



daha iyi yargı

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Structural Reforms:

Middle Income – Middle Democracy Problems and Way of Solution

Ankara, 24 Ekim 2019

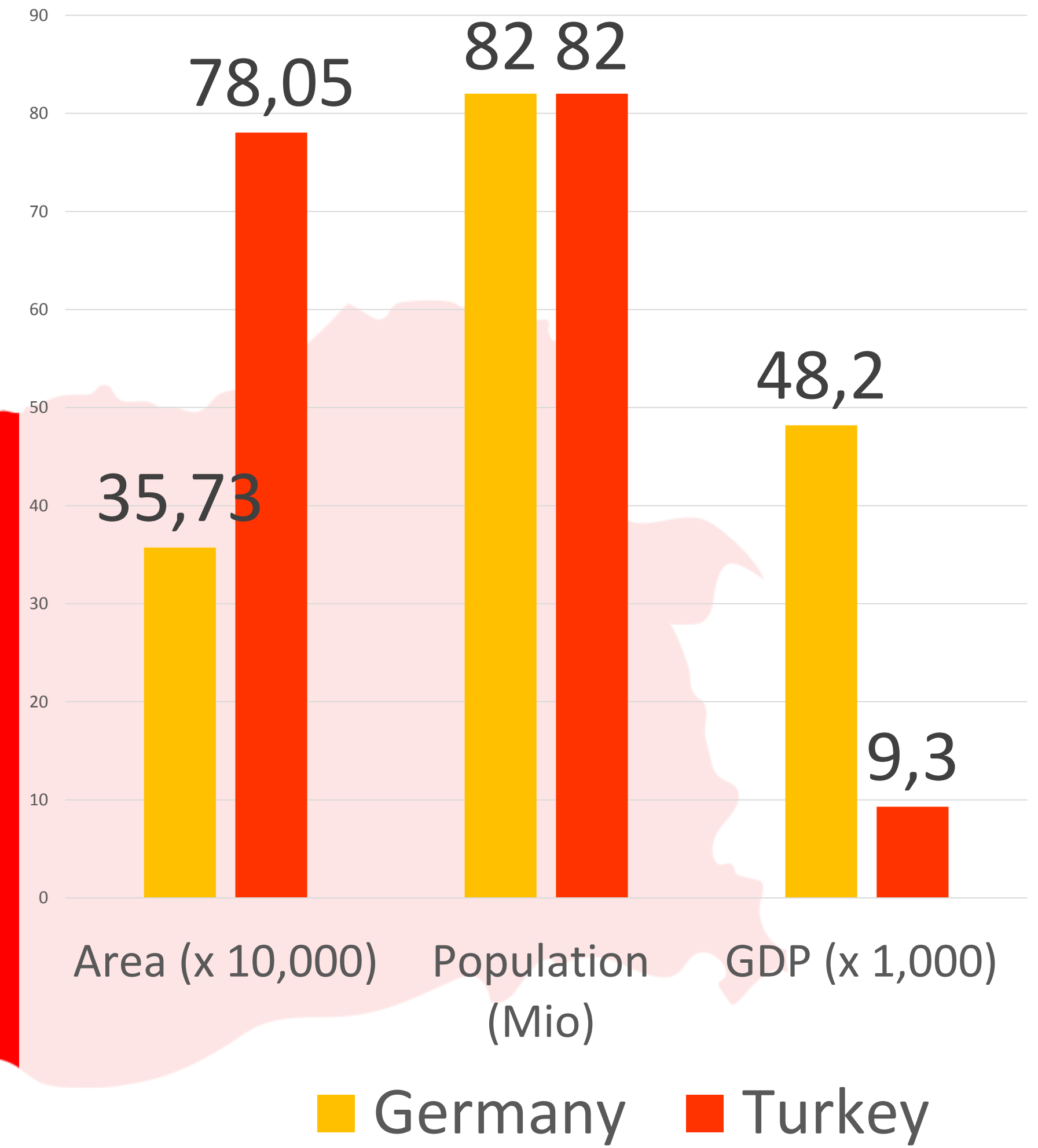
Av. Mehmet Gün

Middle Income – Middle Democracy problems:



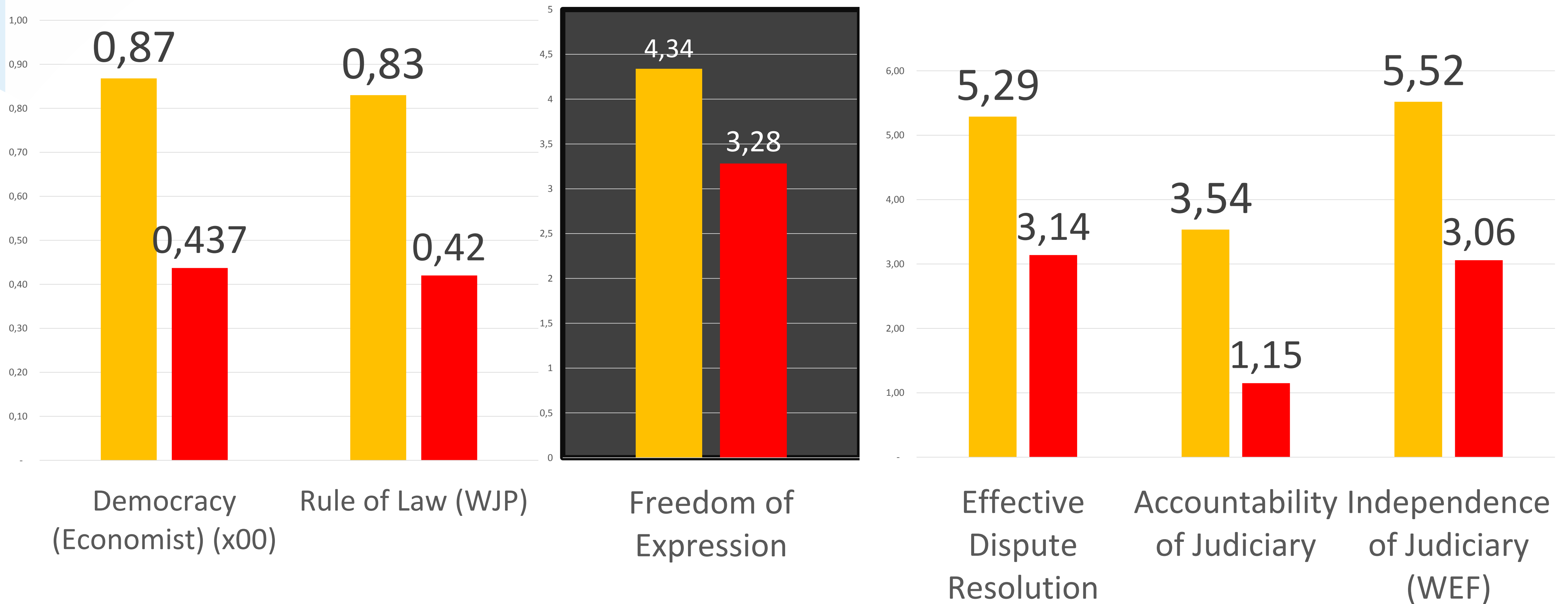
- Rule of Law
- Capacity of Judiciary:
 - Efficiency, effectiveness;
 - Accountability;
 - Independence.
- Active participation in governance
- Protection of constitutional order
- Need for a civilized constitution


Turkey's Potential:





Turkey's Main Differences:





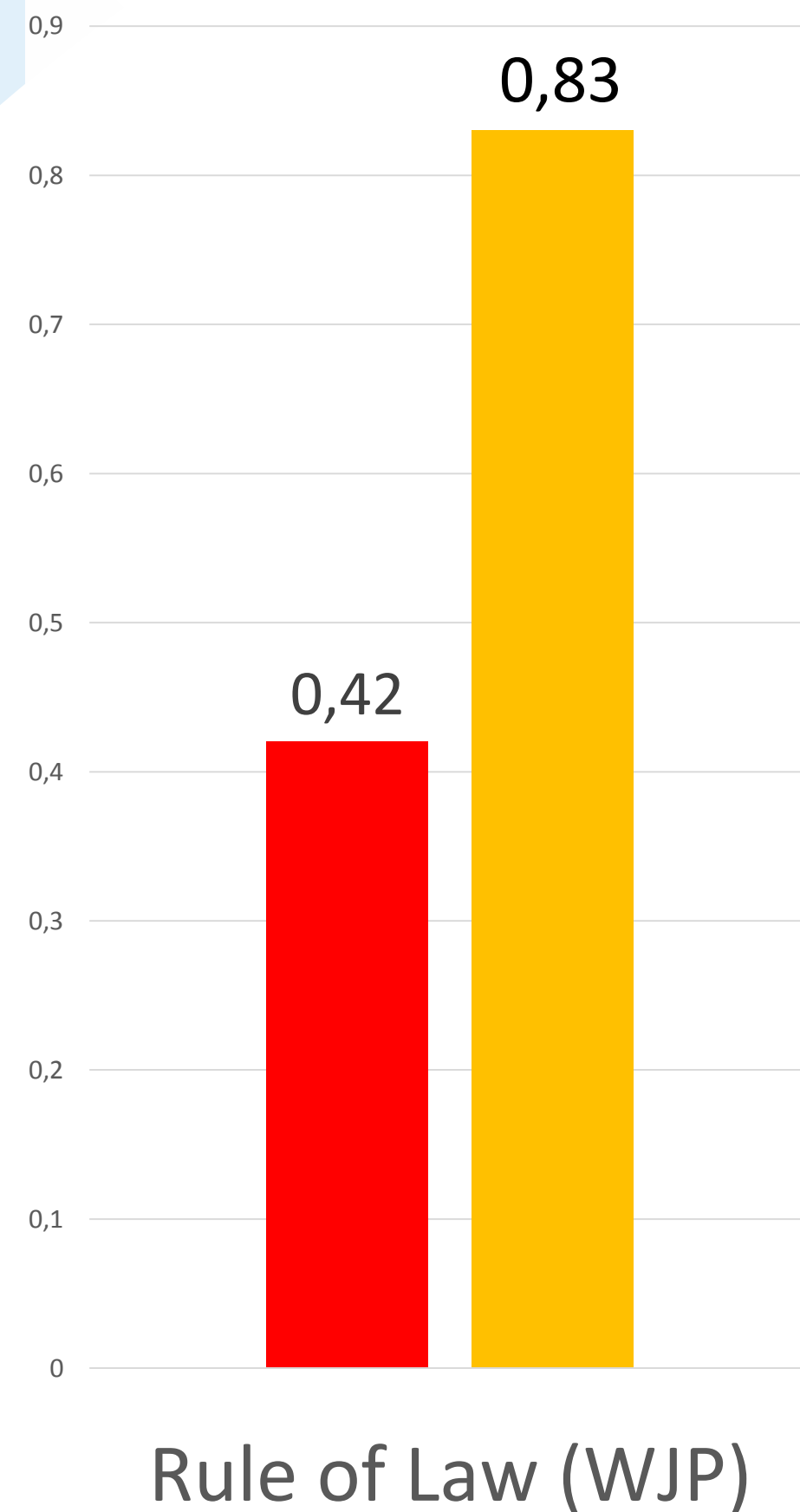
**Rule of law and effectively
functioning, accountable and
independent judiciary!**

**DIVERSITY
of
OPINION**

**FREEDOM
Of
EXPRESSION**

COMMUNICATION

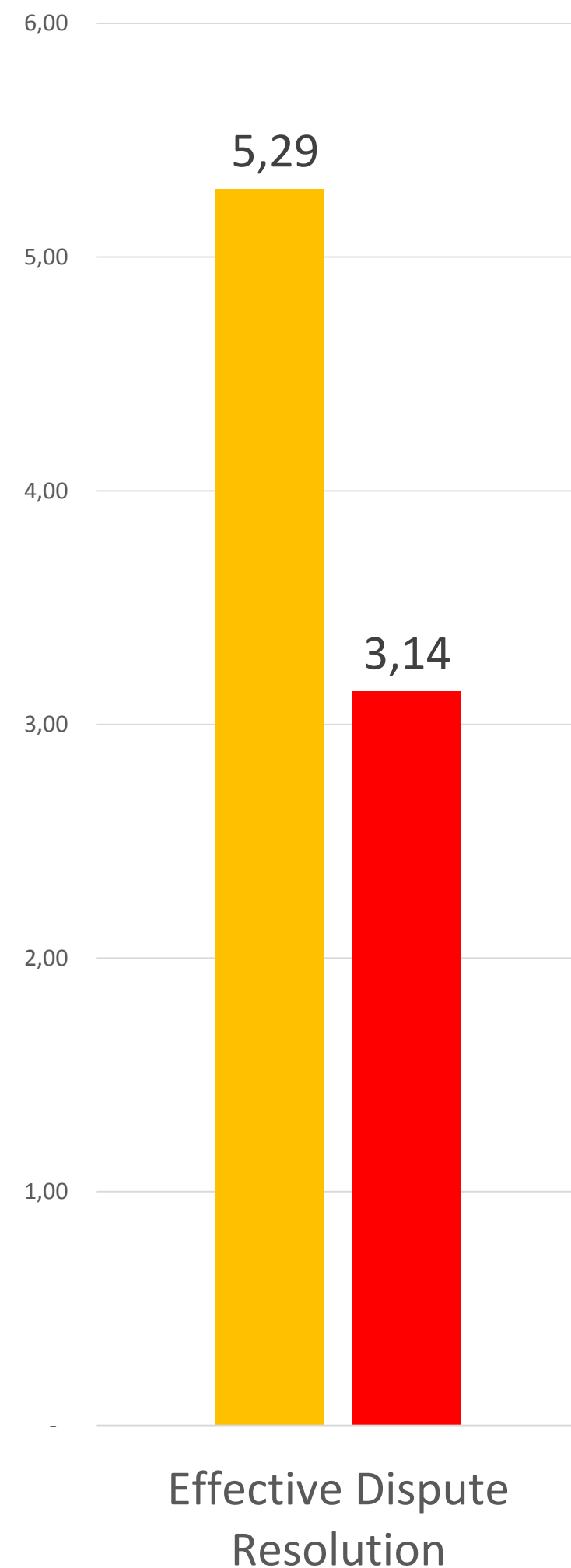
Free, pluralist and independent media



- Rule of law upon the executive power
- Accountable Executive power

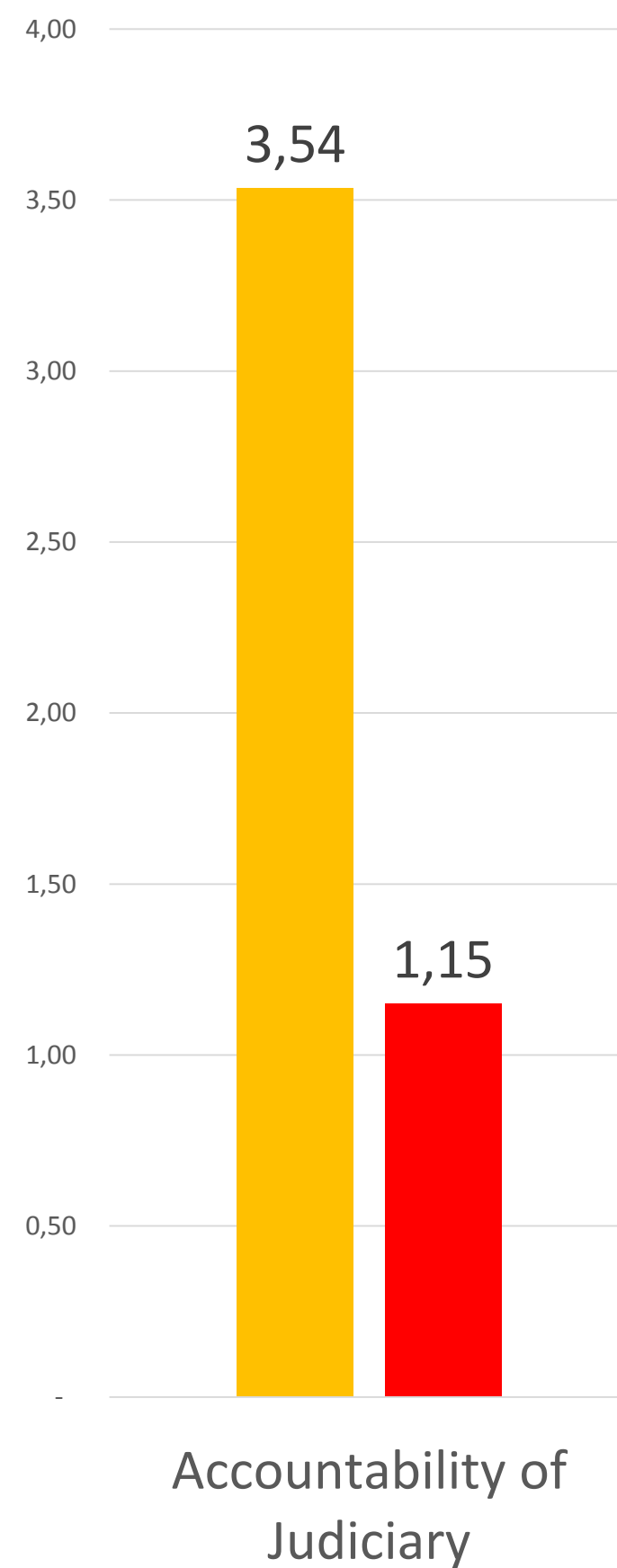
Executive power:

- Transparent – share information with the public
- Decide timely and sensibly
- Actions and decisions to comply with the law
- Public officials to comply with the law
- Public officials to be accountable for any of their breaches, negligence and crimes



Does
Judiciary fulfill
its duty of
maintaining
the rule of law
efficiently and
effectively?

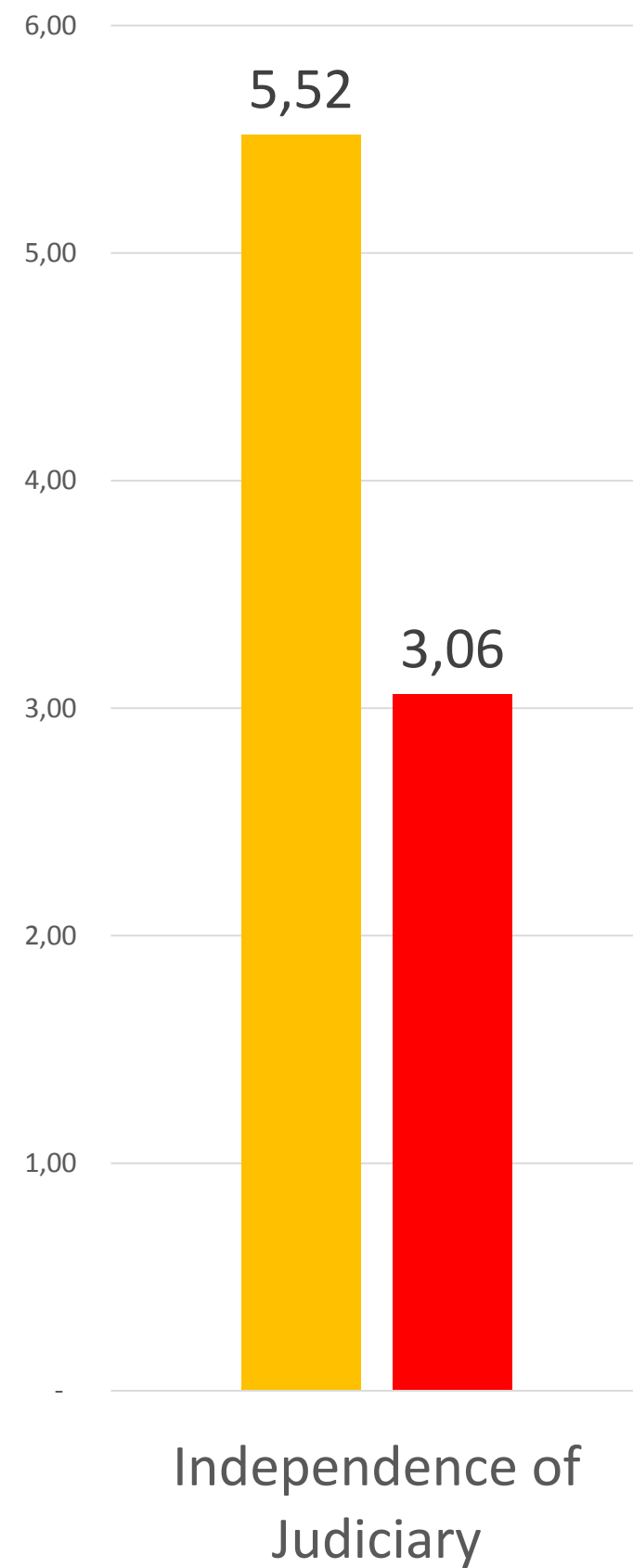
- Is it independent?
- Is it sufficient? Quality / Education?
- Are proceedings processes efficient?
 - Facts and evidence disclosed honestly?
 - Judicial audit in indictments?
 - “Single hearing” possible?



Does the Rule of Law Bind the Judiciary?

- Elements
- Organs

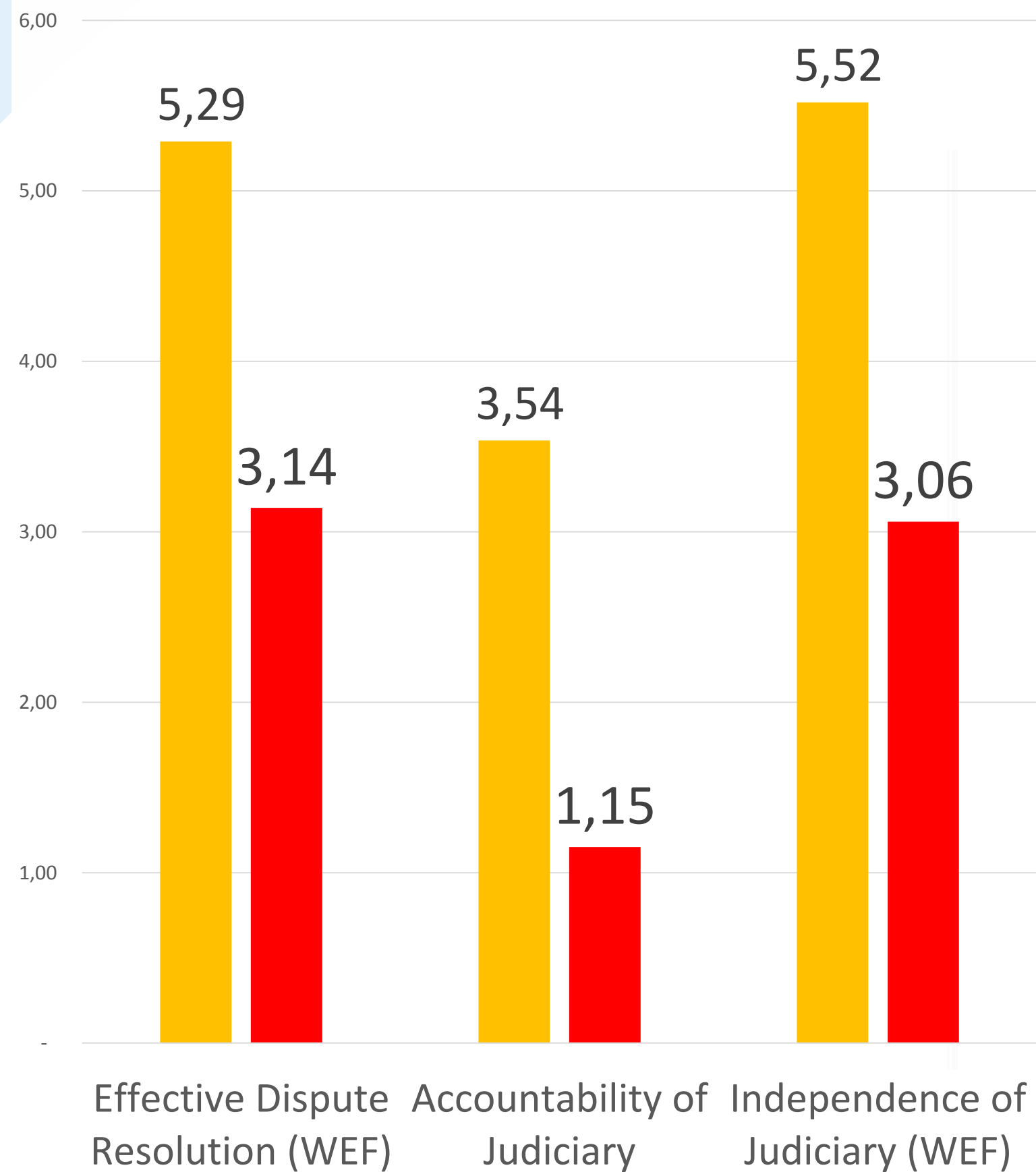
- Are CJP decisions subject to judicial audit?
- Do compromises in the right to a reasoned judgment exist; are judgments rendered without reasons?
- Do judicial organs render final judgments on their own colleagues?
- Is the permission of CJP required to investigate judges?
- Are experts liable?



Is Judiciary Independent?

- Organs
- Elements
- Functions

- Role of the executive in the composition of CJP
- Minister and Undersecretary of Justice
- Dependence of judiciary upon the Executive
 - Permission of public officers' superiors
 - Dependence on the Executive regarding the budget
 - Judicial administration, UYAP (National Judiciary Informatics System) and penalty execution system
- Lack of guarantees to the judicials
- Widespread defects in the natural judge principle



For an “independent” judiciary:

- Firstly, judiciary must be efficient and effective
- Judicial elements and bodies must be fully accountable
- Higher judicial organs must be independent :
 - Appointments should be merit-based, transparent, accountable
 - No one person/group to gain power to manipulate senior judiciary management
 - Any risk of political influence and penetration into their activities must be abolished
 - Minister and Undersecretary of Justice must not be in top management.
- The requirement of permission by public officers’ superiors to investigate officers’ must crimes be abolished



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Thank You...

Ankara, October 24, 2019

Att. Mehmet Gün