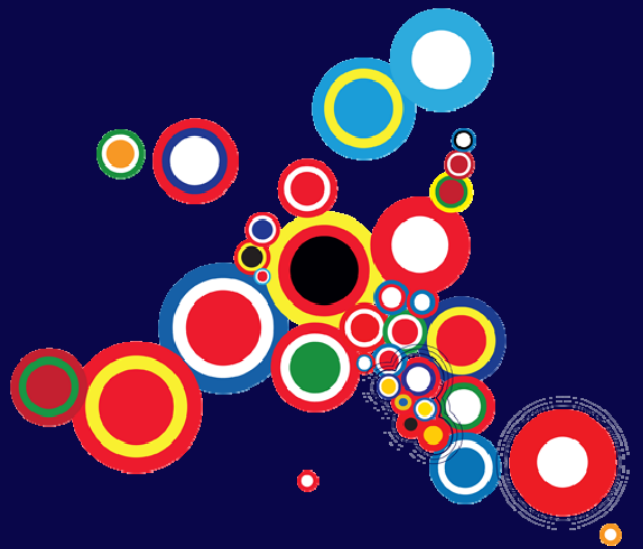




INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

TURKEY

Judiciary



Action summary

This Action aims to support Turkey's efforts to secure rule of law and increase the level of standards concerning fundamental rights throughout the judiciary, along with improving the professional competence and increasing efficiency and effectiveness of the judiciary.

The Action also covers activities to further improve the penitentiary system through modern imprisonment execution regimes.

Action Identification	
Action Programme Title	Annual Action Programme for Turkey (2016)
Action Title	Judiciary
Action ID	IPA/2016/ 039-354/4 /Turkey/ Judiciary
Sector Information	
IPA II Sector	Rule of Law and Fundamental Rights Sub-Sector Judiciary
DAC Sector	15130 - Legal and judicial development
Budget	
Total cost	22.550.000 €
EU contribution	22.130.000 €
Budget line(s)	BGUE-B2016-22.020301-C1-NEAR
Management and Implementation	
Management mode	Indirect management
National authority or other entrusted entity	<i>Central Finance and Contracts Unit Ms. Emine Döğər Acting PAO-CFCU Director Eskişehir Yolu 4. Km 2180 Cad. No: 63 C-Blok 06510 Söğütözü - Ankara / TURKEY</i>
Implementation responsibilities	<i>Turkish Ministry of Justice Directorate General for EU Affairs, EU Project Department Canan Kaya Head of Department Vekaletler Caddesi No:22Kızılay/Ankara</i>
Location	
Zone benefiting from the action	Turkey
Specific implementation area(s)	Turkey
Timeline	
Final date for concluding Financing Agreement(s) with IPA II beneficiary	At the latest by 31 December 2017
Final date for concluding delegation agreements under indirect management	At the latest by 31 December 2017
Final date for concluding procurement and grant contracts	3 years following the date of conclusion of the Financing Agreement, with the exception of cases listed under Article 189(2) of the Financial Regulation
Final date for operational	6 years following the conclusion of the Financing Agreement

implementation			
Final date for implementing the Financing Agreement (date by which this programme should be de-committed and closed)	12 years following the conclusion of the Financing Agreement		
Policy objectives / Markers (DAC form)			
General policy objective	Not targeted	Significant objective	Main objective
Participation development/good governance			x
Aid to environment	X		
Gender equality (including Women In Development)		x	
Trade Development	X		
Reproductive, Maternal, New born and child health	X		
RIO Convention markers	Not targeted	Significant objective	Main objective
Biological diversity	X		
Combat desertification	X		
Climate change mitigation	X		
Climate change adaptation	X		

1. RATIONALE

PROBLEM AND STAKEHOLDER ANALYSIS

In recent years, through a number of reform and democratisation packages, a lot has been done for harmonising the Turkish judicial system in line with the EU standards. However, there is still room for improvement. In this perspective, IPA II will provide an important opportunity for the Turkish judicial actors on obtaining knowledge about the EU rules and implementations particularly on the problematic areas in Turkish judicial sector which will then contribute to create solutions in compliance with the EU acquis.

Regarding Professionalism and Competence of the Members of the Judiciary and Auxiliary Personnel including increased awareness on human rights

The principle of equality and non-discrimination is a fundamental element in the protection of human rights. It is guaranteed by the European Convention on Human Rights (ECHR) under Article 14 and reinforced by Protocol No 12 to the Convention (signed though not ratified by Turkey). The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. No one shall be discriminated against by any public authority. Turkey needs to focus on training and awareness of human rights for all members of the judiciary and in particular of the case-law of the ECtHR. Although the country has achieved some progress in this area, non-discrimination is not sufficiently enforced, in law and in practice. To overcome the problems, together with the judicial stakeholders, other authorities need to be involved and an effective cooperation mechanism should be established between the Ministry of Justice, High Council of Judges & Prosecutors, Justice Academy, High Courts, Bar Associations, Ombudsman Institution, National Human Rights Institution and relevant civil society organisations.

Family Courts exercise jurisdiction over separation, divorce, care and protection of children, visitation rights, adoptions, domestic violence, marriage, division of property which mean that a lot of issues concerning the rights of women and children become the subject in great deal of cases. It is a well-known fact that courts can become confusing and intimidating places for many people. The process might result even in fear if sufficient information is not provided with regard to court proceedings and support services. This is even more valid for disadvantaged individuals who had to be involved in the process. The disadvantaged individual can be a child, woman and/or other family member (such as elderly persons or persons with disabilities and/or mental illness) who are victims of an offence/violence in family and/or in need of care or protection. For that reason, some cases that fall under the competency of family courts, such as domestic violence and child welfare, require specific attention and qualified staff. Therefore, knowledge and perception of court professionals (judges and other staff) and well-functioning of the system are of utter importance for the protection of the rights and the provision of appropriate support and services.

The establishment of family courts as specialised courts in Turkey was beyond dispute an important step on the way to provide due protection mechanisms for these rights in a judicial process, especially by making fairer and quicker decisions and offering specialised court services to families and family members. To this end, some requirements were set forth for judges in relevant law. Pedagogues, psychologists and social workers were integrated into the structure as court experts. Social, economic and educational measures were prescribed in the law for family members in need. Even though these features enable family courts to handle family related cases more effectively, the problems which occur in practice remained largely discussed. First of all, the cases with regard to domestic violence (protection orders) lead to vigorous debates and attract strong criticism. A number of research studies and reports both in national and international level have revealed the negative situation regarding the rate of domestic violence and deficiencies of family courts with respect to implementing protection order provisions effectively. The welfare of children affected by court proceedings is another topic of discussion. The starting point of these discussions is the insufficient implementation of courts in cases regarding the custody, care and supervision of child where the first and paramount consideration should be given to the best interests of children in terms of educational, physical, emotional and other aspects. In addition to these groups, other family members also have a potential risk to be treated and ruled unjustly due to their age, sex, disability, cultural and ethnic background, social status and financial situation. To address all these shortcomings, collaboration will be ensured between all of the stakeholders in this area i.e. Ministry of Justice, Justice Academy, Court of Cassation, Ministry of Family and Social Policy, National Police, Bar Associations, universities and civil society, along with the judges, public prosecutors, and experts of family courts.

Forensic services provide scientific examination and analysis services to law enforcement and judicial bodies in execution of their duties and in detection of crime and criminals by investigating crime scenes and analysing recovered evidences. Innovation and research will lead to improved services to the end-users of forensic science. This is essential to maximise the contribution of forensic science to criminal investigations and the administration of justice. The forensic services of Turkish National Police and Gendarmerie have also crucial roles in combating organised crime, cybercrime and drugs. Activities targeting these 3 fields are proposed to be financed under the Home Affairs 2016 IPA II Action.

Regarding Efficiency and Effectiveness of the Judiciary

The most important problem faced today in the judiciary is the ever-increasing number of cases and inability of the courts to establish justice in a fast way due to the heavy workload. This leads to a negative impact on the proper access to justice and establishment of justice since the decisions are not taken in a timely manner. Therefore, settlement of the disputes before they are referred to the courts or while the proceedings continue through the mechanisms of alternative dispute resolution (ADR) that the parties can use is considered to contribute to the improvement of the efficiency of the judiciary as a whole. For that reason, the implementation of ADR mechanisms should be strengthened. The widespread use of ADR will also help reducing the cost and time required for settling the disputes.

Notary is institutionally structured to provide public service with a view to documenting legal transactions in an objective and impartial manner. Notaries are currently carrying out transactions in the form of ratification and regulation, giving certificate of inheritance, a number of detection procedures not falling into the remit of courts and sale of second hand vehicles.

Notarial procedures in Turkey are performed within the framework of the Notary Public Law No. 1512 dated 18.01.1972. According to this law, the notaries mostly perform regulation and approve procedures and sales of second hand vehicle. As many transactions, especially those performed in the Civil Courts of Peace and in execution of enforcement offices, are conducted by the notaries as well, it will be possible to reduce the workload of the judiciary. An effective notarial system would enable the legal disputes to be reduced, efficiency and productivity of the judiciary to be enhanced and the citizen's confidence in the judiciary to increase. Despite their important role in the judicial process, notaries are not subjected to any training or standards and generally lawyers, judges, prosecutors start to work as notaries without any additional qualifications, training or internship. This situation hampers the quality of the services and leads to dissatisfaction among citizens.

The roadmap towards a visa-free regime with Turkey has identified the areas where Turkey will have to undertake legislative and administrative reforms with a view to establishing a secure environment for visa-free travel. Within this framework under Block 3 of the roadmap, the measures and legislation that Turkey needs to adopt for judicial co-operation have been identified. The peer review mission has been organised in this area and some recommendations have been provided in particular on monitoring international co-operation accurately, training for prosecutors and judges and on strengthening mutual trust. *Regarding Prisons and Detention Houses*

There are 8 women penal institutions in total, including 5 closed and 3 open penal institutions, throughout Turkey. Apart from these, there are women convicts and detainees in nearly 93 mixed institutions. The women who are sentenced after committing any crime or whose trial is pending are permitted to stay with their children of 0-6 years of age within the period they are kept in penal institutions. At the time of drafting this AD, the number of women convicts-detainees all across Turkey is 6.384 and the number of children in the 0-6 age group staying with their mothers is 491 out of which 407 of them are convicts and 84 of them are detainees. This data display the present situation. The figure increases every year and a lot more children have to become acquainted with penal institutions. Keeping children of 0-6 ages in the places such as penal institutions where punishments restricting liberty are imposed brings along a number of problems. In particular, it is not possible to create a supportive and protective environment for the development of early childhood in the current conditions of penal institutions. However, it is a must to take measures to support the physical, cognitive, emotional and social development of children in this period. Moreover, some arrangements are also needed so as to include all the convicts and detainees whose children are outside. These arrangements must have the characteristics of ensuring the children who continue their lives in society while their parents are in penal institutions to make sense of and accept the process by reducing the adverse impacts they experience.

There are currently 175.000 convicts-detainees in penal institutions. The total number of personnel working in penal institutions and probation centres is nearly 60.000. Pre-service and in-service training activities of the whole personnel are conducted in 5 different personnel training centres located in Ankara, Istanbul, Erzurum, Kahramanmaraş and Denizli. The total student capacity of all the training centres is nearly 1.150. The increase in the number of personnel and training needs creates serious challenges for the training centres in performing their duties. To overcome the issue, the Ministry has already foreseen the establishment of a distance learning system. While in parallel, the dissemination of this new system is ongoing, a well-structured standard training system needs to be established to ensure the provision of training with the same quality in all those 5 training centres. This would enable the prison staff to maintain high standards in their care of prisoners.

According to the data published by the DG for Criminal Records and Statistics in 2013, it is understood that the number of the people adjudicated in the cases opened related to drugs is over 212.000, 20.000 of the adjudicated accused were juveniles. According to the data published in 2012, the number of the people adjudicated for the same crime is nearly 173.000 of which 15.000 of the accused are juveniles; This indicates an increase by 19% in the crimes related to drugs and an increase by 25% in the crimes related to drugs by juveniles.

Increase in the rate of crimes committed from drugs and the ever-increasing number of people with drug use and addiction issues have prompted Turkey to update the policy and strategy of fighting against drug and thus a roadmap has been set, mapping the responsibilities of each relevant institution in 2014. It is obvious that the problem needs to be addressed with an interactive approach. In this regard, the Ministry of Justice plans to establish advisory control lists for the judicial staff and the institution staff with whom the judiciary collaborates so as to eliminate the coordination problems. There is a need to focus on the problems encountered during the stages of investigation, adjudication, execution of crime and on the solution of these problems. For example, with the latest amendment made in Article 191 of the Penal Code, the enforcement of the decision of treatment and probation was entrusted to public prosecutor's offices. Public prosecutor's offices do not have a sound system through which they can determine whether the suspect who appears before them due to a crime related to drug is addicted or not. There is lack of monitoring system and integration among institutions taking part in the execution process (probation, prisons, treatment centres, etc.). There is also a lack of training material containing different intervention models for different profession categories (psychologists/social-workers) of penal institutions and probation directorates. Moreover, conformity in implementation and practices by the judges, prosecutors, social workers, psychologists, sociologists, teachers, correction officers, law enforcement and health workers both working in probation and penal institutions all around Turkey needs to be ensured. Therefore, providing training for judges, prosecutors, personnel serving in probation services, prisons and conducting legislative studies would help to ease the problem.

OUTLINE OF IPA II ASSISTANCE

The institutional capacity of judiciary on *anti-discrimination issues* in line with EU standards will be strengthened through IPA II 2016 assistance. The training capacity of the Justice Academy will be increased and the application of the ECHR standards and ECtHR case-law on non-discrimination in the daily work of Turkish judiciary will be enhanced. Training needs of the judges and prosecutors will be identified, training curricula will be revised, a comprehensive approach to non-discrimination will be developed with several stakeholders active in this field i.e. judges, prosecutors, members of high courts, Ombudsman Institution, National Human Rights Institution and other governmental and semi-governmental equality bodies including civil society organisations.

The effectiveness of the *family courts* and office of public prosecutors will be enhanced in order to provide better protection for the rights of women, children and other family members. Awareness and competencies of judges, public prosecutors and court experts regarding key issues such as gender, domestic violence and child welfare will be increased and functioning of courts will be strengthened. Collaboration mechanisms among stakeholders will be improved and public knowledge regarding family court proceedings will be increased.

The capacity of *forensic institutions* will be strengthened, better contributions to judicial procedures will be done through advanced examination and analysis capacities, unanswered demand of analysis and cases due

to lack of experience will be decreased. The number of accredited examination methods will be increased. Advanced training will be provided to forensic experts in 11 major areas. All 3 forensic institutions of Turkey are the stakeholders of the activity.

The effectiveness of mediation and arbitration in civil cases and promoting the widespread use of conciliation and negotiation on the sentences in criminal cases will be improved through the activity on *alternative dispute resolution*. The activity will focus on the development of alternative dispute resolution mechanisms both in civil and criminal justice. The component on the promotion of the common use of arbitration will specifically focus on national and international arbitration. The activities in the context of criminal cases will be related to adjournment of the public litigation, making the pre-payment mechanism operational, discussion of the procedure of plea-bargaining and development of the best model for Turkey.

The reorganisation of *notary offices* and the re-determination of their duties will also contribute to decreasing of workload of the judiciary. The activity will ensure compatibility with the notary legislations of EU member states within the scope of EU harmonisation process. It will develop a basis for entry into profession, training, promotion and disciplinary and control procedures for notaries. Through the Activity, it is aimed to reduce the workload of judiciary by extending the scope of the transactions carried out by notaries and increasing the effectiveness in the transactions which are still being carried out by them. Specifically, when the cases encountered frequently in civil courts are considered, increasing the roles and effectiveness of Notaries in some legal transactions will reduce the number of conflicts submitted before courts.

The *judicial cooperation in criminal matters* with the EU MSs will be performed in a more efficient and faster way. The Central Authority of the MoJ will be able to monitor the international co-operation accurately and be able to get an adequate central system for collecting and processing full information about any incoming and outgoing request of international co-operation, namely those between Turkey and EU-MS. In view of increased globalisation of criminal actions, international co-operation will increase. This will require more and more skilful prosecutors and judges. For this, continuous training of judges and prosecutors will be done. In order to prevent any misunderstanding between Turkey and EU-MS - which would be detrimental to the effectiveness of their mutual co-operation, the Central Authority of the MoJ will develop fully its capability as a contact point vis à vis foreign authorities. This would imply not only to process promptly the various requests but also to update its interlocutors on the on-going execution of these.

An activity on *children staying with their mothers* will be implemented to help minimise the negative effects of the prison environment on these children. It foresees a model special living environment as an attachment to one of the existing women prisons. This will enable sheltering for only the women staying with their children with a lower capacity compared to other women institutions which will create significant impact in terms of protecting these children and supporting their mothers. The activity is not only limited to the construction of an annex building but also foresees technical assistance for the development of a model with psychological support, education and rehabilitation programmes for the children, as well as awareness raising activities for both other inmates and prison staff in contact with those children. The Ministry of Justice has already started needs assessment studies in this area. The activity proposal has been inspired from the implementation modalities of the Netherlands (Ter Peel Closed Women Prison), Germany (Preungesheim), Spain, UK, Austria, Belgium and the Czech Republic which allocate separate mother-child sections in the prisons. Broad investment plans and revision of implementation modalities are in the agenda of the Ministry. The model annex to be built with IPA support will accommodate 50-60 women with children and will constitute the basis for the dissemination of this new system throughout the country, in line with the future investment plans of the beneficiary. In addition the activity will decrease the adverse impact on children whose parents are kept in prisons.

The capacity of the *Personnel Training Centres* will be strengthened, the same quality of training will be ensured in each and every Personnel Training Centre through designing standardised training curricula and developing human resources management systems with high quality trainers.

An activity will focus on *Increasing the Institutional Capacity of the Judiciary and Execution System in the field of fight against drug addiction*, in the framework of which studies will be conducted with regard to the issues of the training of those serving in the investigation and prosecution of drug crimes. Additionally, the following issues will be dealt within the Activity; legislative study regarding drug and stimulants, establishment of specialised courts which will handle drug and stimulant-related crimes.

RELEVANCE WITH THE IPA II STRATEGY PAPER AND OTHER KEY REFERENCES

The Indicative Strategy Paper for Turkey (2014-2020) sets out the objectives for the judiciary sector as to further strengthen and make more concrete and visible the independence, impartiality, efficiency and administration of the judiciary as well as to enhance respect for fundamental rights and freedoms in the key areas of freedoms of expression (including freedom of the media).

According to the Strategy paper expected results are:

- Increased independence of the judiciary;
- Improved impartiality of the judiciary;
- Increased awareness on human rights among members of the judiciary;
- Enhanced efficiency and effectiveness of the judiciary (including the criminal justice system; juvenile courts; the military justice system and the penitentiary system).

A revised Judicial Reform Strategy (JRS) for 2015-2019 was adopted in April 2015 to address the main shortcomings in the justice system. The strategy contains 10 goals targeting the key issues that need to be addressed: judicial independence and impartiality, accountability and transparency, improvement of the criminal and civil system, alternative dispute resolution methods, international judicial cooperation, legal training, practices for the disadvantaged groups, access to justice, prevention of violation of human rights and improvement of the penal execution system.

The activity proposed on anti-discrimination will address the priority of impartiality of the judiciary of the Strategy Paper as well as the Judicial Reform Strategy especially Goal no.9 dedicated to the prevention of the violation of human rights arising from the judicial practices and strengthening the standards of human rights. The 2015 EU Progress Report also indicates that non-discrimination is not sufficiently enforced, in law and in practice, and the rights of the most vulnerable groups and of persons belonging to minorities are not sufficiently upheld. Gender-based violence, discrimination and hate speech against minorities, and respect for the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons are major areas of concern.

Through the activity proposal on family courts, enhanced efficiency and effectiveness of judiciary priority will be addressed. The activity will also target to reach the Goal no. 3.9 of the JRS which is related to activating the specialised courts to deliver fair and efficient decisions by professional judges and courts. Moreover it will also address the Goal no.7 of the JRS in improving the practices regarding the disadvantageous groups like women, children and the disabled. The EU Progress Reports put special attention on domestic violence issues. It has been reported that the family courts apply severe sanctions in cases of domestic violence and honour killings. However, this practice needs to be applied consistently. In one honour killing case, the Court of Cassation reduced the penalty due to 'unjust provocation'. The Progress Reports mention ensuring women's rights and gender equality in practice remain as key challenges for Turkey. Honour killings, early and forced marriages and domestic violence against women remain serious problems. Legislation needs to be implemented consistently across the country. Further training and awareness-raising on women's rights and gender equality are needed.

The JRS Goal no.3 of Improving the Criminal and Civil justice systems mentions a sub-objective - 3.4 as revising and restructuring the court expert system. It foresees proceeding with accreditation of forensic science laboratories with the aim of accelerating the judicial proceedings. Therefore the activity proposal on forensic trainings will address this priority as well as the priority of enhanced efficiency and effectiveness of the judiciary of the Strategy Paper. Furthermore, strengthening the capacity of Forensic Medicine Institution is included as the Target 3.4 in the Ministry of Justice Strategic Plan covering the years 2015-2019. Within the scope of this Target, the priorities of the judicial sector include strengthening the human resources capacity, increasing the accredited techniques.

Increased usage of alternative dispute resolution methods will contribute to the improvement of the efficiency of the judiciary as a whole through decreasing the workload of the courts. The 2015 EU Progress Report indicates that mediation and other various alternative dispute resolution mechanisms are in place but are only marginally used. It also states the issue of length of proceedings being a long-standing problem of the Turkish judiciary. The JRS has dedicated a full section/ goal (Goal no.4) for improving the ADR methods

and their effectiveness in practice. Sub-objectives of this goal address the ADR in both civil and criminal judiciary.

Restructuring of the notary system is listed under the JRS Goal no.3 of Improving the Criminal and Civil justice systems with a sub-objective (3.4). An impartial, independent and highly competent notary system plays a role in less problematic performance of the legal services, thus reduces disputes. The activity will serve the improvement of the efficiency of the judiciary priority of the Strategy Paper in line with EU Progress Reports' criticisms on the length of proceedings and heavy workload of courts.

The Visa Liberalization Roadmap identifies the areas where Turkey has to undertake legislative and administrative reforms to establish a secure environment for visa-free travel in line with the Readmission Agreement. The Roadmap addresses Turkey's requirements under the blocks of "document security, migration and border management, public order and security and fundamental rights. The judicial cooperation falls under block 3: public order and security. The international judicial cooperation has been listed as a separate goal (Goal no.5) under the JRS as well. It aims at improving the international legal assistance and increasing the effectiveness of the EU Accession Process.

Continuation with the reforms of the penitentiary system is the priority of the Strategy Paper. The JRS allocates an entire goal (Goal no. 10) to improvement of the penal execution system in which physical infrastructure of prisons as well as rehabilitation and training of staff in line with respecting human rights are indicated as sub-objectives. In addition the European Prison Rules also foresee special articles for the infants as below:

Infants

36.1 Infants may stay in prison with a parent only when it is in the best interest of the infants concerned. They shall not be treated as prisoners.

36.2 Where such infants are allowed to stay in prison with a parent special provision shall be made for a nursery, staffed by qualified persons, where the infants shall be placed when the parent is involved in activities where the infant cannot be present.

36.3 Special accommodation shall be set aside to protect the welfare of such infants.

Improving the capacity of the Prison Staff Training Centres falls under the JRS Goal no.10 in addition to reforms of the penitentiary system as indicated under the Strategy Paper.

Strengthening Institutional Capacity of the Judiciary and Execution System for the Fight against Addiction serves the priorities included in the 2015 National Strategy Document on the Fight against Drug. The priorities directly included in the National Strategy Document on the Fight against Drug are as follows: taking measures for target groups designated in the fight against drug, strengthening the treatment mechanisms of drug addiction, ensuring the social adaptation of the drug addicts, conducting legislative studies regarding this issue in the future.

Moreover, in 2015 a Judicial Reform Strategy Document, outlining the development of execution systems, was included as the 10th Objective. Under the title of Objective 10.2, developing human resources and management capacity in penal institutions and probation services were foreseen as the priority target. The results to be obtained as part of this Action will directly serve this target. In a similar vein, under the title of Objective 10.10, Improving the health services in penal institutions is an important priority of judicial sector.

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

In the IPA I term, EU support focused on more general and urgent needs of the judiciary, such as court management, criminal justice system and establishment of regional courts of appeal. Under the IPA II period, the activities are designed carefully with the aim of building on top of the outputs/recommendations of the previous financial assistance. This new period therefore is planned by focusing on specific areas where no projects were funded under IPA I or in the areas where the desired level of success could not be achieved.

Concerning family courts, previous EU financial assistance targeted the juveniles charged with an offense under juvenile courts. The previous interventions dealt with broader juvenile justice system whereas support in this Action will focus merely on family courts and deal with the rights of individuals not limited to children but also women, persons with disabilities and elderly. In addition, synergy with the 2014 activity

aiming at increasing the efficiency and effectiveness of psychologists, pedagogues and social workers serving at family and juvenile courts will be ensured.

Concerning forensics, the new proposal will only focus on the provision of advanced training in several topics whereas basic training was delivered through the previous EU projects.

With regard to Prison Staff Training Centres, considerable support has been provided for the establishment of a distance learning system to enable continuous training to the prison staff. The EU assistance has provided this system to 37 prisons of Turkey. The Ministry has already started the dissemination of this new system across Turkey. However international work in this field shows the need to continue with face-to-face training to be delivered in prison staff trainings. Under the Model Prisons Project conducted by the Ministry between 2009-2012, study visits and training seminars were organised for the personnel of Ankara, Istanbul and Erzurum Personnel Training Centres. Materials were purchased in order to support the Kahramanmaraş Training Centre technically. However, since the Denizli Training Centre was established after the finalisation of the project, no activities have performed for this Centre. Although the EU Projects conducted for the training activities of the personnel of penal institutions have so far provided significant contributions, there is a need to conduct more structural studies about the personnel training system.

Additionally, the “Project of Improving Mental Health and Addiction Services in Penal Institutions” was implemented in which early warning systems have been developed to identify the convicts and detainees with mental health problems in penal institutions in the early period and the health service personnel was trained. Short and advanced intervention programmes were also designed and are being applied by experts to the inmates according to these needs. However, the impact of these programmes remained limited. Nevertheless, the 2016 Action will aim at developing more advanced intervention techniques for the drug addict convicts/detainees. Moreover, it is planned to provide training to judges, prosecutors and social workers dealing with the drug addict convicts and detainees.

In general, experience has shown that projects should be prepared in a more cooperative manner by all relevant stakeholders. Failures in ownership of project activities and some of the components resulted in overall objectives not being reached. Therefore, stakeholders and relevant institutions should be in close cooperation in the drafting phase of the actions.

Moreover, it was seen that changes in project teams negatively affect the success and effectiveness of the activities. In order to eliminate this negative effect, project teams should be composed of stable personnel having the adequate linguistic skills. Additionally, personnel assigned to the projects were still required to perform their routine work, which had repercussions on the time dedicated to the projects, and therefore their quality. To address these issues, a separate Project Department has been established in the DG for EU Affairs.

2. INTERVENTION LOGIC

LOGICALFRAMEWORK MATRIX

OVERALL OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS	SOURCES OF VERIFICATION	
To ensure rule of law and fundamental rights in Turkey fully in line with international and European standards.	Progress made towards meeting accession criteria.	EU Country Reports on Turkey's Progress towards accession.	
SPECIFIC OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS	SOURCES OF VERIFICATION	ASSUMPTIONS
To further strengthen efficiency and administration of the judiciary; to further increase awareness on human rights; to continue with the reform of the penitentiary system.	Decrease in number of ECHR violations. Number of pending cases and duration of proceedings (i.e. improvement of clearance rate for backlog in courts)	Judgments and statistics of ECtHR. Statistics released by MoJ and CEPEJ	Close cooperation and full commitment of all stakeholders.
RESULTS	OBJECTIVELY VERIFIABLE INDICATORS	SOURCES OF VERIFICATION	ASSUMPTIONS
Result 1: Increased awareness of judiciary on anti-discrimination issues, through enhancing the training curriculum and capacity of the Justice Academy of Turkey.	Decrease in number of the ECHR violation decisions on discrimination	Statistics released by MoJ	Close cooperation and full commitment of all stakeholders.
Result 2: Enhanced awareness and competencies of judges, public prosecutors and experts regarding key issues such as gender, discrimination, domestic violence and child welfare.	Number of family court cases overruled by High Court. (decrease)	Statistics released by MoJ	
Result 3: Enhanced quality of service provided by Forensic Institutions such as Turkish Gendarmerie General Command Gendarmerie Forensic Department(JKDB), Turkish National Police Department of Criminal Police Laboratories (KPL), Ministry of Justice Forensic Medicine Institution.	Number of accredited examination methods in forensic labs.	Statistics released by Forensic Institutions	
Result 4: Improved implementation of mediation and arbitration in civil cases and widespread use of conciliation and plea-agreements in criminal cases promoted.	Number of disputes settled by means of Alternative Dispute Resolution	Statistics released by MoJ	
Result 5: Effective notarial system which serves reducing the workload of the judiciary developed.	Number of cases transferred from court system to notaries	Statistics released by MoJ	
Result 6: Effective regional and bilateral judicial cooperation in criminal matters developed, acceleration in judicial proceedings regarding cross border criminal disputes.	Duration of proceedings regarding cross border criminal disputes	Statistics released by MoJ	
Result 7: One special institution established where only the women staying with their children Daily life and training programmes developed, suitable to the age group of children staying with their mothers in the penal institution , and also to children whose parents are in penal institutions.	Percentage of children staying with their mothers in penal institutions with proper support model compared to total prison population.	Statistics released by MoJ	
Result 8: Enhanced quality of the trainings provided in the Personnel Training Centres of Prisons and Detention Houses	Reduction in the number of inmate complaints lodged due to disproportionate use of power	Statistics released by MoJ	

Result 9: Increased institutional capacity of the Judiciary in terms of fight against drug addiction	Number of trained judges, prosecutors and social workers dealing with the drug addict convicts and detainees.	Statistics released by MoJ	
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DESCRIPTION OF ACTIVITIES

Sub-Action 1–Improving Professionalism and Competence of the Members of the Judiciary and Auxiliary Personnel, increasing awareness on human rights

Activity 1.1 Strengthening the institutional capacity of judiciary on anti-discrimination issues in line with EU standards

The aim of the Activity is to strengthen the application of the ECHR standards and ECtHR case-law on non-discrimination in the daily work of Turkish judiciary by increasing the training capacities of the Justice Academy in this specific human rights field. The target groups of the Activity are judges, prosecutors, members of high courts, Ombudsman Institution, National Human Rights Institution and other governmental and semi-governmental equality bodies as well as civil society organizations.

The main activities will be as follows;

- 1) Review of the training programme of the Academy and development of a set of recommendations on how to design a training curriculum on non-discrimination; design and publication of a training handbook on non-discrimination, along the lines of the methodologies and principles of the Council of Europe’s Programme on Human Rights Education for Legal Professionals (HELP);
- 2) Training of 50 trainers on how to implement the new training curriculum on non-discrimination based on the aforementioned handbook;
- 3) Organisation of 5 study visits to institutions in EU Member States and to the CoE for 50 participants to obtain detailed information on non-discrimination;
- 4) Placement of 10 trainers in the ECtHR, the European Commission against Racism and Intolerance (ECRI), and equality bodies in EU member states;
- 5) Training of approximately 1500 judges and prosecutors on non-discrimination;
- 6) Organisation of seminars, workshops and round tables to discuss effective judicial dialogue and co-operation strategies, together with all stakeholders (in particular Ombudsman institution, National Human Rights Institution and other similar institutions), in order to develop a comprehensive approach to non-discrimination.

Participation of female judges and prosecutors will be ensured in the training sessions to be conducted within the scope of the aforesaid activity and data will be recorded as appropriate.

Activity 1.2 Improving the Effectiveness of Family Courts: Better Protection of the Rights of Family Members

The Activity is aimed at the rights of children, women and other family members who come in contact with family courts through a variety of proceedings such as divorce, separation, custody and domestic violence.

Through the Activity, awareness and competencies of judges, public prosecutors and court experts regarding key issues such as gender, domestic violence and child welfare are expected to be increased and the functioning of courts to be enhanced. Collaboration mechanisms among stakeholders will be improved and public knowledge regarding family court proceedings will be increased.

The main activities will be as follows:

- 1) Detailed needs analysis together with stakeholders;
- 2) Training for judges and public prosecutors dealing with domestic violence and court experts on gender equality, domestic violence including honour killings, children rights, early and forced marriages; international institutions and organisations related to human rights issues and convention/documents regarding human rights, needs of disadvantaged groups; interview and reporting techniques for court experts, techniques for taking statement for judges and prosecutors etc.;
- 3) Development of family court guides and handbooks and family assessment tools and materials;
- 4) Review of case-flow and prosecution management and design of case-flow management;

- 5) Workshops and networking for stakeholder cooperation;
- 6) Public awareness raising campaign;
- 7) Development a “*certificate programme on family justice*” in the Justice Academy for judges who will be assigned as a family court judge and for public prosecutors who will be posted as public prosecutors in specialised domestic violence bureaus;
- 8) Recommendations on legislative amendments.

Activity 1.3 Forensic Trainings towards Advanced Examination Methods

The aim of the Activity is to enhance the overall quality of services provided by Forensic Institutions and to also enhance the institutional capacity of these institutions.

The Activity will target Forensic Institutions composed of Turkish Gendarmerie General Command Gendarmerie Forensic Department (JKDB), Turkish National Police Department of Criminal Police Laboratories (KPL), Ministry of Justice Forensic Medicine Institution (ATK). Training activities will be organised in order to improve competences in the field of forensic sciences, increase the number of now 32 accredited examination methods in JKDB, 21 in ATK and 43 in KPL in order to better meet the requirements of judicial bodies in terms of both quality and quantity, increase the quality of trainings, add to scientific proliferation of personnel, make trade of knowledge and experience between experts and organizations possible.

Seminars, workshops and study visits to Member State laboratories will be organised in the context of about 44 advanced training topics. Additionally, training will be provided to support the knowledge and experience of administrative personnel on backlog management issues.

Furthermore, in order for laboratory experts to acquire innovations and updates of technical and procedural nature in the field of forensic sciences and enabling exchange of knowledge and experiences among personnel and organisations, internships are envisaged for 2 weeks for 5 experts from all 11 branches of Forensic Institutions.

Participation of female judges and prosecutors will be ensured in the training sessions to be conducted within the scope of the aforesaid activity and will be recorded as appropriate.

Sub-Action 2- Improving Efficiency and Effectiveness of the Judiciary

Activity 2.1 Promoting Alternative Dispute Resolution in Turkey

It is important to implement the alternative dispute resolution methods effectively in order to reduce the huge backlog in the Turkish judiciary. The widespread use of ADR will help reduce the cost and time required for settling the disputes and also improving the efficiency of the judicial system.

For the criminal justice system, efforts will be put in to increase the utilisation of alternative dispute resolution mechanisms in criminal justice by improving the conciliation/plea bargaining systems, improving the efficiency of pre-payment mechanisms.

The main activities foreseen are as follows:

- 1) Draft legislative amendments will be proposed in order to extend the scope of conciliation and implement this system effectively,
- 2) Training will be provided to the judges, prosecutors and conciliators for the effective implementation of conciliation,
- 3) In order to make conciliation more effective, the persons and institutions that will function as conciliators other than judges and prosecutors will be identified. Conciliation bureaus will be established at the Chief Public Prosecution Offices. A special practice will be introduced for the promotion of the public prosecutors if they settle the disputes by means of conciliation.
- 4) Studies on plea bargaining will be compiled, and the best model for Turkey will be identified, a preliminary analysis of the EU countries will be performed, a preliminary report will be prepared; the best

practices regarding conciliation and plea bargaining procedures will be identified and workshops and round table meetings will be organised.

5) Specific activities will be carried out aiming at postponing the filing of criminal public actions and improving the efficiency of pre-payment mechanisms.

For the civil justice system, the aim will be to increase the implementation of arbitration, mediation and conciliation mechanisms.

The main activities foreseen are as follows:

-*Arbitration*¹: The aim is to improve the more effective utilisation of the arbitration system in Turkey, raise awareness of the judiciary and business world regarding arbitration, organise joint projects with arbitration centres or bodies with a similar capacity in the EU Member States to observe the best practices in this field and then establish the arbitration body in the judicial system of Turkey.

-*Mediation*²: As mediation is a method of alternative dispute resolution in which the parties can take their own decision, it is probably the most effective alternative resolution method through which the dispute is settled in peaceful mean; therefore, if increased use of arbitration will contribute to the reduction of heavy backlog of the courts and social peace. Following the adoption of the law, mediators took office as of 14.11.2013. As of today, there are nearly 2500 mediators registered.

Within the scope of this Activity the following studies will be conducted for increasing awareness about and disseminating the implementation of the mediation: Holding seminars, conferences, national and international symposiums for ensuring the entry of mediators into the system in a more effective manner; Creating study groups in the context of training module studies to be used by training institutions providing mediation training during mediation training; Conducting studies to ensure that mediators take specialisation training as well as mediations in general terms and that they become specialised in specific fields.

- *Conciliation*³: Conciliation stipulated in Article 313 of the Civil Procedure Code No 6100 refers to the settlement of the dispute in an ongoing case through mutual consent that is an agreement.. Judges can ask the parties to take part in peaceful means not only right from the beginning of the case but also at later stages of the trial; therefore, the number of cases settled by peaceful means should be increased in our country through effective and efficient pilot practices. Additionally, awareness-raising activities and trainings will be conducted for the effective implementation of alternative dispute resolution techniques in the scope of best practice examples of the EU Member States.

¹ Arbitration, which is a method of alternative dispute resolution, has not developed adequately despite the Constitutional amendment favouring arbitration, ratification and entry into force of the International Arbitration Law, and amendments to the Civil Procedure Code that facilitate the internal arbitration. In nearly all EU countries, arbitration is used as an effective way of dispute resolution. The Law on Istanbul Arbitration Law was recently adopted with a view to ensuring that Istanbul is recognised as an arbitration city in addition to the Arbitration Centres of Singapore and Paris.

² The efforts for the establishment of the mediation system in Turkey started in the early 2000s. The Law no 6325 on Mediation in Civil Disputes was adopted by the Turkish Grand National Assembly during the session on 7.6.2012 and entered into force on 22.6.2012. Within this context, the Department of Mediation was established under the Ministry of Justice, and the mediators took office as of 14.11.2013 following the training they received and the exams. Currently there are more than 1700 mediators registered. The department of Mediation puts a lot of efforts on promotional and awareness-raising activities. The Project for Strengthening Mediation Practices in Civil Disputes in Turkey that is implemented jointly with the Council of Europe aims at completing the establishment of the infrastructure for Mediation system (training module, legislative amendment).

³ As peaceful means help settling the dispute between the parties through their mutual consent and the dispute is resolved in a faster, cheaper and simpler way, it is a much better way of resolution compared to the way in which the court rules based on the merits of the case. From this perspective, it can be suggested that the settlement of the dispute by peaceful means are ideal to contribute especially to social peace like in mediation

Participation of female judges and prosecutors will be ensured in the training to be conducted within the scope of the aforesaid activity and data will be recorded as appropriate.

Activity 2.2 Improving the Turkish Notary System

An effective notarial system would enable the legal disputes to be reduced, efficiency and productivity of the judiciary to be enhanced and the citizen's confidence in the judiciary to be increased.

Within the scope of this Activity, the aim is to diversify the works conducted by notaries with the transactions such as the ability of notaries to identify evidences, take further role in the sale of real estate properties, give order of payment in enforcement proceedings, by taking advantage of the roles undertaken by Notaries in European Union countries.

Given the model practices in EU countries in the entrance of notaries and auxiliary personnel to the profession, their promotion, audit and disciplinary proceedings, there is a requirement to standardise it. The activities planned to be conducted as part of the Activity are as follows:

- 1) Creating pre-vocational and vocational training curriculum for notaries and auxiliary personnel;
- 2) Recruiting notaries and auxiliary personnel, promoting them and adapting the legislation and practices to the current system in EU countries by revising the legislation in disciplinary proceedings;
- 3) Raising the auditing standards of the audit of notaries;
- 4) Making cooperation with the Ministry of Finance so as to revise the remuneration system to facilitate the Access to notary services;
- 5) Holding study group meetings and international meetings with the participation of stakeholders so as to extend the scope of legal transactions to be conducted by Notaries;
- 6) Conducting working meetings and working visits to EU countries so as to form a basis for the restructuring of Notary system;
- 7) Designating pilot notaries in various regions for each class of Notary within the scope of this Project;
- 8) Developing the job descriptions of the personnel working in the Union of Turkish Public Notaries and Ministry of Justice;
- 9) Recruiting the personnel working in the Union of Turkish Public Notaries and Ministry of Justice, creating standards concerning their promotion and training.

The training to be conducted within the Activity will be in coordination with the Union of Turkish Public Notaries and Training Department of the Ministry of Justice. The experience emanating from these training sessions will be disseminated by the Ministry of Justice

Activity 2.3 Improving International Judicial Cooperation in Criminal Matters

The aim of the Activity is to ensure the conclusion of investigations and prosecutions through rendering judicial cooperation on Judicial Assistance in Criminal Matters (Criminal Rogatory and Notification), Extradition and Transfer of the Sentenced Persons more expeditious and effective.

Within the framework of the Activity, it is foreseen to:

- 1) Establish an adequate central monitoring system for collecting and processing full information about any incoming and outgoing request of international co-operation, namely those between Turkey and EU-MS. The activity will focus on establishing this central system which will enable the MoJi to have the updated knowledge of the flow of incoming and outgoing requests for broken down figures, types of criminal offence, countries concerned, processing timeframe, legal and factual issues, refusal grounds, etc., ii) to understand which are the strong as well as weak points of the relevant procedures and services – including their timing- be it governmental, administrative prosecutorial or judicial and iii) to make the prompt adjustments as necessary. At least 2 contact points/persons for each EU country will be chosen from the Directorate General For International Law And Foreign Relations to promote relations and improve cooperation with EU Member States. The chosen contact person will be trained by EU specialists (especially from Eurojust network) to benefit from EU specialists' experience and knowledge.

- 2) Regular training to be provided to sitting judges and prosecutors, candidate judges and candidate prosecutors as well as clerks. Training materials such as guide books, brochures, legislation etc. on judicial cooperation for judges-prosecutors and judicial personnel with a view to making international cooperation effective and efficient, There will be periodic training programmes for candidate Judges/Prosecutors and Judges and prosecutors conducted by the Turkey Academy of Justice. The Directorate General of Education will be responsible for the training of clerks. The curriculum which is developed under this Action will be used during these trainings.
- 3) Hold training seminars for judges-prosecutors and judicial personnel with the participation of academicians and legal practitioners,
- 4) Develop ways to strengthen mutual trust: In view of preventing any misunderstanding between Turkey and EU-MS - which would be detrimental to the effectiveness of their mutual co-operation, the Central Authority of the MoJ to develop fully its capability as a contact point vis à vis foreign authorities. This would imply not only to process promptly the various requests but also to update its interlocutors on the on-going execution of these. The activity, therefore, will seek ways to develop these requests by also checking the EU MS practices.
- 5) Hold study visits to specific EU countries so as to examine the liaison judgeship institution applied in EU countries and the positive contributions of this institution to judicial cooperation within the scope of developing regional and bilateral judicial cooperation and with the purpose of increasing effectiveness of judicial counsellors,
- 6) Conduct visits to specific court houses by the authorities of DGILF with a view to increasing awareness on international judicial cooperation and provide information to judges-prosecutors and the court house personnel as part of the aforesaid visits,
- 7) Organise meetings between foreign experts and DGILF authorities so as to engage in mutual sharing of experiences on international judicial cooperation and exchange information.

Sub-Action 3- Prisons and Detention Houses

Activity 3.1 Developing an Institution Model for Children Staying with their Mothers

Under this Activity, developing an institution model for children staying with their mothers as well as designing a support model to the children whose parents are in penal institutions will be the priority with the common goal of reducing the adverse impact the children are facing.

The main activities foreseen are as follows:

- 1) Construction of a model special living environment as an attachment to one of the existing women prisons in which healthy mother-child relationship can be built in the closest manner to the outside world, the child will not be affected from the adverse conditions of the institution and their periodic needs can be met and only the convict-detainee mothers whose children stay with them are sheltered;
- 2) Provision of furniture/equipment to the building to be constructed. The equipment required to be provided for mother and child units which will be newly constructed include, inter alia: Equipment and furnishing to be used by the institution personnel, furniture and kitchen equipment to be used in living spaces and common areas, equipment and materials for playing, training, sports areas and activity areas for children, necessary electronic equipment and goods (TV, computer, monitor, security camera etc.);
- 3) Creating daily life and training programmes suitable to the age group of children staying with their mothers in the institution. But also developing programmes to support the children whose parents are in penal institutions to minimise the adverse impacts of this process;
- 4) Developing training and improvement programmes and professional training needs analyses with regard to the healthy development of the children and of the women who stay with them in the institution, ensuring appropriate parenthood and providing their own state of welfare;
- 5) Revising the family training programme for 0-18 ages which is applied across the country by the Ministry of National Education so as to meet the needs of the parents and their children staying penal institutions and training the related personnel on this issue;

6) Conducting activities to inform the public and increase awareness regarding this issue.

Activity 3.2 Strengthening the Institutional Capacity of Personnel Training Centres of the Penal Institutions

Pre-service and in-service training activities of the whole personnel are conducted in 5 different personnel training centres located in Ankara, Istanbul, Erzurum, Kahramanmaraş and Denizli. A well-structured standard training system needs to be established to ensure the provision of training with the same quality in all those 5 training centres. This would enable the prison staff to maintain high standards in their care of prisoners.

The main activities foreseen are as follows:

- 1) A standardised training system will be developed to eliminate any differences among training curricula of the personnel of penal institution;
- 2) A training programme will be established for the instructors coming from different professional backgrounds through which they can be accredited;
- 3) A human resources management system will be developed where the issues such as selection of the personnel working in training centres, performance assessment and supervision are defined;
- 4) An effective planning system will be developed to ensure the participation of more personnel in the training life and efficiently in dissemination of trainings to the personnel;
- 5) Effective assessment and evaluation system for measurement of the impacts of trainings;
- 6) Special focus will be given to better training for personnel on issues requiring a proportionate use of force with a view to preventing human rights violations arising from personnel practices. From the standpoint of cost and efficiency, providing training of trainers to a definite number of academics working in the personnel training centre will contribute to effective implementation of human rights in prisons. Studies will be conducted in current personnel training centres with a view to making the afore-said trainings sustainable and disseminate them.

Activity 3.3 Strengthening Institutional Capacity of the Judiciary and Execution System for the Fight against Addiction

The activity will focus on the problems encountered at investigation, adjudication, execution of crime stages, and solution of these problems. Studies will be conducted with regard to training needs of those serving in the investigation, prosecution and execution of drug crimes both in probation and penal institutions.

The main activities foreseen include:

- 1) Support for the addicted offenders under probation system and convicts and detainees in penal institutions:
 - a) Training materials containing different intervention models for different profession categories of penal institutions and probation directorates will be developed;
 - b) Mutually complementary methods at probation directorates with the studies conducted in prisons will be ensured;
 - c) The drug-addiction awareness raising group programmes of probation system will be reviewed and updated if deemed necessary, a new case work programme for addicts who are not eligible for group programmes will be developed, effective rehabilitation and intervention programmes will also be provided to the psychosocial service personnel in penal institutions and probation experts in probation directorates;
 - d) Family counselling programmes for offenders under probation will be developed with the help of academics;
 - e) A monitoring system and an integration system among institutions taking part in the execution process (probation, prisons, treatment centres, etc) will be established,

- f) A monitoring system to follow the offenders in the first years and the subsequent years of the probation period will be established;
- g) Workshops for vocational training of probationers under the probation;
- h) Written and visual materials such as videos, brochures on the issues of approaching to drug addict inmates for the personnel of the prisons and detention houses, apart from psychosocial experts, will be developed to raise their awareness on those inmates.

2) Trainings of Judges, Prosecutors, Candidate Judges/Prosecutors:

A training material and control lists for each category of judicial personnel will be developed to underline the risks of drug addiction problem and provide more specific information to the target groups. The check-lists will give the details of ideal judicial and executional steps to the practitioners. These will be incorporated into the curriculum programme of the Justice Academy and the relevant training centres, relevant trainings will be provided.

- a) A basic data study will be conducted for the identification of the needs for judges, prosecutors, candidate judges/prosecutors,
- b) Check-lists, training curriculum, handbooks for judges, prosecutors, candidate judges/prosecutors will be developed,
- c) Training seminars and Training of trainers (50) will be performed,

3) Studies on regulations about drugs,

- a) Conformity in implementation and practices of judges, prosecutors, social workers, psychologists, sociologists, teachers, correction officers, law enforcement, health workers will be ensured through creating training manual, internal control systems with workshops and round table discussions,
- b) A model for developing cooperation between all the officials included in the system in pilot regions will be created and detailed guidelines to identify different steps from the moment a drug addict offender enters the system,
- c) The issue of guardianship of drug addicts, which is one of the problematic areas in the field of legislation, will be addressed in all its aspects,
- d) Establishment of specialised courts to handle drug and stimulant-related crimes.

RISKS

All activities proposed under this Action Document are in line with the government's Judicial Reform Strategy. Full political commitment will be provided for the implementation of the activities. However other assumptions can be identified:

- Stakeholders' dedication to participate and cooperate throughout process;
- Continued commitment to the EU Accession process and to the political and judicial reform agenda;
- Ministrie and other relevant public institutions' high level support for the achievement of the objectives of IPA II process in general terms and activities in specific terms;
- Adequate number of staff appointed for the training and for the management of the support mechanisms.

CONDITIONS FOR IMPLEMENTATION

The implementation of the action requires continued commitment by the Turkish authorities, including political support to achieve the actions objective and expected results as well as sufficient and stable staffing of the beneficiary institutions.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

The **leading institution** in the judiciary sub-field is the *Ministry of Justice*. The main stakeholders involved in the management and implementation of this Action are High Council of Judges & Prosecutors, High Courts, Justice Academy, High Courts, Bar Associations, Ombudsman Institution, National Human Rights Institution, Ministry of Family and Social Policy and relevant civil society organisations.

Considering the new leading role of the MoJ in judiciary sub-field, the scope of Project Coordination Board that has been established to coordinate IPA I Actions will be extended and stakeholders other than the department of MoJ such as High Courts and Turkish Bar Associations will be included.

In addition to Project Coordination Board meetings, regular visits by the “EU Project Department” to the relevant institutions will be paid when it is deemed necessary. In addition, since there are a lot of key actors which have the mandate to represent different parts of the judiciary, some actors will have active roles in the action. The HCJP, the Court of Cassation, the Council of State, the Constitutional Court, the Justice Academy, and Turkish Bar Association will act as main beneficiaries of their proposed activities in this ADe and the MoJ will ensure coordination.

In relation to IPA II Implementing Regulation (IR Article18), an IPA II Monitoring committee has been set up. The IPA II monitoring committee shall satisfy itself as to the overall effectiveness, quality and coherence of the implementation of all programmes and operations towards meeting the objectives set out in the financing agreements as well as in the multi-annual indicative planning documents. For this purpose, it shall base itself on the elements given by the sectorial monitoring committees. Participation in these committee meetings will be provided and information about the state of play in the implementation and progress of the Judicial Operating Programme will be submitted.

As requested in IPA II IR Article19 and in order to support IPA II Monitoring committee a Sectorial Monitoring Committee (SMC) for Judicial OP is established. The functions of Sectorial Monitoring Committee are as follows:

- Consider and approve the general criteria for selecting the operations, and approve any revision of those criteria in accordance with programming needs;
- Review at each meeting progress made towards achieving the specific targets of the Programme on the basic documents
- Examine at each meeting the results of implementation, particularly the achievement of the targets set for each priority axis and measures and interim evaluations;
- Examine the sectorial annual and final reports on implementation.
- Is informed of the annual activity report referring to the operational programme concerned, and of any relevant comments the Commission may make after examining that report or relating to that part of the report;

Additionally, the sector monitoring meetings will be held twice a year with the participation of the EU Commission, Ministry of EU Affairs, and other relevant key institutions. The Judiciary Sub-Field Monitoring and Evaluation Committee will be formed to plan actions under IPA II and evaluate ongoing actions. The High Council of Judges and Prosecutors, the Justice Academy of Turkey, the High Courts, the Turkish Bar Association will be invited to Monitoring and Evaluation Committee Meetings along with the Ministry of EU Affairs and the Ministry of Development. The Evaluation and Monitoring Meetings will be held regularly every three months but, when needed, extraordinary meetings may be held. These meetings will also be a platform to measure the level of progress reached under SPD. SMC meets at least twice a year, at the initiative of MoJ, EU Project Department or the EU. The issues to be followed up will cover the period between two Committee meetings and the Committee Members will be informed about the current situation with regards to those issues.

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

The Actions will be implemented in Indirect Management.

Below is a table summarising the types of financing for each activity:

Activity 1.1 Activity on strengthening the institutional capacity of judiciary on anti-discrimination issues in line with EU standards - Direct Grant to Council of Europe

Justification

The Council of Europe is a key actor in the field of anti-discrimination in Europe. It sets standards and monitors their implementation e.g. through the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM), the European Commission against Racism and Intolerance (ECRI), the European Charter for Regional or Minority Languages (ECRML) and certainly the European Court of Human Rights.⁴ When it comes to legislative and constitutional advice, the Council of Europe relies on the Venice Commission and the expertise of its operational Directorates. Member States confidently approach the Council to seek its legislative and constitutional assistance and its opinions often have a real impact on the legislative and constitutional process concerned.

Standard setting and monitoring needs to be complemented by cooperation activities to bridge implementation gaps of policies and recommendations. In that sense, the activity will follow up the Council's monitoring bodies' recommendations to Turkey to fight discrimination. In this particular area, the Council can rely on implementation experience in numerous countries, most recently in Albania, Montenegro and Ukraine to name but a few.⁵ Activities range from strengthening human rights and equality bodies, over assessment and improvement of non-discrimination legislation and drafting of action plans and strategies to awareness raising campaigns.

The Council facilitates exchange of good practice due to its membership structure and has the leverage to achieve political commitment when addressing difficult issues based on mutual commitments and ratified instruments. Turkey has the obligation to comply with anti-discrimination standards, particularly set through the Strasbourg Court. The Committee of Ministers has the authority to monitor their implementation, giving the Council a unique and strong position when it comes to achieving results in cooperation activities.

The Council established a trustful and effective working relationship with the Turkish Judiciary and particularly the Justice Academy,⁶ essential to ensure development and sustainable use of training courses in the field of non-discrimination. In addition, the Council will bring in its HELP methodology and material⁷ (Human Rights Education for Legal Professionals) to ensure effectiveness of the training activities.

As it is part of its own structure, the Council of Europe is best placed to impart knowledge on the application of the European Convention on Human rights standards and European Court of Human Rights case-law on non-discrimination in the daily work of Turkish judiciary.

Activity 2.1 Promoting Alternative Dispute Resolution (ADR) in Turkey - Direct Grant to Council of Europe

Justification:

The CoE is the reference point in Europe for standard setting in the field of justice, including in relation to the topic of ADR approaches. The CoE also has the most comprehensive and advanced system for monitoring compliance with these standards.

⁴ The Council is covering a wide range of non-discrimination relevant issues such as gender, disability, racism and intolerance, Roma/migrant/minority rights, sexual orientation and gender identity etc.

⁵ EU-CoE Joint Programmes: "Support to the National Human Rights Institutions in Preventing Discrimination in Montenegro" (PREDIM); "Enhancing the effectiveness of the Albanian system of human rights protection and anti-discrimination"; Strengthening the capacity for domestic application of the European Convention on Human Rights (ECHR) and of the Revised European Social Charter (RESC)

⁶ EU-CoE Joint Programme "Strengthening the Capacity of the Turkish Judiciary on Freedom of Expression",

⁷ Courses and material on Anti-discrimination, Fight against hate speech and hate crime etc.

Relevant aspects of ADR matters are addressed in a number of CoE documents, including the following Council of Europe Committee of Ministers recommendations: [Recommendation \(98\) 1 on family mediation](#), [Recommendation \(99\) 19 concerning mediation in penal matters](#), [Recommendation \(2001\)9 on alternatives to litigation between administrative authorities and private parties](#), and [Recommendation \(2002\) 10 on mediation in civil matters](#). On this basis, specific measures aimed to ensure an effective implementation of these Recommendations are set out in the “[Guidelines for a better implementation of the existing recommendation concerning family mediation and mediation in civil matters](#)” that have been developed by CEPEJ. The Consultative Council of European Judges (CCJE) has given its opinion on the use of ADR in different contexts; for example the positive effects of ADR on reducing the length of court proceedings, particularly by ensuring speedy settlements (Opinion N°6 (2004) on fair trial within a reasonable time); and the use of mediation and conciliation as alternatives to prosecution (Opinion N°2 (2008)).

In elaborating such norms and tools and in supporting its member states in their implementation, the CoE has acquired a unique and specific expertise and technical competence.

Member states, including Turkey, also greatly benefit from bilateral co-operation work, which allows for support and capacity building in the implementation of such standards.

The CoE has also already proved its administrative capacity in implementing projects in the field of justice and court administration in Turkey within the framework of large-scale Joint Programmes with the European Union, including the successful project on “Strengthening Support to the Court Management System in Turkey” (Phases I and II), specifically implemented by the Justice and Legal Cooperation Department of the Directorate General of Human Rights and Rule of Law, the same service that would be responsible for implementing the proposed project.

Furthermore, the CoE is currently implementing a project on “Developing Mediation Practices in Civil Disputes in Turkey”, funded by the Swedish International Development Cooperation Agency (Sida), also with the Ministry of Justice as the main partner.

As a result of such experience, the CoE can rely on experienced staff and a wide network of international and national experts with specific understanding of the country and its judicial institutions as well as specialised knowledge of the situation and needs in relation to ADR practices. It has also built up a long-standing and effective cooperation with the Ministry of Justice and with the highest judicial authorities in Turkey, including the Court of Cassation and the High Council of Judges and Prosecutors.

Activity 2.3 Improving International Judicial Cooperation in Criminal Matters - Direct Grant to Council of Europe

Justification:

The Council of Europe is a key European actor in the field of international judicial cooperation in criminal matters. For over fifty years now, a series of treaties⁸ have been negotiated within the Council to set standards and establish a common basis for co-operation in criminal matters across Europe and sometimes beyond. These include co-operation mechanisms such as extradition, mutual legal assistance and the transfer of sentenced persons, but they also address specific forms of crime which often have a cross-border dimension, such as organised crime, terrorism and cyber-crime. The European Court of Human Rights and the Council’s Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC) monitors the application of these standards. The latter is also the forum in which experts from all member and observer states and organisations come together to elaborate ways to improve international co-operation in criminal matters. Solutions to practical problems in the application of Conventions in this field are addressed through the production of tools, sharing of country information, development of model forms, practical guidelines for practitioners etc.

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European Convention on Extradition (1957) and its Additional Protocols; European Convention on Mutual Assistance in Criminal Matters (1959) and its Additional Protocols; Convention on the Transfer of Sentenced Person (1983) and its Additional Protocol; etc.

Standard setting and monitoring is supplemented by cooperation activities to bridge implementation gaps of policies and recommendations. In that sense the proposed activity will use the Council's monitoring bodies' findings with respect to Turkey in the area of international cooperation in criminal matters.

The Council builds on previous experience of working with the Turkish authorities. The EU/CoE Joint Programme on Improving the Efficiency of the Turkish Criminal Justice System (2012-2014), dedicated a major component on improving international judicial cooperation in criminal matters. A draft Law on international cooperation in criminal matters was prepared through working group meetings, with international expertise. Several study visits to EU countries were organised to identify best practices and share experiences. A guidebook was developed for practitioners and almost 250 liaison judges, prosecutors and court registrars were trained.

The activity will also use the existing resources developed by the Council to train legal professionals on specific human rights issues. This is done under the Council's European Programme for Human Rights Education for Legal Professionals (HELP) which supports all 47 CoE member states in implementing the European Convention on Human Rights (ECHR) at national level, by enhancing the capacity of judges, lawyers and prosecutors to apply the ECHR in their daily work. HELP is the only genuine Pan-European Programme of legal education based on a network gathering national training institutions and bar associations of the 47 member states. HELP provides "a la carte" and tailor-made approach with a huge potential for development and adaptation to national training system; it focuses on the enhanced capacity of national trainers (train-the-trainers approach), thus creating a strong national ownership of the programme. HELP offers a new quality of training modules, merging the ECHR with the national law and using modern technologies including - but not limited to - interactive distance learning. Recently, HELP developed a distance learning course with the PC-OC on international cooperation in judiciary matters. As HELP has developed a strong cooperation with the Turkish Justice Academy and the Turkish Union of Bar Associations, it will be used to further develop and adapt this course to the Turkish national legal order and train relevant professionals.

Activity 1.2 Improving the Effectiveness of Family Courts: Better Protection of the Rights of Family Members - Twinning

Activity 1.3 Forensic Trainings Towards Advanced Examination Methods - Twinning

Activity 2.2 Improving Turkish Notary System - Twinning

Activity 3.1 Developing an Institution Model for Children Staying with their Mothers - Works and Service (supervision); Technical Assistance contract; Supply

Activity 3.2 Strengthening the Institutional Capacity of Personnel Training Centres of the Penal Institutions - Twinning

Activity 3.3 Strengthening Institutional Capacity of the Judiciary and Execution System for the Fight against Addiction – Technical Assistance contract

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING (AND EVALUATION)

In line with the IPA II Implementing Regulation 447/2014, an IPA II beneficiary who has been entrusted budget implementation tasks of IPA II assistance shall be responsible for conducting evaluations of the programmes it manages.

The European Commission may carry out a mid-term, 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. In case a mid-term or final evaluation is not foreseen, the European Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner. The evaluations will be carried out as prescribed by the DG NEAR guidelines for evaluations. In addition, the Action might be subject to external monitoring in line with the European Commission rules and procedures set in the Financing Agreement.

The Beneficiary will monitor closely the activities under this Action. Interim reports, mid-term reports (every 3 months) and final reports will be prepared by the contractors.

Furthermore, the NIPAC is undertaking monitoring missions and using ROM experts. The Contracting Authority is also undertaking random monitoring missions.

The EU Delegation might initiate also on the spot check missions at any time and/or launch evaluations, if deemed necessary.

The IPA Monitoring Committee and the Sectoral Monitoring Committees shall be set up twice a year in order to review the overall effectiveness, efficiency, quality, coherence, coordination and compliance of the implementation of all actions towards meeting their objectives with the participation of EU Commission, Ministry of EU Affairs, Ministry of Justice and other relevant key institutions.

The Ministry of Justice as the lead institution in the judiciary sub-field will invite all stakeholders in the sector and Ministry of EU Affairs, to evaluation and monitoring meetings in every three months.

A system of monitoring and evaluation has been devised for observing the implementation of the objectives and goals in line with the Justice Reform Strategy. This system of monitoring and evaluation ensures that necessary action is taken to eliminate problems. Monitoring and Performance Assessment of the Justice Reform Strategy are undertaken by the Department of Information Technologies, General Directorate of Criminal Records and Statistics and Presidency of Strategy Development under the Ministry of Justice. The reports prepared by Internal Audit Unit, the statistics of DG of Criminal Records and Statistics, the data provided from IT Unit will be used to monitor performance recorded.

INDICATOR MEASUREMENT

Indicator	Baseline (value + year)	Target 2020	Final Target (2023)	Source of information
OUTCOME INDICATORS				
Decrease in number of ECtHR violations	200 (2014)	150 (2020)	125 (2023)	Statistics released by ECtHR
Number of pending cases and duration of proceedings (improvement of clearance rate for backlog in courts)	62.08 (2014)	70 (2020)	75 (2023)	Statistics released by CEPEJ
OUTPUT INDICATORS				
(Related to the Activity 1.1.) Decrease in number of the ECHR violation decisions on discrimination ⁹	11 (2014)	5 (2020)	3 (2023)	Statistics released by MoJ.
(Related to the Activity 1.2) Number of family court cases overruled by High Court (decrease).	6917 (2014)	6500 (2020)	6250 (2023)	Statistics released by MoJ
(Related to the Activity 1.3) Number of accredited examination methods in forensic labs (increase)	32(2014) JKDB 21(2015) ATK + 43 (2016) KPL	35(2020) 24(2020) 47 (2020)	40 (2023) 28 (2023) 50 (2023)	Statistics released by Forensic Institutions
(Related to the Activity 2.1) Number of disputes settled by means of Alternative Dispute Resolution Mediation = M: Conciliation =C	M = 1129 (2015) C = 8485 (2015)	M = 10000 (2020) C = 19000 (2020)	M = 30000 (2023) C = 25000 (2023)	Statistics released by MoJ.

⁹ Data will be added once available.

(Related to the Activity 2.2) Number of cases transferred from court system to notaries ¹⁰	0 (2014)	1680 (2020)	2887 (2023)	Statistics released by MoJ
(Related to the Activity 2.3) Duration of proceedings regarding cross border disputes in criminal matters	300 (2015)	270 (2020)	250 (2023)	Statistics released by MoJ.
(Related to the Activity 3.1) Percentage of children staying with their mothers in penal institutions with proper support model compared to total prison population. ¹¹	0% (2014)	20% (2020)	30% (2023)	Statistics released by MoJ.
(Related to the Activity 3.2) Number of inmate complaints lodged due to disproportionate use of force by the prison personnel (reduction) ¹²	0.08 (2014)	0.072	0,068 (2023)	Statistics released by MoJ.
(Related to the Activity 3.3) Number of trained judges, prosecutors and social workers dealing with the drug addict convicts and detainees.	790 (2014)	2000 (2020)	3000 (2023)	Statistics released by MoJ.

¹⁰ Data will be added once available.

¹¹ % of total number of children staying with their mothers in penal institutions.

¹² Indicator reflects complaint rate with following logic – example: as of December 2014 total prison population = 158 798; complaints of disproportionate use of force = 1256 (including repeated complaints); i.e. complaint rate of inmates in proportion to the prison population (Dec 2014): 0.08%

5. SECTOR APPROACH ASSESSMENT

According to Turkey's **10th National Development Plan** (2014-2018), the main priorities in the field of judiciary are to maintain improved quality of judicial proceedings, to continue to carry out legal and institutional measures in the context of principal of rule of law, to further improve the judicial system in line with international standards and to ensure the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination.

The Judicial Reform Strategy (JRS) is the document which has a general sector strategic framework. The JRS adopted by the Council of Ministers in 2009 is the first official document which analysed the problems and proposed remedies for the justice sector. It was prepared by a common understanding with the participation of all stakeholders including professional organisations and NGOs. Considering the level of implementation, the Ministry of Justice decided to revise this Strategy and its Action Plan. Necessary consultations with the stakeholders have been done and the revised JRS has been adopted on 08.04.2015.

The objectives of the revised Judicial Reform Strategy are as follows:

- Strengthening the Independence and Impartiality of Judiciary,
- Raising the accountability and the transparency of judiciary,
- Improving the civil and penal justice systems,
- Improving the Alternative Methods of Dispute Resolution and Raising the Effectiveness in Practice.
- Improving the International Collaboration in Justice and Raising the Effectiveness of EU Membership Process
- Improving the Law Education, Prevocational and Vocational Education
- Improving the Practices regarding the Disadvantageous Groups Like Women, Children and the Disabled
- Strengthening the Access to Justice
- Preventing the Violation of Human Rights regarding the Judicial Practices and Strengthening the Standards of Human Rights
- Improving the Penal Institution System

The JRS includes objectives and goals pertaining to the whole justice system. The Action Plan, which is a supplementary document of the Reform Strategy, includes comments about the objectives and goals and indicates relevant activities with their time scale, responsible bodies and financial resources.

Along with the JRS, the Ministry of Justice, the High Council of Judges and Prosecutors and Justice Academy of Turkey, which are the key institutions in the field of judiciary, have prepared and published their strategic plans in line with requirements of the Public Financial Management and Control (PFMC) Law 5018. These plans are prepared in a multi-annual perspective and reflect the needs and remedies for problems in a systematic way. Objectives of these strategies are coherent with those in the Judicial Reform Strategy and the 10th National Development Plan.

Due to the structure of judiciary, there are a number of key actors in the sector. In this scope, as a policy maker and political institution in the executive branch of the State, the Ministry of Justice is the sector lead institution for the IPA II process as indicated in the IPA II Indicative Strategy Paper. Other key institutions are the High Council of Judges and Prosecutors, and the Justice Academy of Turkey. The Constitutional Court, the Court of Cassation, the Council of State, the Military Court of Cassation, the Military High Administrative Court, first instance courts in the civil, administrative and military judiciary, the Turkish Bar Association and Association of Notaries are stakeholders in this sector.

In order to fulfil its lead institution role for the judiciary, the Ministry of Justice has set up the “EU Project Department” within the Directorate General for EU Affairs in November 2013. This unit is responsible for coordinating EU-funded actions under IPA II programming. The Ministry has arranged informative meetings

for the stakeholders and paid special visits to the institutions within the sector. In these meetings, the stakeholders were informed about IPA II concept and invited to prepare their activities to be supported under IPA II. Proposals were discussed and evaluated by the “Project Coordination Board” of the Ministry of Justice chaired by the Deputy Undersecretary.

Strategic plans, which are regulated by the PFMC Law No: 5018 and its secondary legislation to help administrations to implement the basic concepts of the new public management and ensure that their activities are run accordingly, requires production of a performance programme and activity reports and making them public. The performance programme and activity reports are produced each year to ensure the feasibility of five-year strategic plans, determination of resources needed, establishment and observation of plan – budget relations. Performance indicators are set to measure the achievement of performance goals indicated in the performance programme. Activity reports describe the outcomes of goals indicated in the performance programme along with the activities performed to achieve those goals. Thus, progress against the strategies is followed to inform the public.

6. CROSS-CUTTING ISSUES

GENDER MAINSTREAMING

Participation of civil society organisations, a high degree protection of the environment, mainstreaming of climate change considerations, equal opportunities for men and women and support to socially vulnerable persons and disadvantaged groups are horizontal priorities that will be supported as cross cutting themes in their own right or as part of actions and activities in other sectors.

EQUAL OPPORTUNITIES

The principle of equal opportunity will be integrated into all stages of the Action implementation. The beneficiary respects the rights of equal opportunity of all genders, groups (i.e. disabled persons) and ages for employment. Appropriate professional qualifications and experience will be the main factors of personnel recruitment and evaluation. All periodical progress review reports and other interim reports will include a specific explanation on measures and policies taken with respect to participation of women and equal opportunity for women and men and will provide measurements of achievement of this goal.

Participation in the activities will be guaranteed on the basis of equal access.

In Turkey, as of 2016, while the number of male judges is 10.781, number of female judges is 3987. During the implementation of 10 Activities included under this Action and particularly in the trainings to be provided within the scope of the Activities, ensuring equality of women and men will be addressed as a sensitive issue.

MINORITIES AND VULNERABLE GROUPS

According to the Turkish Constitutional System, the word minorities encompass only groups of persons defined and recognized as such on the basis of multilateral or bilateral instruments to which Turkey is a party. The action will apply the policy of equal opportunities for all groups, including vulnerable groups. This action has no negative impact on minority and vulnerable groups.

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

The actions will be conducted in close cooperation with the civil society organisations. In context of the preparation of this IPA II Action, professional organisations such as the Turkish Bar Association and the Turkish Notaries Association were visited and informed about the EU Funding opportunities under IPA II.

The proposal was also transmitted to TESEV (the Turkish Economic and Social Studies Foundation) and Turkey Europe Foundation. Active participation of these NGOs will also be ensured in the course of the preparation and implementation of tender documents for Activities.

Cooperation also took place with the universities in the preparation phase. In this framework, opinions and suggestions on the Activity proposals were obtained from Bilkent University, Ankara University, European

Communities Research and Application Centre and Galatasaray University. It was stated that the universities in question will also provide support during the implementation of the Activities.

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

Not applicable

7. SUSTAINABILITY

Right after declaration of its candidacy status for full-membership to EU in the Helsinki Summit of 1999, Turkey has undergone considerable reforms in the field of judiciary including both structural and legislative changes. Turkey has spent significant amount of efforts to internalise EU values. Therefore, the commitment that has been made by Turkey is the key factor for the future sustainability of the action results.

The Ministry of Justice has a huge experience in the field of EU financed projects. In the IPA I period, MoJ conducted important projects and with this support important reforms were realized. As a leading institution for IPA II programming, MoJ will use this experience to assist other judicial institution for ensuring the sustainability of the results of the action.

The Ministry of Justice, as the lead institution in judicial sector, has undertaken responsibility on taking project ideas, evaluating their priorities, transferring them to relevant main documents and implementing the activities considered acceptable and monitoring their implementation by way of controlling the alignment of project ideas with national strategies and EU acquis and priorities. As required by this responsibility, the EU Project Department established within the DG for EU Affairs has been strengthened in terms of human resources and it will be further developed based on needs.

Wide-range activities under this Action will serve overall strengthening the sub field judiciary and help further alignment with the EU acquis and standards in this field. The sustainability of the results will be ensured by the improved administrative structure. Turkey is committed to carrying out and furthering political and judicial reforms, as reflected on strategy documents. In this respect, sustainability will also be ensured through the regular and periodical revision of the strategies and action plans which have been implemented in the judiciary sub-field in Turkey.

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 amounts allocated to 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. Additional 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.

Communication and visibility will be given high importance during the implementation of the Action. The implementation of the communication activities shall be the responsibility of the beneficiary, and shall be funded from the amounts allocated to 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. Additional Visibility Guidelines developed by the 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.

It is the responsibility of the beneficiary to keep the EU Delegation and the Commission fully informed of the planning and implementation of the specific visibility and communication activities.

The visibility of activities conducted under this Action will be ensured by:

- Media – press releases, press events, interviews, background papers, project visits
- Events – forums, information days, workshops, professional debates, seminars, conferences, project presentations, other regional events
- Publications – newsletters, brochures, leaflets, project information sheets, reports, studies, programme presentation summaries
- Internet pages
- Others e.g. billboards, plaques, stickers, flags, maps, posters and gadgets.

MoJ will ensure the visibility of activities covered by this Action to public through its official website. Additionally, all stakeholders in the sector and professional organisations and NGOs will be informed about activities in accordance to their relevance with the topic of the activity. EU contribution to each activity will be made visible through their outcomes.