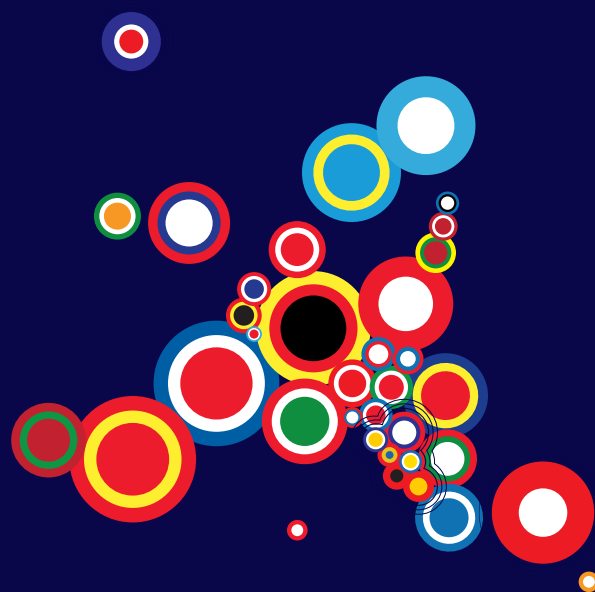




INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

REPUBLIC OF TURKEY Support to 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 through actions proposed strengthening independence, impartiality and accountability of the judiciary along with improving the professional competence and increasing efficiency and effectiveness of the judiciary. Action also covers measures to further improve penitentiary system through new physical concepts and modern enforcement regimes for imprisonments.

Action Identification	
Programme Title	Annual Action Programme for Turkey 2014
Action Title	Support to Judiciary
Action Reference	IPA/2014/ 031-874/6/TR/Judiciary
Sector Information	
ELARG Sectors	Rule of Law and Fundamental Rights
DAC Sector	15130 - Legal and judicial development
Budget	
Total cost	31.260.000 €
EU contribution	28.657.500 €
Management and Implementation	
Method of implementation	Indirect management
Indirect management: Responsible Unit or National Authority/Implementing Agency	<p>The Central Finance and Contracts Unit (CFCU) will be the implementing agency and will be responsible for all procedural aspects of the tendering process, contracting matters and financial management, including the payment of project activities. The Director of the CFCU will act as the Programme Authorizing Officer (PAO) of the project. Contact details of the PAO:</p> <p>Ms. Emine DÖĞER (Deputy CFCU Director) Central Finance and Contracts Unit Tel: +90 312 295 49 00 Fax: +90 312 286 70 72 E-mail: emine.doger@cfcu.gov.tr Address: Eskişehir Yolu 4 Km, 2 Cad. (Halkbank Kampüsü) No:63 C Blok 06580 Söğütözü/Ankara-TÜRKİYE</p>
Implementation responsibilities	The lead institution for programming and monitoring this action is the Ministry of Justice that will closely coordinate with High Council of Judges and Prosecutors, the Justice Academy, High Courts, Turkish Bar Association as well as other institutions.
Location	
Zone benefiting from the action	Turkey
Specific implementation area(s)	Turkey
Timeline	
Deadline for conclusion of the Financing Agreement	At the latest by 31 December 2015
Contracting deadline	3 years following the date of signature of the Financing Agreement
End of operational implementation period	6 years following the date of signature of the Financing Agreement

1. RATIONALE

PROBLEM AND STAKEHOLDER ANALYSIS

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 fields of fundamental rights and judiciary including both structural and legislative changes. Particularly, strengthening the independence, impartiality and efficiency of the justice system have been the core targets. In recent years, through a number of reform and democratization packages that have been put into practice in Turkey much has been done for harmonizing the Turkish judicial system in line with the EU standards. However, there is still room for improvement with regard to existing shortcomings. In this scope, IPA II programming will provide an important opportunity to gain knowledge about the EU rules and implementations regarding the problematic areas in Turkish judicial sector and this will contribute to create solutions in compliance with the EU acquis.

For ensuring an independent and impartial judiciary, all of the institutions in the justice system should function properly and effectively. Public prosecution offices stand in the front lines concerning prosecution of crimes. Due to procedural and infrastructural problems, prosecution offices encounter problems for carrying out their duties prescribed by law which results in questioning of independence and impartiality of the judiciary as a whole structure. Through the Action, investigation techniques will be improved and relations between prosecution and law enforcement offices will be handled, thus functioning of prosecution offices will be strengthened in order to contribute to independence of the judiciary.

Until now the judges and the prosecutors were main focal points for projects aiming at increasing professionalism in the judiciary and the auxiliary personnel failed to reach well-planned pre-service and in-service trainings which could have served for better functioning of the judiciary. Since the auxiliary personnel are not selected among highly qualified people and not supported with professional trainings, judges and prosecutors take more responsibility and burden on their shoulders. This problem results in heavy workload, lengthy proceedings and dissatisfaction with the outcome of judicial proceedings. Besides, in some special judicial proceedings such as family and juvenile court proceedings, judges and prosecutors are highly dependent on assistance of technical experts who are recruited as auxiliary staff. Under IPA II programming, the auxiliary personnel including psychologist, social workers and pedagogues will be given a special attention in order to enhance their professional competence through newly developed in-service and pre-service training programmes which will be designed according to needs of their positions.

One of the main and long standing problems of the judiciary is the heavy workload of the high courts and the courts of first instance. This problem causes lengthy proceedings and detentions which results in breach of Article 5 and 6 of the European Convention on Human Rights (ECHR) protecting right to liberty and security and right to a fair trial respectively. Moreover, lengthy trials in civil, criminal and administrative judiciary diminish the trust of parties to justice irrespective of result of their cases. As complementary of the reforms introduced and being implemented in the last decade, alternative dispute resolutions mechanisms will be the focal point in the new IPA II programming. Concerning this problem, the judicial notification system will be revised in order to accelerate judicial proceedings. Through an activity on victim rights, the institutional and legal infrastructure will be improved and awareness of the public on the issue will be increased. Two separate activities will focus on problems of the administrative judiciary and they will find solutions to systemic and legislative shortcomings. Efficiency and effectiveness of the judiciary are related to many institutions. The MoJ will be the main responsible institution to propose and find solutions to mentioned problems. HCJP, Justice Academy and Council of State will be the main stakeholders for activities proposed under 2014 programming.

By virtue of the investments in the last decade, remarkable achievements have been made regarding the physical conditions in prisons and detention houses. Besides, there have been developments in enforcement practices thanks to EU funded projects. However, further efforts and projects are needed for settling the European standards in the penal system. Through activities proposed under IPA II programming, civil monitoring boards will be strengthened so that they can carry out their functions as prescribed in the law. Disciplinary and award procedures for inmates will be improved and conditional release implementation will be revised in order to prevent recidivism in prisons. DG for Prisons and Detention Houses of the Ministry of Justice will be the main beneficiary of this action.

RELEVANCE WITH THE IPA II STRATEGY PAPER AND OTHER KEY REFERENCES

Article 2 of the Treaty on the European Union (TEU) counts; rule of law, respect for human rights and democracy as the basic values of the EU along with others. Furthermore, Article 49 of the same Treaty stipulates that only the European countries meeting the values counted in Article 2 can be a member of the EU.

Identically, the rule of law is at the heart of the accession process, a key pillar of the Copenhagen criteria set out in the European Council in 1993.

Likewise the fundamental documents of the EU, also the experience of recent enlargements and the challenges faced by enlargement countries takes the rule of law into the centre of the EU enlargement. In this scope, strengthening the rule of law and human rights and creating an effective, independent and impartial judicial system are considered as an important necessity to come closer to the EU for a candidate country. The European Commission underlines this reality in the “Enlargement Strategy and Main Challenges 2012-2013” as well.

In addition, 2008 Accession Partnership Document for Turkey sets out significant number of priorities regarding the Chapter 23- Judiciary and Fundamental Rights.

In this context, during the Accession Negotiations, Turkey has proven her will to be a part of this civilization project and accomplished many reforms to adapt its national law and institutions to the EU standards. In “National Program of Turkey for the Adoption of the EU Acquis” this will was declared in an explicit way.

On the way through full membership, Turkey has been transforming her legal and institutional structure in the field of judiciary and human rights. For instance, the amendment of the structure of the High Council of Judges and Prosecutors and establishing the “individual application procedure” to the Constitutional Court are the examples of the significant developments in this sector. The reforms that were made in this field contribute to the Turkey’s long term goal of full membership and make Turkey closer to the EU because of the importance of the rule of law and judiciary. The European Commission has also given reference to this in the 2013 Progress Report.

The Indicative Strategy Paper 2014-2020 for Turkey (Strategy Paper) foresees raising the level of independence and impartiality of the judiciary as well as increasing the efficiency and effectiveness of the judiciary (including criminal justice system; juvenile courts and penitentiary system).

The Action will address all those priorities listed above.

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.

Judicial Reform Strategy is the document which has a general sector strategic framework. The Judicial Reform Strategy adopted by the Council of Ministers in 2009 is the first official document

which analyzed the problems and proposed remedies for the justice sector. It was prepared by a common understanding with the participation of all stakeholders including professional organizations and NGOs. Having seen 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 a draft document has been prepared and shared with the public on the website of Ministry of Justice.

The revised Judicial Reform Strategy will consist of the following objectives:

- Strengthening the independence, impartiality and transparency of the judiciary
- Improving the quality, effectiveness and efficiency of the judiciary
- Implementation of measures preventing emerging of conflicts and improving alternative dispute resolution mechanisms
- Enhancing the international judicial cooperation
- Improving relations of judiciary with the public
- Improving effectiveness of the justice organization
- Improving education in the field of law along with pre-service and in service trainings
- Developing implementations for women, children and disabled persons
- Strengthening access to justice
- Preventing violations of human rights stemming from judicial practices and strengthening human rights standards
- Improving the penitentiary system

Along with the Judicial Reform Strategy, 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. 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 Judicial Reform Strategy and 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 key institution for the IPA II process as indicated in the 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 fulfill its lead institution role for the judiciary sub-field, the Ministry of Justice has already set up the “EU Project Implementation Unit” within the Directorate General for EU Affairs in November 2013. This unit responsible for coordinating EU funded projects 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 action ideas to be supported under this IPA II programming. Raw action ideas were discussed and evaluated by the “Project Coordination Board” of the Ministry of Justice chaired by the Deputy Undersecretary.

In this period, Ministry of Justice held meetings with EU Ministry and EU Delegation to consult and discuss the new IPA II documents and procedures.

Apart from governmental and judicial institutions in the judiciary sub-field the Turkish Bar Association and the Turkish Notaries Association were informed about the IPA II programming and invited to submit action proposals. In addition to meetings with the key actors in the IPA II period and stakeholders in the justice sub-field, Ministry of Justice consulted with some of EU member states’ institutions and the Council of Europe to discuss prospective activities for the coming years.

The Judicial Reform Strategy includes objectives and goals pertaining to the whole justice system. The Action Plan which is a supplementary document of the Reform Strategy includes commentaries about

the objectives and goals and indicates relevant activities with their time scale, responsible bodies and financial resources.

A system of monitoring and evaluation has been devised for observing the implementation of these objectives and goals. 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.

Strategic plans, which are regulated by the 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.

In the IPA II period, which will cover 2014 – 2020, the Ministry of Justice, in the framework of sectoral approach, will undertake authority and responsibility on the issues of programming actions, creating action ideas, writing action fiches, ensuring adoption by the EU authorities, monitoring and evaluating implementation of actions, providing coordination between actions and preparing reports.

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

IPA I and previous financial assistance tools have affected the reform process in the field of judiciary in a positive manner and have supported internalization of changes by members of the judiciary. Especially, changing minds and perceptions of the members of the judiciary could only be succeeded by projects implemented in the judiciary sector. It is apparent that reforms can only be reached their objectives by internalized implementation. Even the most unsuccessful project implemented under IPA I programming or other EU funds served for discussion of the problem and finding solutions in the long term. Therefore, all of the EU funded projects implemented in the justice sector contributed to the transformation of the Turkish Judicial System. EU funded projects also paved the way for members of judiciary who are the most conservative professions in the society to get acquainted with other judicial systems and colleagues. This helped to better implementation of recent reforms.

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

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. In the field of judiciary more should be done in specific areas where there has been no projects under IPA I.

For instance, deficiencies in prosecution procedures have not been handled in a detailed manner. Especially, violation of fundamental rights stemming from insufficient capacity of prosecution offices needs to be paid special attention. To this end, lengthy detention periods, problems regarding the

expertise of law enforcement offices, complaints of defense lawyers on access to evidence and files will be addressed under the IPA II programming.

Although the IPA I programming intensively focused on training programmes for the judiciary, the auxiliary personnel working at all instances of the judiciary could not benefit from these trainings. Providing a sound and effective pre-service and in-service training for the auxiliary personnel along with delegation of tasks will reduce the workload of judges and prosecutors and therefore speed up the judicial proceedings. In addition, special groups of auxiliary personnel including social workers, psychologists and pedagogues needs to be supported by special trainings taking into consideration of their important roles in the juvenile and family court proceedings.

Bearing in mind the dynamic structure of the legal system, new procedures and substantial legal matters need to be absorbed and internalized by all legal community. In this regard, newly introduced mechanisms for dispute resolutions such as mediation and conciliation in civil and criminal matters, along with the old but rarely used concept of arbitration will be used more effectively with the help of EU funded actions. Concerning the implementation of projects under IPA I programming, it was seen that changes in project teams affect the success and effectiveness of the project activities in a negative way. 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 still required performing their routine work, thus they can allocate a little time to the Project. Therefore, measures should be taken to assign personnel in project teams who will concentrate solely to project activities.

Another field of action will be collection and evaluation of judicial statistics. Although projects under pre-IPA I term aimed at solving the problem partially, the statistics had not been handled specifically and problems of the field have not been sufficiently addressed. This field of study is worth for support under IPA II programming since a true roadmap for reforms can only be drawn on sound statistical information. Although, formerly two EU Projects (Judicial Modernisation and Penal Reform, and Performance Assessment and Management System for Judiciary) were implemented in the same field, this Activity will specifically focus on the training of the personnel other than those working in the MoJ and variation of data pool will be aimed. Since Turkey provides judicial statistics for many related international institutions and organizations, building up a strong and reliable statistics system will also contribute to the international field.

An EU funded project supported the reform of enforcement offices under 2009 programming year of the IPA-I. This project was implemented in 7 pilot enforcement offices relevantly small and medium sized sub-provinces. In IPA II term, quality management system for enforcement services will be handled specifically and in a detailed manner especially in big cities. Another important and problematic field in enforcement system is management of trustee storages which are used for seized goods in enforcement process. The current practice in Turkey causes serious damages, losses of seized goods, sell in undervalue prices in auctions. Therefore, trustee storages will be reformed and a system of licence and certification will be introduced.

The reforms in penitentiary institutions were supported strongly by EU funded projects in IPA I term. These projects aimed at on the one side to improve physical conditions of penitentiary institutions and on the other side to reform enforcement system as a whole. In this sense new institutions and systems in enforcement of penalties were supported by EU funded projects. However there is still room for improvement in this field. There will be more focus on individualization of execution of sentences. In order to support to rehabilitation of inmates, specific enforcement modalities will be improved taking into consideration of their personal behaviors and characteristics. The prisons' staff will be continued to be trained since they are the most important actors in the execution regime. Since rehabilitation of inmates could only be achieved in proper physical conditions, the MoJ is eager to introduce modernized penitentiary institutions. With parallel to this policy, multi-storey modal prisons will be constructed and spread throughout the Country. Introduction of these model prisons to the system will be done in line with best practices of EU member states.

2. INTERVENTION LOGIC

LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	
To ensure rule of law and fundamental rights in Turkey fully in line with international and European standards.	Level of progress achieved towards meeting accession criteria.	EU Regular Reports on Turkey's Progress towards accession.	
SPECIFIC OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	ASSUMPTIONS
To further strengthen and make more concrete and visible the independence, impartiality, efficiency and administration of the judiciary; to continue with the reform of the penitentiary system.	Decrease in number of ECHR violations. Number of pending cases and duration of proceedings – improvement of clearance rate for backlog in courts:	Judgments and statistics of ECtHR. Statistics released by MoJ, and CEPEJ a	Close cooperation and full commitment of all stakeholders.
RESULTS	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	ASSUMPTIONS
Strengthening Independence, Impartiality & Accountability of the Judiciary Result 1: More transparent, fair inspection system of judges & prosecutors developed.	Result 1: Number of complaints to the High Council of Judges & Prosecutors on inspection system Number of complaints to the High Council of Judges & Prosecutors on promotion and disciplinary procedures	Result 1: Statistics released by HCJP	Close cooperation and full commitment of all stakeholders
Improving Professionalism and Competence of the Members of the Judiciary & Auxiliary Personnel Result 2: Increased effectiveness of auxiliary staff supporting the judges and prosecutors	Result 2: Number of trained auxiliary personnel per year Quality of services provided by auxiliary staff improved, workload of judges/prosecutors Quality of reports submitted to courts by Psychologist, Social Workers and Pedagogues	Result 2: EU Commission's Special Missions' Reports on Judiciary Statistics released by MoJ.	Close cooperation and full commitment of all stakeholders
Improving Efficiency and Effectiveness of the judiciary Result 3: Improved effective and accurate investigation system developed through improving and standardizing the investigation techniques used by prosecutors.	Result 3: Compliance of indictments with the final judgments of the pilot first instance courts .	Result 3: Statistics released by MoJ	Close cooperation and full commitment of all stakeholders. Permission by High Council for Judges and Prosecutors for

			attendance of Judges to training and other programmes. Commitment of other
Result 4: Established improved judicial notification system	Result 4: Length of proceedings due to problems in the judicial notification system	Result 4: Statistics released by MoJ, CEPEJ	Close cooperation and full commitment of all stakeholders.
Result 5: Established credible and accurate judicial statistics system	Result 5: Accuracy and credibility of judicial statistics in line with EU standards...	Result 5: Statistics released by MoJ, CEPEJ	Close cooperation and full commitment of all stakeholders.
Result 6: Strengthened institutional capacity of the enforcement offices	Result 6: Number of the civil enforcement offices which new structure disseminated Public confidence in enforcement system .	Result 6: Statistics released by MoJ Surveys	Close cooperation and full commitment of all stakeholders.
Result 7: Established legal and institutional structure for victims.	Result 7: Provincial structures dealing with victim rights established Provisions of the EU directive on compensation to victims internalized .	Result 7: Statistics released by MoJ	Close cooperation and full commitment of all stakeholders.
Result 8: Effectiveness of the administrative judiciary increased.	Result 8: Number of pending cases in administrative judiciary	Result 8: Statistics released by MoJ, CEPEJ	Close cooperation and full commitment of all stakeholders.
Improving Conditions of Prisons and Execution Regime Result 9: Established offender assessment System for conditional release implementation.	Result 9: Recidivism rate	Result 9: Statistics released by MoJ.	Close cooperation and full commitment of all stakeholders.
Result 10: A standardized discipline and reward regime and efficient civil monitoring system established.	Result 10: Number of rewards granted to inmates Number of disciplinary punishments given to inmates, cases brought to courts	Result 10: Statistics released by MoJ.	Close cooperation and full commitment of all stakeholders.

	Number of complaints to the human rights monitoring institutions (TGNA Human Rights Commission, Ombudsman, Human Rights Institute, DG for Prisons, Civil Monitoring Boards, relevant NGOs)		
ACTIVITIES	MEANS	OVERALL COST	ASSUMPTIONS
Activities to achieve Strengthening Independence, Impartiality & Accountability of the Judiciary:			
Activity 1.1 on Developing Inspection Standards for Impartial and Independent Judiciary	Activity 1.1 Direct Grant	Total Cost 31.260.000 € EU Contribution 28.657.500 €	-Stakeholders' dedication to participate and cooperate throughout process
Activities to achieve Improving Professionalism and Competence of the Members of the Judiciary & Auxiliary Personnel			
Activity 2.1 Activity on Increasing Efficiency of Auxiliary Staff in Judicial Services and the Quality of Trainings (Twinning Component)	Activity 2.1, Twinning		-Revision of the secondary legislation covering performance and disciplinary provisions
Activities to achieve Improving Efficiency and Effectiveness of the judiciary			
Activity 3.1 Activity on Improving Investigation Techniques and Enhancing Effectiveness of the Public Prosecution Offices	Activity 3.1 Direct Grant		-Stakeholders' dedication to participate and cooperate throughout process
Activity 3.2 Activity on Improving Judicial Notification System	Activity 3.2 Twinning		-Stakeholders' dedication to participate and cooperate throughout process -Political commitment to amend the existing legislation
Activity 3.3. Activity on Increasing the Capacity and Quality of Judicial Statistics	Activity 3.3 Technical Assistance		-Awareness of the judicial personnel on importance of true entry of data to system -Readiness and availability of technical infrastructure and UYAP software

Activity 3.4. Activity on Improved Capacity of Civil Enforcement Offices (Phase II)	Activity 3.4 Twinning		-Political commitment for continuation of legislative and administrative reforms -Willingness of the personnel for newly established procedures
Activity 3.5 Activity on Strengthening the Victim Rights in Criminal Justice System	Activity 3.5 Twinning		-Full establishment and functioning of the Victim Rights Department and its local branches
Activity 3.6 Activity on Improving the effectiveness of the administrative judiciary and strengthening the Institutional Capacity of Council of State	Activity 3.6 Direct Grant for the component of strengthening the Institutional Capacity of Council of State. Twinning for the component of improving the effectiveness of the administrative judiciary		- Willingness of Council of Europe and European Union for cooperation and participation to activities - Stakeholders' dedication to participate and cooperate throughout process
Activities to achieve Improving Conditions of Prisons and Execution Regime			
Activity 4.1 Activity on Strengthening the Penitentiary Regime and Improving The Conditional Release Implementation in Turkish Penitentiary System to Prevent Recidivism	Activity 4.1 Direct Grant		-Continuation of political commitment of the Turkish Government to make a progress for prisons and detention conditions in line with EU standards
Activity 4.2 Activity on Improving the Disciplinary and award procedures for inmates and Enhancing the effectiveness of civil monitoring boards	Activity 4.2 Direct Grant		-Continuation of political commitment of the Turkish Government to make a progress for prisons and detention conditions in line with EU standards

ADDITIONAL DESCRIPTION

ACTION I: STRENGTHENING INDEPENDENCE, IMPARTIALITY AND ACCOUNTABILITY OF THE JUDICIARY

Activity 1.1 on Developing Inspection Standards for Impartial and Independent Judiciary

The activity aims to review the inspection system for judges and prosecutors which has been at the core of discussions concerning independence and impartiality of the judiciary. The most important tool in terms of independence of judiciary is the inspection of judges and public prosecutors in Turkey. Reports prepared by inspectors are considered by High Council of Judges and Prosecutors as key documents when appointing or promoting judges and prosecutors. In this context, the ordinary and extraordinary inspections conducted by judicial inspectors are of great importance for judges and prosecutors in their careers since the evaluation made by inspectors are used as a ground for prospective tasks (higher or lower positions).

The eligibility criteria to be an inspector are to perform 5 years as a judge or public prosecutor and to be deemed distinguished. The conditions of the second criteria are not clear. Implementation of these criteria gives path to the inspection of experienced judges and public prosecutors by less experienced judicial inspectors in some cases which is a source of concern in terms of judicial independence. The other important aspect of the system is the ambiguity of the margin of discretion of the inspectors which may hamper equal treatment.

Within this framework, the objective of the activity is to contribute independence of judiciary by providing more transparent, fair inspection system by strengthening the tenure of judges. In this sense; the current inspection system will be analyzed thoroughly, the legislation covering inspection system will be revised in line with good practices of the member states of the EU. As result, evaluation criteria and inspection procedures for judges and prosecutors will be revised to be more objective, fair, transparent and guiding.

ACTION II: IMPROVING PROFESSIONALISM AND COMPETENCE OF THE MEMBERS OF THE JUDICIARY AND AUXILIARY PERSONNEL

Activity 2.1 on Increasing Efficiency of Auxiliary Staff in Judicial Services and the Quality of Trainings

There are three main components of this Activity.

The first component aims to establish fair and objective performance criteria for the auxiliary staff with the aim of contributing to the effectiveness of the judiciary through increasing the motivation of the auxiliary staff. It will increase the effectiveness of auxiliary staff. In line with 2008 AP priority concerning the follow-up the reforms in public administration and personnel policies with a view to ensuring broader effectiveness, financial liability and transparency, the Ministry of Justice foresees the need of performance criteria in judiciary in order to ensure the implementation of personnel policies efficiently and effectively. The main stakeholders are DG for Personnel, Training Department, Strategy Development Unit and Internal Audit Unit. The planned activities are as follows:

- revision of performance criteria, making amendments in domestic legislation by getting inspiration from best practices of EU countries and developing the implementation in this direction
- training of personnel in pilot courts
- determining performance benchmarks necessary for realizing targets, timely and just application of determined performance benchmarks to auxiliary personnel

- comparing and evaluating performance outcomes expected from the personnel and the success achieved
- creating an effective communication and understanding environment between unit chiefs and personnel
- making joint efforts with unit chiefs and personnel in order to improve their performance
- introducing an effective reward system for successful personnel in order to increase their motivation
- supporting training-development and career planning.

The second component of the Activity aims to increase the efficiency and effectiveness of psychologists, pedagogues and social workers serving at family and juvenile courts. The activity will ensure standardization in the reports prepared, increase the quality of the reports and introduce the good practices to the system and the legislation. There are 110 psychologists, 100 social workers and 101 pedagogues serving in family and juvenile courts in Turkey. The expected results from the Activity are as follows:

- restructuring the organization of family and juvenile courts in the light of applicable examples and project outputs
- increasing the effectiveness and efficiency of the psychologists, pedagogues and social workers serving at family and juvenile courts
- reaching standardization and increasing quality of the reports prepared by psychologists, pedagogues and social workers
- introducing the best practices, applied in the EU Countries to the system and the legislation,
- providing training on increasing the knowledge and skills of psychologists, pedagogues and social workers at the pilot courts.

As a third component, the Activity will focus on establishment of a training system for the auxiliary staff. The Ministry of Justice employs approximately 45.000 auxiliary staff under different categories. The personnel other than judges and public prosecutors are called as “auxiliary staff” in the judiciary. For the time being, an efficient training system does not exist for pre-service and in-service training of auxiliary personnel. Therefore, there is a strong need to establish common working procedures and standards for auxiliary staff by trainings and to establish a training centre. This activity will contribute to provide conformity of different practices of auxiliary staff in different courts and in central organization. Additionally, this activity will improve the quality of services provided by auxiliary staff and ease the workload of judges and public prosecutors. Increased competence of the auxiliary personnel through trainings will pave way for delegation of some more tasks to auxiliary staff which in return would increase the quantity of adjudicated cases, shorten the turnaround time and decrease backlogs and it would allow the judges/public prosecutors to concentrate on their major function, i.e. to participate in court proceedings and decide cases.

The expected results are as follows:

- establishment of candidacy/orientation and in-service training systems for the auxiliary personnel and judicial expert assistants.
- construction of a model training centre where candidacy/orientation training and in-service training of the auxiliary personnel and judicial expert assistants will be conducted.

Since the Justice Academy is not given any role to provide trainings for auxiliary personnel, the Training Department of the MoJ arranges all of the training activities with close cooperation DG for Personnel. Therefore, the Training Department will be the main beneficiary of the proposed Activity.

ACTION III: IMPROVING EFFICIENCY AND EFFECTIVENESS OF THE JUDICIARY

Activity 3.1 on Improving Investigation Techniques and Enhancing Effectiveness of the Public Prosecution Offices

The specific objective of the activity is to increase the efficiency of the Turkish criminal justice system by improving and standardizing the investigation techniques used by public prosecutors in Turkey, thus, to establish a prompt, effective and accurate investigation system through dissemination of model practices. Within the scope of the Activity, the subheadings included below will be addressed:

- Protection Measures, search, seizure, arrest, custody, detection of the communication, confidential investigator, tracking with technical means.
- Investigation phase, effective investigation techniques, special investigation procedures, techniques of taking statement.
- Forming Check Lists of steps to be followed for specific crime types

Activity 3.2 on Improving Judicial Notification System

Activity aims to improve the implementation of the judicial notifications system and thereby accelerate the judicial procedures. Through the activity, technological developments will be incorporated into the existing system and actors involved in judicial notification procedures will be trained.

Activity 3.3 on Increasing the Capacity and Quality of Judicial Statistics

Directorate General for Judicial Records and Statistics is the responsible unit within the Ministry of Justice for collecting statistics from relevant judicial institutions and drawing scientific conclusion from the data collected. Currently, judicial statistics are collected through UYAP system. However this method is not sufficient enough in terms of data variation and lacking in interpreting data in a speedy and scientific way. Therefore, the activity aims at providing the data to be entered to UYAP system correctly and producing the judicial statistics truly, reliably, impartially and timely. It will light up the way for decision-makers through the data to be obtained by meeting the needs reported by the units using the judicial statistics, and will increase the capacity of determining, in general, the data, to be possibly needed and of gathering them. The project activities will mostly focus on training of the personnel who are responsible for entering data to the statistics system. Furthermore, the personnel at the headquarters of the MoJ will be trained for collecting and mining of judicial statistics. Additionally, judges and experts working at different departments of the Ministry such as DG for Legislation, DG for Prisons and Detention Houses and Strategy Development Unit who use judicial statistics in their daily work will be trained on reading and interpreting collected data. Although, formerly two EU Projects (Judicial Modernisation and Penal Reform, and Performance Assessment and Management System for Judiciary) were implemented in the same field, this Activity will specifically focus on the training of the personnel other than those working in the MoJ and variation of data pool will be aimed. The training activities of the first project mostly aimed at training of personnel working at the MoJ for usage of the technical equipment provided by the project. Since Turkey provides judicial statistics for many related international institutions and organizations, building up a strong and reliable statistics system will also contribute to the international field.

Activity 3.4 on Improved Capacity of Civil Enforcement Offices (Phase II)

The activity aims to contribute to the increase confidence in the judiciary by means of ensuring the functioning of enforcement services in an effective, impartial, foreseeable and consistent manner. An EU funded project supported the reform of enforcement offices under 2009 programming year of the IPA-I. The new activity proposal under IPA-II 2014 programming aims at new aspects which have not been touched by in the first project. The first project was implemented in 7 pilot enforcement offices relevantly small and medium sized sub-provinces. This activity will elaborate a new enforcement model for bigger cities in Turkey. In addition, quality management system for

enforcement services will be handled specifically and in a detailed manner. For this title good practices of EU MSs will be examined and will be reflected to Turkish system.

Another important and problematic field in enforcement system is management of trustee storages which are used for seized goods in enforcement process. The current practice in Turkey causes serious damages and losses of seized goods resulting in sales in undervalue prices in auctions. The persons in charge of managing trustee storages do not require licences or certificates. Therefore, criminals or organized groups involve in management of these storages and this result serious impediments on property rights of both debtors and creditors in the judicial process. Through this activity, trustee storages will be reformed and a system of licence and certification will be introduced.

The main stakeholders are DG for Personnel, DG for Civil Affairs, Department of Administration and Financial Matters, Training Department.

Activity 3.5 on Strengthening the Victim Rights in Criminal Justice System

In Turkish judicial system, there is no specific legislation in the field of victim rights. From this stand point, the victims or persons affected by the crime are immensely left alone in the judicial process. Focusing on the punishment of the accused, the system has not embraced a compensatory and preventive approach towards the impact and traces of the crime on the victim. For this reason, it is aimed to establish institutional and legal infrastructure in order to increase awareness towards victim rights and develop these rights in all parts of the country.

Likewise the legislation, a complete institutional structure has not been achieved in full sense. Although the Department of Victim Rights established in November 2013 within the MoJ, the organisational and legal infrastructure needs to be improved.

Activity 3.6 on Improving the effectiveness of the administrative judiciary and strengthening the Institutional Capacity of Council of State

There are two main components of this Activity. One component will focus on the Council of State as the highest court and the other on the Turkish administrative judiciary system in general.

The Council of State which is the main beneficiary of the Activity stands as the highest judicial institution in the administrative judiciary. This judicial institution has a crucial role in ensuring the rule of law and protecting individuals' rights. To implement the explained roles in parallel with EU Standards and in line with judgments of ECtHR, members, judges and advocates generals serving at the Council of State need to be furnished with sufficient knowledge of EU Member States' practices on administrative law. This will be done through various types of training activities such as seminars, workshops, international symposia along with placements in EU Institutions, Council of Europe and ECtHR.

The activity aims at supporting the reform in Turkish administrative judiciary in terms of legislative and institutional changes. Turkish administrative judicial system consists of three instances: administrative and tax courts, regional administrative courts and the Council of State. Although there are 25 regional administrative courts, these courts are not working as classical appeal courts. According to Turkish administrative law, some of the cases finalized before regional administrative courts but on the other hand some other cases are finalized before the Council of State. For this reason, regional courts are the final instance of the cases that are mentioned in the law. By the help of this activity, the regional courts can be transformed into appeal courts.

Apart from this, lack of alternative dispute resolution methods (ADR methods) in administrative judiciary is a significant reason for the heavy workload. The ADR methods which will be discussed through the activity are believed to ease the workload in the administrative judiciary. Therefore,

recognizing the best practises in the EU member states and learning the implementation of the ADR methods in these countries will contribute the efforts for improving the effectiveness in the Turkish administrative judiciary.

In addition to these, special trial procedures in administrative law are mentioned as another way of decreasing the workload and finalizing the cases in a reasonable time. Pilot judgement procedure for group cases and accelerated trial procedures are regarded as examples of special trial procedures. In this scope, there is a draft legislation in the Grand National Assembly of Turkey related with these procedures and this draft legislation is expected to be adopted in the near future. Hence, gathering information about the best practices in the EU member states in the scope of this activity will give a great assistance to Turkey. This activity will improve the judicial skills of administrative judiciary in the fields mention above.

ACTION IV: IMPROVING CONDITIONS OF PRISONS AND DETENTION HOUSES AND EXECUTION REGIME

Activity 4.1 Strengthening the Penitentiary Regime and Improving the Conditional Release Implementation in Turkish Penitentiary System to Prevent Recidivism

There will be two components of the Activity.

The first component will focus on improving the offender assessment system for conditional release.

The current penitentiary system lacks the criteria and data collection and data analysis tools for calculation and interpretation of recidivism rates. This drawback also impedes the comparison of national situation with international expectations, which makes it difficult to find realistic, measurable and concrete solutions. Therefore, the penitentiary system obviously needs the development of a statistics system that enables commensurability of national data with international documents such as SPACE-I/II.

Expected results of the Activity component are:

- 1) An electronic system for the purposes of collecting, processing, interpreting and stocking data in relation to factors like recidivism, suicides, releases, entries, discipline cases, etc. will be developed.
- 2) The methodology and standards for the estimation of offenders' recidivism rates will be identified in order to determine realistic and measurable targets and methods to reduce recidivism.
- 3) The current offender assessment system for conditional release will be identified.
- 4) The capacity of the staff that are in charge of the assessment of offenders for conditional release will be increased.

The second component will target establishment of a professional human resources management system for the Turkish Penitentiary System which is rapidly growing with more than 50.000 staff. With this activity, the human resources unit within the General Directorate will attain an efficient standards set for recruitment and personnel evaluation. A centralised and electronic personnel management system to be developed with this project will assist a more efficient enforcement service through specialization of staff.

The rapidly growing penitentiary system is facing difficulties in recruitment, promotion, transfer, circulation, performance evaluation, and other procedures about staff. Primarily, a well-defined recruitment policy should be developed so as to overcome dissatisfaction with the job, unfair assignments within the organization, which are only two of the problems that unfortunately end up in discipline cases or prisoner rights violations. Besides, the assignment of staff to work with the prisoners with special needs, such as women, juveniles, the old, foreigners, the terminally ill and the LGBT prisoners lacks a well-defined set of criteria. These issues finally refer to a mainstream problem which can be named "human resources management" problem which reduces the quality and efficiency of enforcement regime. The following stakeholders are important for the activity: Prison

staff, families of the staff, prison administrators, external security staff in prisons, prisoners, authorities from the General Directorate of Detention Houses. Prisoners, staff and related institutions' complaints about prisons and enforcement conditions and experiences from previous EU projects have been considered during the preparation of activity.

Expected results of the Activity component are:

- An effective human resources department will be established within the General Directorate of Prisons and Detention Houses
- Needs assessment methods, recruitment criteria and standards will be developed for better employment of prison staff.
- Standards for promotion, performance assessment, reward and discipline procedures of prison staff will be developed.
- An electronic “Staff Management System” will be established to administer transfers, promotions and internal assignments of staff systematically.
- Support services will be developed so that crisis-management capacity of prison staff will be improved.

Activity 4.2 Improving the Disciplinary and award procedures for inmates and Enhancing the effectiveness of civil monitoring boards

The primary discipline issues about prisoners result from the lack of unity or standardization of discipline and reward practices in prisons. The solution of the problem is two-fold; first will depend on the improvement and standardization of enforcement implementations and raising awareness of the staff about the issue and second on the enhancement of administrative and civil monitoring mechanisms that will enable the sustainability of the betterments achieved.

The main objective of the activity is to strengthen the legislation and enforcement practices towards a more decent and humane line in compliance with international standards. This objective includes increasing the role and efficiency of civil monitoring mechanisms in prisons.

Through this activity, a standardized discipline and reward regime and an efficient monitoring system will be achieved. Thus, complaints about violation of rights and differentiations among discipline implementations will be reduced.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

The **leading institution** in the judiciary sub-field is the *Ministry of Justice*. Besides, the *High Council of Judges and Prosecutors*, the *Justice Academy*, *High Courts*, *Turkish Bar Association* will be other **key institutions** in IPA II period.

As a leading institution, The Ministry of Justice is given important responsibilities and powers to ensure well functioning of the justice system. The Ministry of Justice is the main responsible executive institution for forming the justice policy and carry out the administrative duties for better serving of the justice system. In this regard, opening and organizing courts which already have been established by law, planning, establishing and improving all levels and types of judicial institutions such as prisons and correctional facilities, enforcement and bankruptcy offices are among the duties of the Ministry of Justice. Additionally, drafting and delivering legislation concerning justice services, conducting researches for better functioning of the justice system are some of other important functions.

The role of the High Council in this sub-field is particularly of importance since the Council is responsible for procedures regarding the promotion and classification, appointing or transferring to another locality and inspecting whether judges and prosecutors perform their duties in compliance

with laws. Therefore, the High Council has unique responsibility in ensuring not only the independence and impartiality, but also efficiency and effectiveness of the judiciary.

The Justice Academy has a central role in training of civil, administrative and military judges and prosecutors. The Academy can also organize training programmes for lawyers, notaries upon their demand. The Academy also organizes special programs in various fields, seminars, symposia, conferences and similar events.

Turkish Bar Association is a professional organization established by law representing local bars and their members.

Other than the counted institutions, there exist several judicial, administrative and professional institutions. The Constitutional Court, the Court of Cassation, Council of State, the Military Court of Cassation, the High Military Administrative Court, the Department of Military Justice Affairs of the Ministry of Defence and local courts are stakeholders and probable beneficiaries of actions supported by IPA II programming. In addition to Turkish Bar Association, the Turkish Notaries Association serves as a professional organization in the justice sector. Besides, a few numbers of NGOs have been established in the justice sector in recent years like YARSAV, Demokrat Yargı etc.

During the IPA I period, Project Coordination Board, which meets under the chairmanship of Deputy Undersecretary periodically, acted as a coordinating mechanism for the projects conducted by MoJ. In these meetings, high level representatives from different departments of MoJ are able to table the new project ideas and the problems regarding their ongoing projects so that duplications are prevented and solutions can be produced in the first place.

For the IPA II period, considering the new leading role of MoJ in judiciary sub-field, the scope of Project Coordination Board 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 “EU Project Implementation Unit” 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 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 beneficiary for the activities they had propose and the MoJ will do her coordination duty as a leading institution in this field.

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

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

<p>Activity 1.1 on Developing Inspection Standards for Impartial and Independent Judiciary</p>	<p>Direct Grant to Council of Europe:</p> <p><i>Justification:</i> The direct award is based on Article 190 (1)(f) of the Rules of Application of the Financial Regulation on account of the CoE's technical competence and high degree of specialization on securing the impartiality and independence of the judiciary based on its already developed a significant corpus juris dedicated to accountability in the judicial field. Having 47 Members which include all of the EU Member States, the Council of Europe is in a unique position to draw on the expertise and lessons learnt from a wide spectrum of legal traditions in this field.</p>
--	--

Activity 2.1 Activity on Increasing Efficiency of Auxiliary Staff in Judicial Services and the Quality of Trainings.	Twinning
Activity 3.1 Activity on Improving Investigation Techniques and Enhancing Effectiveness of the Public Prosecution Offices	Direct Grant to Council of Europe: <i>Justification:</i> The direct award is based on Article 190 (1)(f) of the Rules of Application of the Financial Regulation on account of the CoE's technical competence and high degree of specialization on the functioning of prosecution services through its unique expertise i.e. the inputs from its different bodies (ECtHR, Commissioner for Human Rights, Venice Commission, CEPEJ, CCJE, CCPE etc.) as well as from its network of international and national consultants.
Activity 3.2 Activity on Improving Judicial Notification System	Twinning
Activity 3.3. Activity on Increasing the Capacity and Quality of Judicial Statistics	Technical Assistance
Activity 3.4. Activity on Improved Capacity of Civil Enforcement Offices (Phase II)	Twinning
Activity 3.5 Activity on Strengthening the Victim Rights in Criminal Justice System	Twinning
Activity 3.6 Activity on Improving the effectiveness of the administrative judiciary and strengthening the Institutional Capacity of Council of State	Twinning, and Direct Grant to Council of Europe: <i>Justification:</i> The direct award is based on Article 190 (1)(f) of the Rules of Application of the Financial Regulation on account of the CoE's technical competence and high degree of specialization on proper functioning of legal instruments in administrative law and justice. The Council is the primary standard-setting body in this field and at the forefront in following and analysing the developments in the case-law of the European Court of Human Rights in these areas.
Activity 4.1 Activity on Strengthening the Penitentiary Regime and Improving The Conditional Release Implementation in Turkish Penitentiary System to Prevent Recidivism	Direct Grant to Council of Europe: <i>Justification:</i> The direct award is based on Article 190 (1)(f) of the Rules of Application of the Financial Regulation on account of the CoE's technical competence and high degree of specialization on penitentiary through its unique standards in this field (the European Prison Rules) and the monitoring mechanisms put in place to supervise their implementation by the member

	states
Activity 4.2 Activity on Improving the Disciplinary and award procedures for inmates and Enhancing the effectiveness of civil monitoring boards	<p>Direct Grant to Council of Europe:</p> <p><i>Justification:</i> The direct award is based on Article 190 (1)(f) of the Rules of Application of the Financial Regulation on account of the CoE's technical competence and high degree of specialization on penitentiary. The CoE is the only European intergovernmental organisation with an extensive and recognised standing in the area of human rights' protection including in relation to prisons, probation and the police. In addition to well-known standards of the European Prison Rules, the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT) has the unique role in monitoring all places of detention in member states.</p>

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING (AND EVALUATION)

The Beneficiary will monitor closely the activities under this Action.

Interim reports, midterm reports (every 3 months) and final reports will be prepared by the contractors.

Further, 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.

INDICATOR MEASUREMENT

Indicator	Description	Baseline (year)	Last (year)	Milestone 2017	Target 2020	Source of information
<i>CSP indicator(s) – if applicable</i>						
<i>Level of progress achieved towards meeting accession criteria.</i>						<i>EU Progress Reports-</i>
<i>Action outcome indicator1 ECHR violations</i>	<i>Number of violation judgements by ECHR</i>	<i>(2013) 10.931</i>	<i>(2014) 16.876</i>	<i>12.000</i>	<i>10.000</i>	<i>ECHR</i>
<i>Action outcome indicator2 Backlog in courts(civil, criminal, administrative courts)</i>	<i>Improvement of clearance rate through reduction in number of pending cases and duration of proceedings</i>	<i>(2010) 58,09</i>	<i>(2014) 62,08</i>	<i>65</i>	<i>70</i>	<i>CoE-CEPEJ, Data provided by National Judicial Network System (UYAP)</i>
<i>Action output indicator 1</i> <i>Number of complaints to the High Council of Judges & Prosecutors on inspection system decreased.</i> <i>Number of complaints to the High Council of Judges & Prosecutors on promotion</i>	<i>Linked to Activity 1.1</i>	<i>(2013) 89</i>	<i>(2014) 100</i>	<i>80</i>	<i>50</i>	<i>High Council of Judges & Prosecutors statistics</i>

Indicator	Description	Baseline (year)	Last (year)	Milestone 2017	Target 2020	Source of information
<i>and disciplinary procedures decreased.</i>						
<i>Action output indicator 2</i> <i>Number of trained personnel per year increased.</i> <i>Quality of services provided by auxiliary staff improved, workload of judges/prosecutors decreased.</i> <i>Quality of reports submitted to courts by Psychologist, Social Workers and Pedagogues increased.</i>	<i>Linked to Activity 2.1</i>	<i>Surveys to be conducted to measure the "quality" indicators</i>				<i>Technical Reports by activity implementers</i> <i>Survey Results</i>
<i>Action output indicator 3</i> <i>Compliance of indictments with the final judgments of the pilot first instance courts increased.</i>	<i>Linked to Activity 3.1</i>	<i>(2013) %30 of the indictments</i>	<i>(2014) % 35 of the indictments</i>	<i>%60</i>	<i>%80</i>	<i>Pilot Court statistics</i>
<i>Action output indicator 4</i> <i>Length of proceedings due to problems in the judicial notification system decreased.</i>	<i>Linked to Activity 3.2</i>	<i>20% of the total cases are prolonged due to the Mistakes in judicial notification system</i>	<i>20% of the cases are prolonged due to the Mistakes in judicial notification system</i>	<i>Standardisation of the judicial notification system has been provided. 10 % or less</i>	<i>5% or less cases are prolonged due to the mistakes in the judicial notification system</i>	<i>MoJ statistics</i>

Indicator	Description	Baseline (year)	Last (year)	Milestone 2017	Target 2020	Source of information
				<i>cases are prolonged due to mistakes in judicial notification system</i>		
<i>Action output indicator 5</i> <i>Accuracy and credibility of judicial statistics increased in line with EU standards.</i>	<i>Linked to Activity 3.3</i>	<i>National statistics are not compatible with EU standards</i>	<i>National statistics are not compatible with EU standards</i>	<i>The method and the content of the statistics will be revised in line with EU standards</i>	<i>The method and the content of the statistics will be revised in line with EU standards</i>	<i>CEPEJ</i>
<i>Action output indicator 6</i> <i>Number of the enforcement offices which new structure implemented</i> <i>Public confidence in enforcement system increased.</i>	<i>Linked to Activity 3.4</i>	2013 7 <i>Surveys to be conducted</i>	2014 8	12 <i>Public confidence to enforcement system will be increased 20 % in pilot</i>	15 <i>Public confidence to enforcement system will be increased 30 % in 30 courthouses</i>	<i>Statistics released by MoJ</i> <i>Technical Reports by activity implementers</i> <i>Survey Results</i>

Indicator	Description	Baseline (year)	Last (year)	Milestone 2017	Target 2020	Source of information
				<i>courts</i>		
<i>Action output indicator 7</i> <i>Provincial structures dealing with victim rights established.</i> <i>Provisions of the EU directive on compensation to victims internalized.</i>	<i>Linked to Activity 3.5</i>	<i>Infrastructure and legal background of the Unit is insufficient</i>	<i>The central unit of Victim Rights established in November 2013</i>	<i>The provincial structures are established</i>	<i>Provisions of the EU Directive 2004/80/EC has been internalized</i>	<i>MoJ Reports</i> <i>TR Official Gazette</i>
<i>Action output indicator 8</i> <i>Decisions that contain references to ECtHR case law and/or the ECHR and the ESJ increased.</i>	<i>Linked to Activity 3.6</i>	<i>Survey will be conducted</i>	<i>Survey will be conducted</i>	<i>References to the ECtHR case-law and/or the ECHR will be increased 20%.</i>	<i>References to the ECtHR case-law and/or the ECHR will be increased 30%.</i>	<i>Council of State statistics</i>
<i>Workload in administrative judiciary decreased.(number of pending cases)</i>		<i>(2013) 176.740</i>	<i>(2014) 187.085</i>	<i>150.000</i>	<i>120.000</i>	<i>Council of State statistics</i>
<i>Action output indicator 9</i> <i>Recidivism rate decreased.</i>	<i>Linked to Activity 4.1</i>	<i>Baseline data for recidivism rate to be constructed through the activity itself.</i>				<i>Technical Reports by activity implementers</i> <i>Ministry of Justice, Directorate General for Prisons and Detention Houses, Personal Department, Annual prison staff satisfaction survey results</i>

Indicator	Description	Baseline (year)	Last (year)	Milestone 2017	Target 2020	Source of information
<i>Number of disciplinary cases of the prison staff decreased.</i>		<i>(2013) 775 (number of disciplinary cases)</i>	<i>(2014) 945 (number of disciplinary cases)</i>	<i>930 (number of disciplinary cases)</i>	<i>900 (number of disciplinary cases)</i>	<i>Statistics of MoJ Directorate General of Prisons and Detention Houses</i>
<i>Action output indicator 10</i>	<i>Linked to Activity 4.2</i>					<i>MoJ statistics</i>
<i>Number of rewards granted to inmates increased</i>		<i>(2013) % 64</i>	<i>(2014) % 64</i>	<i>% 66</i>	<i>% 68</i>	
<i>Number of disciplinary punishments given to inmates decreased</i>		<i>(2013) 601</i>	<i>(2014) 428</i>	<i>570</i>	<i>550</i>	
<i>Number of complaints to the human rights monitoring institutions decreased (TGNA Human Rights Commission, Ombudsman, Human Rights Institute, DG for Prisons, Civil Monitoring Boards, relevant NGOs),</i>						

5. CROSS-CUTTING ISSUES

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

According to the OECD-DAC's methodology, in the activities foreseen, environment and climate change (mitigation and/or adaptation) should be classified as "not targeted" (Rio markers), as these issues are not relevant in the context of this action. The activities on this Action Programme are envisaged not to have any negative effect to climate change.

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

The actions will be conducted in close cooperation with the civil society organizations. In the scope of the preparation of the Sector Planning Document and the Action Document-2014 under IPA II term, professional organisations such as Turkish Bar Association and Turkish Notaries Association were visited and informed about the EU Funding opportunities under IPA II. They were also invited to submit their activity proposals and their opinion was demanded on SPD in general terms. In addition to professional organisations, NGOs in the judiciary will be informed about the new IPA term and their opinions and proposals will be asked.

EQUAL OPPORTUNITIES AND GENDER MAINSTREAMING

The principle of equal opportunity will be integrated into all stages of the project 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. Both women and men have identical prospects. Nevertheless, 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.

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.

6. 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 internalize EU values because all the governments in power in this period have the belief that internalizing these values are beneficial for citizens in order to live in a more democratic and free country. In this scope, the commitment that has been made by Turkey is the key factor for the future sustainability of the action results.

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

Activities to be implemented in IPA II term will bring structural changes in some of judicial institutions or they will support establishment of new structures such as Department of Victim Rights,

training centre for auxiliary personnel, etc. Besides, amendments will be made in relevant legislation especially aiming at accelerating judicial procedures. The outcomes of these changes will continue to be implemented after the end of each activity. Pilot implementation models and their positive effects will be spread along with the Country. Besides, training modules and materials will continue to be used as long as they need further updates. Trained judges, prosecutors and auxiliary personnel through activities supported by IPA II funding will be at the disposal of clients of judicial services until they retire or resign. They will also transmit their knowledge and experience gained through activities to their peers. Additionally, beneficiary institutions will have chance to benefit from mentioned trained persons in future training activities.

7. COMMUNICATION AND VISIBILITY

MoJ will ensure the visibility of activities covered by this Action Document 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 products.