

## Sector fiche – IPA National programmes / Component I

### 1. IDENTIFICATION

<b>Title</b>	Judiciary and Fundamental Rights (incl. capacity building of law enforcement institutions)
<b>MIPD Sector Code</b>	2. <i>Justice and Home Affairs</i> <b>(23 Judiciary and Fundamental Rights)</b>
<b>ELARG Statistical code</b>	23_ <i>Judiciary and Fundamental Rights</i> ; 24_ <i>Justice, Freedom, and Security</i> ;
<b>DAC Sector code</b>	15130
<b>Total cost</b> (VAT excluded) <sup>1</sup>	<b>27,781,711 EUR</b>
<b>EU contribution</b>	<b>22,599,866 EUR</b>
<b>Management mode</b>	<i>Decentralised</i>
<b>EU Delegation in charge</b> <i>Centralised mngmt:</i> <b>Responsible Unit or National Authority/Implementing Agency(ies)</b> <i>Decentralised mngmt:</i>	Muhsin ALTUN PAO- CFCU Director Central Finance and Contracts Unit Address: Eskişehir Yolu 4.Km. 2.Cad. (Halkbank Kampüsü) No:63 C-Blok 06520 Söğütözü/Ankara Tel: + 90 312 295 49 00 Fax: + 90 312 286 70 72 E-mail: pao@cfcu.gov.tr
<b>Implementation management</b>	<i>Who is in charge of management of intervention(s) to be implemented?</i> <i>For decentralised management include also name of SPO</i> <i>Ministry for EU Affairs (Overall Coordinator)</i> <i>Ministry of Justice (Measure 1)</i> <i>Ministry of Justice (Measure 2)</i> <i>Constitutional Court (Measure 3)</i> <i>Ministry for EU Affairs (Measure 4)</i> <i>Turkish National Police (Measure 5-Operation 1)</i> <i>Gendarmerie General Command (Measure 5-Operation 2)</i> <i>Ministry of Interior (Measure 6)</i> <i>Gendarmerie General Command (Measure 7)</i>
<b>Implementing modality</b>	<i>Sector based approach</i>

<sup>1</sup> The total cost should be net of VAT and/or of other taxes. Should this not be the case, clearly indicate the amount of VAT and the reasons why it is considered eligible.

<b>Zone benefiting from the action(s)</b>	Turkey
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## 2 RATIONALE

### 2.1 LINKS WITH NATIONAL SECTOR OBJECTIVE(S) AND MIPD SECTOR OBJECTIVE(S)

*Give the short title of the national sector and the MIPD sector title*

The objectives of Judiciary and Fundamental Rights ( **(including capacity building of Law Enforcement Institutions)** Sector Fiche (SF) are

- to implement the necessary reforms to build an independent, impartial and efficient judiciary,
- to achieve measurable progress towards the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination,
- effective law enforcement, successful fight against crime and against corruption,
- to develop capacity of all sub-sector stakeholders to steer their activities in the context of the Turkish sub-sector alignment strategy for Judiciary and Fundamental Rights, and Fight Against Organized Crime sub sectors.

These objectives are directly derived from National Programme of Turkey for the Adoption of the EU Acquis (NPAA), the Accession Partnership, and MIPD 2011-2013, as well as from the relevant strategies and action plans in this sub-sector. Financial assistance under this sub-sector will contribute to social inclusion and is thereby supporting a priority area of the Europe 2020 strategy.

The Multi-Annual Indicative Planning Document (MIPD) sets out the EU's priorities for financial assistance to Turkey for the programming period 2011-2013. "Justice, Home Affairs and Fundamental Rights" is one of the 7 main sectors on which EU financial assistance will focus on. The "Judiciary and Fundamental Rights" sub-sector constitutes a significant part of the said sector of the MIPD. The objectives of Judiciary and Fundamental Rights **(including capacity building of Law Enforcement Institutions)** Sector Fiche involves the objectives laid out in the MIPD.

Within the framework Accession Partnership Document of 2008, 'judiciary and fundamental rights' area possesses significant importance. In the said document, improvement of judicial system and ensuring the impartiality of the judiciary, promoting rule of law and human rights, proceeding with the modernization of public administration reform, fight against corruption and protection of minority rights, and of socially vulnerable and disadvantaged groups have been identified as priorities.

In addition, NPAA (2008) sets forth priorities related to the sector of 'judiciary and fundamental rights' such as 'increasing the efficiency, efficacy and functionality of the judiciary', 'fight against corruption', 'fundamental rights', and 'legislative work on protection of personal data'.

In respect to fight against crime, Accession Partnership Document of 2008 sets the priorities of 'Continue to strengthen all law enforcement institutions and align their status and

functioning with European standards, including through developing inter-agency cooperation.’ and ‘Implement the national strategy on organized crime. Strengthen the fight against organized crime, drugs, trafficking in persons, fraud, corruption and money-laundering.’ as short term priorities.

Moreover, NPAA (2008) sets forth following priorities:

- Continuing to strengthen and enhance the judicial and administrative capacity of all law enforcement institutions and align their status and functioning with European standards, including through developing inter-agency cooperation,
- Implementation of the Turkey’s National Strategy on Combating Organized Crime. Strengthening the fight against organized crime, drugs, trafficking in human beings, fraud, corruption and money-laundering

### Link with National Strategies

The existence of a number of different strategies in this area reflects the complex and comprehensive nature of the sub-sector and shows that support has to remain targeted and that sector programmes and support projects will have to focus on a more narrow range of activities and institutions to be effective.

Due to the existence of different subjects in this area, there is no hierarchy among the national strategies. The national strategies are closely linked to the said objectives concerning the judiciary and fundamental rights sub-sector **(including capacity building of Law Enforcement Institutions)**.

- Within the framework of the Justice, Home Affairs and Fundamental Rights Sector; Judiciary and Fundamental Rights and Fight Against Organized Crime has been identified as two of the sub- sectors among six in the EU-Turkey Financial Cooperation Alignment Strategy for Justice, Home Affairs and Fundamental Rights Sector. In this context, Turkey has put in place the *EU-Turkey Financial Cooperation Alignment Strategy for Judiciary and Fundamental Rights Sub-Sector and EU-Turkey Financial Cooperation Alignment Strategy for Fight Against Organized Crime Sub-Sector* , which lists priorities of the sub-sector and required measures.
- **EU-Turkey Financial Cooperation Alignment Strategy for Justice, Home Affairs and Fundamental Rights Sector** comprises the priorities under the Judiciary and Fundamental Rights Chapter. Within the framework of this sub-sector, it is aimed at building an independent, impartial and efficient judiciary; ensuring measurable progress on effective law enforcement, anti-corruption and on the full enjoyment of all fundamental rights and freedoms by all individuals without any discrimination; establishing a well-functioning and effective public service order and proceeding with the modernization of the public administration.
- **9th Development Plan** includes the following for the “Judiciary and Fundamental Rights” and “Fight Against Organized Crime”:

- Efforts to improve the quality of judicial proceedings will continue. In the context of the rule of law, legal and administrative measures will be taken in order to make judicial proceedings fast, fair, reliable and right.
  - A proper legal environment will be established in order to enhance economic, social and cultural development.
  - Public services will be provided in an effective, transparent, continuous, secure and integrated manner from a single portal and on different platforms by redesigning the work processes in line with the requirements of the citizens and the businesses through benefiting from information and communication technologies to the maximum extent.
  - Public administration system will be restructured in the framework of good governance.
  - The informal economy in the real sector will be reduced to the minimum level and entrance to the formal sector will be facilitated through the establishment of a strong supervision and monitoring system. In order to ensure functioning of the business environment according to the free market rules and to provide transparency, there will be an effective fight against corruption and organized crime activities and the use of influence will be prevented.
  - Effective fight will be carried out against organized crime, drug trafficking, illegal migration and asylum movements, and human trafficking, as well as against terror and finance of terrorism.
  - Under the title ‘7.5.6 Making Security Services Effective’ of the said Plan, the aim to put in place legal and institutional arrangements that take into consideration the national and international dimension of fight against terror and finance of terrorism is set out.
- ***“The Judicial Reform Strategy”*** was adopted by the Government in 2009. Ministry of Justice closely monitors the implementation of the Strategy through a deliberate Action Plan. “Strengthening the independence of judiciary”, “Promoting the impartiality of the judiciary”, “Restructuring High Council of Judges and Prosecutors to provide representation of the judiciary as a whole on the grounds of independence, impartiality and transparency in the light of the international documents” are short term priorities laid down by the Judicial Reform Strategy and Action Plan. Also a Reform Implementation Monitoring Board was set up within the Ministry of Justice to monitor the implementation of the Judicial Reform Strategy and Action Plan. Since the strategy has been realized to a great extent by 2012, the revision process of the strategy is underway.
  - ***“The Strategy for Increasing Transparency and Strengthening the Fight against Corruption”*** and its **Action Plan**, was approved by the Government in 2010. The time- frame for its implementation is 2010-2014. The Strategy aims to provide transparency, accountability and trust under public administration and to foster preventive and deterrent measures in the fights against corruption through public governance. The Executive Board which is to coordinate the works in this area was

established under the Prime Ministry with the contribution of the relevant ministries.

- Turkey adopted a National Strategy (2010-2015) and **Action Plan (2010-2012) on Fight Against Organized Crime** in July 2010. Above mentioned Strategy and Action plan, which aims to enhance inter-agency cooperation and to strengthen the capacity of the relevant institutions on national and international level, targets to reduce organized crime which requires multi-dimensional and efficient fighting methods. Since the implementation period of Action Plan (2010-2012) will expire at the end of 2012, studies towards preparing a Action Plan covering periods 2013-2015 have been launched.
- Other existing relevant strategies on this sub-sector are as follows:
  - Gender Equality National Action Plan 2008 - 2013
  - Combatting Domestic Violence against Women National Action Plan 2007- 2010. The National Action Plan on the Fight against Domestic Violence towards Women was revised to include the period 2012-2015. The revised Action Plan went into force as of 10 July 2012.
  - National Policy and Strategy Document on Fight against Addiction and Addictive Substances 2006-2012” is adopted.
  - Second National Action Plan on Fight Against Drugs” is adopted on 9 November 2010.
  - Second National Action Plan on Fight Against Human Trafficking came into force in 2009.
- There are also three important action plans, which are presented below:
  - Ministry of Justice has finalized *the Draft Action Plan on Preventing Human Rights Violations* that contains concrete objectives towards finding solutions through a timetable in areas in which the European Court of Human Rights (ECtHR) has ruled against Turkey.
  - Ministry of Justice is working on *the Action Plan on Freedom of Expression to resolve the problems* arising from legislation and implementation in the area of freedom of expression and of media.

The abovementioned documents are taken into consideration in the preparation phase of the measures covered in this Sector Fiche

The measures 1 and 2 under judiciary component are designed in line with 2008 Accession Partnership Document (AP), 2008 National Program for the Adoption of the Acquis (NPAA) of 2008, the Multi-Annual Indicative Planning Document (MIPD) and Judicial Reform Strategy. .

MIPD and 2008 AP attach great importance to further strengthening the independency, impartiality and efficiency of the judiciary.

National Program for the Adoption of the Acquis (NPAA) of 2008 sets forth ‘increasing the efficiency, efficacy and functionality of the judiciary’ as the related priorities to the sector of ‘judiciary and fundamental rights’.

In this context, the Ninth Development Plan also identifies “improving the quality of judicial proceedings” and “establishing proper legal environment in order to enhance economic, social and cultural development” as priorities.

Specifically, Measure 1 aims to reconstruct the legal aid system in line with the priorities listed in the 2008 NPAA, 2008 AP and Judicial Reform Strategy. Measure 2 aiming to draft performance measurement framework and implementation of the framework of the judicial system is directly related with the priorities of Judicial Reform Strategy as well as 2008 NPAA and AP.

Measure 3 and Measure 4 which are covered in the Fundamental rights component are designed in line with 2008 NPAA, 2008 AP, MIPD and Gender Equality National Action Plan 2008 – 2013.

The two measures are directly related to the priorities of AP 2008 “promoting rule of law and human rights” and “protection of socially vulnerable and disadvantaged groups”. and 2008 NPAA “the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination.

Measures 5, 6 and 7 which are covered under law enforcement and fight against organized crime component, are in line with 2008 NPAA, 2008 AP and National Strategy (2010-2015) and Action Plan (2010-2012) on Fight Against Organized Crime.

These three measures are directly related to the priorities of AP 2008 which are “continuing to strengthen all law enforcement institutions and aligning their status and functioning with European standards, including through developing inter-agency cooperation” and NPAA 2008 which underlines the continuation of the improvement of the training system for law enforcement officers and attaching importance and priority to preventive measures through using new technologies for preventing human right violations.

Additionally, the following MIPD priorities have also been taken into account in formulating the measures under law enforcement and fight against organized crime section;

- “strengthened law enforcement and effective fight against crime through strengthened capacity of law enforcement institutions, including improved inter-agency and international cooperation” priority for each measure,
- Improved forensic skills, crime analysis, criminal investigation” priority for measure 7.

## **2.2 SECTOR ASSESSMENT – POLICIES AND CHALLENGES**

Turkey continues its reforms in the field of judiciary through the comprehensive judicial reform strategy. The area of judiciary requires IPA support to further complement national efforts within the harmonization process. These efforts include many areas such as enhancement of training centers for judges and prosecutors, improving the provision of legal aid both in terms of quality and quantity, increasing public confidence in the Turkish judicial system, raising the standards of the Turkish judicial system and aligning them with those of the EU, and the international standards and norms.

In this vein, The Law on Mediation in Legal Disputes was published in the Official Gazette on 22 June 2012. This Law contributes to decrease the workload of judiciary and to shorten the trial process for a speedier judiciary. Establishment of courts of appeal system in administrative judiciary, and introduction of mediation system is of paramount importance for Turkey. However, various other measures should be taken in order to decrease the workload of courts. Nevertheless, more efforts should be geared towards reforming penitentiary system and towards introducing alternative mechanisms to imprisonment, such as electronic monitoring

Furthermore, “developing standards for the improvement of the quality assurance and development system in the judiciary and strengthening the internal audit capacity” is a newly foreseen target in the draft Judicial Reform Strategy document which has been sent to the stakeholders for their opinions. In this regard, on the one hand, a new approach to judicial sector performance assessment is needed to increase the efficiency in judiciary by determining certain standards in order to define performance criteria for members of the judiciary and judicial personnel.

On the other hand, an effective legal aid service is one of the essentials for protection of human rights in terms of the right to a fair trial and access to justice., However, limited sources allocated for legal aid, lack of central organization for administrating the service and monitoring the implementation, commissioning of inexperienced lawyers as compulsory defence lawyers for criminal procedures at police or gendarmerie stations, prosecution offices or courts, lack of well organized and target oriented training programmes on the subject matter affects the implementation of the legal aid negatively.

Moreover, effective implementation of ‘the Strategy for Enhancing Transparency and Strengthening the Fight against Corruption and Action Plan’, which entered into force as of 2010, continues. Also, 2010 Constitutional Amendment brought the right to protect personal data. In line with the amendment, draft legislation regarding protection of personal data is underway.

As with fundamental rights, Turkey has recorded a significant progress in terms of institutionalization. The law on the Establishment of National Human Rights Institution of Turkey prepared in accordance with relevant UN principles entered into force as of 30 June 2012. The Law on the Establishment of the Ombudsman also entered into force as of 29 June 2012 in line with the constitutional amendments of 2010

In addition, the individual application procedure, introduced by the constitutional amendments of 2010 and the Law on the Constitutional Court of 2011, was commenced as of 24 September 2012. Anyone who claims that his or her fundamental rights have been violated can apply to the Constitutional Court if other legal remedies are exhausted.

However fields exist in which there is still room for further efforts. The efforts ensuring the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination will continue as a priority of NPAA.

The Constitution clearly states that international human rights agreements take precedence in case of any conflict with domestic law. To effectively implement this provision, a project has been designed for higher courts and implemented effectively in order to enhance the role of the judiciary in Turkey in initiating changes in the normative framework and its implementation in line with the rights and freedoms guaranteed by the European Convention on Human Rights. However solely increasing awareness of judges and prosecutors in this

field is not sufficient to implement international human rights agreements when they conflict with domestic law, even though the Constitution clearly states that such agreements have precedence. Nonetheless, judges and prosecutors have sometimes failed to consider findings of international human rights mechanisms. In response, the High Council of Judges and Prosecutors established new criteria for assessing judges and prosecutors based on the number of decisions in line with the provisions of the European Convention on Human Rights and the case-law of the European Court of Human Rights. Therefore, the capability of members of the judiciary and other legal practitioners on human rights should be increased.

However, more should be done with a view to ensure gender equality in all fields of life and to combat violence against women. Mechanisms and systems in place to ensure the access of persons with disabilities to education, health, social and public services should be improved. Turkey should put in more efforts to combat child labor, to increase attendance rates to schools, to reform juvenile justice, and to integrate vulnerable children into social life.

In respect to fight against organized crime, works towards improving Turkey's technical capacity in fight against organized crime and in enhancing the capacity of law enforcement agencies, continue at a high pace. There is room for improvement in this field in order to increase the efficiency and deterrence in fight against organized. Furthermore administrative, judicial and technical capacity should be strengthened. Moreover, inter-agency cooperation and coordination should be improved in this field. Capacity improvement activities towards reducing cross border crimes, including fight against human trafficking and migrant smuggling, should continue. Establishment of National fingerprint and DNA data base should be supported. "IPA Component 1 – Transition Assistance and Institution Building is of great importance for project ideas and proposals directed towards "Political Criteria", "Chapter 23: Judiciary and Fundamental Rights, and "Chapter 24: Justice, Freedom and Security". Under this component, projects aiming to enhance harmonisation with the *acquis* and strengthening the implementation of the legislation in areas related with Judiciary and Fundamental Rights and Fight Against Organized Crime sub-sectors.

### *(1) National sector policy, strategy and context..*

In the process of accession to the EU, Turkey aims at aligning with EU *acquis* under the sub-sector and ensures its effective implementation.

The policy objectives in this field are coherent with national strategies and development plans. Since membership to the EU has been one of the ultimate policy objective of Turkey particularly in 2000's with the launch of accession negotiations Turkey has went through a comprehensive reform process. The accession negotiations with Turkey have provided momentum into the reform process. National Programme for the Adoption of the *Acquis* which identifies the works to be done in short and medium term in the context of the accession process to the EU was reviewed in 2008 in line with the Accession Partnership document of 2008. Accordingly national sectoral strategies and development plans have been prepared which contains objectives of harmonizing legislation and standards with those of the EU in the concerned fields. In the context of judiciary and fundamental rights sector, national strategies have been put into place so as to raise the standards of Turkey in line with the EU and international standards in the respective fields for example establishing an impartial and independent judiciary is the common objective of the Judicial Reform Strategy of 2009 and MIPD 2011-2013.

Working group described under sector and donor coordinations established the state of play as regards legislative alignment and implementation, assessed what has been done and the outcomes of the projects implemented, including those funded by EC pre-accession financial assistance, identified collectively what needs to be done (gap analysis), and identified the actions (sub-sector strategy) to be taken.

Horizontal priorities that will be supported as cross-cutting themes are participation of civil society, participation in EU programmes, a high degree of protection of the environment, mainstreaming of climate change considerations, equal opportunities for men and women, support to disadvantaged and vulnerable groups as well as the development of good neighbourly relations. These horizontal priorities may be supported in their own right or as part of programmes and projects in other priority areas.

## *(2) Sector and donor coordination.*

The Reform Monitoring Group, consisting of the Minister for European Union Affairs and Chief Negotiator, Minister of Justice, Minister of Foreign Affairs, Ministry of Interior which was established in 2003 carefully monitors the developments regarding judiciary and fundamental rights and defines policies as regards future needs.

At the preparation phase of the EU-Turkey Financial Cooperation Alignment Strategy for Judiciary and Fundamental Rights Sub-Sector and EU-Turkey Financial Cooperation Alignment Strategy for Fight Against Organized Crime Sub-Sector, Turkish authorities, in cooperation with the Commission, has established a working group consisting of representatives from line institutions, NGOs and international organisations. It is decided that the Working Group meetings are held at regular intervals.

EU-Turkey Financial Cooperation Alignment Strategy for Judiciary and Fundamental Rights Sub-Sector and EU-Turkey Financial Cooperation Alignment Strategy for Fight Against Organized Crime Sub-Sector prepared by the MoEU was submitted to the relevant public institutions, NGO's and international organizations. By virtue of Working Group meetings which have been established to involve as many stakeholders as possible in the identification of priorities, this document was discussed and relevant public institutions, NGOs, international organizations, EU Delegation to Turkey and relevant directorates of the MEA raised their opinions towards this sub-sectoral alignment strategy. All of these opinions have been reflected in to the strategy.

The sub-sector coordination, including the international finance institutions has always been an active tool of implementation in terms of grant applications as well as donor coordination arrangements for the state actors in Turkey. On the other hand, these grant applications this time, is foreseen to be integrated as a new element into EU - IPA perspective. The facilitation options of this new opportunity have been consulted with all the related actors on the Turkish and European sides. The Undersecretariat of Treasury has conducted ad-hoc meetings on this issue. The meeting regarding donor coordination was held on 23 May 2012 under the coordination of Ministry for EU Affairs. The relations with the non-state actors have always been coordinated under the leadership of the relevant public institutions in Turkey. This active and uninterrupted relationship will be strengthened under the responsibility of these institutions of which are the actors in charge of development and investment functions in public sector. However, at present, there is an obvious need for a white paper which would summarize the principal rules and application priorities as cover as much all the key actors in

the system. The Council of Europe and UN Agencies (e.g. UNDP, IOM, UNFPA, UNICEF, UNHCR) have provided substantial support, together with relevant Turkish and international NGOs working on Human Rights, Civil Society Development and other right-based areas. The World Bank provides support for public administration reform. Bi-lateral support is provided by several EU member states (e.g.: Denmark, France, Germany, the Netherlands, Sweden the United Kingdom etc.) and/or their development agencies (British Council, SIDA, MATRA etc.) as well as by Canada.

The Working Group which meets regularly is composed of representatives of institutions expressed in the section of 2.2.5 The actions are elaborated on the basis of gaps identified in the WG where all beneficiaries expressed their demand to improve the capacity as regards alignment and implementation of the EU acquis. Some of the actions proposed takes into account the recommendations provided in the reports of the previously implemented projects. For some actions need assessment studies first will be carried out through the SEI/ESEI resources.

This sub-sector fiche has been prepared with the contribution of all related institutions and have been finalised after the working group meetings for Sub-Sectoral Alignment Strategy preparations in this sector.

### *(3) Sector budget and medium term perspective..*

Turkey's Public Financial Management and Control Law no: 5018, requires the annually preparation of the Medium Term Programme (MTP) for a three year perspective. Moreover, Medium Term Fiscal Plans (MTFP) is developed by the Ministry of Finance in line with Medium Term Program. These documents take into account EU accession requirements as well.

The said document includes five main development axes under which priorities are identified.

Under the development axis of increasing employment, the socially vulnerable people including young, women and disabled are identified as target groups to take additional measures and implement supportive tailor-made policies in the labor market.

Under the development axis of development of human capital and strengthening social solidarity, the improvement of educational system, and the development of income distribution are included as main priorities.

Also regional development and reducing of regional disparities is also another development axis.

Another development axis is the increasing the quality and effectiveness in the public services. Under this axis, the strengthening of the judicial system, increasing the effectiveness of the public order and security services, development of human capital in the public sector are included.

Turkey's national budget allocated to the judiciary is 5.523.181.000 TL which corresponds to 1,44 % of central government budget in 2012.<sup>2</sup>

The fundamental rights are horizontal issues for which every institution is supposed to ensure full enjoyment of fundamental rights and freedoms by all individuals without discrimination. In that respect, since many institutions are involved in the area of human rights other than

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<sup>2</sup> According to Indicative Exchange Rates announced on 14/01/2013 by the Central Bank of Turkey, approximately corresponds to 2,349,589 billion €.

newly established bodies such as Ministry for Family and Social Affairs, National Human Rights Institution, Ombudsman, Turkey's national budget on that specific issue can not be included in the Sector Fiche.

#### ***(4) Sector monitoring system.***

The Reform Monitoring Group, consisting of the Minister for European Union Affairs and Chief Negotiator, Minister of Justice, Minister of Foreign Affairs and Ministry of Interior which was established in 2003 carefully monitors the developments regarding judiciary and fundamental rights and defines policies as regards future needs.

On the second half of 2011 onward a new approach of Financial Cooperation has been adopted on the basis of the principles of a wider understanding, called sector approach. As an effect of the new understanding and in line with the agreed terms of the sector approach, the 2013 programming package has been shaped as an initial application of this new approach.

Since the fully implementation of the sector approach will start in the next IPA period covering the years between 2014-2020, existing monitoring structure will be applied to 2013 package without any profound change in the committees and the tools that are used for monitoring purpose.

To this end and since the existing content and substance of the SMSCs perfectly fit the sectors that have been prioritised within the scope of sector approach and elaborated in their Sector Fiches, the number and the context of the existing SMSCs will also be retained.

### **MONITORING STRUCTURE**

Monitoring is conducted via various levels of monitoring committees' tools. Monitoring committees, as defined in Article 58, 59 and 83 of IPA Implementing Regulation are as following;

#### **IPA Monitoring Committee**

The Committee, which convenes once a year and is co-chaired by the NIPAC and representatives of the EC, carries out the mandate as described in Article 58 of the aforementioned regulation.

#### **TAIB Committee**

Established in line with the Article 59 and 83 of the said regulation, the committee convenes twice a year under the chairmanship of the NIPAC.

#### **Sectoral Monitoring Sub-Committees (SMSCs)**

In line with the Article 83 of the IPA IR, these committees are set-up to monitor programmes and operations of Component-I of the IPA and grouped by monitoring sectors. Sub-committees shall report to the TAIB committee.

Since the number and the content of the SMSCs have been identified in line with the priority areas defined in the MIPD 2011-2013, and the priority areas that have been elaborated in SF per sector within the context of sector approach, and taking due note of the coherence

between the existing structure and the content of sector fiches, SMSCs will serve for monitoring the SFs in the following context.

1. Judiciary & Fundamental rights, (SMSC 1.1 - Judiciary and Fundamental Rights)
2. Migration & border management, (SMSC 1.2 - Home Affairs/Crime, IBM/Migration and Customs)
3. Energy (SMSC 5 – Energy)
4. Agriculture & rural development (SMSC 7 - Agriculture and Rural Development)

The **Sectoral Monitoring Sub-Committees** will meet twice a year and is composed of the representatives from the MEU, NAO, CFCU, EUD, Representatives of the Beneficiary Institutions, Donor Institutions, NGOs and participation of other stakeholders will be ensured when deemed necessary.

#### **The Sectoral Monitoring Sub-Committees (SMSCs;**

- The most recent/updated PMRs for all projects concerned by an SMSC will be provided to participants 10 working days in advance of the meetings.
- MEU will present a short note summarizing the situation in the attached monitoring reports and pointing towards critical issues that require discussion in the meeting including input from the CFCU (on risky projects 10 days prior to the SMSCs). The summary note will also include “lessons learnt” driven from the on the spot mission reports provided by relevant parties. The EUD and CFCU will be in contact to identify the risky projects to be brought to the attention of the Committee concerned and submitted the agreed list of projects to the NIPAC office 20 days prior to the SMSCs.
- The CFCU will provide list of contracted projects relevant to the SMSC and give brief presentation.
- Each SMSC meeting will result in operational conclusions for issues that can be resolved at SMSC level and a list of issues that cannot be resolved at the SMSC level to be brought to the attention of DIS, and then to the next TAIB.
- The agenda of the meetings should include discussions on relevant sector strategies, the link of implementation to ongoing programming supporting the move towards a sector approach to programming, the coordination with linked activities of other donors and stakeholders in the sector and the discussion of relevant findings from evaluations and on-spot monitoring.
- The different stakeholders will submit their inputs (in terms of major findings/results from monitoring activities and project implementation) to the MEU before the meetings in a timely manner.
- Participation of SPOs in SMSCs is mandatory and where SPOs cannot participate they should be obliged to ensure participation of a deputy to represent them and who is duly authorized to speak and decide on their behalf.
- The composition of SMSCs per sector will be revised to ensure that SMSCs fully match with the structure of the relevant programming document (SF and CSP).
- MEU will ensure that the above provisions are adhered to in all future SMSCs.

## **Composition**

Chair: MEU, FCD Director

Members:

High level representatives of the involved line ministries (min. SPO level)

CFCU (CA)

Treasury (NAO)

MEU (relevant Directors)

EUD (relevant Heads of Section)

Donors

NGOs

ROM TAT

**Secretariat/ Reporting:** MEUD-FCD

As for operation level monitoring, “project steering committee” will serve for this purpose.

**Project Steering Committee** will meet in principle twice a year 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 project fiche, and to agree on corrective actions as appropriate. The operational conclusions of the Steering Committee meetings will be agreed by all participants in the minutes of the meetings.

The Operation/Measure Steering Committees will be composed of the representatives of project beneficiaries, Ministry for EU Affairs, Undersecretariat of Treasury, Central Finance & Contracts Unit and EU Delegation to Turkey. Participation of other stakeholders will be ensured when deemed necessary.

The **Project Steering Committee (PSC)** will operate under the following set of rules/tasks which will be adopted by the SPOs.

- to assess the progress of the project components in terms of the procurement preparation and implementation of contracts
- to verify the achievement of the outputs and results specified in the PFs or as amended.
- to discuss actions to be undertaken in following quarters in terms of achievement of indicators in the PF.
- to design and monitor the outreach and communication activities among relevant partner/beneficiary institutions

- to coordinate involvement of the partner/beneficiary organizations for effective follow up of progress made and ensure the timely flow of information between these institutional partners.
- to monitor the progress made towards project indicators in line with the log frame or propose project fiche changes where appropriate.
- to monitor and facilitate linkage among different project components/contracts and the project with linked activities with other projects, donors or through national fund.
- to coordinate among different project components/contracts ensuring effective sequencing between interrelated components.
- Issues which can't be solved at PSC level to be brought to the attention of the next SMSC or TAIB.

### **Composition**

Chair: Line ministry (at D/Undersecretary level)

Members:

SPOs (as rapporteurs of PSCs)

MEU FCD (including sector and monitoring experts)

CFCU

EUD

Donors

CSOs

ROM TAT

**Secretariat/ Reporting:** Line ministry,

### **Evaluation**

As put forth in the Article 82 of the IPA IR, SF may be subject to interim evaluation to be initiated by the NIPAC, as appropriate, without prejudice to the Commission's rights to perform any ad-hoc evaluations it deems necessary

#### **(5) Institutional setting.**

<b>NATIONAL OUTPUT</b>	<b>RELEVANT INSTITUTION(S)</b>
-independent, impartial and efficient judicial system including the provision of sufficient financial resources and right to fair trial	Ministry of Justice, High Council of Judges and Prosecutors, Council of State, Constitutional Court, Court of Cassation, Turkish Justice Academy

To support resolving human rights disputes by national judiciary in accordance with implementations of the equivalent European Institutions	Constitutional Court, Ministry of Justice, High Council of Judges and Prosecutors, Council of State, Court of Cassation, Turkish Justice Academy, Bar Associations
-successful fight against corruption	Ministry of Interior, Prime Ministry Inspection Board, Council of Ethics for Public Service,
To achieve measurable progress towards the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination,	Prime Ministry (Department of External Relations, Inspection Board), Human Rights Institution of Turkey, Ombudsman Institution, Ministry of Justice, Ministry for Family and Social Affairs, Ministry of Labor and Social Security, Ministry of Foreign Affairs, Ministry of Interior, Ministry of Development, Ministry of Culture and Tourism, Ministry of National Education, Ministry of Health, Radio and Television Supreme Council, Information and Communication Technologies Authority, Presidency of Religious Affairs, The Council of Ethics for the Public Service Directorate General for Foundations, Directorate General of Press and Information, Turkish Radio and Television Corporation, The Association of Gender Equality Monitoring (Cinsiyet Eşitliği İzleme Derneği (CEID))
To establish a well-functioning and effective civil service and to proceed with modernization of the public administration,	Prime Ministry, State Personnel Presidency
To set up strong democratic institutions and civil society promoting pluralism and the values of European integration	Prime Ministry, Ministry of Interior, Ministry for European Union Affairs,
strengthened law enforcement and effective fight against crime through strengthened capacity of law enforcement institutions, including improved inter-agency and international cooperation,	Ministry of Interior Ministry of Customs and Trade Turkish National Police Gendarmerie General Command Turkish Coast Guard Command
improved forensic skills, crime analysis, criminal investigation,	Turkish National Police Gendarmerie General Command The Council of Forensic Medicine
effective measures to reduce organized crime, drugs and cyber-crimes,	Ministry of Justice Turkish National Police Gendarmerie General Command
to prevent money laundering, reduce	Ministry of Justice

financing of crime and terrorism and full civilian oversight of the security forces ensured.	Financial Crimes Investigation Board Turkish National Police Gendarmerie General Command
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***The working group established for the Judiciary and Fundamental Rights Sub-Sector is governed by a very large number of institutions. The main actors are;*** Turkish Grand National Assembly, Constitutional Court, Supreme Court, Council of State, Court of Accounts, High Council of Judges and Prosecutors, Prime Ministry, Ministry of Justice, Ministry for European Union Affairs, Ministry of Family and Social Policies, Ministry of Labor and Social Security, Ministry of Interior, Ministry of Foreign Affairs, Ministry of National Education, Ministry of Finance, Ministry of Development, Ministry of Culture and Tourism, Ministry of Health, Ministry of National Defense, Ministry for Youth and Sports, Ministry of Transport and Communications, Human Rights Institution of Turkey, Ombudsman Institution, Radio and Television Supreme Council, Information and Communication Technologies Authority, Presidency of Religious Affairs, The Council of Ethics for the Public Service Directorate General for Foundations, Directorate General of Press and Information, Turkish Radio and Television Corporation are the major institutions which have the responsibility to exercise relevant strategies.

Other institutions and relevant stakeholders to be involved are; UNDP, IOM, UNFPA, UNICEF, UNHCR, Council of Europe (CoE), Relevant national and international NGOs working on Human Rights, Civil Society Development and other right-based areas, Unions of Municipalities. All related CSOs actively participated in and contributed to the preparation of Sub-Sectoral Alignment Strategy for Judiciary and Fundamental Rights. All CSOs raised their recommendations, opinions and criticisms towards this sub-sectoral alignment strategy and all of these recommendations, opinions and criticisms have been reflected on to the strategy.

The Ministry of Justice is the main beneficiary institution for the measure 1 and 2 concerning “Strengthening the Legal Aid Service in Turkey” and “Performance Assessment and Management System for Judiciary respectively in the Sector Fiche.

Regarding fundamental rights, there are two measures.

The Constitutional Court is the main beneficiary institution for the measure 3 regarding “The Individual Application to the Constitutional Court”. However all the judicial actors are expected to be involved in the said measure. Especially the Supreme Council for Judges and Prosecutors, Court of Cassation, Court of State and Turkish Justice Academy are foreseen to have the role of co-beneficiaries. Lawyers are also presented in the measure by the Bar Associations.

Ministry for European Union Affairs is the main beneficiary for the measure 4 as regards “Enhancement of Participatory Democracy in Turkey: Monitoring Gender Equality” through a direct grant with the Association of Gender Equality Monitoring.

As regards Law Enforcement and Fight against Organized Crime component, the main beneficiary institutions are Turkish National Police and Gendarmerie General Command.

Turkish National Police and Gendarmerie General Command are the beneficiaries for the operations under measure 5 titled “Strengthening the Institutional Capacity of Turkish National Police and Gendarmerie General Command regarding Public Order Management, Crowd Control”

As regards the measure 6 titled “Independent Police Complaints Commission & Complaints System for the Turkish National Police, Gendarmerie and Coast Guard” , Ministry of Interior is

the main beneficiary however Turkish National Police, Gendarmerie General Command and Coast Guard Command are to be co-beneficiaries.

As regards measure 7 titled “Improving the Crime Scene Investigation Capacity of Turkey” is the main beneficiary is Gendarmerie General Command.,

Other institutions mentioned above also will have key roles in achieving sector objectives.

#### *(6) Macro-economic context and Public Financial Management.*

Macro-economic context:

Key updated facts regarding Turkey’s macro-economic context can be summarized as follows:

- Turkey, with a growing population of approximately 73.7 million, is among the world’s 20 largest economies. Since 2001 the country has been undergoing a significant socio-economic transformation and is being reshaped by an economy-wide agenda of policy reform. As a result of the economic reforms, the Turkish economy has experienced an average annual growth rate of more than 7% over 2002-07 and Turkish Economy expanded by 6% between 2002 and 2011. According to the IMF, Turkish Economy is expected to grow by 2,3% in 2012. Turkey has recovered fast from the global financial crisis and amongst those countries affected less from current global economic uncertainties. GDP per capita has tripled in the last ten years from 3,492 USD to 10,444 USD. According to Purchasing Power Parity (PPP), GDP per capita came close to 16 thousand USD.
- Turkish economy has expanded by 8.5% in 2011, which was well beyond the expectations of the IMF (7.5%), as well as being the fastest economic growth rates in Europe.
- In terms of Maastricht criteria Turkey has also scored well. EU defined general government budget deficit/GDP ratio was 2.6% in Turkey in 2011 and Turkey satisfied the Maastricht criteria of 3%. Turkey also outperformed 18 EU Countries. Central government budget deficit/GDP ratio was 1.3% in Turkey in 2011 and Turkey outperformed 23 EU Countries. Debt/GDP ratio of Turkey was 39.4% in 2011, which were below the level in 21 EU Countries and the Maastricht Criteria (60%).

#### Public Financial Management

Turkey’s Public Financial Management and Control Law no: 5018, requires the annually preparation of the Medium Term Programme (MTP) for a three year perspective. Moreover, Medium Term Fiscal Plans (MTFP) are developed by the Ministry of Finance in line with Medium Term Program in such a way that it includes central government budget total revenue and expenditure estimates, targeted deficit, borrowing and appropriation proposal ceilings of public administrations for the coming three years, and it has been finalized by High Planning Council.

2012-2014 central government budgets to be prepared as based on Medium Term Fiscal Plan aims at ensuring allocation of resources in line with pre-determined main policy priorities and increasing the quality of public expenditures, and thus enhancing living standard of the society. These two documents are sent to public institutions and the budget proposals of public institutions are assessed on the basis of priorities provided in these documents, which are shared with them, and accordingly, allocations are made. These documents take into account EU accession requirements as well.

### *(7) Sector assessment.*

The Working Group described in section 2.2.5 is composed of representatives of institutions given in the previous section. The actions are elaborated on the basis of gaps identified in the WG where all beneficiaries expressed their demand to improve the capacity as regards alignment and implementation of the EU acquis. Some of the actions proposed takes into account the recommendations provided in the reports of the previously implemented projects. For some actions need assessment studies first will be carried out through the SEI/ESEI resources.

This sub-sector fiche has been prepared with the contribution of all related institutions and have been finalised after the working group meetings for Sub-Sectoral Alignment Strategy preparations in this chapter.

## **3 DESCRIPTION**

### **3.1 OVERALL OBJECTIVE OF THE IPA SECTOR SUPPORT**

Turkey, as a candidate country, aims at aligning with EU standards acquis. In the scope of this purpose, Turkey exerts efforts towards improving its standards and legislation, in line with the EU acquis and standards. To proceed in achieving the foreseen targets, IPA funding has a considerable impact on the harmonisation process.

In this respect, the Judiciary and Fundamental Rights area requires IPA support in order to complement Turkey's national efforts which have undergone a comprehensive reform process within the harmonization process. The Judiciary and Fundamental Rights Sector Fiche involve the objectives set out in the MIPD. *The measures related to institutional capacity increasing for law enforcement institution* are also covered under Sector Fiche of 'Judiciary and Fundamental Rights' for 2013 considering their link to fundamental rights and freedoms.

As explained under sector and donor coordination Turkish authorities, in cooperation with the Commission, has established a working group consisting of representatives from line institutions, NGOs, universities, international organisations and IFIs in order to identify the state of play as regards legislative alignment and implementation, to identify the areas that need improvement, and to present a gap assessment. The financial assistance under IPA will contribute to actions to be taken to fill the identified gaps by means of supporting the measures to be implemented to this end.

In this context, the first objective is to implement the necessary reforms to further strengthen the independency, impartiality and efficiency of the judiciary. The second objective is to achieve measurable progress towards the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination and to promote women and children's rights. The third objective is effective law enforcement, successful fight against crime and against corruption. The fourth objective is to develop capacity of all stakeholders of the Judiciary and Fundamental Rights sector to steer their activities in the context of the Turkish sub-sector alignment strategies for Judiciary and Fundamental Rights, and Fight Against Organized Crime.

### **3.2 SPECIFIC OBJECTIVE(S) OF THE IPA SECTOR SUPPORT**

The Judiciary and Fundamental Rights sector **(including capacity building of Law Enforcement Institutions)** has truly defined specific sector objectives. The measures which are proposed for IPA financing for 2013 have already been designed for achieving these objectives which can be set out as:

- Completed capacity building aiming at more efficient and effective organization, strengthened independence and impartiality of the judiciary,
- Effective implementation of the European Convention on Human Rights during the judicial processes and elimination of human rights violations at the national level,
- Better access to justice through completed review of legal aid, expertise and interpretation services to enable better access to justice,
- Promotion of women rights and increased awareness and knowledge so as to eradicate gender-based inequalities,
- Enhanced forensic skills and capacity,
- Improving the standards and capacity of law enforcement in respect to fight against organized crime and crowd control

### **3.3 RESULTS**

The main anticipated results to be achieved are as follows:

- Better access to justice through completed review of legal aid enhanced.
- Efficiency of the judiciary increased through Justice Sector Performance system.
- Awareness of judges, prosecutors and lawyers in Turkey on the individual application mechanism to the Constitutional Court and implementation of fundamental rights increased
- Assurance of the rights and freedoms set forth in the Constitution and the Convention are fully secured at the national level
- The reduction in number of applications to European Court of Human Rights (ECtHR) and violation judgments of the Court against Turkey.
- The co-operation of the national courts with European institutions increased
- Gender-Related Public Policies enhanced and Women's CSOs empowered about all aspects of monitoring,
- Increased awareness and knowledge about how to eradicate gender-based inequalities through research, data collection and reporting Increased cooperation and communication between women's civil society organisations and public institutions at the local and national levels
- Increased cooperation and communication among women's civil society organisations locally, nationally and internationally
- The problems regarding the implementation of the public policies analysed

- Improved institutional capacity regarding public order management and crowd control in line with EU and international standards in the framework of human rights
- Efficient Police Complaints Commission and Complaints System for the Turkish National Police(TNP), Gendarmerie and Coast Guard in place
- Improved capabilities of Crime Scene Investigation Teams and Units,
- Capabilities regarding fight against organized crimes enhanced.

### **3.4 MEASURES/OPERATIONS<sup>3</sup> TO ACHIEVE RESULTS**

This sector comprises measures that fall under the *'judiciary' and 'fundamental rights' encompassing 'law enforcement (which includes aspects related to fight against crime)'*.

There are 7 measures to be put in place to achieve the results that have been considered during the identification phase for the 2013 programming year.

**For contractual details on the different measures/operations foreseen, please refer to Annex 4.**

## **JUDICIARY**

### **Measure 1: Strengthening the Legal Aid Service in Turkey**

*Total budget foreseen for Measure 1 is EUR 1,375,000 . (IPA Contribution: EUR 1,306,250)*

The purpose is to establish a more effective, sustainable and satisfactory legal aid system in order to strengthen the right to a fair trial and access to justice.

An effective legal aid service is one of the essential for protection of human rights in terms of right to fair trial and access to justice.

Moreover, problems in payments for lawyers such as low level of fees, delays in payments pose extra impediments for recourse of citizens to the system.

Reconstructing the legal aid system is expected to contribute to the formation of an effective, accountable and transparent service to people who are entitled to use legal aid services in line with the priorities listed in the 2008 Accession Partnership Document, NPAA and the Judicial Reform Strategy.

Within this measure, a competent body responsible for implementation of all legal aid services will be established which do not exist either in Ministry of Justice or in Turkish Bar Association. Transparent and objective economic criterion will be defined for applying to legal aid services throughout Turkey.

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<sup>3</sup> As defined in Article 6(2) of the IPA Implementing Regulation No 718/2006. IPA Component I programmes are subdivided into sectors (priorities), each of which define a global objective to attain and which shall be implemented through measures, which may be subdivided into operations, or directly through operations. Operations shall comprise a project or a group of projects (implemented by the Commission or the beneficiary country).

Separated budgets for legal aid in civil litigations and for compulsory defense lawyers will be merged in a single budget to easily follow and manage the system by the authority to be established for legal aid.

By forming a new mechanism, a consistent application procedure for the usage of legal aid will be provided to handle applications to courts and bar associations.

The new legal aid authority will also effectively supervise the compulsory defense lawyers by forming rules for controlling the cases followed by them, as problems in payments for lawyers such as low level of fees, delays in payments create extra impediments for recourse of citizens to the system.

It is also aimed to increase the quality of legal aid services by establishing this new mechanism. The mechanism shall evaluate and resolve the legal aid demands from beneficiaries in a faster and reliable way. Also, satisfaction of individuals can be measured by this mechanism.

In order to raise public awareness, legal aid offices will be established in the courthouses, booklets, leaflets, CDs will be distributed to the public, web pages on legal aid will be set up and international seminars will be organized, since skeptical approach of citizens to the system and appointed lawyers due to limited number of awareness raising campaigns has a detrimental effect to the success of the system.

Establishment of effective and sustainable legal aid authority requires legal amendments; therefore a report regarding the legislative amendments will be produced and submitted to the the Ministry of Justice. The comparative analysis, study visits and international seminars will be carried out within the measure.

The Ministry of Justice is the beneficiary institution.

The measure is to be carried out through a twinning contract.

- Twinning Contract (24 Months) (EUR 1,375,000) (IPA Contribution: EUR 1,306,250)

## **Measure 2: Performance Assessment and Management System for Judiciary**

*Total budget foreseen for measure 2 is EUR 2,140,655 (IPA Contribution: EUR 1,926,590)*

The purpose is to provide a systematic framework and an empirical basis for the Turkish authorities to be able to measure justice sector performance in general and to empirically assess the impact of future improvement initiatives in particular.

This measure aims at drafting performance measurement framework and implementation of the framework of the judicial system as a whole.

With regard to performance measurement and management system in Turkey, 2011 Progress Report underlines that “neither an overall common strategic framework nor reliable indicators and benchmarks have been established by the Ministry of Justice and the High Council for Judges and Prosecutors to assess the performance of courts and of the judicial system as a whole. Such a framework, indicators and benchmarks would allow the authorities responsible to assess the human and material resources needed to address the backlog of old cases and the influx of new ones and would provide the basis for optimum allocation of resources and rationalisation of the court network.”

Within this measure, duties and working standards for judicial professionals will be prescribed. The measure will therefore provide a framework and empirical data about relevant aspects of justice sector performance.

The performance criteria of the judicial processes will be identified. In this scope, performance criteria will be developed for the trial and prosecution processes.

Average work periods will be determined within the scope of judicial time management.

Principles concerning the organizational structure (number of judges, prosecutors, personnel, budget and cost needs and physical needs) suitable to these work processes will be identified.

A system on the preparation of regular activity reports for the monitoring of the performance of the justice system by public will be established. A need analysis will be done to establish an information system for the users of the judicial system (defendant, plaintiff, accused, victim, witness) of the work processes will be done and tools to inform the users of the judicial system about the processes will be designed.

An analysis will be made about the physical conditions affecting the performance in the courthouses and a mechanism to assess the satisfaction of the employees and users of the judicial system about the physical conditions will be developed.

Need analysis will be made regarding performance-based salaries.

For the implementation of the performance criteria necessary changes will be made in the IT system.

Research activities and study visits will be organized in order to understand the international practices on performance and quality systems. Pilot courts will be identified throughout the country; to prepare workflow charts in the pilot courts, to identify principles concerning the organizational structure, to establish an information system for the users of the judicial system and to analyse the physical conditions. In this scope, the stages of processes in the courts from the beginning till disposition will be identified in detail with the participation of the users of the judicial system and employees of the courts will be ensured.

The World Bank has an important experience in the field of performance assessment of the judicial systems. It is active in several countries and therefore it will be possible to benefit implementations of different countries.

Given the requirement for strong technical and multi-disciplinary expertise, the Ministry of Justice prefers the World Bank to carry out this assignment. This public international organization with a mandate to fight poverty is uniquely positioned to carry out this assignment. It offers a solid track record with generating and working with empirical data. It has world leading expertise in analyzing financial and human resource management for service delivery in public sector institutions and measuring public sector performance empirically. The World Bank has demonstrated its technical expertise and multi-disciplinary skill-set in the justice sector with both the Turkish authorities as well as with the European Commission. It is not a party to the EU accession negotiations and can therefore act as an honest broker. The World Bank would not make a financial benefit through this assignment. The fees would just be paid for specific reimbursable costs generated through this assignment. The contract would be signed between the CFCU (Central Finance and Contracts Unit) and the World Bank.

In terms of empirical data, the World Bank is the internationally leading institution when it comes to generating and interpreting data across all sectors of economic and social development. It is the world's leading development organization and has a strong focus on measuring the performance of service delivery to people across different sectors. It is the intellectual leader on performance indicators across all kinds of sectors. On the European continent, for example, the World Bank is now working together under a trust fund with the European Commission on monitoring and evaluation of reform progress and impact across sectors, including justice.

In terms of justice work, the World Bank has a portfolio of several hundreds of millions of US Dollars dedicated to improving the functioning of justice sector institutions across countries with very different levels of development, from the poorest countries in post-conflict situations to more developed countries such as Brazil, India, China, Russia, and EU member states. They focus on the functioning of institutions and the management of their performance as well as the extent to which they serve those who are in need of their services, ranging from the poor and marginalized to businesses. The expertise available at the World Bank does not only cover the legal aspects, but focuses specifically on the implementation. That is where the link to empirical data becomes key. In most institutions, the work on justice is carried out by lawyers, and while lawyers are members of the World Bank teams, they also include economists, social scientists, and experts in human resource and financial management, because justice sector performance measurement and management exceeds the boundaries of just one discipline. This kind of expertise is not available in other public international organizations in the field.

The Ministry of Justice is the beneficiary institution.

The measure is to be carried out through a direct grant contract with the World Bank.

- Direct Grant Contract (EUR 2,140,655 ) (IPA Contribution: EUR 1,926,590 )

## **FUNDAMENTAL RIGHTS**

### **Measure 3: Supporting the Individual Application to the Constitutional Court in Turkey**

*The total estimated budget for Measure 3 is 6,382,228 € (IPA Contribution: 4,082,228 EUR)*

The overall objective is to contribute to supporting and strengthening of the individual application system in Turkey by empowering the judiciary in Turkey in line with the acquis, the rights and freedoms guaranteed under the system of the ECHR.

The purpose is to contribute to the capacity development of the higher courts, first instance courts and bar associations in the functioning of the individual application mechanism to the Constitutional Court in and implementation of the fundamental rights guaranteed under the system of the ECtHR.

This measure is built upon the steps already taken by the Project on “Enhancing the Role of the Supreme Judicial Authorities in respect of European Standards” (JP High Courts - TR0801.01-01/001) which contributed to the Constitutional Court of Turkey (*hereafter* “TCC”) on establishing the individual application system by providing technical assistance activities such as training of staff, preparation of training materials, setting up of new procedures, etc.

The measure is designed as based on the lessons learnt in the High Courts Project (Enhancing the Role of the Supreme Judicial Authorities in respect of European standards) results of which are already appreciated by Turkish Judiciary and European partners. It is important to disseminate the knowledge and experience gained in the High Courts Project to all judges and prosecutors in all courts in Turkey with the positive atmosphere among the beneficiaries to work together and contribute to each other's work.

Furthermore, the knowledge and experience gained in High Courts Project will be disseminated to the first instance courts' judges, prosecutors and lawyers within the perspective of individual application mechanism. This measure will disseminate this culture to the first instance courts' judges, prosecutors and lawyers by bringing them together with the high courts in several activities through which the knowledge and experience gained in previous project will be shared with the first instance courts.

Judges and prosecutors of the first instance courts have the main responsibility for the elimination of human rights violations and lawyers have an important role for the functioning of the individual application. Therefore, the dissemination of knowledge and experience to them is very crucial.

In the early years, well functioning of the individual application system, established by contributions of the activities in the context of High Courts Project, is vital in terms of accepting this system as an effective domestic remedy.

In this respect, the activities foreseen are:

- To increase capacity of the judges, prosecutors and lawyers in Turkey on the individual application mechanism and implementation of fundamental rights protected by the ECHR, the case law of the ECtHR, the ESC and national mechanisms through round tables, training seminars, conferences and study visits addressing to all judges and prosecutors and lawyers.

- To promote the co-operation of the Constitutional Court with their European counterparts and other human rights institutions through case law forums, study visits and short term placements.

- Publication and promotion activities (books, translation, public spots and programs on TV and brochure printing)

- Strengthening IT systems (The human rights web page within TCC, the development of an electronic database of individual application)

- Dialogue between national and international judges and jurists,

The Constitutional Court is the main beneficiary institution.

The High Council of Judges and Prosecutors, Council of State, Court of Cassation, Turkish Justice Academy and Bar Associations act as co-beneficiaries.

The measure is to be carried out through a direct grant contract with the Council of Europe.

The reason to prefer CoE for the direct grant is as follows:

- 1.

The main purpose of the individual application system is to ensure a constitutional guarantee of human rights in the scope of ECtHR. In this context, the measure is not only aiming to understand the experiences of a single institution's or country's jurisdiction on human rights, but also aims to understand the practice and knowledge of ECHR, prominent CoE member

countries which are successfully carrying out the constitutional jurisdiction and specialized institutions on human rights.

- Direct Grant Contract ( EUR 6,382,228) (IPA Contribution: EUR 4,082,228)

#### **Measure 4: Enhancement of Participatory Democracy in Turkey: Monitoring Gender Equality**

*Total budget foreseen for measure 4 is EUR 1,628,000 € (IPA Contribution: EUR 1.628.000)*

The overall objective is to further engage the women's rights organizations towards the achievement of greater de facto gender equality for the development of a more participatory democracy in Turkey.

The purposes are to build up and strengthen the organizational capacities of women's rights organizations' so that they can monitor the implementation of public policies in terms of both gender equality and the elimination of all forms of discrimination against women involved in the processes of policy and project implementations better. Also the measure aims to the development/further development of cooperation and communication between women's rights organizations and policy makers for the enhancement of participatory democracy in Turkey through recognizing democracy as one that which should be sensitive to gender-based inequalities.

This measure consists of 2 components to be implemented in two decisively selected areas namely "combatting violence against women" (VAW) and "women in decision-making". The 1<sup>st</sup> component is the enhancement of gender-related public policies: mapping the opportunities for monitoring towards greater gender equality and the 2<sup>nd</sup> component is the empowerment of Women and Human Rights Organizations (WHROs) about all aspects of monitoring.).

**Component 1:** The enhancement of gender-related public policies: mapping the opportunities for monitoring towards greater gender equality

The expected results for Component 1 are as follows:

- Increased Awareness and Knowledge about How to Eradicate Gender-based Inequalities through Research, Data Collection and Reporting.

This will be achieved, on the one hand, through a mapping of legal regulations, their implementation instruments, and (WHROs) in **seven** decisively selected **provinces**, and the WHROs' needs for better monitoring, and, on the other, through the development of indicators for monitoring of gender equality policies in the selected areas, namely VAW and decision-making.

- "WHROs analysed the implementation problems of the public policies".

This will be achieved through organising **28** workshops in the seven provinces, establishing regional NGO coalitions for monitoring gender equality, and the development of regional monitoring action plans in which short, medium and long term aims will be designated.

- "Increased Knowledge and Awareness among WHROs about Public Policies"

This will be achieved through the implementation of short term aims of the **action plans** developed regionally and organizing **seven panels** and **workshops** to bring together regional experiences as well as to develop a collective understanding of public policies.

**Component 2:** The empowerment of women and human rights organizations about all aspects of monitoring.).

The expected results for Component 2 are as follows:

- Increased cooperation and communication between women's civil society organisations and public institutions at the local and national levels.

This will be achieved through organizing **periodic visits** to the Parliamentary Commission on Equal Opportunity for Men and Women as well as relevant ministries, roundtable meetings, and dissemination of monitoring reports.

-Increased cooperation and communication among women's civil society organisations locally, nationally and internationally.

This will be achieved through the establishment of **NGO coalitions** in seven selected provinces, the organisation of an **international conference** with the participation of representatives of both those coming from domestic WHROs (80%) and those coming from other countries (20%), and the publication and dissemination of results of the conference.

Ministry for European Union Affairs is the main beneficiary. The measure will be implemented within close cooperation with relevant Ministries including Ministry for Family and Social Affairs, Ministry of Justice, Ministry of Health and Ministry of National Education. Due to the fact the measure includes two major monitoring areas of more than one line Ministry, it is rather important and essential that monitoring work should be done both in an independent fashion and in cooperation with the relevant Ministries.

This measure is to be carried out through direct grant with CEID

CEID has the “monopoly” status at the outset, and is the only women’s CSO due to the totality and juxtaposition of the following reasons: First, it is the only CSO established with an exclusive and specific aim of monitoring gender equality-related public policies and bearing a legal person status in Turkey. Second, it is the only women’s CSO with a legal person status having members from various parts of Turkey – i.e. it is not a network or a coalition, but bears the features of a coalition. Third, its members are all gender experts having long background and experience in gender-related issues, which is significant in that the members have the capacity to develop and implement deeper and constructive monitoring. Fourth, CEID is the only CSO in Turkey conducting integrated monitoring by using feminist methodology. This implies to go beyond both the recording of cases in which human rights are violated as is done by human rights organisations and referring to global figures and facts as is done by other women’s rights organisations in Turkey. It also implies to use bottom-up and participatory techniques while analysing the positive aspects and shortcomings of the existing gender equality related policies and setting out what is missing and what is needed to reach greater gender equality – a methodology which is being currently applied in a project on monitoring. Lastly, CEID cooperates with both the Ministry of the Family and Social Policies and the Parliamentary Committee on Equal Opportunities for Men and Women while maintaining its independent status which is crucial for essence of monitoring work.

- Direct Grant (EUR 1,628,000 ) (IPA Contribution: EUR 1.628.000)

## **CAPACITY BUILDING OF LAW ENFORCEMENT INSTITUTIONS**

### **Measure 5: Strengthening the institutional capacity of Turkish National Police and Gendarmerie General Command regarding Public Order Management, Crowd Control**

*Total budget foreseen for measure 5 is 10,225,828 €.*

Related with this field, 2008 Accession Partnership covers the following short-term priorities:

“Continue implementation of all reforms concerning freedom of association and peaceful assembly in accordance with the ECHR and its related case law. Implement measures to prevent the excessive use of force by security forces”

The NPAA (2008) covers three main objectives in this field:

- Improvement of the training system for law enforcement officers will continue. The working conditions of law enforcement officers will be reviewed.
- Attaching importance and priority to preventive measures through using new technologies for preventing human right violations will continue.
- In conformity with the European Convention on Human Rights and related case laws and in line with the implementation of all reforms regarding the freedom of peaceful assembly and demonstration, the capacity of Turkish police institution to intervene in the social events will be strengthened in the context of the implementation of measures regarding the use of proportional force by police.

#### **Operation 5.1 Strengthening the Institutional Capacity of Turkish National Police regarding Public Order Management and Crowd**

The measure aims at providing a more secure environment in which citizens can enjoy the freedom of expression and freedom of assembly.

The purpose is to develop the human resources and technical structure of law enforcement bodies and to improve the current situation in accordance with best practices of EU Member States on crowd control. More specifically, the measure is designed to develop the institutional capacity of Turkish National Police (TNP) on public order management and crowd control in line with justice, freedom and security strategies and policies of the European Union. All relevant departments of the TNP such as Security Department, Training Department and Main Command and Control Centre will be involved. Depending on the type of activity and expertise, any other relevant department will also be invited to participate during the project.

One of the most essential tasks of democratic states is to ensure a secure environment for all citizens and to enable them enjoying freedom of expression. Law enforcement bodies are expected to ensure a secure environment and to improve the communication and trust between public and state through effective planning of its tasks and effective implementation of the related legislation.

This measure is directly related to the priority stated in 2008 NPAA which underlines that “in conformity with the European Convention on Human Rights and related case laws and in line with the implementation of all reforms regarding the freedom of peaceful assembly and demonstration, the capacity of Turkish police institution to intervene in the social events will be strengthened in the context of the implementation of measures regarding the use of

proportional force by police.” The circumstances such as the increase in the number of events, and the changing patterns of riot incidents, illegal strikes and lock-outs still require development of the institutional capacity for TNP on public order management and crowd control. New approaches or current practices (e.g. communication and negotiation before intervention) need to be introduced to law enforcement bodies in order to prevent disproportionate use of force as well as to protect the rights of the citizens.

To attain strategic level goals, standards need to be defined for selection, training and assigning staff to be deployed in crowd control operations. Crowd control staff has to be trained in specially designed regional training centres to ensure the integrity throughout the country. To increase the effectiveness of trainings, pre-training simulation and practical training centres need to be built. In order to provide effective public order management, crisis management centres have to be formed as a crowd control mechanism. As a result of building technological infrastructure in the related units, data analysis can be done accordingly and reports of events will be available upon request.

Whenever necessary, the Turkish National Police will invite the Gendarmerie General Command to the project activities.

The activities foreseen are:

1) Organization of a workshop regarding the situation analysis on institutional capacity in crowd control and crisis management, and preparation of a gap analysis and needs analysis in terms of institutional structure.

2) Formation of the selection criteria, psychomotor, skill and knowledge tests for the staff in charge of crowd control and crisis management,

-Defining selection criteria of staff which will be employed in crowd control,

-Defining professional standards, preparation of psychomotor, skill and knowledge tests,

- Preparation of reports on job analysis and job definition,

- Improvement of existing working conditions, especially in the field of working hours through proposals on flexible working hours, planning maximum working hours of crowd forces.

- Designing an ideal campus for of Crowd Control Police Units in provinces (for the purpose of physical and psychological recovery)

3) Review of the current situation, legal infrastructure and developing decision making system, strengthening the institutional structure of crisis management centers through the best practices of the EU countries and preparation of standard operational procedures (SOPs).

- In current situation, there is a Crisis Management Center in Main Command and Control Center Department of Turkish National Police. This center has been equipped with certain equipments and a system. Also a similar structure called as Crisis Management Center Bureaus were established at Security Command and Control Centers in 81 provinces. Both of these institutional structures work with a limited number of staff and without any training on the subject. These centers need to be supported in terms of human resource development for qualified staff.

- Above-mentioned center in TNP is important in terms of monitoring and evaluation of social events. Provincial Crisis Management Centers are also important in terms of managing and controlling demonstrations.
- Besides, according to Regulation of Prime Ministry Disaster and Emergency Management Presidency, “Turkish National Police Disaster and Emergency Management Centre (Crisis Management Center)” will be designed as mechanism for the purpose of cooperation and coordination between government agencies and especially Prime Ministry Disaster and Emergency Management Presidency. Ministry of Interior approved this action on March 15, 2013. Through this perspective, crisis management centre at the TNP HQ and its connections in provinces will gain more importance in coming years. Therefore, this operation is deemed necessary in order to review and strengthen the structure and establish an infrastructure in line with international standards.
- Organizing training activities for the key staff to be assigned in the crisis management centres in 81 provinces,
- Study visits to the project counterpart country or any relevant EU country for a better understanding of a crisis management concept and structures,
- Preparation of e-learning modules for the staff of the crisis management centers,
- Trainings of high ranking officers (strategic level) to be deployed in the management of crowd control in crisis management centres,
- Training of staff deployed in decision support unit in the Crisis Management Centers,
- Refurbishment and supplies to provincial Crisis Management Centres in Ankara, Diyarbakir, Van provinces in which demonstrations are experienced intensively,

Three provinces which are identified within the measure are among the first ten provinces in Turkey where social events mostly occurred in 2012. Therefore, the measure particularly focuses on the establishment of crisis centers (in three provinces: Ankara, Van and Diyarbakir). Provinces chosen for the refurbishment and supply support will play a pilot role and the rest of the provinces will be refurbished on the basis of re-organization experiences of the pilot provinces. The coordination between the provinces and Crisis Management Center at TNP HQ will be strengthened. Moreover, strengthening the structure in these cities will ensure effective management of social events and increase accountability of law enforcement.

--Refurbishment of regional training center,

--Police Vocational School in Diyarbakir is going to serve as the Regional Training Center of TNP within the scope of this Project. In addition to this, 200 acres of land next to the school have been allocated for this purpose and this area is going to be used as practical training area. Furthermore, Diyarbakir was selected intentionally as a training hub in the region and it is one of the most populated cities in Turkey and the biggest provincial center in the region which lies at the junction of airport, railways, road transport. Also, this regional training centre will provide trainings for the staff of 15 provinces in the region.

The project on "Implementation Capacity of Turkish Police to Prevent Disproportionate Use of Force" was completed in July, 2013. “The Standard Operating Procedures Guidelines” (SOPs) on crowd control were prepared, which can be seen as one of the most important

output of the project. Official Standard Operating Procedures on police tactics and techniques should be introduced and implemented nationwide. In that sense, concerning crowd control, it is of great importance to prepare a sustainable training program and modules with the new concept in line with EU standards. Therefore, it is highly necessary to establish a regional training center particularly in Diyarbakır which is one of the developing provinces in the south-east of Turkey.

--Organization of trainings on how to use simulation and scenario-based training modules for future trainings in regional training centre,

4) Training of trainers on intelligence gathering, command & control, risk analysis and management, negotiation techniques, tactical communication and leadership in crisis management and crowd control etc. through simulation and practical exercises using scenario based modules ,

--Preparation of e-learning modules for behavior development (for staff of crowd control police and security divisions in provincial police departments),

-Training of staff regarding crowd control and crisis management,

7) Organizing study visits (10) and on-the-job trainings (3 activities on crisis management centres, crowd control and preparation e-learning modules and 2 staff for each activity, 6 staff in total) to the European Union countries in context of development of institutional capacity for crowd control to share best practices, models, analysis structures (two officers from Main Command and Control Centre, two officers from Security Department, two officers from Training Department for on the job trainings).

8) Review and preparation of a curricula on crowd control to be inserted into basic police training by using scenario based training modules developed in the 2009 Twinning project (police academy, police vocational schools and police vocational training centres),

9) Raising awareness seminars on the rights & duties guaranteed by laws and enjoyed in public demonstrations with the participation non-governmental organizations (50 non-governmental organization staff and relevant governmental bodies).

-- Seminars on disproportionate use of force with the participation of law enforcement agencies (200 staff) and judicial authorities (50 judicial unit staff).

10) Preparation of proposals and reports for follow-up activities such as projects, action plans, analysis of further needs in the field.

11) Training of strategic level officers for a nationwide pro-active and professional public relations system in order to communicate with media and public.

The measure is to be carried out through supply and twinning contracts.

- Supply contract (EUR 5,131,193) (IPA Contribution: EUR 3,848,395)
- Twinning contract (24 Months) (EUR 2,000,000) (IPA Contribution: EUR 1,900,000)

The budget foreseen for Operation 5.1 is EUR 7,131,193 (IPA Contribution: EUR 5,748,395)

## **Operation 5.2: Strengthening the Institutional Capacity of Gendarmerie General Command regarding Public Order Management and Crowd**

The law enforcement agencies provide security services to the citizens in a qualified, rapid and effective way in order to guarantee their free exercise of fundamental rights and freedoms.

In order to enhance the institutional capacity for intervention during crowd control within the scope of respecting human rights, setting up a center of training and exercise that provides simulation of working conditions will contribute to the harmonization of the implementation with the EU Member States especially regarding technical infrastructure, the tactics and techniques of intervention during crowd control.

The Gendarmerie prepared the following in the field of the intervention in public disturbances:

- Directive on Development and Practice of Security and Public Order Plans
- Directive on Intervention Vehicle for Demonstrations and Public Disturbances
- Equipment Concept for Intervention in Public Disturbances
- Supplementary Publication on Public Disturbances and Guidelines for Intervention.

The overall objective is to eliminate human rights violations originating from lack of training and technical inadequacies and to contribute to the “zero tolerance” policy in violations of human rights by strengthening the institutional capacity of the Gendarmerie personnel and technical infrastructure.

The aim of this operation is to prevent the acts that may cause to the human rights violations by use of disproportionate force during the riot control, to train the personnel on this issue and maximize the riot control capabilities of the personnel.

The Gendarmerie personnel who work in the field of crowd control provide the training regarding intervention in crowd control to the personnel from Azerbaijan, Jordan, Iraq, Tunisia, Kyrgyzstan and Mongolia. It is important that the mentioned trainings meet the European human rights standards and also awareness of respecting human rights is raised among the personnel of the countries being trained by the Gendarmerie.

The expected result of the operation is the increased capacity of the Gendarmerie on crowd control in line with the implementation standards of European countries, EU Acquis, European Convention on Human Rights and the case law of the European Court of Human Rights. The operation will also draw lessons from the 2009 twinning project Project on "Implementation Capacity of Turkish Police to Prevent Disproportionate Use of Force" implemented by the Turkish National Police and whenever possible use the material produced in that context. This operation will raise awareness of human rights among gendarmerie personnel working for demonstration/crowd control which may come across socially vulnerable groups such as children, women or disabled people among crowds. This measure will also raise awareness how Gendarmerie personnel should act in relation to vulnerable groups.

Whenever possible, the operation of Gendarmerie General Command will be implemented in cooperation and coordination with the Turkish National Police in order to avoid duplication and seek joint activities.

The experiences will be shared by holding meetings with the Turkish National Police on occasion and by means of presentations made by the staff of both the Turkish Gendarmerie and Turkish National Police on the activities executed in both operations under this measure.

The operation has been built on 3 pillars:

1. Building a training, simulation and exercise center in Ankara (the simulation district, open amphitheater, closed amphitheater, classes, briefing hall, a hall in which a case study could be analysed by videos, infrastructure and environment organization, building supervisor, etc.).

There is already a simulation town within the territory of Gendarmerie Schools Command located at Beytepe, Ankara. A training and exercise center will be constructed from scratch next to the simulation town for cost efficiency. Construction of the training building and the tower and the environmental planning are envisaged and the fund is allocated from the budget for the supervisor. Only the professional personnel shall attend the trainings to be delivered within the twinning module of the project. Group trainings shall be delivered in the battalion level to the personnel from Ankara and other provinces after the completion of the project. The Trainers Pool constituted from the professional personnel shall train at Beytepe Training and Exercise Center. The battalions consist of 300 personnel each.

The training and exam center will be used permanently all over the year for Gendarmerie staff who are legally obliged with the duty of the crowd control and who shall attend the trainings.

2. The material needs for the simulation center and the needs for the monitoring centers in the 14 pilot provinces (to be determined and financed separately from national budget).

3. Training activities (twinning)

These three pillars will be complementary to each other. The above-mentioned three modules will complement each other and the synchronized application of three modules will ensure the success and the sustainability of the measure.

The activities foreseen are:

- Producing need determination analysis by examining the practices in the Gendarmerie, EU acquis and practices on intervening in demonstrations and preparing recommendation report at the end of the analysis,
- Set-up of trainer pool consisting of 30 personnel,
- Training of Trainers (30 personnel),
- Preparing a concept intervening in demonstrations in rural areas, drawing also on the trainer pool,
- Preparing the training module of Gendarmerie Schools Command,
- Preparing education guide and training documents, handbooks and distributing them to Gendarmerie's related units,
- Providing 750 personnel with the basic training,
- Providing 250 personnel with the advanced training,
- Training of 3,000 personnel all over the country by Trainers Pool together with short-term experts,
- Hostage rescue and negotiation training,
- Training on communication and negotiation before the intervention,
- Providing 100 managing personnel with crisis management training,
- Examining practices of EU Member States with 10 study visits,

- Placement of 6 personnel to EU Member States for one month internships.
- Implementing practical trainings in 14 pilot provinces by using the ToT pool.

The training will be conducted with equipment supplied to Beytepe Training and Exercise Center (to be financed separately from national budget). This equipment will only be used for training purpose. In the selection of pilot provinces, attention will be paid to prefer the places such as Istanbul where demonstrations are common. It is foreseen that 14 pilot provinces will be determined, proportionally covering the Eastern, Southeastern, Central Anatolian, Black Sea, Mediterranean and Marmara regions of Turkey.

The twinning component shall simultaneously start with the works contract. The different modules do not have any risk that they will hinder each other, to the contrary, they will complement each other. Gendarmerie General Command is the beneficiary institution.

The measure is to be carried out through works and a twinning contract.

- Works Contract EUR 1,800,000 (IPA Contribution: EUR 1,350,000)
- Twinning Contract (24 months) EUR 1,324,635 (IPA Contribution: EUR 1,258,403)

The budget foreseen for Operation 5.2 is EUR 3,124,635 (IPA Contribution: EUR 2,608,403)

### **Measure 6: Independent Police Complaints Commission & Complaints System for the Turkish National Police, Gendarmerie and Coast Guard**

*Total budget foreseen for measure 6 is EUR 2,000,000 (IPA Contribution: EUR: 1,900,000)*

The overall objective is to enhance the accountability, efficiency, effectiveness and public confidence of the Turkish National Police, Gendarmerie and Coast Guard in the discharge of their responsibilities in respect of the enforcement of law in accordance with democratic principles and having regard for the Human Rights of all citizens.

The purpose is to support the implementation of the primary legislation with regards to a new independent complaints system for the Turkish National Police, Gendarmerie and Coast Guard, and to start the full operations of the new complaints system and consolidate the system. The measure mainly aims at making the existing mechanisms more effective, fast functioning and transparent so that the complaints against the law enforcement officials are to be examined, monitored, and resulted.

This measure is closely linked to 2 other projects which were are Independent Police Complaint Commission and Complaint System for Turkish National Police and Gendarmerie Twinning Project Phase 1 implemented between 2007-2009 and Support for the Human Rights Trainings of the Civil Inspectors and Enhancing Inspection Techniques under Turkey Political Criteria Program.

The measure is expected to contribute to the increase in the confidence of public and law enforcement personnel to the law enforcement complaint system through development of the infrastructure of recording and investigation systems regarding complaints against law enforcement officials in line with the EU standards are the main aims.

Furthermore, the central record system, which is envisaged to include all the complaints and denunciations related to law enforcement officials, will be followed and monitored by the

### **Commission for the Monitoring of Law Enforcement Bodies;**

It is aimed that the Commission for the Monitoring of Law Enforcement Bodies, as a central authority, will provide uniformity of practice, regarding issues on law enforcement complaint system between General Directorate of Security, Gendarmerie General Command, Coast Guard General Command; will contribute to development of future oriented policies with the database to be created, and will enhance accountability, efficiency, transparency of law enforcement organizations.

The measure assigns duties to the Commission for the Monitoring of Law Enforcement Bodies which will make the complaint system more transparent. Moreover, it is expected that the Commission will be in active cooperation with all the parties involved in the complaint system on a regular basis.

Additionally, a recording and analysis system regarding the complaints against the law enforcement does not exist. It is not possible to diagnose the problems correctly with the current data.

In this respect, the specified standards with regard to the complaint system also do not exist yet, and uniformity between the law enforcement organizations in this sense is not available. Therefore, establishment of a central record system, enabling the recording of the denunciation and complaints against the law enforcement officials in charge for Turkish National Police, Gendarmerie General Command and Coast Guard Command is also foreseen.

The Draft Law on the Establishment of Commission for the Monitoring of Law Enforcement Bodies, which has been prepared by the Ministry of Interior, is on the agenda of the Parliament. Ministry of Interior has already established a working group consisting of Inspectors regarding formation of the central record system and information flow both among the law enforcement units and between Ministry and civil administrations. This group continues working on the necessary software and other topics.

Ministry of Interior is the beneficiary institution.

This measure is to be carried out through twinning contract.

- Twinning contract (24 Months) (EUR 2,000,000) (IPA Contribution: EUR 1,900,000)

### **Measure 7: Improving the Crime Scene Investigation Capacity of Turkey**

*Total budget foreseen for measure 7 is EUR 4,000,000 (IPA Contribution: EUR 3,400,000)*

The overall objective is to contribute to the effective functioning of the judicial system in Turkey, by supporting human rights sensitive, scientific and transparent crime scene investigations.

The purpose is to improve the efficiency of the Crime Scene Investigation Teams (CSITs) through the introduction and nationwide dissemination of means and methods in line with EU best practices.

Two ongoing projects of Gendarmerie General Command are in close relation with the measure. CSI activities (evidence collection) are followed by laboratory examination and outcome of this chain is an objective link between the evidence and the suspect(s). So, the better evidence is collected, the better expert report will be.

1. With the project “Improving the Skills of Forensic Experts” in 20 seminars, 18 workshops and 15 study visits, many experts from 3 institutes got distinguished trainings in

related fields along with accreditation awareness for both laboratory personnel (ISO 17025) and CSI personnel (ISO 17020)

2. With the project “Strengthening the Turkish Forensic Capacity” 4 laboratories are being built and equipped. Dissemination of the service will be enhanced and examination time shortened.

Gendarmerie General Command established their “Forensic Systems” in the Headquarters and its units at the district level in order to help legal bodies in detection of crime and criminals by scientifically examining the physical evidences obtained from crime scenes.

With four (4) laboratories all over the country and GGC’s (277) CSITs (in 81 cities and 196 districts) along with (81) “Fingerprint Examination and Identification Sections” located in cities, the supply for Crime Scene Investigation in Turkey is well disseminated but the demand is yet to be met and growing.

Rapidity is of paramount importance in CSI services. That brings along the need for powerful 4x4 vehicles to get to the point as soon as possible with proper equipment and related experts mounted. *[Ammunition Storage Explosion in the city of Afyon in 2012 and several mass casualty plane/helicopter crashes that entail F2K – Gendarmerie’s DVI (Disaster Victim Identification) Team- to get to the site are the latest examples.]*

According to a 2011 internal need assessment, 63 units declared the needs regarding the requirement for 4x4 vehicles among the Gendarmerie General Command’s CSITs. This number is the one stated as ‘needed number’ in the breakdown of procurement list, where the ‘demand’ is 5 to be stationed in Gendarmerie and serve countrywide, on a case by case basis in such emergency situations described in the previous paragraph. Supply of 4x4 vehicles is important for transfer evidences from crime scenes to the labs. Specially Designed 4x4 CSI Land Vehicles will be procured according to the Prag Guide. It is enclosed market research.

For more complicated and large scale, still urgent cases that CSITs will need a superior conduct of the scene; a multi-capable mobile laboratory is needed.

Again for large scale / outdoor crime scenes and rare cases that require advance capabilities like Blood Pattern Analysis (BPA), Fire Inspections, CBRN-Related Incidents, Post Blast Investigations (PBI), CSIT personnel need additional training and procurement of related equipment in order to give a better CSI service, thus supply laboratories with more evidence both in terms of quality and quantity.

Gendarmerie General Command is the main beneficiary. University of Çukurova is foreseen to be a stakeholder.

This measure is to be carried out through twinning and supply contracts.

- Twinning (24 Months) (EUR 2,000,000) (IPA Contribution: EUR 1,900,000)
- Supply (EUR 2,000,000 ) (IPA Contribution: EUR 1,500,000 )

### **3.5 OVERVIEW OF PAST OR ONGOING ASSISTANCE, LESSONS LEARNED, MECHANISMS FOR DONOR COORDINATION/SECTOR WORKING GROUP AND/OR POLICY DIALOGUE**

The financial assistance allocated to Turkey by the EU from 2000 to 2009 for meeting the political criteria and carrying out judiciary and public administration reforms has amounted to almost EUR 500 million. Under the political criteria, democratisation and the rule of law, the promotion of human rights (including the protection and rights of vulnerable groups) and women's rights and the situation in the east and the South-East), as well as good governance – have been addressed through a number of projects aimed at the judiciary, the law enforcement bodies, civil society and education institutions. Many projects have already been completed successfully and a number of positive immediate and intermediate impacts in areas such as judiciary reform or adoption of the *acquis* in this sub-sector has been achieved through training, awareness raising, the drafting of legislation and action plans and strategies in concerned fields, development of IT systems, preparation of strategies/action plans and the commissioning of supplies.

In this sense, according to the last Result Oriented Monitoring (ROM) results which were presented during the last SMSC meeting which was held on 12 November 2012, comments regarding Judiciary and Fundamental Rights sector performance are as follows;

- Projects related to Judiciary generally show a better performance than those dealing with Fundamental Rights,
- In other words, projects in Judiciary area achieve more concrete results than those in Fundamental Rights area,
- In this context, while, on the one hand legal and judicial issues have been successfully addressed by a number of projects in the past,
- On the other hand, enforcement of Fundamental Rights requires long-term reform and awareness raising.

For the list of finalized/ongoing projects and projects to start with regard to judiciary, fundamental rights, good governance and fight against organized crime, Please See Annex 6.

Lessons Learned:

Turkey receives assistance from IPA under 5 components with a total allocation of EUR 4.87 billion for 2007-2013. Based on the Commission's own assessment of past performance and recent audits and evaluations<sup>4</sup> the following lessons learnt have been drawn to improve the financial assistance:

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<sup>4</sup> European Court of Auditors (ECA) in its Special Report on "The European Commission's management of pre-accession assistance to Turkey" An evaluation on the intervention logic for programming pre-accession assistance to Turkey under IPA was completed in September 2009: Ad Hoc Evaluation of the European Commission's intervention logic for Financial Assistance in candidate countries and key lessons for MIPD 2010-2012 revision A case study – Turkey. A number of thematic evaluations were also carried out between 2008 and 2010. A Country Programme Interim Evaluation of EU pre-accession assistance to Turkey was finalized in 2010. The need to increase effectiveness and impact of assistance was also part of the conclusions of a conference held by the Swedish Presidency and the Commission in Brussels in October 2009 and was confirmed by the Member States in the Council conclusions of December 2009.

- (1) There has been an insufficient direction and lack of specific criteria to determine the priorities of EU assistance and insufficient measurability of achievements of assistance given to Turkey in the past. Consequently, a number of measures were brought under way by the Commission to improve the programming and monitoring of assistance. Improvements were introduced in the annual programming process by strengthening project design and in the 2011-2013 MIPD through more links to sector strategies. This process continued under IPA 2011-2012 programming. Given the vast number of areas that remain to be addressed under the NPAA and Accession Partnership, the MIPD still covers a wide range of priorities. However, an effort has been made to make priorities more specific to only include areas where concrete support projects are likely to materialise in the coming years, moving away from an approach of listing all potential reform needs. Moreover, based on the MIPD 2011-2013 better indicators at sector level are being developed.
- (2) Although projects in the past have generally achieved their intended outputs and results were likely to be sustainable, the results and impact of assistance has not always been measurable. Further efforts are therefore made in the programme and project design to have measurable objectives and results and adequate indicators.
- (3) Given the delays in implementation of assistance, measures have been taken to improve financial execution through better forecasting, procurement planning and capacity increase in the national authorities managing the funds.
- (4) Turkey has reformed its monitoring system in 2011 taking more responsibility for project monitoring thereby allowing impacts to be measured and corrective actions to be taken.

A dialogue with the national authorities is ongoing to more closely involve national authorities in donor coordination. In the sub-sector “judiciary and fundamental rights” international organisations such as the Council of Europe and a number of United Nations Agencies have provided substantial support through direct grants under IPA projects, together with relevant Turkish and international non-governmental organisations working in this field. Bi-lateral support is provided by several EU member states and/or their development agencies.

Through adoption of the sectoral approach for 2013 and onwards, it is aimed to achieve target oriented, specific and big-budgeted projects for the projects falling under political criteria, a field in which it is difficult to put forward specific projects due to the wide scope of the said field. This would address the problems insufficient direction and lack of specific criteria in the allocation, employment and evaluation of financial assistance.

### **3.6 SUSTAINABILITY**

Wide-range projects under this SIF will serve overall strengthening the sector of ‘judiciary and fundamental rights’ sector and help further alignment with the EU acquis and standards in this field. The sustainability of the results of the sector support will be ensured by the improved administrative structure. Turkey is committed to carrying out and furthering political and judicial reforms, as reflected on strategy documents.

### **3.7 ASSUMPTIONS AND PRECONDITIONS<sup>5</sup>**

The assumptions are as follows:

- Stakeholders' dedication to participate and cooperate throughout process,

## **4 IMPLEMENTATION ISSUES**

### **4.1 INDICATIVE BUDGET**

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<sup>5</sup> Assumptions are external factors that have the potential to influence (or even determine) the success of a project but lie outside the control of the implementation managers. Such factors are sometimes referred to as risks or assumptions but the Commission requires that all risks shall be expressed as assumptions. Pre-conditions are requirements that must be met before the sector support can start.

**Indicative budget (amounts in EUR) (for decentralised management)**

SECTOR TITLE	SOURCES OF FUNDING												
	TOTAL EXPENDITURE			TOTAL PUBLIC EXPENDITURE	IPA CONTRIBUTION		NATIONAL PUBLIC CONTRIBUTION					PRIVATE CONTRIBUTION	
	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)
Measure 1 <b>Strengthening the Legal Aid Service in Turkey</b> (Twinning)	X		1,375,000		1,306,250	95	68,750	5		-	-	-	-
Measure 2 <b>Performance Assessment and Management System for Judiciary</b> (Direct Grant)	X		2,140,655		1,926,590	90	214,065	10		-	-	-	-
Measure 3 Supporting the <b>Individual Application to the Constitutional Court in Turkey</b> (Direct Grant)	X		6,382,228		4,082,228	63,96	1,800,000					500.000	
Measure 4 <b>Enhancement of Participatory Democracy in Turkey: Monitoring Gender Equality</b> (Direct Grant)	X		1,628,000		1,628,000	100							

Measure 5 <b>Strengthening the institutional capacity of Turkish National Police and Gendarmerie General Command regarding Public Order Management, Crowd Control</b>			10,225,828		8,356,768		1,899,030						
Operation 5.1 <b><u>Strengthening the institutional capacity of Turkish National Police regarding Public Order Management, Crowd Control</u></b>			7,131,193		5,748,395		1,,382,798						
Twinning	X		2,000,000		1,900,000	95	100,000	5					
Supply		X	5,131,193		3,848,395	75	1,282,798	25					
Operation 5.2 <b><u>Strengthening the institutional capacity of Gendarmerie General Command regarding Public Order Management, Crowd Control</u></b>			3,124,635		2,608,403		516,232						
Twinning	X		1.324.635		1.258.403	95	66,232	5					
Works		X	1.800.000		1.350.000	75	450.000	25					
Measure 6 <b>Independent Police Complaints Commission &amp;</b>	X		2.000.000		1.900.000	95	100.000	5					

<b>Complaints System for the Turkish National Police, Gendarmerie and Coast Guard (Twinning)</b>													
<b>Measure 7 Improving the Crime Scene Investigation Capacity of Turkey</b>			4.000.000		3.400.000		600.000						
Twinning	X		2.000.000		1.900.000	95	100.000	5					
Supply		X	2.000.000		1.500.000	75	500.000	25					
TOTAL IB													
TOTAL INV													
<b>TOTAL SECTOR SUPPORT</b>			<b>27,781,711</b>		<b>22,599,866</b>		<b>4,681,845</b>					<b>500.000</b>	

*NOTE: DO NOT MIX IB AND INV IN THE SAME OPERATION ROW. USE SEPARATE ROWS*

Amounts net of VAT

- (1) In the Operation row, use "X" to identify whether IB or INV
- (2) Expressed in % of the **Public** Expenditure (column (b))
- (3) Expressed in % of the **Total** Expenditure (column (a))

## 4.2 INDICATIVE IMPLEMENTATION SCHEDULE (PERIODS BROKEN DOWN PER QUARTER)

*Dates indicated in the schedule cannot go beyond the contracting and execution deadlines in the financing proposal*

Operations	Start Tendering/ Call(s) proposals	of for	Signature of contract(s)	Activity Completion
<b>Measure 1 (Twinning)</b>	2Q/2014		3Q/2014	3Q/2016
<b>Measure 2 (Direct Grant)</b>	2Q/2014		3Q/2014	3Q/2016
<b>Measure 3 (Direct Grant)</b>	2Q/2014		3Q/2014	3Q/2016
<b>Measure 4 (Direct Grant)</b>	2Q/2014		3Q/2014	3Q/2016
<b>Measure 5</b>				
Operation 5.1 (Twinning)	2Q/2014		3Q/2014	3Q/2016
Operation 5.1 (Supply)	2Q/2014		4Q/2014	4Q/2015
Operation 5.2 (Twinning)	2Q/2014		3Q/2014	3Q/2016
Operation 5.2 (Works)	2Q/2014		3Q/2014	4Q/2015
Operation 5.2 (Supply)	2Q/2014		4Q/2014	4Q/2015
<b>Measure 6 (Twinning)</b>	2Q/2014		3Q/2014	3Q/
<b>Measure 7</b>				
<b>(Twinning)</b>	2Q/2014		3Q/2014	3Q/2016
<b>(Supply)</b>	2Q/2014		4Q/2014	4Q/2015

## 4.3 CROSS CUTTING ISSUES

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

### 4.3.1 Equal Opportunities and non-discrimination

Although in this Sector Fiche only one of the measures, namely the Measure 5 “Enhancement of Participatory Democracy in Turkey: Monitoring Gender Equality”, directly targets equal opportunities, the principles and practice of equal opportunity will be guaranteed to ensure equitable gender participation in all measures.

#### **4.3.2 *Environment and climate change***

Not Applicable.

#### **4.3.3 *Minorities and vulnerable groups***

According to the Turkish Constitutional System, the word minority encompasses only groups of persons defined and recognized as such on the basis of multilateral or bilateral instruments to which Turkey is a party. This project has no negative impact on minority and vulnerable groups.

#### **4.3.4 *Civil Society/Stakeholders involvement***

All relevant national and international NGOs working on human rights, civil society development and other right-based areas, and related CSOs actively participated in and contributed to the preparation of Sub-Sectoral Alignment Strategy for Judiciary and Fundamental Rights.

On the other hand, the Judiciary and Fundamental Rights **(including capacity building of Law Enforcement Institutions)** Sector Fiche has also been prepared and finalised with the contribution of all related institutions after the working group meetings.

In this regard, since the working group has started this time to work on Judiciary and Fundamental Rights (including Fight against Organized Crime) Sector Fiche, it will be ensure that both all relevant stakeholders and CSOs actively participate in the meetings which will be held regularly.

#### **4.4 [SECTOR MONITORING, EVALUATION AND AUDIT] *(only decentralised management)***

## **ANNEXES**

### **Documents to be annexed to the Sector fiche**

- 1. Log frame**
- 2. Description of Institutional Framework**
- 3. Political, legal and institutional framework:**
- 4. Details per EU funded operation(\*) where applicable:**
- 5. Possible visibility activities**

**ANNEX 1: Logical framework matrix for sector support in standard format**

LOG FRAME PLANNING MATRIX FOR Sector Fiche		Sector support name and number		
		Contracting period expires		Execution period expires
		Total budget	EUR 27,781,711	
		IPA budget:	EUR 22,599,899	
<b>National sector or sub sector objective</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of verification</b>		What is the percentage proportion or expected quantitative or qualitative contribution of the sector support funded by IPA to this OVI?

<p>1. to implement the necessary reforms to strengthen the independency, impartiality and efficiency of the efficient judiciary.</p> <p>2. to achieve measurable progress towards the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination and to promote women and children's rights.</p> <p>3. effective law enforcement, successful fight against crime and against corruption.</p> <p>4. to develop capacity of all sub-sector stakeholders to steer their activities in the context of the Turkish sub-sector alignment strategy for Judiciary and</p>	<p>-increased efficiency of judiciary,</p> <p>-effective mechanisms in place to ensure the enjoyment of fundamental by all segments of society,</p> <p>-law enforcement's capabilities enhanced,</p> <p>-effective implementation of anti-corruption strategy and action plan</p>	<p>-Progress Reports,</p> <p>-Reports of Peer Based Missions,</p> <p>-Statistical Records of TUİK,</p> <p>-Statistical Reports of public institutions</p> <p>-Annual activity reports of public institutions</p>	
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<b>Sector support objective within the MIPD sector</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
<ol style="list-style-type: none"> <li>1. Ensuring Better access to justice through completed review of legal aid;</li> <li>2. Completed capacity building aiming at more efficient and effective judicial system</li> <li>3. Strengthen law enforcement and effective fight against crime</li> <li>4. Gender equality and anti-discrimination policies are implemented and promoted;</li> <li>5. women's rights are protected and promoted effectively,</li> <li>6. Human rights standards</li> </ol>	<ul style="list-style-type: none"> <li>-Sustainable and efficient legal aid mechanism in operation,</li> <li>-Increased efficiency of the judicial system via sector performance assessment system</li> <li>--Improved promotion of women's rights</li> <li>-Increased awareness of NGOs with regard to women's rights ,</li> <li>-Capacity improvement of the women NGOs,</li> </ul>	<p><b>Progress Reports,</b></p> <p><b>-Reports of Peer Based Missions,</b></p> <p><b>-Statistical Records of TUIK,</b></p> <p><b>-Statistical Reports of public institutions</b></p> <p><b>-Database of European Court of Human Rights (ECHR)</b></p> <p><b>-Annual activity reports of public institutions</b></p>	<ul style="list-style-type: none"> <li>-Stakeholders' dedication to participate and cooperate throughout the process.</li> <li>-Continued commitment to the EU accession process and to the political and judicial reform agenda.</li> <li>-Ministries and other relevant public institutions lend high level support for the projects.</li> </ul>

<p>observed by law enforcement agencies in their response to public events/social disturbances</p>			
<b>Results of the sector support</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
<p>M.1</p> <p>1. Better access to justice through completed review of legal aid enhanced. Efficiency of the judiciary increased through Justice Sector Performance Measurements.M.2</p> <p>1.Performance assessment criteria of judges and prosecutors improved</p> <p>M.3</p>	<p>M.1.1</p> <p>Satisfactory and sustainable legal aid system in operation.</p> <p>-M.2.1</p> <p>Justice Sector Performance assessment criteria identified and implementedM.2.1The Justice Sector Performance Measurement will be in use</p> <p>M.3.1.</p> <p>-Increase of the admissibility</p>	<p><b>Progress Reports,</b></p> <p><b>-Reports of Peer Based Missions,</b></p> <p><b>-Statistical Records of TUIK,</b></p> <p><b>-Statistical Reports of public institutions</b></p> <p><b>-Project Reports</b></p>	<p>-Stakeholders' dedication to participate and cooperate throughout process.</p> <p>-Continued commitment to the EU accession process and to the political and judicial reform agenda.</p> <p>-Ministries and other relevant public institutions lend high level support for the projects.</p>

<p>1. Assurance of the rights and freedoms set forth in the Turkish Constitution and the Convention are fully secured at the national level</p> <p>2. Increasing capacity of the judges, prosecutors and lawyers in Turkey on the individual application mechanism and implementation of fundamental rights protected by the ECHR</p> <p>3. The reduction in number of applications to the ECHR and violation judgments of the Court against Turkey.</p> <p>4. Awareness of judges, prosecutors and lawyers in Turkey on the individual application mechanism to the Constitutional Court and implementation of fundamental rights</p>	<p>decisions of the TCC compared to the total number of individual applications brought before the TCC</p> <p>M.3.2</p> <p>-Reduction at the number of applications to the ECHR at the end of the project compared to the number of applications before the start of the project</p> <p>M.3.3</p> <p>Proportional decrease in the number of individual applications that are declared inadmissible on the grounds of “fourth instance” prohibition.</p> <p>M.4.4</p> <p>Defining knowledge level of the judges, prosecutors and lawyers about individual application proceedings by surveys made at the beginning and at the end of</p>		
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<p>increased</p> <p>5. The increase co-operation of the Turkish Constitutional courts and other high courts with their European counterparts increased and institutions.M.41. Gender-Related Public Policies enhanced and Women's CSOs empowered about all aspects of monitoring,</p> <p>2. Increased Awareness and Knowledge about How to Eradicate Gender-based Inequalities through Research, Data Collection and Reporting</p> <p>3.Increased Cooperation and Communication between Women's CSOs and Public Institutions at the Local and National Levels</p>	<p>the project.</p> <p>M.5.5 Significant changes at the case-law of the first instance courts and high courts in line with the Convention and case-law of the ECtHR</p> <p>M.4.1 Increase in analysis regarding the implementation problems of the public policies made by Women CSOs</p> <p>Increase in monitoring reports produced by women NGOs on violence and discrimination towards women.</p> <p>M.4.2 Through Research, Data</p>		
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<p>M.5</p> <p>1. Improved institutional capacity regarding public order management and crowd control in line with EU and international standards in the framework of human rights.</p>	<p>Collection, and Reporting, crime scene investigation and reporting quality will be strengthened.</p> <p>M.5.1 The professionalism of Turkey's law enforcement bodies is enhanced.</p>		
<p>M.6</p> <p>1. Efficient Police Complaints Commission and Complaints System for the Turkish National Police(TNP), Gendarmerie and Coast Guard in place</p>	<p>M.6.1 Public access to a complaints system which is open, fair, effective and consistent with EU standards.</p> <p>M.6.1</p> <p>Decrease in the rates of complaints/cases filed against law enforcement agencies in their response to public events/social disturbances,</p>		
<p>M.7</p> <p>1. Improved capabilities of Crime Scene Investigation Teams and</p>	<p>M.7.1</p> <p>Decrease in the number of cases of which verdict changed in the courts of appeals due to inefficient CSI.</p>		

Units,  2. Capabilities regarding fight against organized crimes enhanced	M.7.2  Decrease in the rates of cyber-crimes and organized crimes,		
Measures to achieve results	Means / operations	Costs	Assumptions
<b>In order to address the national sector and sub-sector objectives, measures to be taken within the framework of IPA are as follows;</b>			-Stakeholders' dedication to participate and cooperate throughout the process.  -Continued commitment to the EU accession process
<b>Measure 1</b> <b>Strengthening The Legal Aid Service in Turkey</b>	Twinning Contract	Total budget foreseen for Measure 1 is EUR 1,375,00 (IPA Contribution: EUR 1,306,250)	
<b>Measure 2:</b> <b>Performance and Assessment</b>	Direct Grant	Total budget foreseen for measure 2 is EUR 2,140,655	

<b>Management System for Prosecutors</b>		(IPA Contribution: EUR 1,926,590)	
<b>Measure 3: Supporting the Individual Application to the Constitutional Court in Turkey</b>	Direct Grant	The total estimated budget for Measure 3 is 6,382,228 (IPA Contribution: 4,082,228 EUR)	
<b>Measure 4: Enhancement of Participatory Democracy in Turkey: Monitoring Gender Equality</b>	Direct Grant	Total budget foreseen for measure 4 is EUR 1,628,000 (IPA Contribution: EUR 1.628.000)	
<b>Measure 5: Strengthening the Institutional Capacity of Turkish National Police and Gendarmerie General Command regarding Public Order Management and Crowd</b>	Operation 5.1: Supply contract and Twinning contract  Operation 5.2: Works contract, and Twinning contract	Total budget foreseen for measure 5 is EUR 10,225,828 (IPA Contribution: EUR 8,356,768)	
<b>Measure 6: Independent Police Complaints Commission &amp;</b>	Twinning Contract	Total budget foreseen for measure 6 is EUR 2,000,000 (IPA Contribution: EUR: 1,900,000)	

<b>Complaints System for the Turkish National Police, Gendarmerie and Coast Guard,</b>			
<b>Measure 7: Improving the Crime Scene Investigation Capacity of Turkey,</b>	Twinning contract Supply contract	Total budget foreseen for measure 7 is EUR 4,000,000 (IPA Contribution: EUR 3,400,000)	

