 2016 CEPEJ Report which is based on the data of 2014, Turkey is in the sixth place among 47 European Council countries by granting 780 Euro per legal aid case⁹.

| Countries | Per Legal Aid Case Granted Applied Budget Amount in the Year 2014 |
|---------------------------------------|---|
| 1. United Kingdom – England and Wales | 1479 Euro |
| 2. The Netherlands | 1178 Euro |
| 3. Austria | 978 Euro |
| 4. United Kingdom – Scotland | 888 Euro |
| 5. Bosnia - Herzegovina | 832 Euro |
| 6. Turkey | 780 Euro |
| 7. Slovenia | 530 Euro |
| 8. Monaco | 483 Euro |
| 9. Germany | 456 Euro |
| 10. Bulgaria | 276 Euro |

8 Law No. 6458, Art.81.

9 https://www.coe.int/t/dghl/cooperation/cepej/evaluation/2016/publication/REV1/2016_1%20-%20CEPEJ%20Study%2023%20-%20General%20report%20-%20EN.pdf

13. In criminal procedure, the financing of legal aid services is realized from the budget of Ministry of Justice.

In the civil procedure, on the other hand, fees of legal aid grants performed by courts are realized from the budget of Ministry of Justice. As an addition to this, two percent of the fees received in accordance with the provisions of tariffs (1), (2) and (3) subjected to the Law No. 492, Law on Fees and two percent of the fees charged for legal aid services in civil procedures, excluding administrative fines and the amount to be calculated according to two percent of the monetary penalties are transferred to the UTBA account by the Ministry of Finance every year until the end of March every year¹⁰.

14. The criticisms and evaluations related to the financial structure of the system accumulate especially over the insufficiency of lawyer fees in criminal cases, not foreseeing different fees for long and complex judicial procedures, occasional delays in the payments of lawyer fees, insufficient budget allocation to Union of Turkish Bar Associations for legal aid services in civil procedures.

15. In civil procedures, Minimum Fee Tariff of Lawyers are prepared annually by Union of Turkish Bar Associations via taking the opinion of Ministry of Justice¹¹. As for the last, in accordance with the Minimum Fee Tariff of Lawyer's published on official gazette dated 31.12.2017 and numbered 30286, the fees to be paid for legal supports and work follow-up except from case and pursuance, monthly payments to mandatorily contracted lawyers in

10 Code of Lawyers Art.180.

11 Code of Lawyers Art.168.

accordance with the Art. 35 of Code of Lawyers, legal supports performed in place of jurisdictions, in enforcement and bankruptcy offices in which the case is allied to fixed rate although the issue is money or can be evaluated with money and legal supports performed in place of jurisdictions, in enforcement and bankruptcy offices in which the case is not about money or cannot be evaluated by money are determined with amount and legal supports performed in place of jurisdictions, in enforcement and bankruptcy offices in which the case is the case is about money or can be evaluated with money are determined with percentages.

2018 TARIFF ON ATTORNEYSHIP FEES

FIRST SECTION

FIRST PART

Fees to be paid on Legal Support Except Case and Litigation

| | |
|---|----------|
| 1. Verbal Counselling in Bureau (till 1 hour) | 300,00TL |
| For every following hour | 175,00TL |
| 2. Verbal Counselling in the place that attorney is asked (till 1 hour) | 600,00TL |
| For every following hour | 300,00TL |
| 3. Written Counselling (till 1 hour) | 600,00TL |
| For every following hour | 280,00TL |
| 4. For every kind of petition writing, preparation of notice, written warning and protest | 440,00TL |

| | |
|--|------------|
| 5. Preparation of contracts and similar documents | |
| a. Rental contract and similar documents | 580,00TL |
| b. Preparation of by-law, regulation, inheritance contract, testament, deed and similar documents | 1.750,00TL |
| c. Articles of incorporation, contracts of transfer and merging of companies and similar trade related contracts | 880,00TL |

SECOND PART

Fees to be paid on Legal Support related to Pursuits

| | |
|---|-------------|
| 1. Regarding the pursuit issues like documentation of a situation, collection of money at the stage of payment or preparation of a template of a document | 440,00TL |
| 2. A) Regarding the business pursuits similar to origination, determination, transfer, termination or protection of a right | 725,00TL |
| B) Regarding every kind of legal support to constant contract-based banks, finance institutions and similar to those with regards to procedures qualified as origination and determination of a right including establishment and discharge of mortgage | 175,00TL |
| 3. Regarding the pursuit of procedures like approval of legal entity traders' charters, those traders' obtaining license and concession and transfer related business issues, naturalization to Turkish citizenship | 3.250,00TL |
| 4. Regarding the procedures followed up in tax compromise commissions | 1.450,00TL |
| 5. Regarding the procedures followed up in international judiciary | |
| a. If it is a summary trial | 6.300,00TL |
| b. If it is a trial | 10.900,00TL |

| | |
|--|--|
| c. For the cases that the issue is money, the fee is identified in accordance with the third part of Tariff | |
| 6. 12% of the value of related work in services provided before provincial and district consumer arbitration committees, wholesale market hall arbitration committee for fruits and vegetables or before commissions. However, if the value of the work is under the fixed rates, it is equal to the value of the work | |

THIRD PART

Fees to be paid on monthly basis to the mandatorily contracted lawyers in accordance with the Article 35 of Attorney's Act

| | |
|--|------------|
| 1. Building cooperatives | 1.210,00TL |
| 2. Stock companies | 1.815,00TL |
| In case, the total calculated amount of followed cases, pursuits and works to be calculated according to the tariff is higher than the yearly fee of attorney, the gap between the calculated amount and arising is paid to the lawyer additionally. | |

FOURTH PART

| | |
|--|------------|
| 1. Monthly lawyer fee to be paid by Public Institutions and Organizations and Natural Persons and Legal Entities to their contracted lawyer | 1.815,00TL |
| In case, the total calculated amount of followed cases, pursuits and works to be calculated according to the tariff is higher than the yearly fee of attorney, the gap between the calculated amount and arising is paid to the lawyer additionally. | |

SECOND SECTION

FIRST PART

The fee to be paid to legal assistance related to fixed rates even the case is about money or can be evaluated in terms of money and the service is delivered in judiciary or enforcement and bankruptcy offices

| | |
|---|------------|
| 1. Regarding the procedures related warrant of distraint, cautionary judgment, determination of evidence, suspension of execution, identification of payment and place of deposit on condition that those are not a part of ongoing litigation: | |
| a. If it is a summary trial | 485,00TL |
| b. If it is a trial | 600,00TL |
| 2. Regarding the works in sales clerk office for the elimination of joint ownership | 800,00TL |
| 3. Regarding the procedures related to elimination of joint ownership and action for partition | 1.815,00TL |
| 4. Regarding the procedures and cases followed up in court of taxes | |
| a. If it is a summary trial | 1.210,00TL |
| b. If it is a trial | 1.570,00TL |
| 5. Regarding the cases held in courts of consumer on credit instalments or interest rate adjustments | 1.090,00TL |

SECOND PART

The fee to be paid to legal assistance related to fixed rates even the case is not about money or cannot be evaluated in terms of money and the service is delivered in judiciary or enforcement and bankruptcy offices

| | |
|--|------------|
| 1. Regarding the pursuits in enforcement offices | 360,00TL |
| 2. Regarding the pursuits in enforcement courts | 440,00TL |
| 3. Regarding the pursuits for litigation and hearings in enforcement courts | 725,00TL |
| 4. Regarding the pursuits for release | 725,00TL |
| 5. Regarding the pursuits for criminal affairs in enforcement courts | 660,00TL |
| 6. Regarding the pursuits in the phase of criminal investigation | 660,00TL |
| 7. Regarding the pursuit of cases in civil court of peace | 930,00TL |
| 8. Regarding the pursuit of cases in magistrate's court and offices of judge of execution | 845,00TL |
| 9. Regarding the pursuit of cases in courts of first instance | 2.180,00TL |
| 10. Regarding the pursuit of cases in courts of consumers | 1.090,00TL |
| 11. Regarding the pursuit of cases in courts of the specialized court for intellectual and industrial property rights | 2.860,00TL |
| 12. Regarding the pursuit of cases in high criminal courts | 3.145,00TL |
| 13. Regarding the pursuit of cases in juvenile courts | 1.980,00TL |
| 14. Regarding the pursuit of cases in juvenile high criminal courts | 4.360,00TL |
| 15. Regarding the pursuit of cases in military courts in accordance with Law No. 1111 Military Law | 1.210,00TL |
| 16. Regarding the pursuit of cases in administrative and tax courts | |
| a. If it is a summary trial | 1.090,00TL |
| b. If it is a trial | 1.660,00TL |
| 17. Regarding the pursuit of appellate cases in regional courts of justice and regional administrative courts | |
| a. For the procedures with one hearing | 1.090,00TL |
| b. For the procedures with more than one hearing or miscellaneous procedures like viewing procedure which requires the existence of lawyer | 2.180,00TL |
| 18. Regarding the account litigations in court of accounts | |
| a. If it is a summary trial | 1.980,00TL |
| b. If it is a trial | 3.300,00TL |
| 19. Regarding the cases heard in the first instance of court of cassation | 3.300,00TL |

| | |
|--|------------|
| 20. Regarding the cases heard in the first instance of council of state and military high administrative court | |
| a. If it is a summary trial | 1.980,00TL |
| b. If it is a trial | 3.300,00TL |
| 21. Regarding the appellate hearings of cases in Court of Cassation, Council of State, Military Court of Cassation and Court of Accounts | 1.630,00TL |
| 22. Regarding the cases in Court of Disputes | 1.980,00TL |
| 23. Regarding the cases and procedures in Supreme Court | |
| a. Cases heard by in the name of Supreme Court | 7.260,00TL |
| b. Individual applications | |
| If it is a trial | 3.300,00TL |
| If it is a summary trial | 1.980,00TL |
| c. Other cases and procedures | 3.960,00TL |

THIRD PART

The fee to be paid to legal assistance related to fixed rates even the case is about money or can be evaluated in terms of money and the service is delivered in judiciary or enforcement and bankruptcy offices

| | |
|--------------------------------------|--------|
| 1. For the first 35.000,00 TL | 12,00% |
| 2. For the following 45.000,00 TL | 11,00% |
| 3. For the following 80.000,00 TL | 8,00% |
| 4. For the following 240.000,00 TL | 6,00% |
| 5. For the following 600.000,00 TL | 4,00% |
| 6. For the following 750.000,00 TL | 3,00% |
| 7. For the following 1.250.000,00 TL | 1,50% |
| 8. For more than 3.000.000,00 TL | 1,00% |

16. In criminal procedure, the tariff for the payments to defence attorneys and lawyers assigned in the context of Code of Criminal Procedure is published by Ministry of Justice and Ministry of Finance by taking the opinions of Union of Turkish Bar Associations¹². As for the last, in accordance with the “Tariff for the Payments to Defence Counsel and Lawyers Assigned in the Context of Code of Criminal Procedure” published on Official Gazette dated 31.12.2017 and numbered 30287; different fees are foreseen for pursuance in investigation phase and for every single criminal court pursuance during prosecution phase and legal remedy courts:

| | | |
|-------------------------|--|--------|
| a) | For service given in the phase of investigation | 280 TL |
| b) | For service given in criminal courts of peace | 436 TL |
| c) | For service given in criminal courts of general jurisdiction | 479 TL |
| ç) | For service given in heavy penal courts | 861 TL |
| d) Juvenile Courts; | | |
| 1) | For service given in juvenile courts | 479 TL |
| 2) | For service given in juvenile high criminal courts | 861 TL |
| e) | For service given in court martial | 479 TL |
| f) | For service given in enforcement, intellectual, industrial and property criminal courts and execution courts | 479 TL |
| g) Legal remedy courts; | | |
| 1) | For service given in regional court of justice | 861TL |
| 2) | For service given in supreme court | 969 TL |

¹² “Regulation on the Procedures and Principals regarding the Assignments of Defense Counsels and Lawyers who are Assigned in the Context of Code of Criminal Procedure “published on Official Gazette dated 2.03.2007 and numbered 26450, Art. 4.

17. In Turkey, the data regarding the budget allocated to legal aid in the last five years is as follows:

| LEGAL AID PAYMENTS IN ACCORDANCE BY YEARS | | | | |
|---|---|--|--|-------------------|
| Years | Civil Procedure | | Criminal Procedure | TOTAL |
| | Allowance to Courts from General Budget | Allowance Transferred to Union of Turkish Bar Associations | Payments to Defence Counsels and Lawyers | |
| 2013 | 5.200.988,20 TL | 37.756.700,77 TL | 186.697.476,28 TL | 229.655.165,25 TL |
| 2014 | 5.326.311,00 TL | 44.836.460,99 TL | 177.123.643,35 TL | 227.286.415,34 TL |
| 2015 | 6.332.126,86 TL | 61.252.276,51 TL | 203.214.981,95 TL | 270.799.385,32 TL |
| 2016 | 5.883.158,52 TL | 67.371.340,21 TL | 213.682.113,00 TL | 286.936.611,73 TL |
| 2017 | 8.807.224,00 TL | 76.939.789,06 TL | 247.698.936,00 TL | 333.445.949,00 TL |

18. In line with the European Convention on Human Rights, Article 6, in order to empower the legal aid system in Turkey, comprehensive studies have been performed together with all stakeholders since 2016 in the context of “Strengthening the Legal Aid Service in Turkey EU Twinning Project” which conducted with Ministry of Justice and Union of Turkish Bar Associations together with the consortium of Spain-France-Lithuania.

19. Several study groups have been designed with the representatives of Ministry of Justice, Union of Turkish Bar Associations, Ministry of Finance, Ministry of Interior, Ministry of Family and Social Policies, Council of Judges and Prosecutors, Turkish Justice Academy, non-governmental organizations, representatives as judges, prosecutors and lawyers with the participation of also EU experts and legal aid system in Turkey has been analysed in detail.

20. Together with the contribution of EU experts, the information regarding organizational structures of institutes rendering legal aid, assignment, education, if any specialty fields of legal aid lawyers, legal aid application, procedures regarding to accept or reject the application, scope and content of legal aid, budgetary system, use of information technologies in legal aid, monitoring and audits of service providers in the EU countries has been obtained and an awareness has been raised among relevant stakeholders.

21. Satisfaction surveys to legal aid beneficiaries in criminal, civil and administrative procedures, have been performed in order to identify if the legal aid system functions totally effective or not, to identify any problems if there are any and to contribute to the measurement of legal aid lawyers’ performances.

Areas Focused on to be Improved

22. Long and Complex Judicial Procedures: It is an absence in the system not to foresee the judicial procedures which take long time and requires over working time, in a different way. For this reason, it is important to have a new regulation for the fees of legal aid lawyers by taking the complexity and average procedure duration into account. Besides, it is identified that there is a need for a new regulation on the travel costs of legal aid lawyers.

23. Competence: One of the most important studies to increase the quality of legal aid service in civil and criminal cases, regards to training activities. In this matter, it is important to have continuous trainings of which framework is decided upon the studies of bar associations. In this framework, in the context of Strate-

gic Plan, prevocational training programs will be designed for trainee judges and public prosecutors, and in-service training programs for lawyers rendering legal aid service. Training programs will be designed minding the needs of vulnerable groups. Authority and responsibility of training of lawyers will be innately of Union of Turkish Bar Associations and bar associations.

24.Specialization: Measures will be taken by Union of Turkish Bar Associations and bar associations in order to provide assignments of lawyers in accordance with legal aid lawyers' heavily working fields and professional experiences and in this matter, there will be collaboration with bar associations. Hereby to the possible extent specialization will be sustained.

25.Principles of Profession: Lawyer's Professional Principles have been identified and published in 1971 by UTBA. Together with this adoption of ethical principles regarding legal aid lawyers and dissemination of those principles will contribute to the increase in the quality of service.

26.Simplification: There is an existence of mixed system involving courts and bar associations in civil procedure. This very mixed system's legal predictability and productivity should be strengthened through regulations which will simplify the procedures and user-friendly applications. It will be an important step to take to involve exemption from litigation costs with the legal aid granted by bar associations and again with this legal aid decision, to abolish the compulsory power of attorney between the legal aid applicant and lawyer.

27.Objective Financial Criteria: There could be different practices in terms of financial analysis of legal aid beneficiary by bar associations and courts in the current situation. To sustain the unification in the practice is possible through the adoption of objective financial criteria. This is the reason that an application form will be prepared to be used in the financial analysis of legal aid applicant and integration will be provided to information systems of stakeholders.

28.Flexibility: Granting legal aid to the people who are actually in need, is the requirement of effective and efficient use of right to fair trial and use of financial sources. In this context, it has a place in introducing full and partial legal aid practice for civil procedure.

29.Legal Support: One of the most important deficiencies in our system is pre-litigation consultancy service to be rendered by lawyers. This service protects beneficiaries in one hand and also on the other hand it serves for the technical maturation of case before court stage. In this regard, pre-litigation legal support will meet an important need.

30.Alternative Dispute Resolution Methods: In recent years, alternative dispute resolution methods have been developed in Turkish law and more type of cases are resolved in those ways. Pre-litigation mediation service which is accepted as the preliminary condition for certain type of labour cases is one of the current developments achieved in this specific area. In this framework, there will be studies aiming the inclusion of mediation services into the legal aid scope in the context of the Plan.

31. Increase of Financial Sources: In Turkey, public budget allocated to legal aid is increased continuously and through this way all litigation costs including the fee of lawyer are financed for people in need. On the other side, inclusion of mediation and pre-litigation consultancy services, and classification and increase of lawyers' fees in accordance with the intensity of work require the strengthening of system financing.

32. Acceleration of Payments: In criminal investigation and procedure, there is a need to make faster payments to defence counsels. It is targeted to have studies in this regard.

33. Institutional Structure: Another way to render service of legal aid in a faster and much effective way is to simplify the organizational structure and to make this structure specific to service. As a result, it has been planned to have a unit in the central organization of Ministry of Justice to carry out the legal aid tasks which fall under the responsibility and duties of Ministry of Justice.

34. Awareness: It will help to build a sustainable and transparent system to conduct raising awareness activities regarding legal aid and European Court of Human Rights jurisprudences, to build a website specific to legal aid services, to prepare guidelines for legal aid beneficiaries while focusing especially on vulnerable groups and to publish legal aid data with certain intervals by Ministry of Justice and Union of Turkish Bar Associations.

International Perspective

35. Turkey has accepted the right to individual application of European Convention on Human Rights in 1987 and compulsory jurisdiction of European Court of Human Rights in 1990.

In accordance with the Article 6 of the Convention which regulates the right to fair trial, everyone charged with a criminal offence has the right to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require.

Together with the settled case law of European Court of Human Rights, the scope of legal aid which is regulated in the Convention's Article 6, Right to Fair Trial, has been extended to cover civil cases. Although there is not a provision regarding legal aid in civil rights, the Court notes that Article 6 covers the application to a judicial body in its broadest sense and in line with this, State has the duty to provide assistance of lawyer for disputes born from civil law if requires so. Also, the Court highlights the point that there is not a mandatory requirement to provide free legal aid in every kind of dispute regarding civil rights however there is a possibility of States to simplify the procedural actions¹³.

36. Regarding the topics of infringement decisions against Turkey by European Court of Human Rights, in the context of "Action Plan to Prevent Infringements of European Convention on Human Rights" which is published on Official Gazette dated 01.03.2014 and numbered 28928, it is foreseen to have studies which will allow establishment of objective standards in terms of financial status evaluation to benefit from legal aid in order to eliminate the problems causing infringements.

37. In the European Commission Progress Report of Turkey 2016, the need to enactment of special legislation regarding the rights of victims and increase of legal aid quality for women and minors.

38. “The UN Guidelines and Principles on Access to Legal Aid in Criminal Justice Systems” identifies international standards in legal aid and forces States to establish, strengthen legal aid and extend it to the “possible broadest scope”.

The aforementioned document encourages legal aid to be “accessible, effective, comprehensive and reliable”. According to this, states needs to provide human and financial resources to legal aid system; and also provide legal aid to those who are hold under custody, arrested, suspected to convict a crime or detainees, for every single step of judicial procedures without any delay.

In addition to that legal aid should be provided in cases of situations which requires the legal benefit like the emergency, complexity of the case and the seriousness of the possible punishment, without requiring criteria of granting legal aid.

There should be special measures for groups who have special needs, to make their access to justice significantly easier. In addition, States needs to sustain the conditions that legal aid is provided to the members of disadvantaged groups who are living in rural areas, in distant places, places which are disadvantageous in terms of financially and socially.

Legal aid should be provided to minors at the same time with adults and minors should be able to access to legal aid in much accessible means. Law enforcement units, prosecutors or judges should pro-

vide access to legal aid for the ones who do not have the means to have a lawyer or who are the members of vulnerable groups.

States should provide legal aid to the victims of a crime and witnesses in certain situations without prejudice to the rights of the criminal.

In cases such as legal aid is delayed, not provided or in cases the persons are not fully informed about their rights to access to legal aid, State needs to provide effective remedies and protective mechanisms.

There should be the development of mechanisms which will provide suitable training, skill and experiences in relation with the nature of their profession to serve fully compatible with all people’s needs including the needs of women, minors and people with special needs.

39. In European Commission Counsel of Ministers’ “Legal Aid and Legal Counsel” related decision No. (78)8, it is highlighted that providing legal counsel is as a complimentary part of legal aid for the ones who are financially incapable in order to overcome the obstacles for access to justice.

40. Turkey has signed the Convention on Elimination of All Forms of Discrimination against Women in the year 1984 and in the year 1985, the Convention has been voted in the Grand National Assembly of Turkey, in 1986 the Convention has gone into force. The Convention aims to provide an equal atmosphere for men and women to enjoy their financial, social, cultural, civil and political rights. In accordance with the Convention, party States needs to take necessary measures to remove any obstacle based

on the principle of equality between men and women, especially considering the women living in rural areas.

41. Turkey has signed the Convention on Children's Rights in the year 1990. In the year 1995, Grand National Assembly of Turkey has approved the Convention. States, party to the Convention, take necessary legal, administrative and other measures with the aim of practicing designated rights in the Convention in any activity regarding children practiced by public bodies, institutions, courts, administrative bodies or judicial bodies.
42. Turkey has signed the Convention relating to the Status of Refugees in the year 1951 and the enactment of the Convention which is also known as Geneva Convention, has been realized in the year 1961 by Grand National Assembly of Turkey. According to the Convention, a refugee shall have free access to the courts of law on the territory of all Contracting States. Then again, A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance and exemption from *cautio judicatum solvi*.

SWOT Analysis

Strengths

- To have a functioning legal aid system across the country
- To grant legal aid in every type of case
- To have a continuously increasing budget of legal aid

To have a comprehensive legal aid scope in criminal cases for suspects, detainees and victims in criminal investigation and prosecution phase

To assign lawyers in criminal investigation and prosecution phases upon the demand of suspect or detainee without applying means test

To have the possibility of assigning defence counsel and lawyer to certain vulnerable groups without requiring their demand in criminal investigation and prosecution

To assign defence counsel and lawyer without any delay

Not to experience any financial source limitations for the remuneration of defence counsel and lawyers in criminal cases

Weaknesses

To have insufficient legal aid statistics

Not to foresee the specialization

Not to have identified objective criteria for financial situation analysis of legal aid applicants in civil cases

Not to have pre-litigation consultancy service and mediation in the scope of legal aid

Not to include exemption from litigation costs in the coverage of bar association's legal aid granting decision

Not to foresee extra remuneration for long and complex judicial procedures

To experience delays in the payments of lawyers' remunerations

Not to have a system of to measure and evaluate the performances

Opportunities

To have developing possibilities of information

To have an increasing integration among institutions in the context of e-government studies

To have increasing financial resources

To have increasing legal sensitivity

To have an increasing number of lawyer

Threads

Lack of statistical data

To have limited budgetary resources

Different opinions among stakeholders

Unforeseen increase in the number of people with special needs

BASIC PERFORMANCE INDICATORS

Performance indicators are the tools used to measure the achieved results regarding the goals stated in Strategic Plan. The success status of the Plan is evaluated based on those indicators. It is be-

lieved that basic performance indicators will be fruitful to evaluate the overall success of the Plan.

Below stated performance indicators will be fundamental points to evaluate the success of Strategic Plan. The performance indicators will be evaluated in a manner of comparison with the data of the first implementation year of Strategic Plan, 2021.

1. Those are the designated basic performance indicators;
2. Increase in the satisfaction rate for beneficiaries
3. Increase in the satisfaction rate of legal aid providers
4. Increase in the number of legal aid beneficiaries in civil and administration procedures

| GOALS |
|--|
| Strengthening the organizational structure and financial capacity |
| Extending the scope of legal aid |
| Improving the quality, transparency and accountability of the system |
| Increasing the public awareness |
| Taking measures for vulnerable groups |

GOAL 1

STRENGTHENING THE ORGANIZATIONAL STRUCTURE AND FINANCIAL CAPACITY

Although there are differences in terms of content and procedures, the common goal of legal aid systems in comparative law is to sus-

tain an obstacle free environment for individuals in terms of their right to legal remedies and freedom of defence.

European Court of Human Rights points out that there is not a requirement to provide free legal aid in every dispute regarding civil rights but also highlights that States have the possibility to simplify procedural action.

Another area that is focused on in the Strategic Plan is to simplify the system and make the system easier for beneficiaries.

Identification of financial status has great importance in every judicial system. The principal indicator of a sound functioning system is to have this analysis in total compliance with the legislation and the spirit of the institution and to have permanence across the country.

The criteria to be granted with legal aid in civil procedure is having lack of means for required litigation costs or pursuance costs in total or partial without putting own and family's livelihood in a difficult position. This regulation is in compliance with universal and work. Also, not having objective criteria applied regarding social and financial situation brings different practices across the country. In order to prevent any unjust treatment and to have unified practice, it will be beneficial to identify threshold values and to update those thresholds annually.

On the other hand, procedure of application has importance also. In Turkey, there is not a document foreseen which is unified, standard and serving to purpose. This situation causes different practice developments by bar associations and courts.

Creation of a single type application form for legal aid applicants will ease the applicant and make the work easier for decision makers.

In the application form, there will be information regarding the identification information of the applicant, marital status, number of people living dependent on the applicant, monthly income, registered immovable and vehicle under the applicant's name and social security registries.

This form can be delivered to legal aid offices of bar associations via their website with online means and also be delivered to civil and administrative courts via UYAP citizen and lawyer portals. Besides, the form will be published on the websites of Ministry of Justice and Union of Turkish Bar Associations.

Developing information technologies presents important opportunities to decision makers. It is highlighted that there is a need for getting much more benefit from those opportunities in financial situation analysis.

Currently it is accessible for courts to have information regarding the applicant's detailed identity information, land registry and social security information thanks to the integration to the information systems of Ministry of Justice and other public institutions.

In Plan phase, the integration of legal aid offices of bar associations to UYAP will be provided in order to accelerate the procedures and to ease the financial situation analysis.

Social Assistance Information System (SOYBIS) which is developed to identify personal data of social assistance applicants from central

databases, also provides opportunities legal aid system. UYAP-SOY-BIS integration matters in this respect.

Another issue that is essential to successfully perform public duties, is to develop organizational structures which are fit for purpose, focused on service and with a vision to decrease bureaucracy. The way to success can be led by unification of services under one unit and by giving responsibility to that unit on improving the system. It is foreseen to establish a unit in the central organization of the Ministry to carry out legal aid related duties and responsibilities of the Ministry, which are already carried out by different units of the Ministry of Justice, through one single unit.

This very unit will be responsible to act for coordination among Ministry of Justice, Union of Turkish Bar Associations and other stakeholders in the system; to publish statistical data; to establish scientific commissions or working groups; to encourage for publications and scientific studies regarding legal aid; to follow best practices in legal aid systems world-wide; to identify problems in the current system; and to find solution proposals regarding identified problems.

In legal aid services, strengthening the financial capacity also has importance. It matters to reform the tariff of legal aid lawyer's fee in criminal cases with the purpose of reflecting the sacrifices and dedication of legal aid lawyers to fees and of increasing the quality of service.

The need is pointed out by emphasizing the authorities of other institutions in the context of realization of this issue.

It is important to work on the identification of different level of lawyers' remunerations in criminal legal aid in accordance with some criteria

-e.g. type of crime and number of hearings-. In this classification, it will be foreseen to have an increase in remuneration as there is increase in importance, duration and complexity of case, also the evaluation will be made by taking different crime types into consideration.

On the other hand, Ministry of Justice will work on measures to eliminate any delays on the remuneration payments of lawyers rendering legal aid service.

In Turkey, legal aid is not limited with any type of case either in criminal procedure or civil procedure. In criminal procedure, everyone who are suspects, detainees or victims of sexual assault and of crimes requiring minimum five years of imprisonment, have the right to be defended by a lawyer free of charge. Besides that, minors, people with disabilities and convicts and victims of crimes with certain minimum punishment threshold, are provided with representation by a lawyer free of charge without the need of request.

According to Turkish Institute of Statistics, by the date 31 December 2017, the population of Turkey is 80 million 810 thousand 525. Population of man is 40 million 535 thousand 135 and population of woman is 40 million 275 thousand 390. In accordance with that 50.2% of total population is man and 49.8% of it is woman. The population resides in Turkey has increased in 2017 by 995 thousand 654 people when compared the total population of 2016 and the annual rate of increase of population is %12,4 in 2017.

Together with this, according to the United Nations data, Turkey is the country that host the highest number of asylum seekers and refugees and as for the year 2017, over 3.7 million asylum seekers and refugees live in Turkey.

In accordance with the Law No. 6458, Law on Foreigners and International Protection, attorneyship services are provided in line with the provisions of legal aid which is stated in Law No. 1136 Code of Lawyers for applications made before court or prosecution office, regarding case and procedures again in the context of same Law, made by applicant who does not have the means to pay fee of lawyer and who has international protection status.

As a result, it can be stated that the number of potential legal aid beneficiary is higher than other European countries which has similar population figures to Turkey. That is why, budget allocated to legal aid is in increase: between the years 2013-2017 the budget allocated to legal aid has increased 45.19%.

At the same time, it seems crucial to increase the financial capacity of legal aid providers considering the increasing population and the number of asylum seekers and refugees. In this regard, system is planned to be strengthened in financial aspects in the next period.

A supreme board will be created covering the legal aid and CMK commissions which have been created under the authority of UTBA with the participation of local bar associations in order to monitor legal aid services with a holistic perspective, to detect problematic areas and to find solutions. A monitoring mechanism with a nation-wide authority will be created by inviting the Ministry of Justice and other related stakeholders to this supreme board which is going to assume the duties of planning, coordination, monitoring and evaluation within the scope of duties and responsibilities of the Union of Turkish Bar Association and local bar associations in the existing system. The directive on the duties, competences and responsibilities of the Supreme

Board will be prepared by UTBA in consultation with the Ministry of Justice.

TARGETS

- 1.1. A standard form will be designed for legal aid applicants.
- 1.2. Threshold values will be identified to be taken as basis for financial situation analysis.
- 1.3. Online application to legal aid will be facilitated.
- 1.4. Integration to information systems will be provided.
- 1.5. Legal aid unit will be established in the central organization of Ministry of Justice.
- 1.6. There will be studies to take variables like type of crime and number of hearing into account for the payments of lawyers in the scope of criminal legal aid.
- 1.7. The payments to lawyers regarding criminal legal aid service will be accelerated.
- 1.8. There will be efforts to increase the allocated financial sources to legal aid.
- 1.9. A supreme board will be formed with UTBA related to the issues within the scope of duty of the UTBA and bar associations with the purpose of monitoring and following legal aid services.

| PERFORMANCE INDICATORS | 2018 | 2019 | 2020 | 2021 |
|---|------|------|------|------|
| To design one unified application form | √ | | | |
| To use objective criteria in financial status analysis of legal aid applicants | | √ | | |
| To render legal aid service with means of online services | | √ | | |
| To provide the integration of service providers into the information technologies | | √ | | |
| To establish a unit under the umbrella of central organization of Ministry of Justice to conduct legal aid studies among which are under the existing duty and responsibility of Ministry | √ | | | |
| Re-evaluation of remuneration principles of assignments in the scope of criminal legal aid | | √ | | |
| To have efforts in order to establish preventive measures regarding any possible delay on the payment of legal aid lawyers | √ | | | |
| To have studies in order to increase the allocated financial sources of legal aid | √ | √ | √ | √ |
| To create UTBA Legal Aid Supreme Board | √ | | | |

GOAL 2

EXTENDING THE SCOPE OF LEGAL AID

In civil and administrative procedures, there are two options of decision makers as to grant or reject legal aid. However, partial legal aid practice gives the decision maker possibility of coming up with alternative solutions suitable for the case. It will be a suitable solution to

grant full legal aid to the ones under the threshold income level and progressively adjusted partial legal aid to the ones who are in different income levels.

Pre-litigation consultancy service becomes a topic in the agenda of international judicial world as a tendency with a continuous increase. There are very deep-rooted practices in different EU countries.

It is a prerequisite of access to justice; to know one's rights as a result of a legal situation that one is in although one is not a party to a dispute before judicial bodies, to enjoy the right of having a lawyer's counsel while deciding about one's right in accordance and to prepare information-document.

Legal aid system in Turkey has not foreseen this issue in its current state. The establishment of so called practice is foreseen as a requirement in this Strategic Plan.

Currently the decision of bar association regarding granting legal aid does not cover the exemption from litigation costs. Beneficiary applies to the court, also. It will be a crucial advantage for legal aid beneficiary if the bar association's decision on granting legal aid covers the exemption from litigation costs with a framed procedure or if the litigation costs are covered unless there is a reasoned refusal by court.

The requirement to regulate power of attorney between the client and the lawyer while deeming it is not sufficient to have assignment of bar association, is a non-ignorable bureaucracy that is put on the shoulders of beneficiary. Abolishment of this requirement will decrease the unnecessary bureaucracy and will provide people in need, an opportunity to be exempted from notary costs.

Recently the legislation on alternative dispute resolution remedies in civil and criminal procedure, has been revised in order to strengthen the access to justice. Together with these amendments, the scope of mediation and penal mediation (conciliation) have been extended.

Article 235 of Law No. 5271 Code of Criminal Procedure has been amended with the Law No. 6763 Dated 24.11.2016, Law on Amendments for Code of Criminal Procedure and Some Laws.

Thanks to this aforementioned amendment, it is ensured that the remuneration of penal mediator will be paid in accordance with the tariff identified by Ministry of Justice; the remuneration of penal mediator and other penal mediation (conciliation) costs will be deemed as litigation costs; in situations when the penal mediation (conciliation) is achieved, all these costs will be covered from State Treasury.

In addition, it is foreseen to establish penal mediation (conciliation) bureaus within the body of each Public Prosecution Office and to assign penal mediators from the list created by the Ministry of Justice. Also, the number of crimes to be covered by the penal mediation are increased with the same legal amendment.

In 2017, “Regulation on Dispute Resolution in Criminal Procedure” and “Minimum Fee Tariff of Penal Mediator” have been published.

Together with the Law No. 7036 Law of Labour Courts of which provisions went into force fully on 01.01.2018, application to mediator is imposed as an obligation before filing a lawsuit before court in terms of labour disputes. In this context, referring a mediator before filing a lawsuit is a condition of case which are about employee and employer action of debt based on individual or collective agreement and about reemployment lawsuits.

Then again, in accordance with Law of Labour Courts, when the parties reach an agreement in mediation, the fee of mediator shall be imposed equally between parties unless indicated otherwise in the Section Two of Fee Tariff of Arbitrator.

At the end of the mediation service, if the parties cannot be reached out, if it is not possible to have interview resulting from the absence of parties or not being able to reach an agreement at the end of interviews lasting less than two hours, the fee for two hours of interview shall be covered by Treasury in line with the First Section of Tariff in accordance with the 3/14 Article of Law. In cases when the parties are not able to reach an agreement at the end of the interviews exceeding two hours, unless indicated otherwise, the exceeding time's fee shall be covered equally by parties in line with the First Section of Tariff. The mediation fees covered by Treasury and parties shall be deemed as litigation costs.

In the context of the Plan, it is foreseen to cover the expenses of lawyer who attends the mediation interviews and is the lawyer of legal aid beneficiary, within the scope of legal aid.

TARGETS

2.1. Full and partial legal aid practice will be introduced.

2.2. Pre-litigation consultancy service system and mediation will be included into the scope of legal aid.

2.3. The scope of legal aid decision by legal aid offices of bar associations will be extended.

| PERFORMANCE INDICATORS | 2018 | 2019 | 2020 | 2021 |
|---|------|------|------|------|
| Adoption of full and partial legal aid practice | | √ | | |
| Inclusion of pre-litigation consultancy service and into the scope of legal aid | | √ | | |
| Coverage of exemption from litigation costs with the legal aid decision of bar association's legal aid office | | √ | | |
| Concerning the legal aid decision given by legal aid office of bar association, annulment of requirement to have power of attorney between legal aid beneficiary and lawyer | | √ | | |
| Inclusion of mediation service and into the scope of legal aid | | √ | | |

GOAL 3

IMPROVING THE QUALITY, TRANSPARENCY and ACCOUNTABILITY of the SYSTEM

Together with the quality of legal aid service, the comprehensiveness of it is also important. In accordance with the Law No. 1136 Code of Lawyers, attorneyship is a public service and a professional occupation. It is a requirement to conduct this public service in the framework of duty of care in the context of a private client – lawyer relation, especially when the concern is legal aid.

European Court of Human Rights Case Laws are also in the same parallel with this. The Court has numerous case laws in which it is stated that the Article 6 of European Convention on Human Rights does not refer to the assignment but counsel, that the assignment of lawyer does not means necessarily providing effective assistance; that State needs to provide the compliance of lawyer with her/his

duties; that it should not be just a theory to provide free representation with a lawyer but it should be practical and effective.

In the current system, there is not a practice to audit the performance of legal aid lawyers via a permanent mechanism. Performance is rather examined upon a complaint. As a result, in the secondary legislation of Union of Turkish Bar Associations, there will be steps taken to establish permanent mechanism to monitor the performances of lawyers rendering legal aid service. Every bar association's keeping shadow record files will be a part of this.

The understanding taking the satisfaction of beneficiaries as basis, should be extended to every single service. With this regard, there will be satisfaction surveys with face to face method across the country in order to measure the satisfaction level of legal aid beneficiaries in civil and criminal cases. These surveys will be performed once in two years by Ministry through the instrument of professional institutions.

It is a fundamental need to train relevant stakeholders in the legal aid system in order to increase the quality of legal aid service and to contribute to provide much effective and sustainable service.

It matters to give pre-vocational training to trainee judges and prosecutors in civil and criminal procedure and trainee judges in administrative procedure in every training term at Turkish Justice Academy.

On the other hand, the framework of trainings to be given to lawyers will be designed by Union of Turkish Bar Associations and the trainings will be regularly given to lawyers rendering legal aid services in civil, criminal and administrative procedures as in-service training by bar associations.

Also, separate training programs will be designed for lawyers rendering legal aid services by considering the frequently working fields and professional experiences. Principles and procedures regarding trainings will be identified by Union of Turkish Bar Associations.

In the preparation phase of training programs, special needs of vulnerable groups as potential legal aid beneficiaries will be taken into account.

In accordance with the Code of Lawyers, there is a prohibition over specialization in the practice of attorneyship. Together with that there are needs to assign legal aid lawyers in line with their professional experiences and frequently working fields as well as the need of special training of those lawyers.

As such, by Union of Turkish Bar Association, a resolution will be adopted to provide assignment of legal aid lawyers in line with their professional experiences and frequently working fields. Union of Turkish Bar Associations shall encourage the practice of this resolution through coordination with local bars.

In addition to the regulations to be followed by lawyers on ethical principles, it is important that Union of Turkish Bar Association to identify legal aid specific ethical principles for lawyers with the aim of increasing the quality of legal aid services.

Judicial statistics are fundamental indicators for the identification of current situation and for planning the future. In order to have sound situational analysis, sound data is required.

Collection of these statistical data and sharing with public will contribute to have institutional memory, to have situational analysis and public audit together with the extensification of accountability of judiciary.

Together with the legal aid unit to be established in the central organization of Ministry of Justice and Union of Turkish Bar Associations will identify the statistical indicators on topics like number of people granted with legal aid, gender; age; citizenship status; professional and income status of those people, number of cases assisted with legal aid, types of disputes and number of granting and rejecting legal aid applications after the unit and UTBA will prepare relevant data and publish on their website annually. Statistical indicators will be updated by the Ministry of Justice and Union of Turkish Bar Association.

Legislative infrastructure will be prepared to sustain the delivery of legal aid statistics by local bars to UTBA together with yearly reports on legal aid at the end of every year.

The unit to be established in the central organization of Ministry of Justice will prepare and publish annual activity reports regarding legal aid matters which are under the duty and responsibility of the Ministry.

UTBA will prepare a country wide legal aid activity report consisting compilation of local bars' yearly legal aid reports and will publish it.

TARGETS

3.1. Performance system will be established in legal aid services.

3.2. Public opinion pool will be performed to measure the quality of service in certain intervals.

3.3. In-service trainings for lawyers and pre-vocational trainings for judges and prosecutors will be organized.

3.4. Ethical principles will be identified for legal aid lawyers.

3.5. Studies will be performed to have legal aid lawyers' assignments in line with their professional experience.

3.6. Yearly activity reports and statistics will be published.

| PERFORMANCE INDICATORS | 2018 | 2019 | 2020 | 2021 |
|--|------|------|------|------|
| Amendment in secondary legislation by union of Turkish Bar Association, in regard to strengthen the performance supervision mechanism | | √ | | |
| Conduct legal aid satisfaction survey once in two years | √ | | √ | |
| Establishment of training programs and practice of regular in-service training for legal aid lawyers and regular pre-vocational training for trainee judges and prosecutors in civil and criminal procedures and for judges in administrative procedure. | √ | √ | √ | √ |
| Adoption of principles regarding the assignment of legal aid lawyers in line with their professional experience and frequently working fields. | √ | | | |
| Adoption of ethical principles for legal aid lawyers | √ | | | |
| Annual publication of legal aid statistics | √ | √ | √ | √ |
| Annual publication of legal aid activity reports by bar associations | √ | √ | √ | √ |

GOAL 4

INCREASING THE PUBLIC AWARENESS

Development of practices regarding the awareness raising in legal aid providers and beneficiaries will be conducted in coordination of Ministry of Justice and Union of Turkish Bar Associations.

In this context, websites will open to access in which there are information, statistical data, activity reports and application forms on legal aid. Ministry of Justice and Union of Turkish Bar Associations will develop those websites in line with their duty and responsibility framework. Development of similar practices by local bar associations will be encouraged by Union of Turkish Bar Associations.

Separate informative guidelines will be prepared for judges, prosecutors, lawyers, law enforcement officials and legal aid applicants and those guidelines will be distributed to courthouses, bar associations, offices of governors, offices of district governors, municipalities, hospitals and schools.

Also, there will be informative activities on the issue of legal aid coverage for fee of legal aid beneficiary's lawyer attending mediation interviews.

TARGETS

4.1. Legal aid website will be developed.

4.2. Legal aid guidelines will be prepared and distributed.

| PERFORMANSCE INDICATORS | 2018 | 2019 | 2020 | 2021 |
|--|------|------|------|------|
| Development of legal aid website | √ | | | |
| Preparation and distribution of legal aid guidelines for service providers and beneficiaries | √ | √ | √ | √ |

GOAL 5

TAKING MEASURES FOR VULNERABLE GROUPS

Public's access to justice establishes the core of judicial policy in Turkey. Vulnerable groups should be the party of procedures which are predictable, fast, simple and free of charge in a user-friendly system.

With this manner, there will be measures taken to make the legal aid system easier for people with disabilities, elderly people, women victims of violence, poor people convicts, asylum seekers, refugees and people living in rural areas.

In criminal procedure, legal aid has been designed by concerning vulnerable groups. The mandatory counsel and lawyer practice in code of criminal procedure does not exist in many European countries.

Objective criteria to be applied in financial situation analysis in civil procedure will be simplified for vulnerable groups. It will be sustained for those people to get benefit from legal aid service in a faster way and by providing less document.

Inclusion of mediation and pre-litigation consultancy services into legal aid will be also practices strengthening the access to justice and legal aid for vulnerable groups.

Then again in the content of in-service training programs of legal aid lawyers, special needs of vulnerable groups will be taken into consideration.

Union of Turkish Bar Association's efforts on strengthening the interpretation system in legal aid will be extensified across the country.

Informative guidelines for vulnerable groups will be prepared and will be distributed to courthouses, bar associations, offices of governors, offices of district governors, municipalities, hospitals and schools. Those guidelines and websites including information and application forms for legal aid will be opened to access.

Department of Victim's Rights, established under the body of Ministry of Justice, has duties of preparation of draft laws concerning to meet the needs of vulnerable groups; conducting studies to compensate the damages for those people and employment of those people; conducting informative activities; preparation of victim's rights guidelines which must be followed by law enforcement officials and other public officials while performing their duties. Those studies, without any hesitation, contribute to legal aid beneficiaries' access to justice. Judicial interview rooms, which are established in courthouses and used for taking the statements from victims, witnesses, children who are dragged into crime and victims of sexual or domestic violence, are concrete examples of this contribution.

TARGETS

5.1. A legal aid system which is sensitive to the special needs of vulnerable groups will be designed.

| PERFORMANCE INDICATORS | 2018 | 2019 | 2020 | 2021 |
|---|------|------|------|------|
| Providing easier and faster legal aid services for vulnerable groups | | √ | | |
| Focusing on special needs of vulnerable groups in lawyers' in-service training programs | √ | √ | √ | √ |

MONITORING AND EVALUATION

The success achievement of Strategic Plan is bounded to the efficacy of coordination among stakeholder institutions and internal coordination. Based on this, it is mandatory to have an effective coordination study in Plan's implementation phase.

As a result, in order to sustain coordination, to evaluate the conducted studies and to identify the activities, there will be the establishment of "Strategic Plan Monitoring and Evaluation Committee" between the years 2018-2021 which are covered by the Plan.

In this committee of which secretary will be conducted by Ministry of Justice and Union of Turkish Bar Association, there will be representatives from the Ministry's relevant units, Union of Turkish Bar Associations and pilot bar associations together with representatives from other institutions which are deemed appropriate.

This very committee will organize meetings at least once a year. The results of the meetings will be reported and shared with parties.

Moreover, the works related to the legislative changes given in this Plan will be prepared with the contribution of the Ministry of Justice, Union of Turkish Bar Association, Ministry of Finance and other related institutions.

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