

Standard Summary Project Fiche – IPA decentralized National Programmes

1. Basic information

1.1 CRIS Number: TR2011/0324.02

1.2 Title: Improvement of Civilian Oversight in Turkey - Phase II

1.3 Sector: Justice, Home Affairs and Fundamental Rights

1.4 Location: Turkey / 24 Months

Implementing Arrangements:

1.5 Implementing Agency:

European Union represented by the European Commission's Directorate-General for Enlargement (DG ELARG) for and on behalf of Turkey.

The project will be implemented by joint management through a contribution agreement between DG ELARG and the United Nations Development Programme (UNDP) in accordance with the Financial and Administrative Framework Agreement (FAFA) concluded between the European Commission and the United Nations on 29 April 2003.

1.6 Beneficiary (including details of SPO):

Ministry of Interior (MoI).

Senior Project Officer

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Financing:

1.7 Overall cost (VAT excluded)¹: 3.800.000 EURO

1.8 EU contribution: 3.800.000 EURO

¹ The total cost of the project should be net of VAT and/or other taxes. Should this not be the case, the amount of VAT and the reasons why it should be considered eligible should be clearly indicated (see Section 7.6)

1.9 Final date for contracting: 2 years after the signature of the Financing Agreement

1.10 Final date for execution of contracts: 2 years after the final date for contracting

1.11 Final date for disbursements: 1 year after the end date for the execution of contracts

2. Overall Objective and Project Purpose

2.1 Overall Objective:

To support expanded enjoyment of civil rights by Turkish citizens and democratic control of internal security forces by the regulatory system and public administration of Turkey.

2.2 Project purpose:

The project aims at making transition from narrowly conceived, bureaucratically and legalistically managed oversight of policing to a system of security sector governance based on human centered understanding of security, public safety and transparency in partnership with civil society.

2.3 Link with AP/NPAA/EP/SAA/Progress Report

The project is in conformity with the priorities of the Accession Partnership and EU/Commission policies by supporting the ongoing work of the Government of Turkey in:

1. Take steps towards bringing about greater accountability and transparency in the conduct of security affairs.
2. Continue the training of law enforcement agencies on human right issues and investigation techniques.
3. Continue to strengthen all law enforcement institutions and align their status and functioning with European standards, through developing inter-agency cooperation. Adopt a code of ethics and establish an independent and effective complaints system to ensure greater accountability covering all law enforcement bodies.

In the Progress Report for 2010, the following assessment has been made with respect to civilian oversight of security forces:

“In February, the government annulled the secret protocol on Security, Public Order and Assistance Units (commonly called EMASYA), which allowed military operations to be carried out without the consent of civilian authorities. Implementation of the annulment decision remains to be completed.

In February, parliament adopted a law establishing an Under-secretariat for Public Order and Security under the Ministry of the Interior to develop policies on counter-terrorism and to serve as secretariat for the Counter-Terrorism Coordination Board. The law also established an Intelligence Assessment Centre to strengthen intelligence-sharing between security institutions.

Implementation of the regulation on the powers of the police and the gendarmerie in urban and rural areas has continued. Residential areas in 31 towns with a combined population of

about one million civilians were transferred from the Gendarmerie to the police, which is under civilian control. However, there has been no progress on civilian control over the gendarmerie's law enforcement activities.

No progress has been made concerning parliamentary oversight of the defence budget or on audit of the properties of the armed forces by the Court of Auditors. The Law on the Court of Auditors was adopted by the Planning and Budget Committee in May and is awaiting approval by the plenary.

Overall, progress has been made on civilian oversight of security forces. The jurisdiction of military courts was limited, the decisions of the Supreme Military Council were opened to judicial review and arrangements were made for high-ranking officers to be tried by civilian courts. However, senior members of the armed forces have made a number of statements going beyond their remit, in particular on judicial issues. No progress was made on parliamentary oversight over extra-budgetary military funds.”

2.4 Link with MIPD

In the MIPD 2011-2013 for Turkey, a well functioning and effective civil service and modernization of the public administration is one of the sector objectives under the Justice, Home Affairs and Fundamental Rights' sector. This project in particular aims to address the following MIPD indicator:

- Effective implementation of the legislation regarding the reform and restructuring of the central public administration and transferring authority to the local and provincial administrations; reduced bureaucracy, strengthened policy making systems and sustainable development of a professional, accountable, transparent and merit-based civil service; parliamentary and civilian oversight mechanism over security sector secured; oversight, control and participatory mechanisms supported including strengthened external and internal audit functions and establishing an independent data protection system.

2.5 Link with National Development Plan (where applicable)

The Ninth (9th) Development Plan (2007–2013) is formulated by the State Planning Organization (SPO) on behalf of the Government of Turkey. The NDP Strategy is derived from medium term objectives and priorities of Turkey. The following strategic objectives have been determined as development axes to realize the vision of the Ninth Development Plan:

- Increasing Competitiveness
- Increasing Employment
- Strengthening Human Development and Social Solidarity
- Ensuring Regional Development
- Increasing Quality and Effectiveness in Public Services

According to point *IV.5 of the NDP (2007-2013)* “*Increasing Quality and Effectiveness in Public Services Rationalizing Powers and Responsibilities Between Institutions*”; Conflicts of

duties and powers will be eliminated by the review of the duties, authorities and functions of all public administrations; and re-authorization and restructuring will be made according to the areas of duty. Delegation of powers and duties from the central government to local administrations will be realized in accordance with the principles laid down by the European Charter of Local Autonomy and in parallel with administrative and financial strengthening of local administrations.

Quality will be increased in the processes of policy making, costing, implementation, monitoring and evaluation in public administrations. For this purpose, a strategic management approach, which gives priority to citizens, is participative, transparent, accountable, based on performance and result-oriented, will be followed.

It will be ensured that the managerial decisions in the public administrations will be made under a medium to long run perspective based on strategic plans. Resources will be allocated within the framework of performance programs in order to ensure effectiveness and efficiency in their use. Measurement, monitoring and evaluation processes will be developed in the framework of performance culture in public administrations.

Public agencies and organizations will be supplied with an adequate number of personnel with adequate quality to perform their functions and responsibilities efficiently and effectively, competences of this staff will be continuously upgraded in order to ensure their adaptation to the rapidly changing circumstances and the employment conditions will be harmonized with the EU Acquis.

In the 9th NDP of Turkey, there is a limited reference to the principles of good governance (partnership and participation) in Turkey's provincial government structure for improving the Government of Turkey (GoT)'s capacity to implement the political reforms at local level and to build appropriate systems for effective civilian oversight of the security sector.

2.6 Link with sector strategies and national/sectoral investment plans (where applicable)

N/A

3. Description of project

3.1 Background and justification:

Although there is no definite set of EU norms and standards on internal security as every society remains unique in its political and administrative organization, there are strong shared common principles at the core of the foundation and development of the EU and the political criteria. These principles put a strong emphasis on the rule of law and human rights. Those principles are very similar to those expressed by the UN. Firstly, the United Nations General Assembly adopted a Code of Conduct for law enforcement officials "as a body of principles"². Complementing this code the United Nations reaffirmed "the importance of developing, in accordance with national legislation, effective national institutions for the promotion and protection of human rights and of ensuring the pluralism of their membership and their independence" and adopted the "Paris Principles."³

² 34/169, 17th December 1979

³ 48/134, 20th December 1993

In addition, the Charter of Fundamental Rights of the European Union in Article 8 states that *"Everyone has the right to the protection of personal data concerning him or her"* and that *"Compliance with these rules shall be subject to control by an independent authority"*.

Another important set of standards are developed by the Council of Europe. Recommendation (Rec (2010) 10 of the Committee of Ministers to member states on the European Code of Police Ethics and the Parliamentary Assembly Recommendation 1713 of 2005) and the ECHR rulings which was established to examine alleged violations of the European Convention on the Protection of Human Rights and Fundamental Freedoms are the most notable pieces of this standards.

The EU is also a source of norms and standards especially in the very sensitive and key area of the management of information and the protection of privacy, notably with a/the Directive 95/46/EC of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and b/the Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters.

The project is in conformity with the priorities of the Accession Partnership and EU/Commission policies by supporting the ongoing work of the Government of Turkey in: it has been developed with support of the findings in the various Progress Reports of the European Commission on the situation of civilian oversight in Turkey.

According to the Council of Europe recommendation 10567 of 2 June 2005, there are different types of mechanisms that should exist for ISFs accountability. Firstly, there should be internal accountability (also referred to as hierarchical oversight) and control mechanisms such as inspections and disciplinary procedures for dealing with allegations of misconduct and evidence that officers are brought before ordinary criminal courts for breaking the law. Secondly, there should be mechanisms involving ISFs working in partnership with representatives of the community at the national and local level (the mechanisms here tend to vary from country to country). And thirdly, there should be an independent (non-police, non-army and nongovernmental) review and investigation process with its own resources and powers to examine serious public complaints about police behaviour, often known as a defender of right or ombudsman.

The Government of Turkey has legislated a set of measures for reform in the field of expanding human rights and has declared a zero tolerance policy against torture and ill-treatment since 2002. The Government has also legislated a set of measures aiming at public administration reform. It also has recently modified the competence areas of the police and the gendarmerie, and finally annulled the EMASYA Protocol that was conflicting with the law on public administration.

In addition, the Government of Turkey has initiated other focused initiatives with the EU Delegation, United Nations and bilateral partners to lay the groundwork for a transition from a narrowly conceived, bureaucratically and legalistically managed oversight of policing to a system of security sector governance based on a human centered understanding of security and public safety with partnership with civil society. The twinning project "An Independent Police Complaint Commission for Turkey" run by the MoI and the project "Turkish Political Criteria Programme Phase 2" of the Police Inspectorate with the Danish Ministry of Foreign Affairs are examples of such an approach.

The Improvement of Civilian Oversight of Internal Security Sector (ICOISS) Project has been implemented by the Ministry of Interior with the assistance of the United Nations Development Program (UNDP) and funded by the European Commission (EC) from December 2008 until May 2010.

The Improvement of Civilian Oversight of the Internal Security Sector Project was a tool for aligning Turkey with EU norms and standards in the field of internal security. It aimed at the enjoyment of human rights and at building a “security sector governance based on human centered understanding of security and public safety” which is sourced on transparency and “partnership with civil society”.

The main objectives of the civilian oversight project were threefold:

- Guaranteeing of exercise of human rights and freedoms and democratic rights by citizens,
- Provision of efficient exercise of audit and oversight powers of Ministry of Interior, governors and district-governors on internal security forces,
- Establishment of a transparent, participatory and citizen focused civilian oversight.

Results achieved in the scope of the first phase can be summarized as follows:

- Creation of a common understanding on the basics and scope of civilian oversight through intensely produced knowledge management tools, i.e. 60 reports on most aspects of civilian oversight, together with practice notes for implementing changes (in the pilot provinces) or good practices (for HR boards) and books (for governors), along with the created national network comprised of civil administrators and members of civil society, training of 180 top administrators and top police and exposition of the notion of “civilian oversight” in workshops and conferences to more than 800 people. Establishment of new advisory structures entitled Local Security Commissions in 3 pilot provinces. The Ministry of Interior expressed its interest to make these structures as compulsory bodies as they create an interactive platform for the civilian authorities, internal security bodies and the citizen at large.
- Within the scope of the Project, the legal framework that defines the duties and powers of the governors is listed and explained in the handbook of civilian oversight for governors and district governors. This handbook is being used as a reference by the governorate offices as it compiles all relevant legislation which otherwise scatter in dozens of legal texts under the current regulatory framework. The handbook also covers a check list at the end help to clarify which part of the legislative framework remain unexercised. The very positive feedback received from the governors also indicates the need for its increased dissemination.

The first phase also provided key recommendations for the process such as:

- **Establish a clear distinction between internal and external security:** There is no notion of “internal security” in the current legal framework. This entails a blurring of responsibilities for internal security duties and external security duties.

- **Unification of the internal security sector “under one roof”:** Since all law enforcement agencies are affiliated to the Ministry of interior and shall carry out comparable administrative duties (although on distinct areas: cities, rural areas, land or sea boarders), they should operate under the same legal framework and under the same hierarchical line of the ministry of Interior for their administrative duties.
- **Ensuring independent oversight by civilian authorities:** Independent oversight is understood as “non police, non army”, not chaired by a government official and not part of the government organigrams. Increasing independent oversight can be done by: Equipping the Parliament with an internal security commission (one internal security sector, one commission); aligning the role of the judiciary over ISFs with EU norms and standards; creating three “non departmental” entities: an independent ISFs complaint commission, an independent agency for the protection of personal data, an ombudsman for the protection of citizens’ rights.
- **Increase consultation with civil society:** Local Security Commissions are to be chaired by the deputy/district governors and composed of high-level representatives of public institutions, law enforcement agencies and civil society. At the central level, a consultation mechanism can be designed and consultation practices through the undertaking of opinion polls developed.

During the first phase of the ICOISS project, it was recommended that some steps are taken by the Ministry of Interior :

- The hierarchical civilian superiors to be able to prevail in the appointment and revoking the chiefs of every force, of the departments (at the central level) and units (at the provincial level), and of the Inspection boards in every force.
- To ensure that the gendarmerie is under the direction of a gendarmerie general (with guarantees a specialization in internal security duties);
- Effective decision power over the budget of each and every ISF (and to monitor that it is used in line with the government policies) within a specialized and properly staffed department of the Ministry of Interior,
- Strategy Development Boards should be strengthened in order to design and monitor a national strategy for all internal security forces (ISFs), consult the citizens during such a process,
- Improved capacity to effectively internally auditing and inspecting all ISFs’ units with specialized personnel; all internal security forces should be subject to regular or thematic “shared inspections” by a “special inspection team” which gathers the Police and Gendarmerie Inspectorates under the leadership of the MoI Inspection Board.
- A national repository should be established and maintained by the same department on all the breaches, misconducts and crimes committed by ISFs agents. The data should be analyzed and the report shared with the public annually.
- At the local level, establishing Local Security Commissions for creating local security plans under the leadership and authority of governorates.

Based on the results of the first project, the following steps could be taken if assessed appropriate by the Turkish authorities:

- the dissemination to other provinces of Turkey of Local Security Commission for preventing local security problems with a partnership approach,

- the establishment in practice of a set of mechanisms for MoI to have the full capacity to realize its mission at the central level (modification of the recently established undersecretary for security and public order),
- the establishment of a “joint academy for all ISFs chiefs” under the MoI in order to promote a common culture across forces,
- to pass a Law for the Internal Security Sector in order to unify its legal framework and put it in line with international norms,
- the study of the regulatory system of the private security industry in Turkey so that HR are fully guaranteed not only in the public but also the private sector.

The ICOISS project was done from the perspective of increasing (1) the capacity of MoI staff and provincial-sub provincial administrators to exercise oversight of policing and the homogeneity of the laws regulating the ISS; (2) the coherence of oversight arrangements that govern interactions between, on the one hand, the civilian administrators at provincial levels, sub provincial levels and, on the other hand, the police and the gendarmerie and coast guards; and, finally (3) exercise their competence in provinces by governors and district governors by trialling temporary coordination and consultation mechanisms so that the present oversight systems can expand rights and freedoms enjoyed by citizens.

The current project (or second phase) is in line with the first phase and intends to build on the progress made in all three directions.

The project, by building capacity of the Ministry of Interior and provincial administrators for effective oversight of the security sector will allow the country to further integrate the legislative and other reform processes into its administrative structure through capacity building for reform at central, provincial and sub provincial levels.

By strengthening the capacity of the Ministry of Interior at the central level and provincial administrations and by establishment of institutional and regulatory framework conditions for an effective oversight by the MoI of Internal Security Forces at the central and local level, the project will allow the country to further align practices to these norms. Noteworthy, the private sector of security will be included in the study in order to ensure that HR are protected by all policing forces, be they public or private.

The second phase of the Project is built on the foundations of the first phase as itemized below:

- a) The second phase sets more ambitious goals such as strengthening the capacity of the MoI at the central level, inclusion of the gendarmerie in civilian oversight, pursue of the legal works with supporting preparation of new legislation on the internal security sector and regulating the private security sector which were not addressed during the first phase.
- b) The second phase will prolong the successes of the first phase by seeking consolidation of Local Security Plan (LSP) pilot models under new legislation. Scaling up of the number of pilot cities will also increase capacity of the MoI at the local level. Furthermore, the second phase offers an operational implementation strategy for the “best mechanism for civilian oversight for MoI at central level” which was discussed in the first phase and proposes Independent Oversight Mechanisms in addition to the mechanisms introduced in the first phase.

The second phase will extend the outcomes of the first phase by reaching out more staff within the domain of internal security including the intermediate hierarchy of the police and gendarmerie as well as the coast guards.

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)

The intervention modality proposed for implementation of the project includes a number of measures to optimize the multiplier effects and sustainability of the impact after completion of the Project. These elements include, but are not limited to, improved legislative base, guidelines and best practice reports. In addition to such outputs the project is expected to contribute significantly to the human resources capacity both at the central and local levels through various training activities. The experience to be gained by the implementation in 8 pilot provinces to be selected will be used to create a replicable model, from which the Ministry will benefit for the nation-wide expansion of the project's outputs and impact. The civil society and media aspects will create sustainable mechanisms to improve the capacities at the "demand-side".

This project will ensure the sustainability of the first project already implemented. The proposed project aims to reinforce the sustainability grounds laid by the first phase of the Project, which was intense with regard to creation of knowledge management tools. (reports, practice notes, books, good practices, interactive platforms, consultative mechanisms and trainings). Those outputs contributed to creation of a common understanding on the basics and scope of civilian oversight.

3.3 Results and measurable indicators

Result A: Legislative framework in place to enable the Ministry of Interior and local public administrators to exercise effective civilian oversight over law enforcement bodies.

Objectively Verifiable Indicators: (By the end of the Project)

- Submission of at least two legislative proposals on the conduct of security affairs in the light of transparency and accountability to the Ministry of Interior.
- At least one legislative proposal of the above forwarded to the Parliament
- Directives disseminated to public administrators clarifying the implementation of new legislation and their functions
- A review for the necessary institutional structures proposed to the Ministry of Interior including draft organigrams for enhanced civilian oversight in line with the EU best practices and needs analysis completed for staffing.

Result B: Increased capacity in the MoI to realize its responsibilities with respect to strengthened civilian oversight of law enforcement bodies at the central and local level by the establishment of institutional structures needed in order to meet the EU standards for human rights protection and for a strengthened civilian oversight.

Objectively Verifiable Indicators: (By the end of the Project)

- Minimum 500 internal security staff trained on civilian oversight.
- Minimum 300 deputy governors and district governors trained on crime prevention in partnership with civil society.
- Minimum 500 personnel of private security sector trained on delivering citizens' rights focused services.
- Pool of 30 trainers on establishing local security plans.
- Proposal for a institutional set up for the local security commissions for increased civilian oversight submitted to the MoI
- 8 Surveys conducted in each pilot province on public perception towards the services provided by the ISF.
- Policy recommendation for the establishment of a joint academy for ISF submitted to MoI

Result C: Local Security Commissions including civil society and media in place and Parliamentary oversight strengthened.

Objectively Verifiable Indicators: (By the end of the Project)

- Increased awareness of Members of Parliament on civilian oversight through a minimum of 5 parliamentary meetings and discussions on civilian oversight held with the participation of 30 Members of Parliament
- Assessment report on parliamentary oversight prepared in light of the best practices in EU Member States and submitted to the relevant commissions of the TGNA.
- Local security commissions established in 8 pilot provinces
- A minimum of 20 meetings of Local Security Commissions involving civil society representatives and joint conclusions reached.
- Discussion forums organized with the participation of media, civil society, ISF and public administrators.

3.4 Activities:

The foreseen activities within the framework of the project are given below. The activities to be carried out will build on the outcomes of the 1st phase Civilian Oversight project.

Component A - Legislative Framework

This component will enable Ministry of Interior and the public administrators (governors and sub governors) to exercise civilian oversight over law enforcement bodies.

A.1 Benchmarking and review of the existing legislative framework and obstacles to exercise effective oversight functions over the law enforcement bodies

A.2 Review and comparison of the laws, organization and functioning of governorate and district governorate between Turkey and two EU countries in order to increase their institutional capacity at the local level

A.3 Review for the necessary institutional structures proposed to the Ministry of Interior including draft organigrams for enhanced civilian oversight in line with the EU best practices.

A.4 Review and analysis of the regulatory system of the private security industry in Turkey so that human rights are fully guaranteed not only in the public but also the private sector

A.5 Benchmarking and review of preventive policing trends in selected EU countries' and Turkey's legislation with a view to enhanced civilian oversight.

A.6 Review of the concept of judicial policing and preventive policing of the Internal Security Sector to examine the regulatory framework of selected EU members

A.7 Benchmarking and review of the video surveillance regulatory framework and mechanisms in selected EU countries and Turkey (Mobil Elektronik Sistem Entegrasyonu - MOBESE) with a view to enhanced civilian oversight.

A.8 Develop legislative proposals to ensure an effective civilian oversight by the Ministry of Interior at central and local levels

A.9 Submit the developed legislative proposals to the Ministry of Interior

A.10 Analyze the ECHR rulings regarding Turkey concerning the actions of internal security forces

A.11 Develop a regulatory framework for establishing Local Security Plans nationwide and define the remit, competences and membership of Local Security Commissions to function under the steering of the governorship (see below, institutional capacity building at local level)

Approximately 24m/m of key technical expertise (Key Expert 4) time and approximately 150 days of short terms experts and 100 days of short term experts with international experience will be dedicated to the realization of these activities.

Component B - Capacity Building

This component aims at increasing the capacity at the MoI to realize its mission as regards the administrative management of security forces at the central and local level and establishment of institutional structures needed in order to meet the EU standards for HR protection and for a strengthened civilian oversight.

Specific sub-objectives regarding this component are;

- strengthening the capacity of the Ministry of Interior by expanding the scope and results of the first project to additional districts and cities of Turkey
- improvement in oversight of the security sector at local and central level,

- strengthening the consultation with civil society when defining local security policies and integrating citizens' needs into priorities,
- supporting the establishment of new agencies (local security commissions) to develop an institutional structure based on good practices in the EU and Turkish pilot models.

To attain the above referred specific sub-objectives this component is designed as institutional capacity building and strengthening of human resources. Main activities under this component are:

B.1. Institutional Capacity Building

B.1.1 Research and analysis of public perceptions of problems and satisfaction towards the service provided by ISFs through systematic local surveys in each pilot site to observe public perceptions

B.1.2 Identify needs through consultation with all pillars of the ISFs with respect to being "citizen focused"

B.1.3 Prepare a report on the selection and training of top ISFs chiefs in Turkey and selected EU countries

B.1.4 Prepare a feasibility study and a policy recommendation paper for the establishment of a joint academy for ISFs top chiefs in order to promote a common culture across all forces

B.1.5 Analyze the capacities of strategic units in charge of ISFs in Turkey and selected EU countries that have good practices and mechanisms (monitoring, research, planning, strategic coordination)

B.1.6 Prepare a proposal on the "best mechanism for ISFs oversight by the MoI" (principles, aims, functioning, organization)

B.1.7 Prepare a guidance note on "efficient prevention tactics" for improving the services of ISFs to be more citizen focused and in line with universal human rights

B.1.8 Prepare a proposal for a institutional set-up for local security commissions for increased civilian oversight.

B.1.9 Conduct a needs analysis for staffing of new structures.

B.1.10 Develop simple performance assessment matrix of the institutions to measure their oversight of the internal security. *The Key Expert 2 will dedicate full of his/her working time to the realization of activities under B1 and B2 (24 m/m). In addition, 300 days of short term experts with international experience and 250 days of short term experts will be dedicated to these two sub components to undertake the trainings and the reviews.*

B.2 Strengthening of Human Resources

This sub-component aims at strengthening of human resources through various tailor-made training programs and improvement of procedures and performance of civilian oversight in selected pilot provinces. Activities under this sub-heading are:

B.2.1 Provide training to minimum 500 ISF staff in relation with processing citizens complaints about law enforcement officers, personal data protection, public perceptions about law enforcement officers.

B.2.2 Provide training to minimum 500 staff of the private security sector with a view to enhanced civilian oversight based on the outputs of the review under Component A.

B.2.3 Provide training of trainers programs to minimum 30 selected staff on establishing local security plans

B.2.4 Provide training to minimum 500 deputy governors and district governors, police and gendarmerie officials and civil society organizations in the selected pilots about prevention of crime through partnership approach that is inclusive of citizens inputs

B.2.5 Organize a seminar on adapting EU good practices to Turkey for introducing “best mechanisms” of civilian oversight

B.2.6 Organize a seminar on adapting EU good practices to Turkey for the establishment of a joint academy

B.2.7 Organize minimum three regional conferences and seminars for ISF to present and discuss the major outputs of the project

B.2.8 Conduct five study tours, one for each major focus of the project

24 m/m of key expert time will be dedicated to the activities at pilot administration level (Key Expert 3) assisted by short term experts with international experience(250 days) short term experts (650 days) for the publication preparations and other junior experts for local needs (850 days)

Component C - Civil Society and Media

Two important factors of a democratic governance of ISFs are the contribution of media and civil society, on the one hand, and functioning of independent authorities on the other hand. The project intends to make progress on this front mainly in the sense of raising awareness of public administrators and other high level officials. In addition to its implication in the Local Security Commissions (see B1.1), the public will be able to follow the progress of the project with a series of regional and national events, a web site and publications.

C.1 Review and analysis of best practices of parliamentary oversight of ISFs in selected EU Member States including 1 study visit

C.2 A minimum of 5 parliamentary meetings and discussions on civilian oversight held with the participation of 30 Members of Parliament

C.3 A minimum of 20 meetings of Local Security Commissions involving civil society representatives and joint conclusions reached

C.4 Conduct an internationally standardised opinion poll on level of satisfaction and confidence of the citizens concerning ISFs

C.5 Organize 1 national discussion forum and 8 provincial roundtables with the media and civil society organizations

C.6 Organize minimum 16 awareness raising events for the civil society in each pilot site and create an information network among pilots

The component foresees at least 6 m/m of Key Expert 2, 6 m/m of Key Expert 4, 150 days of experts with international experience and 200 days of local short to medium term experts.

3.5 Conditionality and Sequencing:

Considering the overall objective of the project, the Ministry of Interior commits itself to ensure the involvement of all law enforcement agencies in particular the Turkish National Police and the Gendarmerie in the project as well as any agency that is a key actor/stakeholder in the law enforcement sector.

Since this Project will be continuation of the first project implemented for the same subject, there are no conditionalities for the starting of the project. However, during project implementation the Turkish Ministry of Interior commits itself to institutional change and to adopt new strategies and standards developed during the program and disseminate them through further training and awareness-raising activities.

The Ministry of Interior will also publish the newly developed guidelines, standards and strategies and communicate them to the public.

Projects to be implemented through contribution agreement require the full commitment and participation of the senior management of the beneficiary institution. In addition to providing the UNDP with adequate staff and other resources to operate effectively, the senior management must be involved in the development and implementation of policies and institutional change required to deliver the project results.

During project implementation close cooperation with the European Commission and UNDP will ensure best results by contributing to the preparation of activities and monitoring implementation of the working groups' findings and products. Finally, engagement of all ISFs will be provided for the successful implementation of the Project.

3.6 Linked Activities

The Improvement of Civilian Oversight of Internal Security Sector (ICOISS) Project has been implemented by the Ministry of Interior with the assistance of the United Nations Development Programme (UNDP) and funded by the European Commission (EC) from December 2008 until May 2010.

The improvement of civilian oversight of the internal security sector project was a tool for aligning Turkey with EU norms and standards in the field of internal security. It aimed at the enjoyment of human rights and at building a "security sector governance based on human centred understanding of security and public safety" which is sourced on transparency and "partnership with civil society".

3.7 Lessons Learned

The Ministry of Interior considers the following as important lessons that actually account for the rationale of the proposed project:

Internal security forces (ISFs) are entrusted with extraordinary powers (stop, search, spy communication etc...) that can interfere individual rights and freedoms. It is essential to control the forces (policy level orientations) and agents (individual level) that exercise those powers. The ultimate goal is the protection of human rights and freedoms and improvement of democratic rights. It implies the democratic control of all internal security forces. The realization of these two basic objectives depends on the inclusion of fundamental principles for effective civilian oversight into the Turkish constitution and laws, establishment of new civilian oversight mechanism at the central and local level, and ensuring the functioning of these mechanisms.

The area of security is highly sensitive in any state. In addition to the built in sensitivities of law enforcement in all countries around issues of security, is the context specific security issues in Turkey that derive from its geographical proximity to global terrorism hot spots. It is therefore important for the Ministry of Interior to steer changes in security sector oversight with utmost caution and sensitivity to local realities.

In line with the above, it is imperative therefore for the highest level of MoI leadership in guiding project activities. Therefore, the Institutional Framework (Section 4 below) requires that the Under-secretary of the MoI lead the project advisory body. The evolving environment in the country resulting from the abolition of the EMASYA Protocol. This environment and MoI's successful engagement of these actors to the preparation of the Project are the indicators of increased commitment of the internal security forces.

Also in line with the points made above, it is imperative the project is delivered through a technical assistance team which enjoys the full trust and cooperation of the Ministry of Interior. Therefore, as beneficiary of the Project, the Ministry of Interior recommends a contribution agreement to UNDP – an impartial and independent knowledge based organization which has at the request of MoI developed an exclusive partnership with the MoI in the field of civilian oversight (Section 6 below).

As compared to other alternatives, contribution agreement with UNDP is advantageous since UNDP has the advantage of covering wider diversity across Europe in terms of police system oversight. UNDP has capability to select the best practices throughout the EU and drafting them into Turkey's traditions without a narrow look at one country only.

All UNDP planned activities are meant to be sustainable and contributing in the capacity of the MoI at the central and local level. Increase of the capacity of MoI at the central and local level is essential due to following reasons:

- A clear understanding of EU norms in relation with civilian oversight and independent oversight mechanisms should be established in order to provide a road map for reform,
- In the First Phase, the analysis of MOI's powers and duties implied the need for improving legislation for all the internal security forces which clarifies in detail the nature of the links between the MoI and the internal security forces,

- A relevant organizational design of the MoI at central level is proposed to allow effective oversight of all forces, especially in relation with i) its planning capacities and ii) training the top ISS chiefs and foster a common legal culture,
- Awareness raising and practical tools need to be developed such as very focused study tours and production of training materials for police and gendarmerie.

Consequently, the capacity built up at local and central level and the deliverables do not require further assistance for implementation. Details of the exit strategy will be formulated during the implementation through consultations with all relevant stakeholders. The exit strategy will call for the commitment of the stakeholders to adopt the proposed changes and/or new working modalities those call for increased interactions with the public at large.

In order for stakeholder institutions to interact effectively, there is widely felt need for building institutional capacity starting with the Ministry of Interior, the governors and district governors on the more elemental and preliminary concepts such as security sector oversight, partnerships with civil society in oversight, consequences of oversight in terms of effectiveness, efficiency and legitimacy of internal security and consequently of state authority.

4. Indicative Budget (amounts in EUR)

			SOURCES OF FUNDING										
			TOTAL EXP.RE	TOTAL PUBLIC EXP.RE	IPA EU CONTRIBUTION		NATIONAL PUBLIC CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(e)	EUR (b)=(c)+(d)	EUR (c)	% (2)	Total EUR (d)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/Local EUR (y)	IFIs EUR (z)	EUR (e)	% (3)
Grant Contract	X		3.800.000 €		3.800.000,0	100							
TOTAL IB			3.800.000 €		3.800.000,0	100							
TOTAL INV													
TOTAL PROJECT			3.800.000 €		3.800.000,0	100							

Amounts net of VAT

(1) In the Activity row use "X" to identify whether IB or INV

(2) Expressed in % of the **Public** Expenditure (column (b))

(3) Expressed in % of the **Total** Expenditure (column (a))

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract		Q1 2012	Q1 2014

6. Cross Cutting Issues (where applicable)

6.1 Equal Opportunity

Equal opportunity principles and practices in ensuring equitable gender participation in the project will be guaranteed. Male and female participation in the project will be based on EU standards and assured by official announcements published to recruit the necessary staff for the project. The main criteria for recruitment will be qualifications and experience in similar projects, not sex or age. Both men and women will have equal opportunities and salaries.

6.2 Environment

N/A

6.3 Minorities and Vulnerable Groups

The Project will contribute to increased transparency in public administration and strengthening of the rule of law. Improvement in the civilian oversight will also have positive impacts on all citizens, including the vulnerable groups.

6.4 Civil Society/Stakeholder Involvement

The Project is addressing to the need for institutionalized engagement of the civil society in civilian oversight. First phase of the project has achieved the establishment of Local Security Commissions as the mechanisms enabling the involvement of civil society and all respective stakeholders to the process of local security service planning and implementation. This Phase will work on their institutionalization and embedment to the public administration system through required legislative framework and expanded pilot activities. The Project, by adopting an inclusive approach will ensure required involvement of all stakeholders, including the ISFs.

ANNEXES

- 1- Log frame in Standard Format
 - 2- Amounts contracted and disbursed per quarter over the full duration of Programme
 - 3- Description of Institutional Framework :
- :

ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche		Program name and number Improvement of Civilian Oversight in Turkey	
		Contracting period expires 2 years after the signature of the Financing Agreement	Disbursement period expires 1 year after the end date for the execution of contracts
		Total budget : 3.800.000 EURO	IPA budget: 3.800.000 EURO
Overall objective	Objectively verifiable indicators	Sources of Verification	
To support expanded enjoyment of civil rights by Turkish citizens and democratic control of internal security forces by the regulatory system and public	-the number of the complaints and applications to the Human Rights Boards at the provincial level for the improper actions of	Mass Media reports Records of the provincial Human Rights Boards Records of the Parliament's	

administration of Turkey.	the security forces decrease by 10% by 5 years from the end of the project	Human Rights Specific Committee	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
The project aims at making transition from narrowly conceived, bureaucratically and legalistically managed oversight of policing to a system of security sector governance based on human centered understanding of security, public safety and transparency in partnership with civil society.	<p>Program Steering Committee in place and is headed by the Deputy-Undersecretary of the MoI to monitor transition.</p> <p>A legislative framework for more effective civilian oversight of law enforcement bodies at local and central level has been drafted and submitted to the Parliament's respective Committee in 2012.</p>	<p>Minutes of Steering Committee meetings</p> <p>Reports of Human Rights Organizations</p> <p>EC Regular Reports on progress (Political Criteria)</p> <p>Result of surveys</p>	<p><i>Assumptions:</i> Continued commitment of the GoT to the EU accession process and to the political reform agenda</p> <p><i>Risks:</i> To get the cooperation of other relevant stakeholders, turnover of committed MoI staff; difficulties in managing coordination among the Gendarmerie, the GD of Security and the MoI's responsible units.</p> <p>The project will seek to overcome these risks by continued mainstreaming of the fundamental rights agenda within the MoI and continuous dialogue within the lead GDs of this Ministry led by the Program Steering Committee</p>

	<p>Functioning cooperation and coordination between the related ministries, Parliament and Ministry of Interior has been established.</p> <p>Simple performance assessment matrix of the institutions in their oversight of the internal security developed and submitted (Y2013)</p>		
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p>A: Legislative framework in place to enable the Ministry of Interior and local public administrators to exercise effective civilian oversight over law enforcement bodies.</p>	<p>Submission of at least two legislative proposals on the conduct of security affairs in the light of transparency and accountability to the Ministry of Interior.</p> <p>At least one legislative proposal of the above forwarded to the Parliament</p> <p>Directives disseminated</p>	<p>Project Progress Reports</p> <p>Steering Committee working papers and minutes of meeting</p> <p>Proposals to establish new agencies have been developed and submitted for final approvals</p>	<p><i>Assumptions:</i> Continued political commitment at the level of the Minister and leadership of the Under- secretary of the MoI of program activities</p> <p><i>Risks:</i> Potential misunderstanding of legislative initiative by key stakeholders of law enforcement</p> <p>The project will overcome this by engaging law enforcement agencies in knowledge sharing and training components of the project</p>

	<p>to public administrators clarifying the implementation of new legislation and their functions</p> <p>A review for the necessary institutional structures proposed to the Ministry of Interior including draft organigrams for enhanced civilian oversight in line with the EU best practices and needs analysis completed for staffing.</p>		
<p>B: Increased capacity in the MoI to realize its responsibilities with respect to strengthened civilian oversight of law enforcement bodies at the central and local level by the establishment of institutional structures needed in order to meet the EU standards for HR protection and for a strengthened civilian oversight.</p>	<p>Minimum 500 internal security staff trained on civilian oversight.</p> <p>Minimum 300 deputy governors and district governors trained on crime prevention in partnership with civil society.</p> <p>Minimum 500 personnel of private security sector</p>	<p>Progress reports of the project</p> <p>Pilot cities selected by the technical assistance team in cooperation with the Program Director</p> <p>Training attendance sheets and training reports prepared by the Technical Assistance Team</p>	<p><i>Assumptions:</i> Relevant Ministries and other related public administrations will be cooperative, local and central public administrators will be engaged in project by the MoI and provincial directorates of security will be encouraged by MoI top management to participate in project activities</p> <p>Ministry of Interior will assign required number of staff and resources for the project</p> <p><i>Risks:</i> Critical balance of empowerment at</p>

	<p>trained on delivering citizens' rights focused services.</p> <p>Pool of 30 trainers on establishing local security plans.</p> <p>Proposal for a institutional set up for the local security commissions for increased civilian oversight submitted to the MoI</p> <p>8 Surveys conducted in each pilot province on public perception towards the services provided by the ISF.</p> <p>Policy recommendation for the establishment of a joint academy for ISF submitted to MoI</p>	<p>Result of conducted surveys</p> <p>Study visit reports</p>	<p>local and at central level</p> <p>The project will overcome risks by carefully disseminating the sectoral approach to building appropriate accountability and management standards in the security field</p>
<p>C: Local Security Commissions including civil society and media in place and Parliamentary oversight</p>	<p>Increased awareness of Members of Parliament on civilian oversight through a minimum of 5</p>	<p>Minutes of meetings</p> <p>Project reports by the Technical Assistance Team</p>	<p><i>Assumptions:</i> Cooperation of the Parliament with the Ministry of Interior</p>

<p>strengthened.</p>	<p>parliamentary meetings and discussions on civilian oversight held with the participation of 30 Members of Parliament</p> <p>Assessment report on parliamentary oversight prepared in light of the best practices in EU Member States and submitted to the relevant commissions of the TGNA.</p> <p>Local security commissions established in 8 pilot provinces</p> <p>A minimum of 20 meetings of Local Security Commissions involving civil society representatives and joint conclusions reached.</p> <p>Discussion forums organized with the participation of media, civil society, ISF and</p>	<p>A report on best practices in selected EU countries on Parliamentary control of ISFs</p>	
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	public administrators.		
Activities	Means	Costs	Assumptions
A.1 Benchmarking and review of the existing legislative framework and obstacles to exercise effective oversight functions over the law enforcement bodies	Contribution Agreement with UNDP	Project Report	Cooperation by the MOI
A.2 Review and comparison of the laws, organization and functioning of governorate and district governorate between Turkey and two EU countries in order to increase their institutional capacity at the local level		Gap Analysis Report Review report including policy recommendations	
A.3 Review for the necessary institutional structures proposed to the Ministry of Interior including draft organigrams for enhanced civilian oversight in line with the EU best practices.		Project Reports	
A.4 Review and analysis of the regulatory system of the		Project Reports	

private security industry in Turkey so that human rights are fully guaranteed not only in the public but also the private sector			
A.5 Benchmarking and review of preventive policing trends in selected EU countries' and Turkey's legislation with a view to enhanced civilian oversight.		Project reports Review report including policy recommendations	
A.6 Review of the concept of judicial policing and preventive policing of the Internal Security Sector to examine the regulatory framework of selected EU members		Project reports	
A.7 Benchmarking and review of the video surveillance regulatory framework and mechanisms in selected EU countries and Turkey (MOBESE) with a view to enhanced civilian oversight.		Project reports An analysis report	
A.8 Develop legislative		Project Reports including	

framework proposals to ensure an effective civilian oversight by the Ministry of Interior at central and local levels		proposals	
A.9 Submit the developed proposals to the Ministry of Interior		Project Reports Proposals submitted for approval	
A.10 Analyze the ECHR rulings regarding Turkey concerning the actions of internal security forces		Project Reports Analysis Report	
A.11 Develop a regulatory framework for establishing Local Security Plans nationwide and define the remit, competences and membership of Local Security Commissions to function under the steering of the governorship		Project Reports Proposed Regulatory Framework/Arrangements	
B.1.1 Research and analysis of public perceptions of problems and satisfaction towards the service provided by ISFs through systematic		Project reports Findings of the survey	

local surveys in each pilot site to observe public perceptions			
B.1.2 Identify needs through consultation with all pillars of the ISFs with respect to being “citizen focused”		Project reports Needs assessment reports	
B.1.3 Prepare a report on the selection and training of top ISFs chiefs in Turkey and selected EU countries		Project reports Analysis Report	
B.1.4 Prepare a feasibility study and a policy recommendation paper for the establishment of a joint academy for ISFs top chiefs in order to promote a common culture across all forces		Project reports Policy Recommendation Paper	
B.1.5 Analyze the capacities of strategic units in charge of ISFs in Turkey and selected EU countries that have good practices and mechanisms (monitoring, research, planning, strategic coordination)		Project Reports Capacity Assessment Report	

<p>B.1.6 Prepare a proposal on the “best mechanism for ISFs oversight by the MoI” (principles, aims, functioning, organization)</p>		<p>Project Reports Report on Best Mechanisms</p>	
<p>B.1.7 Prepare a guidance note on "efficient prevention tactics" for improving the services of ISFs to be more citizen focused and in line with universal human rights</p>	<p>Technical Assistance Team Short Term Experts</p>	<p>Project Reports Guidance Note</p>	
<p>B.1.8 Prepare a proposal for a new institutional set-up for local security commissions for increased civilian oversight.</p>		<p>Project Reports including proposal</p>	
<p>B.1.9 Conduct a needs analysis for staffing of new structures.</p>		<p>Project reports Needs assessment report</p>	
<p>B.1.10 Develop simple performance assessment matrix of the institutions to measure their oversight of the internal security</p>		<p>Project reports</p>	

<p>B.2.1 Provide training to minimum 500 ISF staff in relation with processing citizens complaints about law enforcement officers, personal data protection, public perceptions about law enforcement officers.</p>		<p>Project Reports</p> <p>Training Modules</p> <p>Assessment notes of the participants</p>	
<p>B.2.2 Provide training to minimum 500 staff of the private security sector with a view to enhanced civilian oversight based on the outputs of the review under Component A.</p>		<p>Project Reports</p> <p>Training Modules</p> <p>Assessment notes of the participants</p>	
<p>B.2.3 Provide training of trainers programs to minimum 30 selected staff on establishing local security plans</p>		<p>Project Reports</p> <p>Training Modules</p> <p>Assessment notes of the participants</p>	
<p>B.2.4 Provide training to minimum 500 deputy governors and district governors, police and gendarmerie officials and civil society organizations in the</p>		<p>Project Reports</p> <p>Training Modules</p> <p>Assessment notes of the participants</p>	

selected pilots about prevention of crime through partnership approach that is inclusive of citizens inputs			
B.2.5 Organize a seminar on adapting EU good practices to Turkey for introducing “best mechanisms” of civilian oversight		Project Reports Minutes of the seminar	
B.2.6 Organize a seminar on adapting EU good practices to Turkey for the establishment of a joint academy		Project Reports Minutes of the seminar	
B.2.7 Organize minimum three regional conferences and seminars for ISF to present and discuss the major outputs of the project		Project and Conference Reports	
B.2.8 Conduct five study tours, one for each major focus of the project		Project Reports Reports of the study tours	
C.1 Review and analysis of best practices of parliamentary oversight of ISFs in selected EU Member States including 1		Project Reports Report of the Review	

study visit		Study Tour Report	
C.2 A minimum of 5 parliamentary meetings and discussions on civilian oversight held with the participation of 30 Members of Parliament		Project Reports Minutes of the meeting	
C.3 A minimum of 20 meetings of Local Security Commissions involving civil society representatives and joint conclusions reached		Project Reports including joint conclusions Minutes of the meeting	
C.4 Conduct an internationally standardised opinion poll on level of satisfaction and confidence of the citizens concerning ISFs		Project Reports Report on public perception of ISFs in Turkey	
C.5 Organize 1 national discussion forum and 8 provincial roundtables with the media and civil society organizations		Project and Roundtable Reports Press clippings of the events	
C.6 Organize minimum 16 awareness raising events for the civil society in each pilot		Project and Conference Reports	

site and create an information network among pilots			
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ANNEX II: Amounts (in €) Contracted and disbursed by quarter for the project

Contracted	III/2011	IV/2011	I/2012	II/2012	III/2012	IV/2012	I/2013	II/2013	III/2013	IV/2013	I/2014	Check
Contract	0	0	3.800.000€	0	0	0	0	0	0	0	0	3.800.000€
Cumulated	0	0	3.800.000€	0	0	0	0	0	0	0	0	3.800.000€
Disbursed	0	0	1.900.000€	0	0	0	0	0	1.900.000€	0		3.800.000€
Cumulated	0	0	1.900.000	1.900.000	1.900.000	1.900.000	1.900.000	1.900.000	3.800.000	3.800.000	3.800.000	3.800.000€

