



# What is the Council of Judges and Prosecutors in Turkey (HSK)

- It was first established with the 1961 constitution as The Supreme Council of Judges (YHK).
- It deals with tasks such as appointing and supervising Judges, removing them from office, abolition of courts
- Its structure, member distribution and powers have been changed 4 times since 1961

## SUPREME COUNCIL OF JUDGES (YHK)

When it was first established

## As Established Under Turkey's 1961 Constitution



### Authorities

- Investigating judges, personnel affairs, removing judges from office, assigning those who supervise judges, disciplinary penalties
- Abolition of a court or an office of judge



### Supervision

- Judges are supervised by judges assigned by the Council



### Authorities of the Minister of Justice

- Can join the meetings, but cannot vote
- Can appeal to initiate a disciplinary trial of a judge



### Member Distribution

Total Principle Members: 18 (+5 Reserve)

 **6 Members:**  
The High Court of Appeal

 **6 Members:**  
By First Level Judges

 **3 Members:**  
By the Parliament

 **3 Members:**  
By the Senate



### Structure

- The President of the Council is elected among the members, by secret ballot
- The members can not be re-elected at the end of their term of office
- The members can not carry out other assignments or duties during their membership
- The council's authority covers judges of courts of justice, and does not cover administrative judges
- The decisions of the council can be appealed to the Council of State

# 1971 SUPREME COUNCIL OF JUDGES (YHK)

## Member Distribution

Member Distribution: 11 (+3 Reserve)



**14 Members:**  
By the General Assembly of  
The High Court of Appeal

## Major Changes

- The members can be re-elected at the end of their term of office
- The Minister of Justice can act as the President of the Council when necessary

# 1982 SUPREME COUNCIL OF JUDGES AND PROSECUTORS (HSYK)

## Member Distribution

Total Principle Members: 7 (+5 Reserve)



**1 Member (President):**  
Minister of Justice



**1 Ex-officio Member:**  
Undersecretary of the Minister of Justice



**3 Members: By the President of the Republic**  
(Among candidates by the Court of Cassation)



**2 Members: By the President of the Republic**  
(Among candidates by the Council of State)

## Major Changes

- The Council's authorities have expanded to cover judges of administrative courts and public prosecutors
- The name is changed to Supreme Council of Judges and Prosecutors (HSYK)
- There shall be no appeal to any judicial instance against the decisions of the Council

## The increased power of the Ministry and Minister of Justice

- The President of the Council is the Minister of Justice
- The Undersecretary to the Minister of Justice shall be an ex-officio member of the Council.
- Investigation and supervisions are made by judiciary inspectors with the permission of the President of the Council. The President of the Council may now also request the investigation or inquiry to be conducted.
- The council has started to work in the Ministry of Justice building
- Abolition of a court or an office of a judge or public prosecutor, changes in the jurisdiction of a court are proposed by the Ministry of Justice and decided by the Council.



The powers of the Minister of Justice have increased with the 1982 constitution. Questions about judicial independence were raised as a result.

# 2010 SUPREME COUNCIL OF JUDGES AND PROSECUTORS (HSYK)

## Member Distribution

Member Distribution: 22 (+12 Reserve)



**1 Member (President):**  
Minister of Justice



**1 Ex-officio Member:**  
Undersecretary of the Minister of Justice



**4 Members:**  
By the President of the Republic



**3 Members:**  
By the Court of Cassation



**2 Members:**  
By the Council of State



**1 Member:**  
By the Justice Academy



**7 Members:**  
By First Level Ordinary Courts  
Judges and Prosecutors



**3 Members:**  
By First Level Administrative  
Court Judges and Prosecutors

## Major Changes

- The council no longer works in the Ministry of Justice building
- The "dismissal from the profession" decisions of the Council, can now be subject to judicial review
- A General Secretariat shall be established under the Council and the Council has its own budget
- Investigation and supervisions are made by judiciary inspectors with the proposal of the Council and permission of the President of the Council.

# 2017 COUNCIL OF JUDGES AND PROSECUTORS (HSK)

## Member Distribution

Total Principle Members: 13



**1 Member (President):**  
Minister of Justice



**1 Ex-officio Member:**  
Undersecretary of the Minister of Justice



**4 Members:**  
By the President of the Republic



**7 Members:**  
By the Parliament of Turkey

## Major Changes

- The word "supreme" has been removed from the Council's name



As a result of the 2017 constitutional change, all members of the Council were appointed by political authorities, increasing the powers of the executive branch.