



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

# **TURKEY**

## **Supporting Fundamental Rights in Turkey**

### **Action summary**

This Action aims to help promote and protect children's rights in Turkey in line with international standards, by improving the capacity of lawyers and Bar Associations. It will improve expert knowledge and strengthen the institutional capacity of Bar Associations. It should also pave the way for a 'specialisation on children's rights' among the Bar Associations, which is one of the key recommendations of the 'Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice'.

<b>Action Identification</b>	
<b>Action Programme Title</b>	Annual Action Programme for Turkey 2020
<b>Action Title</b>	Supporting Fundamental Rights in Turkey
<b>Action ID</b>	IPA/2020/042-385/6/Turkey/Fundamental Rights
<b>Sector Information</b>	
<b>IPA II Sector</b>	Rule of Law and Fundamental Rights
<b>DAC Sector</b>	15160 - Human rights
<b>Budget</b>	
<b>Total cost</b>	EUR 3 070 000
<b>EU contribution</b>	EUR 2 920 000
<b>Budget line(s)</b>	22.020301
<b>Management and Implementation</b>	
<b>Method of implementation</b>	Indirect management
<i>Indirect management:</i> <b>National authority or other entrusted entity</b>	Contribution agreement with UNICEF
<b>Implementation responsibilities</b>	Delegation of the European Union to Turkey
<b>Location</b>	
<b>Zone benefiting from the Action</b>	Turkey
<b>Specific implementation area(s)</b>	Turkey
<b>Timeline</b>	
<b>Final date for concluding Financing Agreement(s) with IPA II beneficiary</b>	At the latest by 31 December 2021
<b>Final date for concluding contribution/delegation agreements, procurement and grant contracts</b>	3 years following the date of conclusion of the Financing Agreement, with the exception of cases listed under Article 114(2) of the Financial Regulation
<b>Indicative operational implementation period</b>	6 years following the conclusion of the Financing Agreement
<b>Final date for implementing the Financing Agreement (date by which this programme should be de-committed and closed)</b>	12 years following the conclusion of the Financing Agreement

<b>Policy objectives / Markers (DAC form)</b>			
<b>General policy objective</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Main objective</b>
Participation development/good governance	<input type="checkbox"/>	X	<input type="checkbox"/>
Aid to environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality (including Women In Development)	X	<input type="checkbox"/>	<input type="checkbox"/>
Trade Development	X	<input type="checkbox"/>	<input type="checkbox"/>
Reproductive, maternal, newborn and child health	X	<input type="checkbox"/>	<input type="checkbox"/>
<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Main objective</b>
Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
Combat desertification	X	<input type="checkbox"/>	<input type="checkbox"/>
Climate change mitigation	X	<input type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	X	<input type="checkbox"/>	<input type="checkbox"/>
<b>Internal Markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Main objective</b>
Digitalisation	X	<input type="checkbox"/>	<input type="checkbox"/>
COVID Response	X	<input type="checkbox"/>	<input type="checkbox"/>

## 1. RATIONALE

### PROBLEM AND STAKEHOLDER ANALYSIS

Turkey's compliance with its international obligations on protecting fundamental rights and freedoms is one of the preconditions for its accession to the EU, as expressed in the political criteria and in Chapter 23 of the *acquis*.

Children's rights form part of the human rights that the EU and the Member States are bound to respect under international and European treaties, in particular the UN Convention on the Rights of the Child and its Optional Protocols, the Sustainable Development Goals, and the European Convention on Human Rights (ECHR). The EU explicitly recognised children's rights in the European Charter of Fundamental Rights, specifically in Article 24.

At national level, Turkey's Constitution establishes the rights of children to protection and care. The principle of 'best interest of the child' was incorporated into the Turkish Criminal Code and Criminal Procedure Code through amendments. Turkey has ratified the Convention on the Rights of the Child and optional protocols of the Convention (OPAC, OPSC and OPCP). Turkey is also party to the ILO 182 Worst Forms of Child Labour Convention and the ILO 138 Minimum Age Convention.

In line with the treaties and other documents that Turkey is a party to, considerable progress has been made on children's rights to protection and care in recent years. The Child Protection Law of 2005 was the primary milestone which was followed by other reforms (such as the National Child Rights Strategy and Action Plan, and the National Programme for the Elimination of Child Labour) and improvements in legislation. Particular progress was made on the juvenile justice system, as Turkey aligned it further with international standards as part of its broader efforts on EU accession process.

Moreover, Turkey has shown its determination to step up efforts on justice for children in various policies. The 11th National Development Plan (NDP) indicates, 'The juvenile justice system will be equipped with a structure that involves risk monitoring in line with preventive, rehabilitative and improving mechanisms. (NDP, point 610)'. Similarly, the Judicial Reform Strategy adopted in May 2019 includes several objectives on juvenile justice. The 1st judicial reform package which entered into force on 24 October 2019 introduced some further steps such as enhancing the scope of conditional discharge for children, limiting the duration of pre-trial detention based on age groups and making the use of child-friendly interview rooms compulsory in cases of sexual abuse.

The 2018 Turkey Country report highlighted the paramount importance of respecting fundamental rights in law and in practice, and called for the respect of international human rights obligations and for effective redress in cases of serious human rights violations in a number of areas. Implementation/follow up of Chapter 23 recommendations from previous reports were considered to be still outstanding.

The 2019 Country report stated that 'the legal framework includes general guarantees of respect for human and fundamental rights but still needs to be brought into line with ECHR and ECtHR case law on guarantees of respect for human and fundamental rights' and recalled that 'Turkey is party to most international human rights instruments' in the section on fundamental rights.

Moreover, Turkey has effective remedies to protect human rights, including individual applications to the Constitutional Court. Children can also directly apply to the Ombudsman in Turkey. The Ombudsman has a separate webpage (<https://kdkcocuk.gov.tr>) for children's applications. Based on the principle of child's best interest, the institution carefully examines these applications in line with the Convention on the Rights of the Child.

Despite these positive achievements, the capacity of the national system to adequately address and respond to children's specific needs is not yet at the desired level. As mentioned in the European Commission's last annual report on Turkey, juvenile courts have not been established in all provinces. The number of juvenile

offenders tried in non-specialised courts, the number of children in pre-trial detention, the quality of legal aid for juveniles and rehabilitation activities in prisons are a matter of concern. There are currently 66 juvenile courts and 8 juvenile high criminal courts in Turkey. In spite of Turkey's legal framework protecting children's rights, access to justice remains a challenge for children due to their special and dependent status. Further efforts are needed to ensure that their best interests and justice needs are adequately addressed. This is especially important for vulnerable children – for example those who are born into poverty, pushed into crime, and/or have disabilities. In its most recent concluding observations on Turkey, the Committee on the Rights of the Child (CRC/C/TUR/CO/2-3, July 2012) also pointed out that despite the high percentage of child-related cases in the system, the quality of legal assistance provided to children through the legal aid system needs to be improved.

The 2019 UNICEF/ (Union of Turkish Bar Associations-UTBA) report assessing needs for legal assistance services to support children's right to access to justice provides detailed findings and specific recommendations. The lack of a structured training programme (professional qualification) and supervision, and low number of incentives are among the main reasons for unmet legal assistance needs. Moreover, the child rights commissions and centres, which are currently established under some of the Bar Associations and often with lawyers that provide pro bono services, should have a clearer structure and standard operating procedures to better monitor the situation of children's rights in the country, generate knowledge and regularly submit information to various national and international human rights bodies. The proposed Action therefore, aims to address all those challenges, improve the capacity of individual lawyers as well as Bar Associations, and build the necessary knowledge, legislation and infrastructure to achieve tangible results on this front.

UTBA is a professional organisation that represents 80 Bar Associations in Turkey. Approximately 135 000 lawyers are registered to these Bar Associations. They are independent bodies and have their own legal entities. UTBA is the main institution responsible for ensuring adherence to the general rules and regulations of the legal profession in Turkey. According to Articles 99 and 110 of the Law on Attorneyship, UTBA and the local Bar Associations are responsible for ensuring the rule of law, and defending and protecting human rights. The Bar Associations uphold these principles through commissions and subgroups that work on specific themes and have separate structures. Children rights commissions and/or working groups are established in less than 5% of the 80 local Bar Associations in Turkey, and they are moreover voluntary - rather than permanent structures within the Bar Associations and UTBA.

Mandated by the law to protect human rights in Turkey, and with their unique structure as 'professional organisations having the characteristics of public institutions', UTBA and Bar Associations are very well positioned to promote and protect children's rights, as well as to monitor and address human rights abuses against children.

## **OUTLINE OF IPA II ASSISTANCE**

The activity on '**Improving the Capacity of Lawyers and Bar Associations on Promotion, Protection and Monitoring of Children's Rights**' will help to increase the protection of human rights in Turkey by improving the capacity of the Bar Associations and lawyers. It will also help to protect children's rights by promoting a child-friendly justice system. UTBA, Bar Associations and lawyers have a crucial role to ensure that human rights are effectively upheld. This responsibility requires that members of these legal professions familiarise themselves adequately with both national and international law on human rights, including children's rights. This activity will therefore focus primarily on strengthening the institutional capacity of UTBA and the pilot Bar Associations by creating a structure to protect and promote children's rights in a sustainable way. It will also focus on the capacity of individual lawyers who are dealing with cases involving children. More broadly, and given the unique position of the Bar Associations to reach out to the public and defend the rights of the most vulnerable groups, this activity will also help promote children's rights through

awareness raising, stronger advocacy, legal empowerment and access to remedies against children's rights violations.

## **RELEVANCE WITH THE IPA II STRATEGY PAPER AND OTHER KEY REFERENCES**

The EU has long recognised that well-functioning and responsive legal institutions help to improve fair development outcomes, encourage governments to uphold human rights and empower people to claim them. The EU accession process has played an important role in bringing about reforms, including in areas affecting access to justice for children. The revised Indicative Strategy Paper for Turkey (2014-2020) underlines the importance of strengthening the institutional capacity on fundamental rights. It includes measures to further improve social protection systems. The aim is an effective and efficient delivery of social policies and improved social protection mechanisms that focus on disadvantaged or vulnerable groups, especially in education, employment and social policies. The international human rights treaties set essential standards for protecting, promoting and upholding human rights and fundamental freedoms for all, with a special focus on disadvantaged and vulnerable groups.

In line with international standards, States are obliged to respect, protect and fulfil the rights of every child within their jurisdiction. Human rights norms and standards to ensure access to justice for children are set out in a series of legally binding and non-binding international and regional human rights instruments. Access to justice for children notably includes the right to: (i) relevant information; (ii) an effective remedy; (iii) a fair trial; (iv) be heard; and (v) non-discrimination. Under both the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, States are required to ensure that their domestic legal framework is consistent with the rights and obligations provided therein, including by adopting appropriate and effective legislative and administrative procedures and other appropriate measures that provide fair, effective and prompt access to justice.

The Council of Europe has also adopted various standards and guidelines on child-friendly justice. These standards aim to improve the justice system and adapt it to the specific needs of children. Moreover, the European Court of Human Rights has set numerous precedents for protecting the rights of children and improving their access to justice. The European Convention on the Exercise of Children's Rights - another key instrument for children's access to justice in Europe - has been ratified by Turkey. Article 1(2) sets out its objectives: 'in the best interests of children, to promote their rights, to grant them procedural rights and to facilitate the exercise of these rights by ensuring that children are, themselves or through other persons or bodies, informed and allowed to participate in proceedings affecting them before a judicial authority'.

Effective access to justice and participation in administrative and court proceedings are basic requirements to ensure a high level of protection of children's legal interests. The right to a fair trial for children who are subject to criminal proceedings implies the protection of privacy, the right to be informed about the charges and the proceedings in a way which is adapted to the child's age and maturity, legal assistance and legal representation.

Turkey, as a party to the UNCRC and its optional protocols, incorporates 'best interest of the child' to its legal system and strategy papers. The 11<sup>th</sup> National Development Plan underlines the improvement of the *juvenile justice system with a structure in line with preventive, rehabilitative and developmental mechanisms as well as monitoring the risks (Target 610)*.

The 2014-2019 Action Plan on the Prevention of Violations against the European Convention on Human Rights also emphasises strengthening the effectiveness of legal services and defence counsellors through the principle of 'equality of arms' and better justification of courts' decisions. These targets, which are also crucial for better administering justice for children, are totally in line with the Action's overall objectives. A

new Action Plan on Human Rights, currently under preparation, is also expected to include many activities on children and the legal aid system.

Furthermore, the new Judicial Reform Strategy, announced on 30 May 2019, puts more emphasis on the rights of the child. The Strategy aims at further ‘strengthening access to justice’ and ‘preventing human rights violations arising from judicial processes and strengthening human rights standards’. It calls for the restructuring of the juvenile justice system in line with the restorative justice approach and adopting an approach focused on victims.

Measures proposed for this objective include: (i) introducing protective mechanisms specific to children under 15 years old who have committed an offence for the first time; (ii) developing a model for suspending the initiation of criminal cases involving children; (iii) prioritising first-degree trials of children; and (iv) prioritising legal remedy reviews of decisions on these children. Moreover, within the scope of the objective on judicial resolution of disputes arising from family law, it is foreseen to develop new procedures to protect the best interest of the child and prevent their victimisation during legal proceedings. There are also specific measures on developing a conciliation model specific to children and using eco-friendly methods that meet the needs of children, families, victims and witnesses.

In conclusion, the proposed Action is directly linked to the priorities of the revised Indicative Strategy Paper for Turkey (2014-2020) and a number of international policy documents aiming to better protect the rights of socially vulnerable groups.

#### **LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE**

EU financial support, granted primarily through the IPA funds, plays a significant role in supporting Turkey’s efforts to protect and promote the rights of vulnerable groups including children, women, and people with disabilities.

Various linked activities in the area of fundamental rights have been implemented and planned.

The Union of Bar Associations is responsible for ‘Strengthening the Capacity of Bar Associations and Lawyers on European Human Rights Standards’. This ongoing activity focuses on increasing the capacity of lawyers through a generic human rights approach. It also focuses on human rights centres – the main bodies in charge of monitoring human rights violations on a broader scale.

The activity on ‘Improving the Capacity of Lawyers and Bar Associations on Promotion, Protection and Monitoring of Children’s Rights’ takes account of the current division of labour among various bodies, and of those children’s rights activities that fall under the mandate of Bar Associations. For instance, all children who are in contact with the criminal justice system are entitled to free legal assistance from a lawyer - who needs to be very well aware of the specialised judicial procedures for children.

Likewise, to better monitor different aspects of the violation of children’s rights, Bar Associations must have the necessary expertise, institutional capacity, knowledge and skills, regardless of the internal organisation of the various centres/commissions.

Therefore, while building on the results and lessons learnt from the ongoing activity ‘*Strengthening the Capacity of Bar Associations and Lawyers on European Human Rights Standards*’ with the Council of Europe, the activity herewith proposed will focus solely on the rights of the children, who face unique vulnerabilities within the judicial process, as well as within the community.

Based on the lessons learnt from previous initiatives, rather than including this important objective under a generic activity, it would be better to design a tailored programme and collaborate with an expert organisation in this field, such as UNICEF. This would produce more tangible results for children.

## 2. INTERVENTION LOGIC

### LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE(S) / (IMPACT(S))	INDICATOR'S NAME	OBJECTIVELY VERIFIABLE INDICATORS			SOURCES & MEANS OF VERIFICATION	
		BASELINES (INCL. VALUE & REFERENCE YEAR)	MILESTONES (INCL. VALUE & REFERENCE YEAR)	TARGETS (INCL. VALUE & REFERENCE YEAR)		
<p><u>Long-term overall objective:</u> To contribute to better promotion and protection of children's rights in Turkey in accordance with international standards</p> <p><u>Intermediate overall objective(s):</u> To increase the number and quality of interventions by the Bar Associations and lawyers in the cases with allegations of child right violations</p>	<p>-Qualitative improvement of children's rights in Turkey</p> <p>-The number of the cases and reports in which the child rights centres (CRCs) of the Bar Associations intervene</p>	<p>2020: Limited progress based on sources of verification</p> <p>2020: 0</p>	<p>Improvements in realisation of international standards</p> <p>CRCs were established in at least 3 Bar Associations</p>	<p>Increase in positive findings/observations by international bodies on children's rights and particularly on children in contact with the law</p> <p>100 cases by the end of the Action</p>	<p>- EU Country Reports</p> <p>- Reports of UN Committee on the Rights of the Child, CoE and other international bodies</p> <p>- UNICEF reports</p> <p>- Child rights NGO reports</p> <p>- Reports of the Bar Associations</p>	
<b>SPECIFIC OBJECTIVE(S) / OUTCOME(S)</b>	<b>OBJECTIVELY VERIFIABLE INDICATORS (*)</b>				<b>SOURCES OF VERIFICATION</b>	<b>ASSUMPTIONS</b>
To improve the capacity of lawyers and the Bar Associations on children's rights	The number of Bar Associations that establish CRCs and provide quality services to children in line with the international standards	2020: 0	3 established	5 by end of the Action	<p>- Assessment by the Action</p> <p>- Reports of the Bar Associations</p> <p>- EU Country Reports</p> <p>-Reports/judgements of UN Committee on the Rights of the Child, CoE and other</p>	Full commitment of relevant institutions to ensure promotion and protection of the rights of children in line with the UN Convention on the Rights of the

					international bodies	Child, the ECHR and relevant national strategies and action plans
<b>OUTPUTS</b>	<b>OBJECTIVELY VERIFIABLE INDICATORS (*)</b>			<b>TARGETS (All by the end of the Action)</b>	<b>SOURCES OF VERIFICATION</b>	<b>ASSUMPTIONS</b>
1. Enhanced professional capacity and skills of lawyers on promoting children's rights and applying child-sensitive procedures during legal and administrative proceedings	1.1 A corporate legal framework on the appointment procedures and minimum qualifications of lawyers working in child-related cases developed	1.1 2020: 0	1.1. Framework drafted	1.1. Framework finalised and implemented by the Pilot Bar Associations	<ul style="list-style-type: none"> <li>- Attendance/participation sheets in trainings</li> <li>- Pre/post test results (if applicable)</li> <li>- Feedback from the training participants</li> <li>- Minutes of the workshops &amp; meetings</li> <li>- Activity and other relevant reports</li> <li>- Annual activity reports of UTBA and bar associations</li> <li>- Developed legal framework</li> </ul>	<ul style="list-style-type: none"> <li>- Willingness and acceptance by the target groups of the activity and their proper and systematic follow-up of the project's concrete activities</li> <li>- Common understanding and buy-in of UTBA</li> </ul>
	1.2 A training programme and curriculum for lawyers working with/for children in Turkey developed and implemented	1.2. 2020: 01.2.: 0	1.2. Draft training programme rolled out	1.2. Training programme adopted and made available for all Bar Associations		
	1.3 A national training team composed	1.3. 2020 0	1.3. Training of trainers (ToT) Conducted	1.3. At team of 30 trainers is composed for nation-wide implementation		
	1.4 At least 75 % of participants completed the training programme and acquired necessary knowledge and skills	1.4. 0	N/A	1.4. reach 75% of the participants by the end of the Action		

<p><b>2. Strengthened institutional capacity of the UTBA and the Bar Associations in responding, supervising, monitoring and reporting children's rights violations</b></p>	<p>2.1 Legal frameworks and standard operating procedures (SOPs) for CRCs of Bar Associations developed</p>	<p>2.1. 2020: 0</p>	<p>2.1: SOPs drafted and tested</p>	<p>2.1: SOPs accepted/ adopted by UTBA</p>	<ul style="list-style-type: none"> <li>- Developed legal framework and tools &amp; procedures</li> <li>-Visit reports</li> <li>- Court decisions on the supervised cases</li> <li>- Submissions to/response by the national/international bodies</li> <li>- Annual activity reports of UTBA and CRCs of Bar Associations</li>   <li>-Published journal</li> </ul>	
	<p>2.2 CRCs developed in line with the standards established in 5 pilot Bar Associations</p>	<p>2.2. 2020: 0</p>	<p>2.2. 3</p>	<p>2.2.: 5</p>		
	<p>2.3 Number of the cases professionally supervised by the pilot CRCs</p>	<p>2.3. 2020: 0</p>	<p>2.3. 20</p>	<p>2.3. 100</p>		
	<p>2.4 Number of the regular visits conducted to detention centres (including prisons, removal centres, police custody etc.) by the pilot CRCs</p>	<p>2.4. 2020: 0</p>	<p>2.4. 5</p>	<p>2.4. 15</p>		

	2.5 Number of the report/input by each pilot Bar Association to the international/national bodies on the situation of children's rights submitted	2.5. 2020: 0	2.5.: 2	2.5. 5		
<b>3. Increased knowledge and coordination schemes in order to improve children's right to access remedies against rights violations</b>	3.1 An official procedure by UTBA for the coordination of child rights centres/boards/commissions of Bar Associations developed	3.1. 2020: 0	3.1. Procedure drafted	3.1. Procedure finalised and piloted		
	3.2 A draft legal framework developed and shared with the relevant stakeholders (including, MoJ, MoFLSS and the Parliament as well as civil society organisations) on professional legal representation of children in civil cases & transactions (guardian ad litem)	3.2. 2020: 0	3.2. Draft legal framework developed	3.2. Draft legal framework communicated to the Parliament		
	3.3 A peer-reviewed journal on children's rights published by UTBA annually	3.3. 2020: 0	3.3. Format, frequency and academic committee identified	3.3. Journal published, disseminated and regularly updated		

## **DESCRIPTION OF ACTIVITIES**

### **Improving the capacity of lawyers and Bar Associations to promote, protect and monitor children's rights**

- Conducting workshops, training sessions, symposiums, congresses, regional meetings, field visits and study visits to increase knowledge and awareness on children's rights.
- Establishing child rights centres (CRCs) in line with developed standards in at least five local Bar Associations and supporting their functioning throughout the implementation period.
- Developing a legal framework for qualification standards.
- Developing a legal framework for a new professional legal representation mechanism for children in civil cases & transactions (guardian ad litem) in coordination with relevant stakeholders.
- Developing terms of reference, standard operating procedures (SOPs), training programmes, tools, guidelines and promotion materials for the CRCs (including children's rights knowledge, outreach, case-handling, child-friendly procedures, supervision, strategic litigation, detention monitoring, indicators for data generation, reporting to national and international bodies, etc.).
- Conducting field visits to monitor the progress.
- Developing tools, guidelines and materials for child rights curricula in two pilot universities.

## **RISKS**

The assumptions are as follows:

- Commitment at all levels to align with EU/international standards and practices.
- Stakeholders' dedication to participate and cooperate throughout the project; implementation arrangements require strong, reliable and committed partners among Turkish institutions.
- All stakeholders lend high-level support for the measures.
- Strong commitment of the beneficiaries and close cooperation with the relevant stakeholders. Required financial resources after the implementation of the project will be allocated by the responsible services, where needed, to ensure sustainability.
- All stakeholders collaborate closely and are engaged.
- Close coordination of the Action with the upcoming human rights action plan

The risks are as follows:

- Contradicting policies applied /pursued by the different institutions involved in the project.
- Lack of cooperation, coordination, common goals and priorities among the stakeholders.
- Lack of effective communication among the stakeholders.
- Reluctance of vulnerable people to resort to existing mechanisms designed to protect their rights.

Mitigation measures are as follows:

- High-level discussions within the Turkey-EU dialogue and cooperation should help mitigate the above-mentioned risks.
- Increased awareness and encouragement of public institutions and project beneficiaries.
- Support for dialogue among relevant stakeholders.

## **CONDITIONS FOR IMPLEMENTATION**

Achieving the Action's objectives will require continued commitment, political support, and strong cooperation between and coordination with all relevant stakeholders, and particularly with the Ministry of Justice and the Ministry of Family and Social Services (MoFLSS).

Pilot Bar Associations and universities will be identified before the start of the Action.

### 3. IMPLEMENTATION ARRANGEMENTS

#### ROLES AND RESPONSIBILITIES

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

The implementation method is indirect management with an entrusted entity, namely with the United Nations Children’s Fund (UNICEF). The Contracting Authority is the EU Delegation to Turkey, which is expected to conclude a contribution agreement - via direct award - with UNICEF.

Activity	Main beneficiary	Stakeholders
Improving the capacity of lawyers and Bar Associations to promote, protect and monitor children’s rights	The Union of Turkish Bar Associations	Lawyers, Bar Associations, other relevant judicial professionals, legal practitioners, relevant ministries including MoJ, MoFLSS, Human Rights and Equality Institution of Turkey, the Ombudsman, CSOs, children and families

### 4. PERFORMANCE MEASUREMENT

#### METHODOLOGY FOR MONITORING AND EVALUATION

Given the Action’s importance, independent consultants will be used to carry out final or ex-post evaluations on its entirety or certain components.

These evaluations will follow DG NEAR guidelines on linking planning/programming, monitoring and evaluation<sup>1</sup>. A Reference Group made up of the action’s key stakeholders will be set up for every evaluation. This group will steer the evaluation process, ensure the outputs are of the required quality, and ensure proper follow up of the evaluation’s recommendations.

The evaluations should aim to increase accountability, ensure in-depth understanding at all levels, and apply the lessons learnt to future actions (including policy revision).

The Action may also be subject to external monitoring, in line with the Commission’s rules and procedures set out in the financing agreement.

The evaluation reports will be shared with the IPA II beneficiary and other key stakeholders. The implementing partner and the Commission will analyse the evaluations’ conclusions and recommendations and - where appropriate and in agreement with the IPA II beneficiary - decide on the follow-up actions to be taken and any adjustments necessary, including - if indicated - reorienting the project.

Sectoral Monitoring Committee (SMC) meetings are regularly organised by the Lead Institution, in cooperation with the EU delegation. Various institutions, including the key IPA II actors and beneficiaries, international organisations and civil society representatives, participate in these meetings.

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1 [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/near\\_guidelines.zip](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/near_guidelines.zip)

A Steering Committee will monitor the implementation of the Action's activities, using agreed indicators to assess the achievement of results, and will agree on any necessary corrective actions. The Committee will include representatives of the EU delegation, the implementing partner, end beneficiary and co-beneficiaries, the Directorate for EU Affairs of the Ministry of Foreign Affairs as the lead institution, the Presidency of Strategy and Budget, the Ministry of Justice, the MoFLSS and civil society representatives.

## **5. SECTOR APPROACH ASSESSMENT**

The objectives related to Fundamental Rights sector are set out in the revised Indicative Strategy Paper for Turkey (2014-2020). The overall objective is to increase respect for fundamental rights and freedoms. The priorities of relevant strategies and actions plans should therefore be taken into account when preparing the programme.

### **Institutional arrangements**

#### **Sector and donor coordination**

The Reform Action Group (RAG) is an inter-ministerial group that oversees political reform in Turkey's EU accession process. The Sub-committee for Political Affairs, composed of high-level officials of key institutions, is authorised to direct, identify and assess the steps to be taken to further improve fundamental rights. The Sub-committee submits its recommendations to the RAG.

The National IPA coordinator (NIPAC) is responsible for coordinating donor activities. The international organisations active in this field (e.g. the Council of Europe and UN Agencies such as UNDP, IOM, UNFPA, UNICEF and UNHCR) have provided substantial support, together with Turkish and international NGOs working on human rights, civil society development and other right-based matters (e.g. the Union of Bar Associations, Bar Associations, trade unions and NGOs).

As part of its pre-accession assistance, and in order to improve donor coordination at sector level, the EU submits the draft programmes of accession countries to representatives of EU Member States every year and organises sector-specific information sessions about possible complementary bilateral funding from Member States (although this is very limited compared with the IPA allocations). Technical level meetings are also organised in areas of joint interest.

The EU has been holding meetings with Member States on specific pre-accession topics twice a year.

## **6. CROSS-CUTTING ISSUES**

### **GENDER MAINSTREAMING**

The Action will fully uphold the principle of non-discrimination on the grounds of gender. Gender balance will be sought in all of the Action's managing bodies and activities, and will be a key focus at every stage. All activities will be designed to ensure equal opportunities and the participation of women and men. The EU will closely monitor the gender dimension of the activities in line with its Gender Action Plan.

Principles of equal opportunity for female and male and non-discrimination on grounds of gender are considered throughout the programme implementation. Therefore, measures to ensure equal opportunities and non-discrimination regardless of gender are integrated in the design and the implementation of this programme. As such, the Action will ensure that equally qualified men and women will be given equal opportunity to participate and benefit from it.

Furthermore, gender segregated data will be produced in project reports and the logical framework.

## **EQUAL OPPORTUNITIES**

The Action will also uphold equal opportunity principles and ensure an equitable gender participation. When recruiting staff, the main criteria will be appropriate qualifications and experience in similar projects, not sex or age. Turkey's government remains fully committed to providing equal opportunities for men and women and national legislation ensures non-discrimination on the grounds of gender. All necessary steps will be taken to ensure equal representation of and opportunities for women and men in the Action's implementation, monitoring and evaluation.

## **MINORITIES AND VULNERABLE GROUPS**

The Action's activities will be implemented without any discrimination, in line with Article 14 of the European Convention on Human Rights.

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

Relevant national and international CSOs working on Fundamental Rights will be invited to participate in this Action.

## **ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)**

The Action will be designed to ensure positive environmental impacts, increase climate resilience, and contribute to low-carbon and sustainable development where possible.

## **7. SUSTAINABILITY**

The Action will help to strengthen fundamental rights and to further align Turkey with EU *acquis* and standards in this area. It will also support Turkey in the implementation of its own related strategies and action plans. Moreover, it will help to better protect and promote human rights in Turkey - specifically for socially vulnerable groups - by improving the capacity of lawyers and the Bar Associations on children's rights.

UTBA is the umbrella organisation that coordinates 80 Bar Associations in Turkey. Both UTBA (at national level) and Bar Associations (at local level) are mandated by the Law on Attorneyship to protect human rights and fundamental freedoms. Moreover, lawyers, as individual professionals, are in a unique position to make positive changes on human rights - particularly for the most vulnerable - through judicial actions and ensuring that they receive equitable access to justice.

This Action should significantly increase the capacity of Bar Associations and individual lawyers to protect children's rights. Based on the good practices achieved by the Action, UTBA Child Rights Commission will further advocate and assist the nation-wide implementation of this model beyond the pilot provinces. The Action will also significantly increase the ability of individual lawyers to advocate for and promote the rights of children at various levels.

To increase the capacity of lawyers in a sustainable manner, five child rights centres (CRCs) will be established under the Action. They will serve as local hubs for children's rights, with the necessary tools, guidelines and training capacity. Through the CRCs, the Bar Associations will be able to better monitor rights violations as well as the overall situation at local level. The UTBA's Child Rights Commission will be responsible for following up on the expected outputs and for coordinating the integration of the results by the Bar Associations. In addition, the developed training programme will be adopted by the UTBA's Continuous Professional Development Center, which will sustain the implementation of developed and future initiatives..

The Action also gives particular importance to knowledge generation and coordination. Output 3 aims to generate evidence on Turkey's children's rights situation and create platforms to discuss the Action's achievements and the necessary next steps. Clear guiding frameworks will also be developed, and updated in line with the Action's achievements, to help ensure that the results are sustainable.

The Action's outputs and the developed model are expected to increase the quality of individual lawyers' and Bar Associations' daily work on children's rights cases, which will eventually contribute to systemic and policy improvements in Turkey.

As already mentioned, throughout the Action, potential synergies and connections with other initiatives will be ensured through joint meetings and consultations with the relevant stakeholders and Bar Associations.

Public bodies, NGOs and academia working on fundamental rights will be included in various activities and in Steering Committee meetings to ensure coordination and a participatory approach.

The team working on the activity, in cooperation with contact points from the related institutions and with the support of experts, will prepare various documents - including training materials - to help ensure the sustainability of the Action's results. An assessment will be made as to whether those trained have used the training materials in their day-to-day work and if their knowledge of applications has significantly increased.

All documents prepared during the Action will be handed over to the stakeholders of Turkey and transferred by all means agreed in line with the agreement between the EU and the implementing partners. In addition, all documents should be easily updated and modified by the staff of the respective organisations without the need for external support.

## **8. COMMUNICATION AND VISIBILITY**

Communication and visibility will be given high importance during the implementation of the action. The implementation of the communication activities shall be funded from the amounts allocated to the action.

All necessary measures will be taken to publicise the fact that the action has received funding from the EU. Communication and visibility activities shall be implemented in accordance with the EU communication and visibility requirements in force. All stakeholders and implementing partners shall ensure the visibility of EU financial assistance provided through IPA II throughout all phases of the programme cycle.

Visibility and communication actions shall demonstrate how the intervention contributes to the agreed programme objectives and the accession process, as well as the benefits of the action for the general public. Actions shall be aimed at strengthening general public awareness and support of interventions financed and the objectives pursued. The actions shall aim at highlighting to the relevant target audiences the added value and impact of the EU's interventions and will promote transparency and accountability on the use of funds.

Visibility and communication aspects shall be complementary to the activities implemented by DG NEAR and the EU Delegations in the field. The European Commission and the EU Delegations should be fully informed of the planning and implementation of the specific visibility and communication activities.

In addition, in line with the role and responsibilities of the lead institution set out in the Cooperation Agreements signed between it and the end beneficiaries for each programming year, the lead institution should prepare a communication and visibility plan for the fundamental rights sub-field. The lead institution and the end beneficiaries will be jointly responsible for fulfilment of IPA II Visibility and communication requirements and sustainability of the visibility of the Action.

The communication and visibility plans of individual activities must be in line with those of the Fundamental Rights sub-field.