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The Secretariat General of the Council of Judges and Prosecutors

22.09.2022

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Subject: Performance Based Monitoring and Evaluation System

TO DISTRIBUTION LOCATIONS

As it is known carrying out judicial activities in an effective way is one of the duties of the state. In line with this purpose, all members of the judiciary work devotedly and give of themselves. However, intense workload that is not possible to cope with through personal efforts, seasonal and regional differences and unforeseen increases may occasionally occur. In such cases, the need for new measures and methods to increase the efficiency of the judiciary comes up on the one hand in order to support the members of judiciary with structural solutions on the other hand to ensure the right to a fair trial.

As it is highlighted in CEPEJ (European Commission for the Efficiency of Justice) reports, within the framework of modern public administration, it is of utmost importance to develop “supervision and evaluation” systems for judicial authorities to renew and transform themselves and to respond to the demands of citizens and in order to increase judicial efficiency and quality.

In Judicial Reform Strategy (2019) under the title of enhancement of performance and productivity, the objective of strengthening tools for measuring and improving performance as well as increasing quality in the judicial system has been adopted and within this framework it is foreseen that the performance criteria in the judiciary will be redefined and a “Performance-Based Monitoring System” will be developed for long-continued investigations and cases. It is intended to prevent delay and backlog and thus to effectively make use of resources with this monitoring evaluation system that has been adopted also by our Council.

Within this framework, in order to periodically evaluate the efficiency and productivity of courts and Offices of Chief Public Prosecutor according to criteria based on numeric data, to help define procedures related to long-continued investigations and cases and the reasons behind them at an early stage, to ensure coordination with related units for actions to be carried out in accordance with the results of the reports prepared, to make sure that target time practice is monitored and measures are taken for the cases in which target time is exceeded, the decision to establish a new bureau named “Judicial Efficiency Bureau” under the auspices of our Secretariat General within the framework of the principles of the independence of courts and tenure of judge has been taken.

For performance based monitoring system to function as envisaged by our Council, It is important that related UYAP (National Judiciary Informatics System) screen is actively used by the Judicial Efficiency Bureau and it is improved according to the needs that arise in the course of the time.

In the light of abovementioned explanations performance based monitoring system procedures will function as follows:

A. General Judicial Efficiency Monitoring-Evaluation Activities

In this type of activity a certain court or Office of Chief Public Prosecutor will not be monitored/evaluated. Judicial units that are in charge of same topics and/or same regions will be evaluated together and in this way it will be possible to achieve an average.

Data such as file increase rate, files transferred from previous period, current number of pending files, number of received files, total number of decisions, clearance rate¹, file closing time² and compliance with target time will be interpreted according to periodical data obtained through UYAP and will be put into report form by the Judicial Efficiency Bureau. In this way performance tendencies of courts and the Offices of Chief Public Prosecutor will be determined and plans for future will be made.

With this monitoring and evaluation, matters such as total workload and distribution by court types around Turkey, regional and periodical increases, the situation of backlog or clearance will be statistically seen; positive performances will be evaluated by the Council and the outcomes achieved will be used for determination of judicial strategies.

On the other hand, through regional meetings held with the presidents of justice commission and the Offices of Chief Public Prosecutor, on a participatory and interactive basis, what can be done to improve judicial performance, needs, opinions and recommendations will be put forward and it will be provided that tools that can positively affect judges and prosecutors will be searched and defined together.

Besides, "yargininetkinligi@hsk.gov.tr e-mail address has been created for judges and prosecutors to send their opinions and recommendations related to judicial efficiency and performance based monitoring and evaluation system to our Council. It is aimed that the information received through this e-mail address functions as a data source to determine needs and for structural changes.

B. Judicial unit/Location/ Subject Based Monitoring-Evaluation Activities

In order to settle a controversy through detection of long-continued trials and file backlog at an early stage before it gets deeper or multiplies judicial unit (court or office of chief public prosecutor), location or subject based monitoring-evaluation activities will be carried out.

Solution offers as to the source of problem about judicial units that are evaluated according to recommended criteria³ (increase rate, clearance rate, file closing time, total number of pending files, total number of decisions) or based on a certain subject will be presented and after the solution process, the progress made will be monitored and evaluated.

Thus, first of all, the average of data obtained will be determined according to the type or location of the court, taking the averages into account the problems peculiar to the related judicial unit will be evaluated with their reasons and solutions will be searched. In this way, monitoring-evaluation will be carried out and the performance will be enhanced. However, this method is not conclusive and new methods will be used for performance monitoring and evaluation in the course of time.

For these reasons, the followings should be carried out:

1. In order for performance based monitoring system to function as foreseen, the requirements of the principle of trial at a reasonable time without compromising on quality should be elaborated;
2. In order to prevent file backlog, observing averages determined as per judicial unit in General Judicial Activity Monitoring-Evaluation Report which will be issued by our Council;
3. In order to prevent long-continued investigations and trials:
 - a. Attention should be paid to the organization of legal remedy evaluation forms and the observation of target time in judiciary which is designated as one of the basic criteria in terms of inspection and promotion of judges and prosecutors;

¹ Clearance rate, which is among CEPEJ criteria, is calculated as follows: decisions taken in a year/number of received files x 100. If the result is under 100, it means that the related court is unable to receive all of the incoming files that year and backlog started.

² According to CEPEJ criteria, file closing time is calculated as follows for a one-year period: 365/receiving rate (Receiving rate= total number of decisions taken/current number of pending files). If the result is higher than 365, it means that cases wait for more than a year.

³ The criteria in question is not criteria related to personal rights of judges and prosecutors but criteria determined through interpretation of numeric data and used for assessing the efficiency of courts.

- b. As the violation of the right to be tried at a reasonable time leads to the responsibility of compensation for the State, courts and the Offices of Public Prosecutor should carry out their own monitoring- evaluation activities in order to list files related to long-continued investigations and trials and to treat these files with priority in a meticulous, speedy and efficient way;
4. As the functioning of the system depends on the accurate and timely entry of the data on UYAP, our judicial units should be careful about right data entry;
5. It should be taken into consideration that providing our Council with feedback through communication channels contributes to application and improvement of the system.

I kindly request and submit that the above-mentioned points related to performance based monitoring and evaluation system discussed and decreed during the Plenary of 07/09/2022 to be declared to all judges and public prosecutors serving at center and appendage courts.

Council of Judges and Prosecutors

The Acting President

Distribution:

Requirement:

The Presidencies of Regional Courts of Justice

The Presidencies of Justice Commission of Regional Courts of Administration

The Presidencies of Justice Commission of First Instance Courts of Jurisdiction

The Offices of Chief Public Prosecution

Information:

The Presidency of the Court of Cassation

The Presidency of the Council of State

The Ministry of Justice

Justice Academy of Türkiye