

Standard Summary Project Fiche – IPA decentralized National programmes

1.1 CRIS Number: TR080102

1.2 Title: Strengthening the Court Management System (Phase II of TR 06.01.04.)

1.3 Sector: 36- Political Criteria

1.4 Location: Turkey

Implementing arrangements:

1.5 Implementing Agency:

The Central Finance and Contracting Unit (CFCU) will be Implementing Agency and will be responsible for all procedural aspects of the tendering process, contracting matters and financial management, including payment of project activities.

The Head of the CFCU will act as Programme Authorizing Officer.

Muhsin ALTUN

PAO, Director

Phone: +90 -312- 295 49 00

Fax: +90 -312- 286 70 72

E-mail: muhsin.altun@cfcu.gov.tr

Address: Eskişehir Yolu 4.Km. 2.cadde. (Halkbank Kampüsü) No: 63 C-Blok
06580 Söğütözü/Ankara Türkiye

1.6 Beneficiaries (including details of SPO):

Beneficiary of the project is the Ministry of Justice and Turkish Justice Academy is co-beneficiary

Details of the Senior Programme Officer (SPO) are as follows:

Mr. Sadi Güven

Deputy Undersecretary of the Justice Ministry

Tel.: 419 6043-4192202

Fax: 425 3455

E-mail: sadiguven@adalet.gov.tr

Project Contact Person for the Ministry of Justice

Okan Taşdelen

Judge- the DG for EU Affairs of Ministry of Justice

Address: Adalet Bakanlığı Ek Bina, Kat. 6 Milli Mudafaa Cd. No: 22/9 06659 Bakanlıklar,
Ankara/TURKEY

Tel: + 90 312 414 7951

Fax: +90 312 419 11 63

E-mail: okan.tasdelen@adalet.gov.tr

Project Contact Person for the Justice Academy

Ramazan Caylı

Judge –The Justice Academy

Address: Türkiye Adalet Akademisi Incek Bulvarı 06095 Çankaya /Ankara

Tel: + 90 312 4898180/1107

Fax: +90 312 4898101

E-mail: ramazan.cayli@adalet.gov.tr

1.7 Overall cost: 5.500.000 €

1.8 EU contribution: 5.000.000 €

1.9 Final date for contracting: 2 years after the date of signing the FA

1.10 Final date for execution of contracts: 2 years following the end date for contracting

1.11 Final date for disbursements: 3 years following the end date for contracting

2. Overall Objective and Project Purpose

2.1 Overall Objective:

To improve the functioning and efficiency of the judiciary according to European standards as suggested in the Accession Partnership and the National Program for the Adoption of the Acquis.

2.2 Project purpose:

To establish a professional, effective and efficient court management system through dissemination of pilot court management practices and to reform the system by creating a new judicial post.

2.3 Link with AP/NPAA

This project proposal addresses the areas defined in the revised Accession Partnership (AP) and the National Program for the Adoption of the Acquis (NPAA) for Turkey's accession to the EU, as follows:

AP Priority (2008)

In the Short-term priorities of the AP Document concerning Political Dialogue, Democracy and the rule of law section within the "Judicial System", strengthening the efforts, including through training, to ensure that the interpretation by the judiciary of legislation related to human rights and fundamental freedoms in line with European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) with the case law of the European Court of Human Rights (ECtHR) and with Article 90 of the Turkish Constitution and strengthening the efficiency of the judiciary through, in particular reinforcing its institutional capacity and under title of European Court of Human Rights, to comply with the ECHR, and ensure full execution of the judgments of the ECtHR has been emphasized.

NPAA Priority (2003)

In the Political Criteria Section of the NPAA, under Title 5 “Functioning and the Efficiency of Judiciary”, it is stated that “The overriding goal of the Government is the entrenchment of the principle of the rule of law in Turkey, as it exists in modern nations that embrace such universal values, and which constitutes a leading pillar of the State. Furthermore, the provision of effective justice required by modern society is also a priority”.

2.4 MIPD priority (2008-2010)

The Transition Assistance and Institution Building Component translates the priorities set out in the European Partnership in 3 sub-components: Political requirements where EC assistance will be used to support a stable, modern, democratic, open society based on the rule of law. Special impetus will be given to Public Administration and Judiciary Reform.

Within the *Institution Building* component the focus of assistance in the area of the political criteria will be on the institutions that are directly concerned by the reforms: the judiciary and the law enforcement services. The objective of this component in addressing the Copenhagen political criteria for the judiciary is: Comprehensive training for the consistent interpretation of legal provisions related to human rights and fundamental freedoms; Strengthening the independence, impartiality and efficiency of the judiciary. The expected results and measurable indicators are that the judiciary will function more effectively and access to justice will be facilitated for all Turkish citizens.

3. Description of project

3.1 Background and justification:

Article 6 of the European Convention on Human Rights provides that each shall have the right to demand his case to be held fairly, publicly and within a reasonable time. About the issue, the Council of Europe has published many recommendations regarding the court administration. Most important ones are Recommendation No R. (86) 12 of 16 September 1986 of the Committee of Ministers concerning prevention and reduction of excessive workload of the courts and Model Status for European Office Personnel. These regulations formulate court administration system, the processes which must be transferred to the authority of different public institutions necessary for judiciary to become quicker. Also, they concern the position and qualities of the office personnel in the system with the aim of reduction of courts' workload.

The establishment of an independent, reliable and efficient judiciary is of utmost importance for the EU. This notably requires sufficient human resources and qualified staff, adequate and modern equipment, acceleration of court proceedings, reduction of the number of pending cases. . In order to ensure everyone's right to a hearing within a reasonable time, Turkey must i) limit the number of non-judicial tasks performed by judges by assigning such tasks to other persons and bodies and ii) reduce any excessive workload of the courts in order to improve the administration of justice

In this respect, an efficient court management system, i.e. case flow management, fiscal management, human resources management and technology management should be

Strengthening the Court Management System
FINAL 03 09 2008

developed in Turkey. To address this issue, the Turkish Ministry of Justice has taken the initiative to introduce a project to be financed under the 2006 pre-accession financial assistance for Turkey. Taking into consideration the wide area of intervention, the project was designed in two consecutive faces: The first phase would cover activities related to the needs assessment study which would then be interpreted into a strategy plan. The second phase, based on the strategy plan and the needs identified in the first stage, would include training of the judicial staff in five pilot courts and implementation of the new management system in these courts.

It was envisaged at that stage that a follow up project would be designed for funding aiming to disseminate the new court management system and training throughout the country.

The project implementation (*Support to Court Management System – TR 06 01.04*) has already started in December 2007 with a 24 months duration. Now the challenge facing Turkey is to disseminate this experience to all courts throughout the country and to ensure that the new court management system is broadly in line with modern European standards. Initially it is planned to select 20 more pilot court houses and to disseminate the new system. Thus, this project has been designed to achieve this goal without losing the momentum gained under the ongoing 2006 project.

Furthermore, the very first gap analysis study under the current project revealed the unequal/insufficient training levels of the auxiliary staff and the urgent intervention need to liberate the judges and prosecutors from non-judicial tasks which bring insurmountable amount of workload leaving less room for their essential judicial functions. Seeing this need, the Turkish Ministry of Justice has recently established a committee to debate on the creation of an intermediary judicial staff between the judges/prosecutors and the auxiliary staff. In addition a recent research study conducted by the Ministry disclosed the weakest aspect of the Turkish judiciary being the non-judicial workload of the judges/prosecutors which was also long been criticized in many EU reports on Turkey.

Considering the position of the Inspection Board in a well functioning judiciary and being aware of the fact that it is not possible any reform to be properly adopted to the system without the contribution of the Board, activities specifically designed for the board are also considered to be carried out through this project. In addition, judging that the outcomes of the previous project will require some changes in inspection approach, the board need to be better informed.

In the light of these, it is highly expected that this project will support Turkey in establishment of a new post between the judges and the registrars and new implementations in court management through bringing in the best practices from various EU Member States.

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

The project will assist the Turkish Judiciary to try and adopt new solutions in court management which would lead to more effective judicial services through lower costs and shorter durations. Thanks to the pilot implementations the justice system will get a chance to test the new implementations and observe the positive and negative impacts in smaller spots in comparison to the entire courts. So it will be possible to fix the malfunctioning aspects of the new implementation in the pilot phase. This approach would impede to disseminate some il-

founded implementations throughout the country. The results would be more sustainable and satisfactory.

3.3 Results and measurable indicators:

3.3.1 Efficient court management system adopted and implemented in the pilot courts in line with the European standards (Activity 3.4.1).

Indicators of achievement: Backlog of the cases from previous years reduced in 20 pilot courts, the average trial duration shortened.

3.3.2 Professional skillfulness of the auxiliary personnel in pilot courts raised, effectiveness of court managers and the registrars enhanced (Activities 3.4.2 & 3.4.3).

Indicators of achievement: the administrative responsibilities of the judicial personnel minimized thus the average trial duration shortened.

3.3.3 Commitment of the Inspection Board to the new court management system raised (Activity 3.4.4).

Indicators of achievement: The Inspection Boards approach to the concept of court management revolutionary changed..

3.4 Activities:

All activities will be implemented by a direct agreement concluded with the Council of Europe.

250.000 € will be covered by the Ministry of Justice and another 250.000 € will be paid by the Council of Europe.

3.4.1- Dissemination of the new court management system in 20 Pilot Court Houses:

The following activities have been designed to ensure effective dissemination of five pilot courts developed under the previous project.

Activity 1: Evaluation of the outcome of the previous project and development of a new road map:

It is foreseen under the 2006 project that at the end of the implementation phase in five pilot courts, an in-depth assessment of the effectiveness and efficiency of the system will be carried out which will also include proposals for improvements if necessary.

- Development of a new road map aiming for the dissemination following the evaluation of the implementation in five pilot courts,
- Review and update by an expert working group of:
 - the specialized training programmes/curricula aimed at different category of staff in the court management (administrative staff, judges, prosecutors) which were developed under the 2006 project,
 - the brochures/leaflets prepared for the citizens under the 2006 project.

Strengthening the Court Management System
FINAL 03 09 2008

- Publications:
Reviewed training curricula,
Electronic (CDs or DVDs) and printed manuals,
Leaflets and brochures for guidance of the public at the pilot courthouses.

Activity 2: Training Staff of the 20 Pilot Court Houses on the new court management system:

- Organisation of a 1-day introductory seminars for the Judges, Prosecutors and the staff of the 20 pilot court houses on the aim of the project and the new system to be implemented in the pilot courts houses. The conference will serve as an information platform to make aware of the functions of different category of staff in the court management.
- Study visits to the 5 pilot court houses for 40 staff member (2 staff from each court house) to examine the results of the previous project on the field.
- Training of trainers of the new 20 pilot court houses. 100 candidate trainers will be divided into 5 groups and each group will be delivered 3 times separate trainings which will take 5 days each. In total, there will be 15 training activities for 5 days each for an approximately 2400 different category of staff (administrative staff, judges, prosecutors) of the courthouses.

Activity 3: Implementation of the System in the 20 Pilot Court Houses:

- Full implementation of the new system with the trained staff and technological infrastructure in place in the pilot courthouses.
- Establishment of guidance and information desks in the court houses to inform the citizens on the new system in order to enable citizens to enjoy the benefits of the new faster implementation. In addition, the information brochures will be published to be distributed to the citizens free of charge at the pilot court houses and other public buildings.

3.4.2- Enhancing the capacity of Court Managers

In the new court management system, all administrative procedures that are currently under the responsibility of the chief prosecutors will be attributed to the Court Managers in the court houses. In addition to the trainers of the pilot courts, a pool of experts will be created in the system to carry out trainings for dissemination to all courts throughout the country.

- In line with the specialised training programme/curricula developed above, selection of 200 Court Managers as to become trainers. The group divided into 8 and 5 days trainings will be delivered to each group.

3.4.3- Support for the Establishment of a new intermediary post between the judges/prosecutors and the auxiliary staff:

These staff will serve in the courts responsible from all the judicial intermediary procedures except for the final judgement. A trainers pool will be established in this regard.

- Development of training manuals and tools,
- Training of 100 registrars (preferably those who hold a law degree) as trainers. 100 registrars will be divided into 4 groups and 2 different trainings will be delivered to each group for 5 days each. In total, there will be 8 training activities for 5 days each.

3.4.4- Awareness Raising Activities for the Inspection Board of the Ministry of Justice:

Judging that the outcomes of the current project will require some changes in inspection approach and at this stage the position of the Inspection Board in a well functioning judiciary plays a vital role in the adoption of the new court management approach, activities for better informing the Inspection Board on the new court management system will be held.

- 3 study visits for the Inspection Board (10 participants each) to EU MS to observe the inspection methods and different solutions in the light of the new court management system (including the separation of administrative and judicial tasks in the courthouses)

3.5 Conditionality and sequencing

There is no pre-condition for the start of the project.

3.6 Linked activities

Judicial Modernization and Penal Reform Project- 2002

The Turkish government has started planning and implementing various measures on penal reform and judicial modernization. This program which provides support to enhance these efforts in certain areas seeks to contribute more generally to increasing the capacity of the Ministry of Justice to design and implement broader reform strategies for the future, drawing on good practice in the EU. The programme is finalised in 2007.

Support to the Establishment of the Courts of Appeal

This project provided training for approximately a thousand judges and prosecutors and auxiliary staff of the new Court. The introduction of the Court of Appeals into the Turkish judiciary will lead to a considerable improvement in the functioning of the Court of Cassation by decreasing significantly the caseload of this Court. The project is finalised in 2007.

UYAP National Judicial Network Project

The Project will establish an electronic network and program development covering all Courts, Offices of Public Prosecutors and Enforcement Offices together with the Central

Strengthening the Court Management System
FINAL 03 09 2008

Organization of the Ministry of Justice. The Project has the objective of abolishing the use of written documents and typewriters. When the project is completed, the cases shall be transferred to electronic environment starting from its petition to the court-house, repetitions shall be avoided, and the information gathered by the Office of the Public Prosecutor shall be available online during the trial stage.

Better Access to Justice in Turkey-2005

The project aims improved access to justice by increasing the utilization of the legal aid system, making ADR more applicable in the justice system and strengthening the functioning of the judiciary.

Support to Court management System-2006

This project aims to create an efficient court management system, i.e. **case flow management, fiscal management, human resources management, court performance standards and technology management** which would facilitate to achieve speedy and effective judicial process.

3.7 Lessons learned

3.7.1 Functional personnel give greater support to the project than hierarchical superiors. The involvement of aforementioned kind of personnel, increase the contribution of the beneficiary.

3.7.2 Full contribution of beneficiary country personnel in the project must be provided, and the workshops and other activities must be held out of the facilities where they are in charge. This would prevent the lack of concentration stemming from the unexpected interruptions of their daily occupations.

3.7.3 Projects addressing the political criteria should not be defined with overly ambitious objectives. Hence assistance in this area will be provided through individual projects making incremental steps within a well defined strategic framework, rather than thorough programmes aiming to address a broad objective comprehensively. Thus, this project has been designed as a follow-up project of Support to Court Management targeting the implementation of the outputs developed under the previous project.

Strengthening the Court Management System
FINAL 03 09 2008

4. Indicative Budget (amounts in €)

| | | | SOURCES OF FUNDING | | | | | | | | | | |
|----------------------|--------|---------|--------------------|---------------------|----------------------------|-------|------------------------------|-------|-----------------|------------------------|--------------|----------------------------|-------|
| | | | TOTAL EXP.RE | TOTAL PUBLIC EXP.RE | IPA COMMUNITY CONTRIBUTION | | NATIONAL PUBLIC CONTRIBUTION | | | | | PRIVATE CONTRIBUTION (CoE) | |
| ACTIVITIES | IB (1) | INV (1) | EUR (a)=(b)+(e) | EUR (b)=(c)+(d) | EUR (c) | % (2) | Total EUR (d)=(x)+(y)+(z) | % (2) | Central EUR (x) | Regional/Local EUR (y) | IFIs EUR (z) | EUR (e) | % (3) |
| Activity 1 | | | 5.500.000 | 5.500.000 | 5000.000 | 95 | 500.000 | 5 | 263.500 | | | 236.500 | |
| contract 1.1 | - | - | 5.500.000 | 5.500.000 | 5000.000 | 95 | 500.000 | 5 | 263.500 | | | 236.500 | |
| | | | | | | | | | | | | | |
| TOTAL IB | | | 5.500.000 | 5.500.000 | 5000.000 | 95 | 500.000 | 5 | 263.500 | | | 236.500 | |
| TOTAL INV | | | | | | | | | | | | | |
| TOTAL PROJECT | | | 5.500.000 | 5.500.000 | 5000.000 | 95 | 500.000 | 5 | 263.500 | | | 236.500 | |

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

| Contracts | Start of Tendering | Signature of contract | Contract Completion |
|-----------------------|------------------------|------------------------|------------------------|
| Direct Grant Contract | Second Quarter of 2009 | Fourth Quarter of 2009 | Fourth Quarter of 2011 |

1. Final payment: 3 years following the end date for contracting
2. Completion of activities: 2 years following the end date for contracting

All projects should in principle be ready for tendering in the 1ST Quarter following the signature of the FA

6. Cross cutting issues (where applicable)

6.1 Equal Opportunity

Participation in this project will be open to both males and females involved in the sector. Records of professionals' participation in all project related activities will reflect this and will be kept with the project documentation. All the staff of the pilot jurisdictions will involve the activities of the project equally

6.2 Environment

N/A

6.3 Minority and vulnerable groups

N/A

ANNEXES

- 1- Log frame in Standard Format
- 2- Amounts contracted and Disbursed per Quarter over the full duration of Programme
- 3- Reference to institutional framework
- 4- Reference to laws, regulations and strategic documents:
Reference list of relevant laws and regulations
- 5- Non-standard aspects

Strengthening the Court Management System
FINAL 03 09 2008

ANNEX 1: Logical framework matrix in standard format

| | | | |
|--|--|--|--|
| LOGFRAME PLANNING MATRIX FOR Project Fiche for | | Programme name and number | |
| Strengthening the Court Management System | | Contracting period expires 2 years after the date of signing the FA | Disbursement period expires 3 years following the end date for contracting |
| | | Total budget : 5.500.000 € | IPA budget: 5.000.000 € |
| Overall objective | Objectively verifiable indicators | Sources of Verification | |
| To improve the functioning and efficiency of the judiciary according to European standards as foreseen in the Accession Partnership and the National Program for the Adoption of the Acquis. | Capacity and quality of the judicial service improved in the pilot courts at end of the project | Evaluation of the EU Regular Report on Turkey's progress towards accession Evaluation of the progress in the implementation of the Turkish National Programme for the adoption of the Acquis. | |
| Project purpose | Objectively verifiable indicators | Sources of Verification | Assumptions |
| To establish a professional, effective and efficient court management system through dissemination of pilot court management practices and to reform the system by creating a new judicial post. | First Instance Courts Judgments reversed for reconsideration by the Court of Cassation are reduced by at least 5 % by the end of the project. Complaints about functioning of the judiciary are | EU Commission's: Regular Reports Advisory Visit Reports on Functioning of the Judicial System in Turkey. Ministry of Justice's statistics | Continued political support for the reforms to the justice systems of the Republic of Turkey |

Strengthening the Court Management System
FINAL 03 09 2008

| | | | |
|---|--|---|---|
| | considerably reduced in the jurisdictions of the pilot courts at the end of the project | | |
| 1-Results | Objectively verifiable indicators | Sources of Verification | Assumptions |
| <p>3.3.1 Efficient court management system adopted and implemented in the pilot courts in line with the European standards (Activity 3.4.1).</p> <p>3.3.2 Professional skillfulness of the auxiliary personnel in pilot courts raised, effectiveness of court managers and the registrars enhanced (Activities 3.4.2 & 3.4.3).</p> <p>3.3.3 Commitment of the Inspection Board to the new court management system raised (Activity 3.4.4).</p> | <p>1 Backlog of the cases from previous years reduced in 20 pilot courts, the average trial duration shortened. At the end of the project</p> <p>2-The administrative responsibilities of the judicial personnel minimized thus the average trial duration shortened. 100 clerks and 200 court manager have trained and employed at the end of the project</p> <p>The Inspection boards approach to the concept court management revolutionary changed at the end of the project</p> | <p>1-The interim and final evaluation reports of the project</p> <p>MoJ Judicial Statistics 2010 Activity Report of the Justice Academy</p> <p>3- Reports of the Inspection Board on the judicial bodies they inspected.</p> <p>Evaluation Reports by the Experts</p> | <p>Sustained support for project by the MoJ and other stake holders</p> <p>Commitment and contribution of the Academy</p> |

Strengthening the Court Management System
FINAL 03 09 2008

| Activities | Means | Costs | Assumptions |
|---|--|---------------------------|---|
| <p>3.4.1- Dissemination of the new court management system in 20 Pilot Court Houses:</p> <p>Activity 1: Evaluation of the outcome of the previous project and development of a new road map:</p> <ul style="list-style-type: none"> ▪ Development of a new road map aiming for the dissemination following the evaluation of the implementation in five pilot courts, ▪ Review and update by an expert working group of: <ul style="list-style-type: none"> ○ the specialized training programmes/curricula aimed at different category of staff in the court management (administrative staff, judges, prosecutors) which were developed under the 2006 project, ○ the brochures/leaflets prepared for the citizens under the 2006 project. ▪ Publications: Reviewed training curricula, Electronic (CDs or DVDs) and printed manuals, Leaflets and brochures for guidance of the public at the pilot courthouses. <p>Activity 2: Training Staff of the 20 Pilot Court Houses on the new court management system:</p> <ul style="list-style-type: none"> ▪ Organisation of a 1-day introductory seminar for the Judges, Prosecutors and the staff of each 20 pilot court | <p>Direct Grant Contract With the Council of Europe</p> | <p>5.500.000 €</p> | <p>Full commitment of the involved authorities</p> <p>Effective monitoring of project implementation</p> <p>Staff will be able to absorb training</p> |

Strengthening the Court Management System
FINAL 03 09 2008

houses on the aim of the project and the new system to be implemented in the pilot courts houses. The conference will serve as an information platform to make aware of the functions of different category of staff in the court management.

- Study visits to the 5 pilot court houses for 40 staff member (2 staff from each court house) to examine the results of the previous project on the field.
- Training of trainers of the new 20 pilot court houses. 100 candidate trainers will be divided into 5 groups and each group will be delivered 3 times separate trainings which will take 5 days each. In total, there will be 15 training activities for 5 days each for an approximately 2400 different category of staff (administrative staff, judges, prosecutors) of the courthouses.

Activity 3: Implementation of the System in the 20 Pilot Court Houses:

- Full implementation of the new system with the trained staff and technological infrastructure in place in the pilot courthouses.
- Establishment of guidance and information desks in the court houses to inform the citizens on the new system in order to enable citizens to enjoy the benefits of the new faster implementation. In addition, the information brochures will be published to be distributed to the citizens free of charge at the pilot court houses and other public buildings.

Strengthening the Court Management System
FINAL 03 09 2008

| | | | |
|---|--|--|--------------------------------------|
| <p>3.4.2- Enhancing the capacity of Court Managers</p> <ul style="list-style-type: none"> ▪ In line with the specialised training programme/curricula developed above, selection of 200 Court Managers as to become trainers. The group divided into 8 and 5 days trainings will be delivered to each group. <p>3.4.3- Support for the Establishment of a new intermediary post between the judges/prosecutors and the auxiliary staff:</p> <ul style="list-style-type: none"> ▪ Development of training manuals and tools, ▪ Training of 100 registrars (preferably those who hold a law degree) as trainers. 100 registrars will be divided into 4 groups and 2 different trainings will be delivered to each group for 5 days each. In total, there will be 8 training activities for 5 days each. <p>3.4.4- Awareness Raising Activities for the Inspection Board of the Ministry of Justice:</p> <p>3 study visits for the Inspection Board (10 participants each) to EU MS to observe the inspection methods and different solutions in the light of the new court management system (including the separation of administrative and judicial tasks in the courthouses)</p> | | | |
| | | | <p>Pre conditions N/A</p> |