

Mandate of the Special Rapporteur on the independence of judges and lawyers

Ref.: AL TUR 4/2026
(Please use this reference in your reply)

12 March 2026

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolution 53/12.

In this connection, we would like to bring to the attention of your Excellency's Government concerns related to recruitment, merit and interview procedures for judicial and prosecutorial positions which may have negative impact on judicial independence in Türkiye.

I wish to recall that concerns regarding the independence of the judiciary and the legal profession in Türkiye were previously raised by this mandate on 23 May 2017, jointly with the Working Group on Arbitrary Detention, in communication **OL TUR 5/2017**, **AL TUR 2/2025** (28 February 2025) concerning alleged retaliatory actions against the Istanbul Bar Association and its leadership; **AL TUR 3/2024** (21 June 2024) addressing systemic deficiencies in due process guarantees in terrorism-related proceedings and reports of arrests and judicial harassment of lawyers and human rights defenders; and **AL TUR 2/2023** (12 May 2023) regarding a wide-scale police operation targeting, inter alia, lawyers, journalists, human rights defenders, academics and activists.

While I thank your Excellency's Government for the responses provided, concerns persist.

According to the information received:

Recruitment, merit and interview procedures

Entry into the judicial and prosecutorial professions in Türkiye is based on a two-stage selection process comprising a written competitive examination followed by an interview.

Article 9/A of Law No. 2802 on Judges and Prosecutors provides that the written examination is conducted by the Student Selection and Placement Centre (Öğrenci Seçme ve Yerleştirme Merkezi – ÖSYM), pursuant to a protocol concluded with the Ministry of Justice. Candidates who obtain a minimum score of seventy out of one hundred in the written examination are eligible for the interview stage, with up to one and a half times the number of announced positions being invited, starting from those with the highest scores.

The same provision establishes that the Interview Board is composed of seven members, including a Deputy Minister appointed by the Minister of Justice as

Chair; the Head of the Inspection Board; the Directors General of Criminal Affairs, Legal Affairs, and Personnel; the Secretary General of the Council of Judges and Prosecutors; and one member selected from the Education Board of the Turkish Justice Academy.

According to the information received, in practice, the criteria, rubrics, and scoring methodology applied during the interview stage, as well as the weighting of interview results in the final selection decision, are not made public in a detailed or auditable manner. Reportedly, candidates have access only to limited information regarding results, such as lists of successful examinees or partial score data. Reports point to a lack of publicly available, standardized, and verifiable tools for assessing qualitative attributes such as ethics, independence, judicial temperament, or potential conflicts of interest.

Participation, transparency, and openness

According to the information received, civil society organizations, bar associations, academic institutions, and other independent professional bodies do not participate in the appointment processes for the Supreme Court or other key judicial bodies. There are reportedly no public calls for applications, public hearings, or consultative mechanisms, and the publication of reasoned decisions explaining selection outcomes is not standard practice.

Diversity

Reports indicate there is no visible, measurable, or targeted diversity policy within the Turkish judiciary, particularly at higher levels, and that data on representation are not publicly available.

The Venice Commission has noted that the current size of the HSK limits its capacity to ensure balanced representation of judges and prosecutors and has recommended consideration of a larger, more pluralistic structure to enhance diversity in terms of gender, minorities, geography, and levels of jurisdiction.¹

While I do not wish to prejudge the accuracy of the information received, I would like to express my serious concern regarding the reported structural features and practices governing judicial appointments and career decisions in Türkiye, which, if confirmed, may be incompatible with international standards on the independence of the judiciary and the right to a fair trial.

The right to a fair trial, as provided for in article 10 of the Universal Declaration of Human Rights and article 14 of the International Covenant on Civil and Political Rights (ICCPR), emphasizes the right to a competent, independent and impartial tribunal as one of the fundamental guarantees of due process. International standards on the independence of the judiciary make clear that the requirement of independence relates in particular to the procedures and qualifications governing the appointment of judges, as well as to guarantees concerning their security of tenure. The rights to equality before courts and tribunals, to a fair trial, and to effective remedies are key

¹ [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2024\)041-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2024)041-e)

elements of the protection of human rights and serve as essential procedural safeguards of the rule of law.

I recall that international standards consistently emphasize that all decisions relating to the professional career of judges must be based on objective criteria, and that selection, appointment and career advancement must be grounded in merit, taking into account qualifications, integrity, and competence. Safeguards must exist to ensure that appointment procedures are transparent and independent in practice, and that decisions are not influenced by considerations unrelated to these objective criteria.

In addition to the reported lack of publication of objective evaluation criteria, scoring methodologies or reasoned decisions, I am particularly concerned by the absence of transparent, verifiable and standardized methods for assessing essential judicial qualities such as integrity, independence, professional competence and judicial temperament. The manner in which such qualities are evaluated during interviews reportedly lacks transparency and offers limited scope for candidates to effectively challenge either the procedure or the substance of interview outcomes.

I am further concerned that civil society organizations, bar associations, academic institutions and other independent professional bodies reportedly do not participate in judicial appointment processes, including appointments to higher courts. The reported absence of public calls for applications, open hearings or reasoned and accessible decisions limits transparency and meaningful public oversight, thereby weakening public confidence in the justice system.

Taken together, these elements point to systemic risks affecting the independence of the judiciary. Such conditions may generate a chilling effect, discouraging qualified candidates from applying for judicial office and undermining the ability of judges and prosecutors to perform their duties free from fear of reprisal.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the measures in place to ensure that interview procedures for entry into the judiciary and prosecution are transparent and publicly accessible, including the advance publication of selection criteria, scoring methodologies, and reasoned decisions explaining appointment outcomes.
3. Please indicate whether, and how, your Excellency's Government ensures effective and independent judicial review of decisions of the Council of Judges and Prosecutors relating to appointments, transfers, promotions,

and disciplinary measures, beyond cases of dismissal from the profession.

4. Please provide information on whether anonymized data relating to diversity within the judiciary (including gender, geographical representation, and minority status) are collected and published, and whether measurable objectives or policies exist to promote inclusivity and balanced representation at all levels of the judiciary.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of my highest consideration.

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), ratified by Türkiye on 23 September 2003.

The independence of the judiciary is an essential requirement for human rights protection. In this regard, paragraph 1 of article 14(1) of the ICCPR establishes the requirements of independence and impartiality of the judiciary. In its general comment 32 (2007) on article 14, the Human Rights Committee emphasized that the right to equality before courts and tribunals serves as a procedural means to safeguard the rule of law and is "an absolute right that is not subject to any exception." (CCPR/C/GC/32, para. 2). Article 14 requires States to adopt appropriate measures guaranteeing the independence of the judiciary, protecting judges from any form of political influence in their decision making through the constitution or adoption of laws establishing clear procedures and objective criteria for the appointment, remuneration, tenure, promotion, suspension and dismissal of the members of the judiciary and disciplinary sanctions taken against them. The requirement of independence "refers, in particular, to the procedure and qualifications for the appointment of judges, and guarantees relating to their security of tenure until a mandatory retirement age or the expiry of their term of office, where such exist, the conditions governing promotion, transfer, suspension and cessation of their functions, and the actual independence of the judiciary from political interference by the executive branch and legislature" (para. 19).

The requirement of independence encompasses both institutional independence and individual independence. The notion of institutional independence of the judiciary is articulated in the second sentence of principle 1 of the United Nations Basic Principles on the Independence of the Judiciary, adopted by the United Nations in 1990, which affirms the duty of all institutions to respect and observe judicial independence. This implies that the judiciary must be independent from the other branches of the State, namely the executive and the legislature, which, like all other State institutions, have a duty to respect and comply with judicial decisions and rulings. Moreover, article 14 provides for the principle of equality before competent, independent and impartial courts and tribunals. The Human Rights Committee has clearly stated that "[a] situation where the functions and competencies of the judiciary and the executive are not clearly distinguishable or where the latter is able to control or direct the former is incompatible with the notion of an independent tribunal" (para. 19). Fair trial guarantees can never be subject to derogatory measures that would circumvent the protection of non-derogable rights (para. 6).

The principle of the independence of the judiciary has also been enshrined in the Basic Principles on the Independence of the Judiciary ("Basic Principles"), adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985. The Basic Principles establish that the independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country.

Principle 1 provides that it is the duty of all governmental and other institutions to respect and observe the independence of the judiciary. Principle 2 provides that the judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.

Principle 10 affirms that any method of judicial selection shall safeguard against judicial appointments for improper motives. In the selection of judges there shall be no discrimination against a person on the grounds of race, colour, sex, religion, political or other opinion, national or social origin, property, birth or status, except that a requirement, that a candidate for judicial office must be a national of the country concerned, shall not be considered discriminatory.

Human Rights Council resolution A/HRC/RES/23/6, paragraph 5, explicitly condemns all acts of violence, intimidation or reprisal against judges, prosecutors and lawyers, and recalls the obligation of States to respect their integrity and to protect them, together with their families and professional associates, against all forms of violence, threats, retaliation, intimidation and harassment resulting from the discharge of their functions, and to investigate and prosecute such acts. The Council has further emphasized that failures to protect the independence of justice actors may have far-reaching consequences for the rule of law, public confidence in the justice system, and the effective enjoyment of human rights.

Regarding the representation of women in the judicial system, the Human Rights Council at the 44th session has emphasized ‘that an independent and impartial judiciary [...], which foster a balanced representation of men and women and the establishment of gender-sensitive procedures, is essential for the effective protection of women’s rights, including protection from violence and revictimization through court systems, to ensuring that the administration of justice is free from gender-based discrimination and stereotypes, and to a recognition that both men and women benefit when women are treated equally by the justice sector’ (A/HRC/44/L.7). Consequently, ‘States should promote diversity in the composition of the members of the judiciary, including by taking into account a gender perspective’. Additionally, the requirements for joining the judiciary and the selection process [should be] non-discriminatory, public and transparent, based on objective criteria, and guarantee the appointment of individuals of integrity and ability with appropriate training and qualifications in law’ (para. 2).

Furthermore, we refer to the Guidelines on the Role of Prosecutors adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on 7 September 1990. Principle 1 affirms that “persons selected as prosecutors shall be individuals of integrity and ability, with appropriate training and qualifications”. Principle 2 provides that States will ensure that “prosecutors have appropriate education and training and should be made aware of the ideals and ethical duties of their office, of the constitutional and statutory protections for the rights of the suspect and the victim, and of human rights and fundamental freedoms recognized by national and international law”.