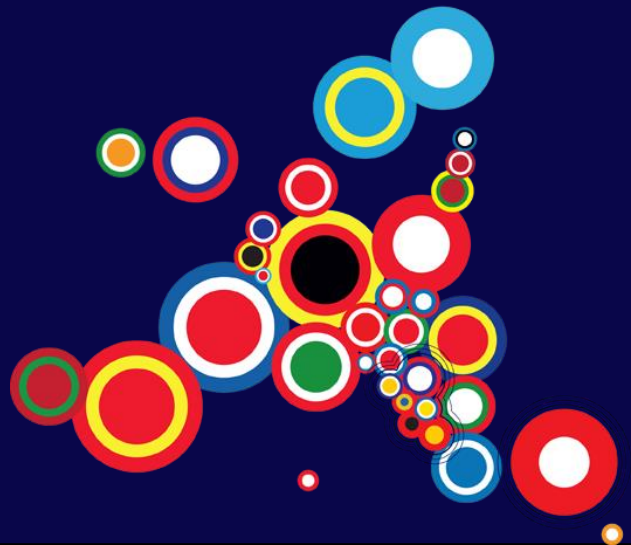




INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

TURKEY EU SUPPORT TO HOME AFFAIRS – PART III



Action summary

This Action builds on the support in the Home Affairs sector provided to Turkey in previous IPA II programming years. The objective is to strengthen Turkey's legal and administrative framework in the field of Home Affairs in line with the EU *acquis* and EU standards on migration management.

The expected results of this Action are contribution to the fulfilment of Turkey's commitments under the EU-Turkey statement, strengthened institutional capacities of removal centres, enhanced procedural safeguards for access to rights and services in removal centres, and sustainable pathways for alternatives to administrative detention.

THIS SECTION SHOULD BE FILLED IN BY THE EU DELEGATION/EU OFFICE

Action Identification	
Action Programme Title	Annual Action Programme for Turkey 2019
Action Title	EU Support to Home Affairs – Part 3 – Support to managing irregular migration in Turkey in view of the implementation of the EU Turkey Statement
Action ID	IPA 2019/42258//Turkey/EU support to Home Affairs – Part 3
Sector Information	
IPA II Sector	Rule of Law and Fundamental Rights
DAC Sector	15110 - Public sector policy and administrative management
Budget	
Total cost	EUR 25 800 000
EU contribution	EUR 25 800 000
Budget line(s)	22.020301
Management and Implementation	
Method of implementation	Direct Management for Activity 1 Indirect Management for Activity 2
National authority or other entrusted entity	Activity 1 will be implemented under direct management by EUD. Activity 2 will be implemented in indirect management by a pillar assessed entity.
Implementation responsibilities	Activity 1: Directly Awarded Grant with DGMM Activity 2: Indirect management with a pillar assessed international organisation The Implementation responsibilities lay with the Ministry of Interior and the Directorate for Migration Management (DGMM), as the Main Beneficiaries of the Action.
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 2020
Final date for concluding contribution/delegation agreements, procurement and grant contracts	3 years following the date of conclusion of the Financing Agreement, with the exception of cases listed under Article 114(2) of the Financial Regulation
Indicative operational implementation period	6 years following the conclusion of the Financing Agreement

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	<input type="checkbox"/>	x	<input type="checkbox"/>
Aid to environment	x	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality (including Women In Development)	<input type="checkbox"/>	x	<input type="checkbox"/>
Trade Development	x	<input type="checkbox"/>	<input type="checkbox"/>
Reproductive, Maternal, New born and child health	x	<input type="checkbox"/>	<input type="checkbox"/>
RIO Convention markers	Not targeted	Significant objective	Main objective
Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
Combat desertification	X	<input type="checkbox"/>	<input type="checkbox"/>
Climate change mitigation	X	<input type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	x	<input type="checkbox"/>	<input type="checkbox"/>

1. RATIONALE

PROBLEM AND STAKEHOLDER ANALYSIS

1. Migration and Asylum

Hosting more than 3.6 registered million Syrians under temporary protection, and over 400,000 non-Syrian international protection applicants and status holders, Turkey is home to the largest population in need of protection. Over the last years, Turkey developed a comprehensive legal and institutional framework, most notable with the adoption of the Law on Foreigners and International Protection (LFIP), the establishment of the Directorate General for Migration Management (DGMM) and the adoption of a number of implementation regulations providing the basis for effective migration management in Turkey.

Beyond responding to immediate crises and mass influx, migration management requires a comprehensive and proactive approach in countering irregular migration, managing mixed flows of migrants and persons in need of international protection, efficient case processing for irregular migrants and facilitating return of irregular migrants and access to asylum procedures for those in need of international protection; all in accordance with international legal standards.

Turkey has encountered significant migratory pressure on the ground in the recent years, triggered by substantial increase in irregular border crossings. In response, Turkish Authorities stepped up efforts to identify and apprehend irregular migrants. According to official data, the number of apprehended irregular migrants rose from 58,647 in 2014 to 268,003 in 2018, representing more than 450% increase over 4 years. The year-end apprehension figure for 2019 is expected to surpass 350,000, indicating a 30% increase compared to 2018. Among those apprehended, some are in need of international protection, whereas others are to be returned to their home country in safe conditions in line with international standards.

As per the LFIP, the DGMM is the designated authority in charge of managing removal centres where apprehended irregular migrants and persons in need of international protection are temporarily placed for processing their cases and/or facilitating their return procedures. As of 2019, there are currently 28 removal centres across Turkey, with a total capacity of hosting 18,876 persons. The average duration of stay in removal centres depends on the pace of case processing, but according to the LFIP the maximum duration of stay cannot exceed 12 months, after which an irregular migrant should be released while relevant international protection status determination, removal and return procedures continue.

This significant surge in movements including irregular migration, put a considerable strain on Turkish Authorities' capacities to handle the detention and return of irregular migrants. The exponential increase in the numbers of apprehended irregular migrants places a serious burden on the operational capacities of removal centers, leading to considerable overcrowding and a range of other challenges relating to effective access to rights and provision of services.

Given the limited hosting capacities of removal centers, and growing number of apprehended irregular migrants, a significant number of irregular migrants whose administrative detention is no longer considered necessary are released often with conditions such as signature duties. Despite the substantial political, financial, operational resources invested in reducing the stock of irregular migrants in Turkey by returning irregular migrants to their countries of origin, return procedures often take time and approximately more than two thirds of them remain in an irregular situation in Turkey each year. This might have contributed to Turkey becoming a destination country for irregular migration.

In the absence of effective post-release follow-up mechanisms and of sustainable alternatives to detention, managing irregular migration in Turkey remains a challenge, leading to repeated apprehensions, protracted overcrowding in removal centres as well as challenges in ensuring procedural safeguards for accessing rights and services.

The current action aims to support DGMM to better manage irregular migration and provide assistance to migrants in Turkey in line with international and EU standards and best practices. The action further aims to strengthen national capacities and knowledge on immigration detention practices and standards and on promoting alternatives to detention, while supporting developments of national policies and practices. It is essential that alternatives to immigration detention are available in law and implemented in practice; that

conditions of immigration detention, where detention is necessary and unavoidable, meet international standards.

Activity 1 is designed to support DGMM in the management, reception, processing and hosting of irregular migrants in Turkey. The activity will provide further support to the implementation of the EU-Turkey Statement that has been agreed on the occasion of the EU-Turkey Summit on 18 March 2016, in order to break the business model of the smugglers and to offer migrants an alternative to putting their lives at risk.

Activity 2 will support Turkish Authorities in responding to irregular migratory flows by strengthening the institutional capacities to manage removal centres, by enhancing procedural safeguards for access to rights and services including access to asylum procedures by detainees in need of international protection and developing pathways for sustainable alternatives to administrative detention.

The two activities will complement each other and increased coordination will be ensured at the level of DGMM.

OUTLINE OF IPA II ASSISTANCE

Activity 1 aims to support DGMM in the reception of returnees from the Aegean Islands and the subsequent transfer of these returnees, but also of irregular migrants apprehended in Turkey to removal centres within the country. For migrants and refugees returning from the Greek islands, immediate assistance, referral and transportation will be provided. The project aims to ensure that sufficient hosting capacities with appropriate conditions and quality services are in place. To that end, the project will finance the provision of certain categories of human resources that will deliver basic services in removal centres, to strengthen managerial capacities. The project will also support the renovation, refurbishment and maintenance of existing removal centres where needed.

Activity 2 aims to support Turkish Authorities' efforts to manage irregular migratory flows in line with EU standards and best practices. The main beneficiary of the activity will be the DGMM, whereas other stakeholders including the Law Enforcement Agencies, Ministry of Health, Ministry of National Education, Bar Associations, external monitoring actors and relevant NGOs will be indirect beneficiaries. Another group, which is directly targeted by the Activity, are persons under administrative detention in removal centres, whose access to fundamental rights and services would be enhanced in line with international and European standards. To that end, the activity will aim to achieve three results: 1) enhancing institutional capacities of removal centres, with a particular focus on access to asylum procedures for those in need of international protection, effective case processing, internal control mechanisms, complaints handling, referral mechanisms and harm reduction. 2) Strengthening procedural safeguards for accessing rights and services in removal centres; including information provision, appeal procedures and recourse to legal remedies, access to legal aid, asylum procedures and specific services for vulnerable groups 3) developing pathways for viable alternatives to administrative detention, with a view to reduce overcrowding and assess the use of non-custodial settings, particularly for low-risk and vulnerable groups.

RELEVANCE WITH THE IPA II STRATEGY PAPER AND OTHER KEY REFERENCES.

The Home Affairs sub-sector includes alignment activities mainly related with Chapter 24 Justice, Freedom and Security. Home Affairs is another key area for financial assistance, which is directly relevant to the **European Agenda on Migration**. Decreasing incentives for irregular migration, by improving enforcement of returns and providing capacity building for the management of returns are listed among the key pillars of the European Agenda on Migration.¹ As removal centres are the designated facilities to manage returns, this activity is in line with the overall policy direction of the European Agenda on Migration.

The **Revised Indicative Strategy Paper for Turkey** makes a strong reference to the need to improve, Turkey's capacities to accommodate and integrate refugees and to remove irregular migrants, both in terms

¹ https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf p.9

of infrastructure and institutional competence.² In this respect, this action aims at strengthening Turkey's institutional competences for better management of removal processes.

Moreover, the action has a clear acquis alignment perspective, as the components of the Activity 2 will seek to further align with **EU Returns Directive**, in particular with the provisions on procedural safeguards (chapter III) and detention (chapter IV).

At the national level, the action is in line with the **DGMM's Strategic Plan 2017-2021**, whereby effective execution of removal and return mechanisms is listed as one of the main targets under the strategic goal of countering irregular migration.³

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

DGMM has been the beneficiary to a number of projects financed by IPA that address core issues on migration management, with a particular focus on supporting infrastructure for managing removal and returns.

The EU has provided substantial assistance to the removal centres, whereby 7 centres with 5250 persons capacity were constructed under IPA I, 11 centres are being renovated and refurbished, 6 new centres with 2400 persons capacity are under construction in the frame of IPA II ("Construction of Removal Centres for the Effective Implementation of TR-EU statement" and "Refurbishment and Maintenance of Removal Centres").

This support has been complemented in the framework of another EU funded project "Support to the implementation of the EU-Turkey Statement of 18 March 2016", which is coming to an end in December 2019, whereby the EU provided financial assistance to the DGMM for the construction of one removal centre in Çankırı province. Moreover, as part of this project key personnel was appointed at 21 removal centres to deliver quality services, such as interpreter/translators, psychologists, social workers, food engineers and technical staff. These personnel have been trained through bi-lateral projects implemented by IOM on topics such as fundamental rights, psycho-social support and other relevant areas. In addition, the grant provided for regular supply of consumables, medication, food products for the running of the centres and needs of persons hosted therein.

To strengthen compliance with international standards, the EU has funded projects on enhancing effective access to legal aid, including capacity building and financial support provided to Bar Associations in Turkey for the free legal counselling and representation to foreigners under administrative detention in removal centres.

In the frame of an EU-funded project 'Reinforcement of Turkey's National Asylum System' which is implemented by the UNHCR between 2017-2020, a set of standard operating procedures (SOP) outlining the procedures for processing asylum applications lodged in removal centres were developed. The SOPs were submitted for approval and adoption of DGMM. The second sub- component of the Activity 2 (enhancing procedural safeguards) will build up on this output, and assist with the rollout of the SOPs across all removal centres.

Apart from the EU-funded interventions, the DGMM received bilateral support from the United Kingdom in the frame of the project 'Supporting DGMM Efforts in Enhancing the Capacity of Removal Centres within the Framework of International Human Rights Standards', which is implemented by IOM and foreseen to end by 2021. In the frame of this project, needs assessment and training activities are foreseen for management

² <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180817-revised-indicative-strategy-paper-2014-2020-for-turkey.pdf> p.34

³ https://www.goc.gov.tr/kurumlar/goc.gov.tr/evraklar/Stratejik-Yonetim/Stratejik-Planlar/Stratejik-Plan- 2017_2021_.pdf p.72

and staff of selected removal centres. Training activities under this project are envisaged to complement the first sub-component of Activity 2 on institutional capacity building, such as, Human Rights, security, Access to rights and services, psychosocial support, harm reduction etc.

DGMM also receives bilateral assistance from the Netherlands under MATRA funds which is implemented by IOM, in the frame of a project supporting alternatives to administrative detention system in Turkey. The small-scale project is implemented between August 2019 - July 2020 and focuses mainly on research and best practices in the field of alternatives to administrative detention, and assessing the feasibility of effective implementation in Turkey. The third sub-component of Activity 2 on alternatives to detention will build on outputs of previous financial assistance with a view to develop standard procedures and pave the way for implementation.

The project "Strengthening the human rights protection of asylum seekers, migrants and victims of human trafficking in Turkey" financed as part of the Horizontal Facility with the Council of Europe, will, amongst others, analyse legal and practical aspects of effective alternatives to detention in the context of migration.

2. INTERVENTION LOGIC

LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE(S) / (IMPACT(S))	INDICATOR'S NAME	OBJECTIVELY VERIFIABLE INDICATORS			SOURCES & MEANS OF VERIFICATION	
		BASELINES 2019	MILESTONES 2022	TARGETS 2023		
<p>Long-term Overall objective: To enhance effective migration management in Turkey.</p> <p>Intermediate Overall objective(s): To strengthen Turkey's legal and administrative framework on management of irregular migration in line with the EU <i>acquis</i> and EU standards.</p>	Progress made towards enforcement capacity on irregular migration under Chapter 24	Moderately prepared	n/a	Good level of preparation	Assessments of DG NEAR – Turkey Report Administrative reports of the public institutions in Turkey	
SPECIFIC OBJECTIVE(S) / OUTCOME(S)	OBJECTIVELY VERIFIABLE INDICATORS (*)				SOURCES OF VERIFICATION	ASSUMPTIONS
<p>Specific Objective 1: To improve conditions in removal centres for irregular migrants and persons in need of international protection</p> <p>Specific Objective 2: To strengthen the institutional capacity of DGMM in managing removal centres and developing pathways to alternatives to detention.</p>	<p>1. Qualitative assessments of internal and external monitoring bodies regarding conditions in removal centres.</p> <p>2. Number of removal centres operating over their hosting capacity</p> <p>3. Percentage of persons benefiting from alternatives to detention per year</p>	<p>15</p> <p>% 11</p>	<p>5</p> <p>% 16</p>	<p>0</p> <p>%21</p>	<p>RC statistics (gender-disaggregated)</p> <p>Reports of internal and external monitoring bodies</p>	<p>Institutions remain dedicated to the harmonisation of the legislation with EU and international standards, especially in the area of fight against irregular migration.</p>
OUTPUTS	OBJECTIVELY VERIFIABLE INDICATORS (*)				SOURCES OF VERIFICATION	ASSUMPTIONS
<p>Activity 1: Supporting DGMM in the Management, Reception and Hosting of Irregular Migrants</p> <p>Output 1 - Safe and dignified transfer of irregular migrants and refugees.</p>	1. Number of irregular migrants benefitting from organised, secure and dignified return conditions.	1.920	4.000	4.500	DGMM statistics (gender-disaggregated)	The Turkish Government remains committed to addressing overcrowding and other challenges in Removal Centres and developing

<p>Output 2 - Psychosocial support provided to irregular migrants hosted at the removal centres by qualified staff.</p> <p>Output 3 - Access to interpretation to allow access to rights and services.</p> <p>Output 4 - Hosting and accommodation of irregular migrants in appropriate physical conditions and support to quality services.</p>	<p>2. Number of irregular migrants benefitting from psychosocial support</p> <p>3. Number of irregular migrants benefitting from support of interpreters.</p> <p>4. Number of irregular migrants benefitting from improved reception conditions.</p>	<p>8.087</p> <p>No baseline data indicator available</p> <p>180.895</p>	<p>10.513</p> <p>100.000</p> <p>250.000</p>	<p>12.615</p> <p>100.000</p> <p>300.000</p>		<p>viable alternatives to immigration detention</p>
<p>Activity 2: Supporting Removal centres' Capacities and Fostering Alternatives to Administrative Detention</p> <p>Output 1 - Institutional capacities of removal centres are strengthened; in terms of internal control, complaints handling, interagency referral, and harm reduction of migrants</p> <p>Output 2 - To enhance procedural safeguards for accessing rights and services in Removal Centres</p> <p>Output 3- To develop pathways to viable alternatives to administrative detention</p>	<p>1.1 Number of complaints received and investigated per year in removal centres.</p> <p>1.2. Number of attempted self-harm and violent incidents recorded per year</p> <p>1.3 Number of monitoring visits by external detention monitors per year</p> <p>2.1 Number of requests to obtain free legal aid per year.</p> <p>Percentage of persons benefitting from legal representation</p> <p>2.2. Number of persons referred to other agencies due to outcomes of vulnerability assessment</p> <p>2.3. Number of international protection applications lodged per year</p> <p>3.1 Percentage of persons released with reporting duties per year</p>	<p>n/a</p> <p>70</p> <p>84</p> <p>5,439</p> <p>No baseline data indicator available</p> <p>40,950</p> <p>n/a</p> <p>4.7%</p>	<p>n/a</p> <p>63</p> <p>100</p> <p>9,246</p> <p>55,000</p> <p>n/a</p> <p>4%</p>	<p>n/a</p> <p>60</p> <p>120</p> <p>11,095</p> <p>60,000</p> <p>n/a</p> <p>3.2%</p>		

	3.2. Rate of children (compared to overall detained population) placed under administrative detention per year					
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DESCRIPTION OF ACTIVITIES

Activity 1- Supporting DGMM in the Management, Reception and Hosting of Irregular Migrants (EUR 22 300 000)

- Support to the organised transfer of irregular migrants.

The project will support the organised transfer of irregular migrants from Aegean Islands to Turkey as well as the transfer of irregular migrants apprehended within Turkey.

Although the transfer of irregular migrants from the Aegean islands continues to be rather low in numbers, the returns are continuing and therefore DGMM has liaison officers assigned to the Aegean Islands organising the transfer in cooperation with Greek national authorities. The project will support the appointment of liaison officers on the Aegean islands. Furthermore, considering the unprecedented number of apprehensions of irregular migrants in Turkey and *en route* to EU Member States, the project will support DGMM by financing the transfer of these within Turkey.

Only the transport costs of irregular migrants to and between removal centres will be covered as part of this activity. Other expenses, such as transport costs of unregistered refugees to Temporary Accommodation Centres within Turkey are not covered by this activity.

- Recruitment and training of interpreters, psychologists, social workers, food engineers and technical staff.

A need analysis will be carried out by DGMM to determine the need for human resources per centre for the delivery of these basic services. The provision of these human resources is also precondition for the effective implementation of the technical assistance component.

DGMM is providing interpretation services in limited languages (mostly Arabic) for migrants through the support of some CSOs, UNHCR and occasionally Governorships. However, DGMM has difficulty in providing translation/interpretation services in languages such as Farsi, Urdu, Russian, and French. The project will finance the appointment of interpreters to address these needs. The interpreters will assist the management of the centres as well as the migration experts, social workers and psychologists.

Recruitment of social workers and psychologists is essential for the identification of vulnerabilities, referral services and managing possible crisis situations. The project will support the appointment of psychologists, social workers in removal centres. Psychologists and social workers may receive training to carry out their functions effectively.

According to the By-Law on “Admissions, Housing and Regulations Regarding Removal Centres” Article 14, DGMM is responsible for provision of meals in removal centres. Out of the 28 removal centres that are currently operated by DGMM, 20 have a capacity above 350 persons. Most of them are working in full capacity or above capacity. Three hot meals are provided per day for the migrants. The provision of meals is outsourced to a private company. In such high capacity centres the provision of food needs to be controlled to ensure quality and avoid food poisoning/food related diseases. Persons with special needs should be provided food according to their dietary restrictions (e.g. pregnant women, children). Food engineers are essential for food safety in line with food safety regulations of Turkey.

Removal centres are large buildings with various technical systems and equipment operating 7/24 (such as electricity, water, sanitation etc.). All systems should be under control and maintenance should be provided in order to maintain daily operation of the removal centre. In order to ensure that the centres are run with no interruption of services, the centres require provision of technical staff for the day to day management of basic services at the centre like water, heating etc.

- Renovation, refurbishment and maintenance of removal centres for the provision of adequate hosting conditions. The centres are used every day by large number of migrants and DGMM staff. It is a natural observation to see damages since all the migrants hosted in the centres are there involuntarily. Since the need is ad-hoc and unknown, the potential damages cannot be estimated. To provide decent conditions for the migrants in the removal centres, strengthening managerial capacities and maintenance of removal centres should be covered as well.

Activity 2- Supporting Removal Centres' Capacities and Fostering Alternatives to Administrative Detention (EUR 3 500 000)

This activity will support Turkey's efforts to respond to irregular migratory flows by strengthening institutional capacities of removal centres, improving the quality of access to rights including access to asylum procedures of those in need of international protection and provision of services, strengthening of procedural safeguards and access to rights including access to information and legal aid and developing feasible and sustainable alternatives to detention.

The Activity has three components, which will address indicatively the topics below:

Component 1 – Support to Institutional Capacities of Removal Centres

- Strengthening of referral and interagency cooperation mechanisms with Ministry of Health, law enforcement, Bar Associations, prosecution and victim support services.
- Fostering internal control mechanisms to monitor compliance of practices with LFIP and other applicable international and European standards.
- Adoption of physical and procedural measures for harm reduction in Removal Centres, including suicide and violence prevention. Training of staff on implementing referral and harm reduction procedures.
- Strengthening complaint channels and internal mechanisms for investigating the complaints and implementing disciplinary sanctions, and referral to prosecution where necessary. Workshops with senior and mid- management on complaint handling and internal control mechanisms.
- Organisation of regular multi-stakeholder meetings with representatives of ombudsman institution, Human Rights and Equality Institution of Turkey (TIHEK), NGOs, and International Organisations to enhance cooperation with external monitoring actors.
- Development of a comprehensive sustainability plan for human resources management of Removal Centres.

Component 2 – Strengthening Procedural Safeguards for Access to Rights and Services in Removal Centres

- Mainstreaming provision of information upon arrival, particularly on grounds for detention, available remedies, and access to legal aid.
- Rolling-out implementation of SOPs on asylum procedures in all Removal Centres
- Streamlining the use of vulnerability assessment tools upon arrival across all removal centres.
- Capacity building activities on procedural safeguards for access to rights and services and on identification and treatment of groups at risk of vulnerability.

Component 3 – Research and pathways for implementing alternatives to administrative detention

- Strengthening of procedures in implementation of alternatives to detention. Developing joint platforms with other agencies (law enforcement, Ministry of Justice) to share detention, release, referral information.
- Establishing standard and formal procedures for considering non-custodial alternatives before placing individuals in administrative detention. Target group would primarily include persons in need of special assistance.
- Research study of the use of less-restrictive accommodation facilities for families with children, especially low risk groups.

RISKS

Risks for this activity include insufficient cooperation between DGMM and other relevant stakeholders such as Bar Associations, law enforcement agencies; which could hamper activities under component 1 and 3 of

Activity 2. This risk is expected to be mitigated by ensuring platforms for continuous communication and adoption of framework MoUs between DGMM and key agencies as conditions for implementation.

CONDITIONS FOR IMPLEMENTATION

The implementation of the action requires continued commitment by the Turkish authorities to the implementation of the EU-Turkey Statement of March 2016 and hence to achieve the objectives of the action and expected results as well as sufficient and stable staffing of the beneficiary institutions.

A key assumption for Component 3 of Activity 2 on alternatives to detention is that Turkish Authorities express commitment to ensure that LFIP and relevant regulations/circulars allow for the implementation of measures that are foreseen under alternatives to detention.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

The Ministry of Interior (MoI), specifically the Directorate General for Migration Management (DGMM) will be responsible for the implementation of both activities, as main beneficiaries of the Action.

The Ministry of Health, Ministry of Justice, Ministry for Family, Employment and Social Policy, law enforcement agencies, bar associations, ombudsman institution, Human Rights and Equality Institution of Turkey (TIHEK) and NGO's are other stakeholders involved in the implementation of the programme.

METHOD(S) OF IMPLEMENTATION AND TYPE(S) OF FINANCING (SEE ANNEX IMPLEMENTATION – BUDGET)

Activity 1 will be implemented in direct management via a direct award to DGMM.

Activity 2 will be implemented in indirect management with a pillar-assessed entity international organisation.

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING AND EVALUATION

The overall implementation of IPA assistance in Turkey is subject to monitoring in accordance with the Article 18(1) of the IPA II IR. This implies setting specific monitoring committees which mandates must be formally defined and agreed upon with the EC.

During the implementation of the IPA-II period, monitoring is conducted via various levels of monitoring committees' tools. In this respect, a IPA (Joint) Monitoring Committee, which convenes twice a year and is co-chaired by the NIPAC and representatives of the EC will be in place. In addition to this, in the IPA-II period, lead institutions are responsible for establishing sector level monitoring by policy area or by program six months after the entry into force of the Financing Agreement.

The meetings will be held twice a year and are composed of representatives from Ministry of Foreign Affairs Directorate of EU, NAO, European Commission, the lead institution of the sector/sub-sector and representatives of beneficiary institutions, donor institutions and NGOs. Participation of other stakeholders will be ensured when deemed necessary.

As for the Home Affairs sub-sector, monitoring meetings will be organised by MoI and will include discussions on relevant strategies and constitute a link between implementation and further programming phases.

As for the activity level monitoring, Project Steering Committees (PSC) will be established for this purpose. As the lead institution of the sector, the Ministry of Interior will play a coordinating role in the PSC of both

activities. PSC meets at least quarterly or more frequently where relevant as per request of the members, to monitor the implementation of the project, achievement of results against indicators in the Action Document, and to agree on corrective actions as appropriate. The conclusions of the Steering Committee meetings will be agreed by all participants in the minutes of the meetings.

The Steering Committees will be composed of the representatives of project beneficiaries, the lead institution of the sub-sector, Ministry of Foreign Affairs Directorate for EU Affairs, Ministry of Treasury and Finance, the EU Delegation to Turkey as well as civil society. Participation of other stakeholders will be ensured when deemed necessary.

Evaluation arrangements:

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 will carry out a mid-term, a final or an ex-post evaluation for this Action or its components (activities) via independent consultants, through a joint mission or via an implementing partner (see above).

The evaluations will be carried out as prescribed by the DG NEAR Guidelines on linking planning/programming, monitoring and evaluation⁴ and in particular for the evaluation of capacity building activities DG NEAR Guidance note “Addressing capacity development in planning/programming, monitoring and evaluation”⁵

In addition, the Action or its components (activities) might be subject to external result oriented monitoring in line with the European Commission rules and procedures set in the Financing Agreement.

⁴ https://ec.europa.eu/neighbourhood-enlargement/tenders/monitoring-and-evaluation_en

⁵ https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/dg_near_guidance_note_-_addressing_capacity_development_in_programming_me.pdf

5. SECTOR APPROACH ASSESSMENT

Turkey's Strategy Document and National Action Plan on Irregular Migration includes priorities on preventing irregular migration and strengthening measures related to fighting against organised crimes related to migration; reducing irregular labour migration through comprehensive policies; strengthening the return (removal) system for irregular migrants within the framework of human rights standards; developing systematic data collection, analysis and sharing as well as conducting evidence based research to contribute to policies regarding irregular migration; respecting human rights of irregular migrants and taking measures to protect vulnerable irregular migrants and strengthening development focused regional and international cooperation to contribute to prevention of irregular migration.

National Action Plan on the Implementation of the Readmission Agreement between Turkey and the EU is focused on the strengthening legal, administrative and technical capacities and is in close relation with the **Visa Liberalisation Roadmap** that identifies the areas where Turkey plans to undertake legislative and administrative reforms with a view to establish a secure environment for visa-free travel, including provisions about the implementation of the Readmission Agreement.

The Ministry of Interior (MoI) is the lead institution of the sub-sector with its affiliated bodies and central institutions and is responsible for the overall coordination, programming and monitoring-evaluation of the activities in the sub-sector through the Department of EU Affairs and Foreign Relations. Programming activities have been coordinated by the IPA Unit of the lead institution and Technical Level Working Groups have been organised for the preparation of the Annual Action Programmes. In addition to this, CFCU serves as the Contracting Authority to fulfil the duties arising from tendering, contract management and financial management of the projects.

In terms of monitoring of EU funds under the IPA structure, monitoring and evaluation units were established by the Prime Ministry Circular No. 2009/18. Monitoring is conducted via various levels of monitoring committees' tools. In this respect, a Monitoring Committee, which convenes once a year and is co-chaired by the NIPAC and representatives of the EC will be in place.

Concerning sub-action level monitoring, taking due note of the coherence between the existing structure and the content of this Sector Planning Document, SMSCs will serve for monitoring the implementation of national sector /sub-sector strategies in Home Affairs Sub-sector. The Sector Monitoring Meetings will be held twice in a year with the participation of Ministry of Interior, Ministry of Foreign Affairs Directorate for EU Affairs, Ministry of Justice and other relevant key institutions as well as the Central Finance and Contracting Unit, EU Delegation. These meetings should also include discussions on relevant strategies and constitute a link between implementation and programming.

Turkey has a multi-annual budgeting system which is defined in the Public Financial Management and Control (PFMC) Law no.5018. The law requires the annually preparation of the Medium Term Programme (MTP) Moreover, Medium Term Fiscal Plans (MTFP) is developed by The Department of Strategy and Budget of the Office of the Presidency in coordination with Ministry of Treasury and Finance in line with Medium Term Programme. By this law, it is aimed to ensure that the public institutions develop their own strategic plans and budget on the basis of their performance programs prepared in line with the national plans. These documents take into account EU accession requirements as well.

6. CROSS-CUTTING ISSUES

GENDER MAINSTREAMING

Equal participation of women and men is taken into consideration and secured in the design of this Home Affairs Action. Based on fundamental principles of promoting equality and combating discrimination, participation to the activities will be guaranteed on the basis of equal access.

In particular, Activity 2 will develop a number of internal and inter-agency procedures in Removal Centres (complaints, referrals, SOPs on asylum applications, vulnerability assessments), whereby specific needs and considerations of women and LGBTI persons will be factored in and mainstreamed.

EQUAL OPPORTUNITIES

The Home Affairs sub-sector aims at a meaningful participation of all individuals, both men and women in the design, implementation, monitoring and evaluation of all our operations and programmes. To implement this commitment, the participation level of men and women in training sessions and similar activities will be documented for monitoring purposes at the level of Steering Committees.

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

Component 2 of Activity 2 will ensure that all irregular migrants including women, children, persons with disabilities and other potentially disadvantaged groups will have equal and effective access to rights as well as services provided in Removal Centres.

MINORITIES AND VULNERABLE GROUPS

Components 1 and 2 of Activity 2 will ensure that vulnerable groups will be identified upon arrival, and treated by staff trained on specific needs of vulnerable groups, and where necessary referred to relevant agencies (including the MoFLSS, hospitals, special facilities for victims of trafficking and so forth) Component 3 will seek pathways for securing non-custodial alternatives for administrative detention, in particular for vulnerable groups.

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

Component 1 of Activity 2 aims at fostering engagement and cooperation with non-state actors, including NGOs, ombudsman institution, Human Rights and Equality Institution of Turkey (TIHEK) and international organisations; particularly on the issue of external and independent detention monitoring.

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

The activities under this Action are envisaged not to have any negative effects on the environment or on climate change.

7. SUSTAINABILITY

The internal and inter-agency procedures that will be developed in the frame of the activity will contribute to stronger institutional memory as well as sustainable and coherent practices across removal centres in Turkey.

Under component 1 of Activity 2, a comprehensive sustainability plan for human resource management (HRM) will be developed, which will outline the financial sources for payment to staff and other HRM related costs after the implementation period of the activity.

With respect to sustainable management of migratory flows, Activity 2 will develop pathways for alternatives to administrative detention, which will help reduce the overcrowding of removal centres in the mid- and long term.

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.

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

The beneficiary shall report on its visibility and communication actions in the report submitted to the IPA monitoring committee and the sectorial monitoring committee.

All projects /contract implemented under this programme shall comply with the **Visibility Guidelines for European Commission Projects in Turkey** published by the EUD to Turkey, at http://www.upa.info.tr/AB_Mali_Destegi/Gorunurluk,Visi.html .

The EU-Turkey cooperation logo should be accompanied by the following text:

“This project is co-funded by the European Union.”

Whether used in the form of the EU-Turkey cooperation logo for information materials or separately at events, the EU and Turkish flag have to enjoy at least double prominence each, both in terms of size and placement in relation to other displayed logos and should appear on all materials and at all events as per the Communication and Visibility Manual for European Union External Actions. At visibility events, the Turkish and the EU flag have to be displayed prominently and separately from any logos.

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