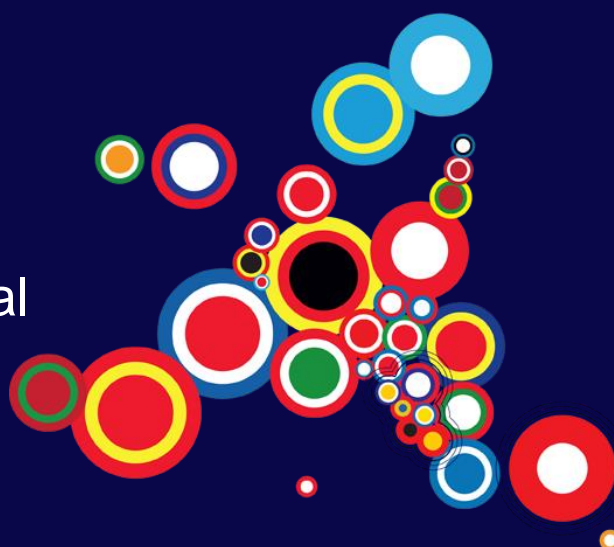




## INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

### TURKEY EU Support to Fundamental Rights



#### **Action summary**

The activity “Supporting the Effective Implementation of Turkish Constitutional Court Judgments in the field of Fundamental Rights”, will contribute to a better protection of human rights in Turkey via increased effectiveness of implementation of TCC judgements in the field of human rights and better awareness of relevant stakeholders on the TCC case-law and individual application mechanism. The activity will focus on establishing a monitoring mechanism for execution of judgments of the TCC, ensuring their implementation to the greatest extent possible by the judiciary and the public institutions and develop standard practices in terms of follow-up on judgements.

<b>Action Identification</b>	
<b>Action Programme Title</b>	Annual Action Programme for Turkey for the year 2019
<b>Action Title</b>	EU support to Fundamental Rights: “Supporting the Effective Implementation of Turkish Constitutional Court Judgments in the field of Fundamental Rights”
<b>Action ID</b>	IPA/2019/042-258/2/Turkey/Fundamental Rights
<b>Sector Information</b>	
<b>IPA II Sector</b>	Rule of Law and Fundamental Rights
<b>DAC Sector</b>	15160 - Human rights
<b>Budget</b>	
<b>Total cost</b>	EUR 5 000 000
<b>EU contribution</b>	EUR 5 000 000
<b>Budget line(s)</b>	22.020301
<b>Management and Implementation</b>	
<b>Management mode</b>	Indirect management  Direct management
<i>Indirect management:</i> <b>National authority or other entrusted entity</b> <i>Direct management</i>	Indirect management with the Council of Europe  Direct management for evaluation
<b>Implementation responsibilities</b>	EU Delegation to Turkey
<b>Location</b>	
<b>Zone benefiting from the action</b>	Turkey
<b>Specific implementation area(s)</b>	Turkey
<b>Timeline</b>	
<b>Final date for concluding Financing Agreement(s) with IPA II beneficiary</b>	At the latest by 31 December 2020

<b>Final date for concluding procurement and grant contracts and contribution agreement</b>	3 years following the date of conclusion of the Financing Agreement, with the exception of cases listed under Article 114(2) of the Financial Regulation		
<b>Final date for operational implementation</b>	6 years following the conclusion of the Financing Agreement		
<b>Final date for implementing the Financing Agreement (date by which this programme should be de-committed and closed)</b>	12 years following the conclusion of the Financing Agreement		
<b>Policy objectives / Markers (DAC form)</b>			
<b>General policy objective</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Main objective</b>
Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	X
Aid to environment	X	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality (including Women In Development)	<input type="checkbox"/>	X	<input type="checkbox"/>
Trade Development	X	<input type="checkbox"/>	<input type="checkbox"/>
Reproductive, Maternal, New born and child health	X	<input type="checkbox"/>	<input type="checkbox"/>
<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Main objective</b>
Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
Combat desertification	X	<input type="checkbox"/>	<input type="checkbox"/>
Climate change mitigation	X	<input type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	X	<input type="checkbox"/>	<input type="checkbox"/>

## 1. RATIONALE

### PROBLEM AND STAKEHOLDER ANALYSIS

The compliance of Turkey with its international obligations on democracy, the rule of law and protection of fundamental rights and freedoms is one of the pre-conditions for the EU accession process. The 2019 Turkey Country report highlighted the paramount importance of the respect for fundamental rights in law and in practise. Chapter 23 recommendations from previous reports were considered as still outstanding. The report also stated that Turkey should ensure that judgments by the Constitutional Court, whose decisions should follow European Court of Human Rights (ECtHR) jurisprudence, are respected by lower courts.

Turkey is a member of the Council of Europe (CoE) and party to the European Convention on Human Rights (ECHR) and bound to the provisions and the case law of the European Court of Human Rights (ECtHR). Turkey is also a party to the main UN human rights treaties.

To be in line with EU standards, Turkey undertook reforms in the field of fundamental rights since the 2000s through the establishment of human rights institutions and adoption of comprehensive strategies (Judicial Reform Strategy and Action Plan on the Prevention of Violations of the European Convention on Human Rights). According to the Commission's recent country reports, this is an area where Turkey remains at an early stage in adopting the *acquis* and EU standards.

In the new presidential system introduced in 2018, the Reform Action Group (RAG) convened on 29 August and 11 December 2018 and 9 May 2019 after a three-year interval and agreed on accelerating the political reform process. The RAG meetings delivered a message to continue the political reforms. Turkey has committed to follow the course of alignment with the EU standards. At the latest meeting of the RAG, updating the Action Plan on the Prevention of the ECHR Violations and Judicial Reform Strategy were decided.

The procedure of individual application to the Turkish Constitutional Court, introduced by the constitutional amendments of 2010 and the Law on the Constitutional Court of 2011, commenced in September 2012. Anyone who claims that his or her fundamental rights has been violated can file a complaint to the TCC after having exhausted other legal remedies. The system works in a similar way to the ECtHR and applicants may claim that their rights, enshrined in both the Turkish Constitution and the ECHR, are violated by courts or administrative bodies. If the TCC considers that a violation has taken place, the judgments are sent to relevant courts or administrative bodies for redress; if a violation arises out of a court decision, the retrial or compensation would be redressing measures. Unlike in some other countries, the TCC cannot declare the judgments of lower courts null and void.

The number of individual applications filed to the Constitutional Court has steadily increased since 2012, making a total of 211,665 as of December 2018. The number of pending individual applications reached 28,475. The Constitutional Court has found at least one violation in 7,140 cases out of around 210,000 total cases.

The establishment of the individual application mechanism to the Constitutional Court in September 2012 has contributed to the number of applications to the ECtHR. It is also the last remedy before lodging an application to the ECtHR.

The system was established with the support of the EU/CoE Joint Project on "Enhancing the Role of the Supreme Judicial Authorities in Respect of European Standards", and further strengthened with the ongoing joint project on "Supporting the Individual Application to the Constitutional Court in Turkey". Both these initiatives were built upon actual problems and needs of the system, identified by surveys and needs assessment studies carried out during the projects. At the time of their implementation, the work load of courts, communication between high courts, awareness of judges, prosecutors and lawyers about the individual application system and the judgments of the ECtHR and TCC were identified as the main problems that needed to be addressed in order to ensure an effective and efficient system. Therefore, projects focused on the creation of synergies among different stakeholders in Turkey and their counterparts in the EU. They helped to establish a systematic dialogue between high courts and the Constitutional Court of Turkey thereby ensuring the consideration of human rights case law of Turkish Constitutional Court (TCC) in civil, criminal and administrative adjudications. The individual application procedure and the relevant case law were also widely explained to first instance courts, as well as lawyers. The

outcomes of these projects are sustained by the judgments of the TCC, which have been accepted as an effective domestic remedy by the European Court of Human Rights since 2012.

However, still there is a room for improvement and the remaining issues could be summarised as follows:

- High rates of inadmissibility decisions (around 90%), including the administrative ones, indicate that knowledge of the applicants, especially lawyers should be increased. There are awareness raising tools already developed by a previous project but they still need to be updated and disseminated to a wider audience.
- Absence of a monitoring mechanism, which could ensure (i) the effective execution of TCC judgments by following up whether judgments are properly executed or complied with in an adequate manner by lower courts or other responsible bodies and recommend concrete solutions in cases where execution of judgments are not effective. (ii) Increased level of harmonisation with the TCC case law at the level of first instance courts. TCC has received several follow-up applications from applicants, who claimed that the judgments of the TCC were not executed in a timely manner, effectively or not executed at all. All those issues need to be addressed systematically. Repetitive judgments on similar issues not only increase the workload of the courts but also indicate the need to expand the knowledge of the judgments of the TCC by lower courts. Therefore, there is a need to improve the case-law effect of TCC judgments.
- There is a need for a well-established communication system among the various stakeholders of the individual application system; especially among high courts, appellate courts and administrative bodies, as the main actors to prevent violations and redress them when they occur. The round table meetings and forums organised in a previous project have showed that these mechanisms should be improved and sustained in future.

The role of the Constitutional Court is crucial to safeguard the rule of law, and the effective protection of fundamental rights. Ensuring the harmonisation of the judgements of first instance courts with the case law of the Constitutional Court and the ECtHR is also essential in this respect as the judgements of the Constitutional Court guide not only first instance courts but also all public institutions in aligning their practices with the European Convention on Human Rights and the Constitution.

## **OUTLINE OF IPA II ASSISTANCE**

The activity “*Supporting the Effective Implementation of Turkish Constitutional Court Judgments in the field of Fundamental Rights*”, will contribute to a better protection of human rights in Turkey via increased effectiveness of implementation of TCC judgements in the field of human rights and better awareness of relevant stakeholders on the TCC case-law and the individual application mechanism. The activity will focus on establishing a monitoring mechanism for execution of the judgments of the TCC, ensuring the implementation of judgments of TCC to the greatest extent possible by the judiciary and the public institutions and developing standardised practices in terms of follow-up on judgements.

## **RELEVANCE WITH THE IPA II STRATEGY PAPER AND OTHER KEY REFERENCES**

Within the **Revised Indicative Strategy Paper for Turkey**<sup>1</sup>, which sets out the priorities for EU financial assistance for the period 2014-2020 to support Turkey on its path to accession, “Rule of Law and Fundamental Rights” is defined as one of the priority sectors. Under this sector, “Judiciary and Fundamental Rights” is identified as a sub-sector, which comprises the priorities under Chapter 23.

The Revised Indicative Strategy Paper for Turkey, which highlights the importance of fundamental rights, also states that - as the judiciary and fundamental rights are complementary areas - IPA II assistance will be programmed in a holistic and strategic way, against a multi-annual framework, and will duly take into account the relevant national strategies and action plans.

The Revised ISP for Turkey specifically refers to the need for support in the field of fundamental rights, which is closely relevant for the purpose of the project regarding the implementation of individual application judgments. In this scope, strengthened capacity and better awareness of judiciary stakeholders on the human rights case law of the TCC and its implementation will lead to: a) an overall improvement of human rights protection and enforcement in Turkey, and b) a reduction of violations on certain human rights, such as fair trial. The project activities will include training for all members of the judiciary on human rights case law of the Turkish Constitutional Court and the European Court of Human Rights.

The **Sector Planning Document** developed by the Lead Institution for Fundamental Rights Sub-Field covers the objectives of the Indicative Strategy Paper for Turkey that sets out the priorities for EU financial assistance for the period 2014-2020. It translates the political priorities as defined in the Enlargement Strategy and Country Reports into key areas where financial assistance is most needed and relevant to meet the accession criteria.

As to the proposed action, the overall objective is to achieve measurable progress towards the full enjoyment of all fundamental rights and freedoms by all individuals, without discrimination, bringing the legal framework in line with European standards. The specific objective is to align the jurisprudence in the area of fundamental rights in line with the ECHR and case law of the ECtHR.

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<sup>1</sup> <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180817-revised-indicative-strategy-paper-2014-2020-for-turkey.pdf>

In conclusion, this action is directly linked to the priorities of the Revised Indicative Strategy Paper for Turkey, for better protection of human rights and the rule of law; alignment to European standards will be achieved by making the European Convention on Human Rights and the Turkish Constitution the main references in the judgments of the Turkish courts.

#### **LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE**

The lessons learned of *Supporting the Individual Application to the Constitutional Court in Turkey project (IPA 2013)* will be relevant for the implementation of upcoming project and should be taken in account. At the end of project's implementation, an individual application system analysis on results with follow-up recommendations will be developed and should be used for re-financing the future project's activities. Currently, the need for further strengthening of cooperation between relevant stakeholders, further knowledge and awareness raising about TCC and ECtHR case law and a systematic monitoring of TCC judgements execution are identified among the areas to be improved. The ongoing IPA project is a good example of a sector-based approach since it targets very large number of stakeholders and various categories of rights are involved. This approach will be replicated in the future project. A stronger involvement of the civil society should be ensured.

Following observations made under Thematic Evaluation on Judiciary and Fundamental Rights in Turkey by the European Commission (2012) are to be considered:

- Use of sector-based approach could encourage greater collaboration between institutions and civil society organisations, including professional groups such as bar associations
- A systematic, consistent approach to gender mainstreaming is to be applied
- Cooperation between civil society and institutions is to be encouraged
- Alignment with domestic policy priorities helps to increase the levels of sustainability

Clear and relevant baseline indicators are important in order to measure the Action's impact. Further efforts are needed in terms of programme and project design to have a set of measurable objectives and adequate performance indicators. In this respect, it is essential to achieve a stronger alignment of the relevant programming documents with the IPA II performance framework in terms of developing a meaningful set of realistic and measurable performance indicators in close cooperation with the implementing agencies/contractors as well the beneficiary institutions and measurement on results in this regard.

The recommendations set in the European Court of Auditors' Report of March 2018 "EU pre-accession assistance to Turkey: Only limited results so far" should be taken into consideration. In this Report, the Court of Auditors found that the European Commission should better target funding for Turkey in areas where reforms are overdue and necessary for credible progress towards EU accession and political and project conditionality should be used.

## 2. INTERVENTION LOGIC - Logical framework matrix

*DURING THE INCEPTION PERIOD, INDICATORS AND SOURCES OF VERIFICATION MAY BE SPECIFIED AND ADAPTED FOR OPTIMAL IMPLEMENTATION PURPOSES AND ACCURATE VERIFICATION.*

<b>OVERALL OBJECTIVE</b>	<b>OBJECTIVELY VERIFIABLE INDICATORS</b> <i>All data should be disaggregated on the basis of gender, age and nationality, where applicable and possible.</i>	<b>SOURCES OF VERIFICATION</b>	
To contribute to a better protection of human rights, in Turkey	Decreased number of ECtHR cases under supervision by the Committee of Ministers Decreased number of violation judgements rendered by TCC Positive assessment on the situation of human rights by international and domestic stakeholders	Statistics and data of European Court of Human Rights (ECtHR) TCC statistics Reports by international monitoring bodies of the Council of Europe and United Nations Reports by domestic and international stakeholders	
<b>SPECIFIC OBJECTIVE</b>	<b>OBJECTIVELY VERIFIABLE INDICATORS</b>	<b>SOURCES OF VERIFICATION</b>	<b>ASSUMPTIONS</b>
Increased effectiveness of implementation of TCC judgements in the field of human rights and better awareness of relevant stakeholders on the TCC case law and individual application mechanism.	The increased compliance rate of inferior courts by the judgments of the Turkish Constitutional Court Decreased number of applications complaining about non-execution of TCC judgements. Decreased rate of non-execution of TCC judgements Decreased number of inadmissible individual applications	Statistics and data of TCC Statistics obtained from the Council of Judges and Prosecutors with respect to first instance judgments. The numerical data regarding implementation of TCC violation judgments to be prepared by the relevant department of the TCC (a monitoring system is expected to be established under TCC within the	Full commitment of relevant institutions to ensure protection of rights and freedoms in line with ECHR and TCC case law.



		scope of the project).	
<p><b>RESULTS</b></p> <p><b>Supporting the Effective Implementation of Turkish Constitutional Court Judgments in the field of Fundamental Rights</b></p> <p>1. Monitoring mechanism for execution of judgments of TCC is established and is functioning in accordance with EU standards and practices and the stakeholder platform has improved monitoring;</p> <p>2. The systemic human rights lacunas detected via TCC's case law are effectively addressed;</p> <p>3. Judges, prosecutors, relevant public officers and lawyers are aware of the case law of the ECtHR and TCC and able to apply those judgments in similar cases</p> <p>4. The transfer of EU expertise and cooperation of Turkish courts and relevant stakeholders with the European and Member States institutions/courts in the field of Fundamental Rights are enhanced and caused the required changes in line with EU standards.</p>	<p><b>OBJECTIVELY VERIFIABLE INDICATORS</b></p> <p>Progress made in the compliance with the TCC case law in individual application</p> <p><i>Indicator 1.</i> A specific unit within the CC is established to monitor the execution of judgments.</p> <p><i>Indicator 2.1.</i> A roadmap and strategy paper for necessary changes is drafted and communicated to all relevant stakeholders</p> <p><i>Indicator 2.2.</i> Number of recommended legislative or regulatory amendments addressing the problems pointed by the case law of the CC</p> <p><i>Indicator 3.1.</i> The problematic issues in the judgments of CC related to the judgments of lower courts are not repeated in new cases, verified by data.</p> <p><i>Indicator 3.2.</i> The changes in case law of high courts in line with the judgments of the ECtHR and CC increased.</p> <p><i>Indicator 4.1:</i> Number of cooperation activities carried out before and during the Action.</p> <p><i>Indicator 4.2:</i> Number of new practices/amended rules implemented within the TCC and other high courts after exchanges with other European counterparts.</p>	<p><b>SOURCES OF VERIFICATION</b></p> <p>The Reports of TCC</p> <p>Project reports</p> <p>Expert reports</p> <p>Academic articles</p> <p>Reports of other courts/institutions related to changing case law and practices.</p>	<p><b>ASSUMPTIONS</b></p> <p>Political will and continuity to carry out reforms.</p> <p>Willingness of national authorities to adapt policies, in line with the European norms and standards, and commit resources to the TCC for building up its capacities.</p> <p>Full commitment of beneficiary institutions and relevant stakeholders to the project's objectives</p> <p>Availability of experts</p> <p>Active involvement and cooperation of stakeholders.</p>

## **DESCRIPTION OF ACTIVITIES**

1. Drafting of a roadmap to ensure that the first instance courts and public authorities render decisions in line with TCC case law regarding protection of fundamental rights based on the comparative assessment of other countries.
2. Development of a monitoring mechanism under TCC based on a model in line with EU standards, as well as establishment of a platform for high courts, Courts of Appeals and other relevant stakeholders (including CSOs) to improve monitoring.
3. Development of stock taking on results of the established monitoring system to assess the developments in individual application system and conducting qualitative assessment of the TCC case law impact on prevention of human rights violations.
4. Training for judges, prosecutors, lawyers, and other relevant stakeholders on the different right categories, of the case law of ECtHR and TCC, including development of a train the trainers programme.
5. Exchanges with European institutions and peer courts in other European countries, through video conferences, placements and/or study visits, where most effective, to compare results achieved during project implementation and to improve the capacity of the TCC for its effective functioning.
6. Communication and awareness raising activities related to the specific target groups (, e.g. development of new channels of communication on TCC judgements, data collection mechanism regarding references made to TCC judgements by lower Courts).

## **RISKS**

The assumptions are as follows:

- Commitment at all levels to align with EU and European (CoE) standards and practices.
- Stakeholders' dedication to participate and cooperate throughout the project; implementation arrangements require strong, reliable and committed partners among Turkish institutions.
- Ministries and other relevant public institutions lend high-level support for the measures.
- Strong commitment of the beneficiaries and close cooperation with the relevant stakeholders. Required financial resources after the implementation of the project will be allocated by the responsible TK services, where needed, to ensure sustainability.
- All stakeholders collaborate closely and are engaged.

The risks are as follows:

- Contradicting policies applied /pursued by the different institutions involved in the project.
- Lack of cooperation, coordination, common goals and priorities among the stakeholders.
- Lack of effective communication among the stakeholders

Mitigation measures are as follows:

- High-level discussions in the framework of the Turkey-EU dialogue will represent a mitigation factor for the above-mentioned risks.

## CONDITIONS FOR IMPLEMENTATION

The implementation of the action requires continued commitment by the Turkish authorities, including political support and strong cooperation between all relevant stakeholders (Courts, public institutions, international partners and civil society) to achieve the action's objective and expected results.

The Turkish Constitutional Court should operate in line with EU and international standards by ensuring the rights and freedoms guaranteed by the European Convention of Human Rights (ECHR).

Prior to project start, a by-law on the establishment of the specific unit in TCC tasked with the monitoring of the implementation of the judgements of TCC, will be enacted.

An assessment report of the current system of execution of judgments is in place before the start of the project.

Failure to comply with the requirements set out above may lead to a recovery of funds under this programme and/or the re-allocation of future funding.

## 3. IMPLEMENTATION ARRANGEMENTS

### ROLES AND RESPONSIBILITIES

<b>Activity</b>	<b>Main Beneficiary</b>	<b>Stakeholders</b>
Supporting the Effective Implementation of Turkish Constitutional Court Judgments in the field of Fundamental Rights	Turkish Constitutional Court	All courts in the Turkish justice system, Bar Associations, Public institutions (Parliament, Ombudsman, National Human Rights and Equality Institution, Ministries, Law Enforcement Bodies, civil society)

With regard to the action and the sub-activities, relevant public and non-governmental stakeholders are engaged according to their field of expertise and tasks accordingly, in close coordination with the Council of Europe as implementing actor.

### IMPLEMENTATION METHOD(S) AND TYPE(S) OF FINANCING

The proposed Action will be implemented under indirect management by the Council of Europe.

#### **4. PERFORMANCE MEASUREMENT**

##### **METHODOLOGY FOR MONITORING (AND EVALUATION)**

The Sectoral Monitoring Committee (SMC) meetings are regularly organised by the Lead Institution in cooperation with the EU Delegation, with participation of a number of different institutions including the key actors of the IPA II system, project beneficiaries, International Organisations as well as civil society representatives.

At activity level, a project Steering Committee will monitor the implementation of activities, the achievement of results against indicators as per the action document, and agree on necessary corrective actions, as appropriate. The Steering Committee will be composed of representatives of the European Union, implementing organisation (CoE), main beneficiary (TCC), co-beneficiaries, the Ministry of Justice, Directorate of EU Affairs - Ministry of Foreign Affairs, and civil society representatives.

Further to the above-mentioned monitoring set up, the European Commission will carry out a mid-term, or a final or an ex-post evaluation for this Action or its components via independent consultants, through a joint mission or via an implementing partner. For this purpose an amount of EUR 50,000 is planned and set aside under the budget of this Action and will be programmed in accordance with budgetary needs to be finalised during the contracting phase. The evaluations will be carried out as prescribed by the DG NEAR guidelines for evaluations.

## INDICATOR MEASUREMENT

During the inception period, indicator measurement may be further specified and adapted for optimal implementation purposes and accurate verification.

<b>Indicator</b>	<b>Baseline (2018) (2)</b>	<b>Target 2020 (3)</b>	<b>Final Target (year) (4)</b>	<b>Source of information</b>
<i>All data should be disaggregated on the basis of gender, age and nationality, where applicable and possible.</i>				
The number of administratively inadmissible applications	1152	2% decrease	10 % decrease	TCC Statistics
The number of inadmissible applications	31677	2 % decrease	10 % decrease	TCC Statistics
The number of violation judgments of TCC	2166	2 % decrease	10 % decrease	TCC Statistics

## **5. SECTOR APPROACH ASSESSMENT**

**The Fundamental Rights sector objectives are set out in the revised Indicative Strategy Paper for Turkey that covers the period 2014-2020.** The overall objective is to enhance respect for fundamental rights and freedoms. A prerequisite for success is to undertake the necessary EU oriented reforms in the framework of chapter 23 judiciary and fundamental rights and their effective implementation.

In this respect, priorities identified in existing relevant strategies and actions plans are taken in account during programme preparations.

### **Institutional Arrangements**

#### **Sector and Donor Coordination**

The developments and needs in this field are closely monitored by the Reform Action Group (RAG). The Sub-committee for Political Affairs, composed of high-level officials of key institutions, is authorised to direct, identify and assess the steps to be taken to further enhance the implementation regarding fundamental rights. The Sub-committee submits its recommendations to the Reform Action Group.

NIPAC will ensure the regular donor coordination activities in line with its mandate. The relevant international organisations in this field are as follows: the Council of Europe and UN Agencies (e.g. UNDP, IOM, UNFPA, UNICEF, UNHCR) who have provided substantial support, together with relevant Turkish and international NGOs working on human rights, civil society development and other right-based areas, such as Union of Bar Associations, bar associations, trade unions and NGOs.

On regular IPA assistance, with the aim of improving donor coordination at sector level, the European Union presents yearly the draft programmes to representatives of Member States embassies and also organises additional ad-hoc information sessions at sector level. These meetings include exchanges about complementary of bilateral funding from Member States, even though bilateral grant financing is very limited compared with the IPA allocations. In fields of joint interest, technical level meetings are organised.

The European Union has been holding meetings with Member States on a bi-yearly basis to focus on specific topics covered by IPA.

## **6. CROSS-CUTTING ISSUES**

### **GENDER MAINSTREAMING**

Gender balance will be sought on all the managing bodies and activities of the Action and importance thereto will be given during all stages. Equal participation of women and men will be secured in the design of activities and access to the opportunities they offer. Promotion of gender equality and equal opportunities will be considered. The gender dimension of the activities will also be closely monitored by the European Union in terms of compliance with the Gender Action Plan.

Principles of equal opportunity for female and male and non-discrimination on grounds of gender

are considered throughout the programme implementation. Therefore, measures to ensure equal opportunities and non-discrimination regardless of gender are integrated in the design and the implementation of this programme. As such, the Action will ensure that equally qualified men and women will be given equal opportunity to participate and benefit from it.

Furthermore, in order to improve access to justice by women and men equally, during the action, gender segregated data will be produced on the individual application and recommendation/policy measures will be produced where necessary.

### **EQUAL OPPORTUNITIES**

Equal opportunity principles and practices in ensuring equitable gender participation in the project will be guaranteed. The main criteria for staff recruitment will be appropriate qualifications and experience in similar projects, not sex or age. Turkey's government remains fully committed towards providing equal opportunities for men and women. The legislation ensures equal opportunities and no gender discrimination. All steps necessary to ensure equal representation and opportunities for women and men will be taken into consideration, including equal participation in implementation, monitoring and evaluation.

### **MINORITIES AND VULNERABLE GROUPS**

According to the Turkish Constitutional System, the word minority encompasses only groups of persons defined and recognised as such on the basis of multilateral or bilateral instruments to which Turkey is a party of.

The activities supported under this Action will contribute to the protection of individual human rights.

### **ENGAGEMENT WITH CIVIL SOCIETY (AND IF RELEVANT OTHER NON-STATE STAKEHOLDERS)**

Relevant national and international CSOs working on Fundamental Rights will participate to the activities of this Action.

### **ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)**

N/A

## **7. SUSTAINABILITY**

This Action will serve the overall strengthening of 'fundamental rights' and help further align this area with the EU *acquis* and standards in this field as well as support the implementation of Turkey's own related strategies and actions plans and strengthen its monitoring system. The Project team in cooperation with contact points from the related institutions and with the support of experts will prepare various documents - including training materials - that would serve to ensure sustainable use and it will be assessed if those trained have applied the training materials in their day-to-day work and if knowledge of applications has significantly increased. All documents prepared during the Activities will be handed over to stakeholders of Turkey, and transferred by all means agreed upon with the EU and the CoE. In addition, all documents should be simple enough to be regularly updated and changed by the staff of the respective organisations without external

support.

The institutional capacity of Constitutional Court will be strengthened at the end of the project, which will ensure that it can continue active monitoring of the execution of judgements on individual applications without further external support.

Indeed, at the end of the project, the specific unit within the TCC to monitor the execution of judgments should be **fully operational** and supporting the effective implementation of Turkish Constitutional Court judgments in the field of Fundamental Rights and in line with EU and ECHR standards, through an effective monitoring and tracking system. This unit should be able to adapt to evolving needs. Finally, the trainers and beneficiaries of trainings will be responsible for sharing their knowledge with fellow-colleagues, peers and outside actors, including civil society, in order to ensure a maximum outreach.

## **8. COMMUNICATION AND VISIBILITY**

Communication and visibility will be given high importance during the implementation of the Action. The implementation of the communication activities shall be funded from the budget of the Action.

All necessary measures will be taken to publicise the fact that the Action has received funding from the EU in line with the Communication and Visibility Manual for EU External Actions. Additionally, the Visibility Guidelines developed by the European Commission (DG NEAR) will have to be followed.

Visibility and communication actions shall demonstrate how the intervention contributes to the agreed programme objectives and the accession process. Actions shall be aimed at strengthening general public awareness and support of interventions financed and the objectives pursued. The actions shall aim at highlighting to the relevant target audiences the added value and impact of the EU's interventions and will promote transparency and accountability on the use of funds.

In this sense, in line with the Lead Institution roles and responsibilities identified in the Cooperation Agreements signed between the Lead Institution and End Beneficiaries for each programming year, a Communication and Visibility Plan for the Fundamental Rights Sub-Field should be prepared by the Lead Institution. Thus, the Lead Institution and the End Beneficiaries will be jointly responsible for fulfilment of IPA II Visibility and communication requirements and sustainability of the visibility of the project outputs.

Communication and Visibility Plans of the Individual Activities must be in line with the overall of Communication and Visibility Plan of the Fundamental Rights Sub-Field. Visibility and communication actions shall demonstrate how the intervention contributes to the agreed programme objectives and the accession process. Actions shall be aimed at strengthening general public awareness and support of interventions financed and the objectives pursued. The actions shall aim at highlighting to the relevant target audiences the added value and impact of the EU's interventions and will promote transparency and accountability on the use of funds.