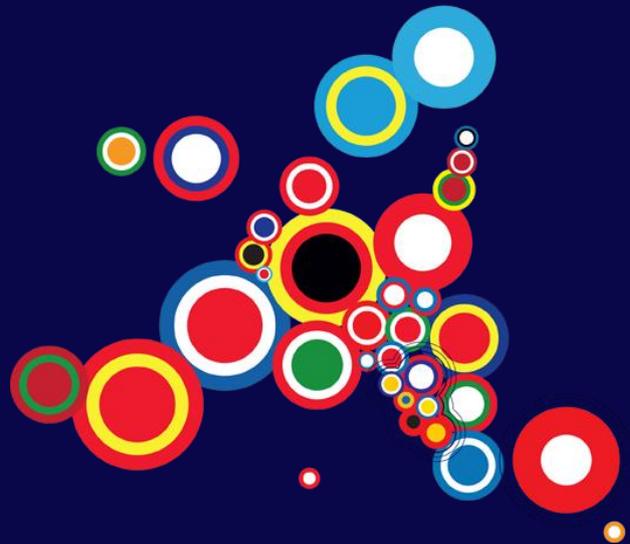




**INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II)  
2014-2020**

# TURKEY

Supporting  
**Fundamental Rights**  
in Turkey



## **Action summary**

This action will contribute to a better protection of fundamental rights and freedoms via support to the implementation and monitoring of the Action Plan on Prevention of Violations of the European Convention on Human Rights.

<b>Action Identification</b>	
<b>Action Programme Title</b>	Annual Action Programme for Turkey for the year 2018
<b>Action Title</b>	Supporting Fundamental Rights in Turkey
<b>Action ID</b>	IPA/2018/.../Turkey / Supporting Fundamental Rights in Turkey
<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 5,000,000
<b>EU contribution</b>	EUR 5,000,000
<b>Budget line(s)</b>	22.020301
<b>Management and Implementation</b>	
<b>Management mode</b>	Indirect management Direct management for the external evaluation of EUR 50,000
<i>Indirect management:</i> <b>National authority or other entrusted entity</b>	Central Finance and Contracts Unit Lead Institution Directorate for EU Affairs, Ministry of Foreign Affairs,
<b>Implementation responsibilities</b>	Ministry of Justice Department of Human Rights
<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 2019
<b>Final date for concluding 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>Final date for operational implementation</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>Sig nificant objective</b>	<b>Main objective</b>
Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	✓
Aid to environment	✓	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality (including Women In Development)	<input type="checkbox"/>	✓	<input type="checkbox"/>
Trade Development	✓	<input type="checkbox"/>	<input type="checkbox"/>
Reproductive, Maternal, New born and child health	✓	<input type="checkbox"/>	<input type="checkbox"/>
<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Sig nificant objective</b>	<b>Main objective</b>
Biological diversity	✓	<input type="checkbox"/>	<input type="checkbox"/>
Combat desertification	✓	<input type="checkbox"/>	<input type="checkbox"/>
Climate change mitigation	✓	<input type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	✓	<input type="checkbox"/>	<input type="checkbox"/>



Following the adoption of the Action Plan, the Council of Europe and the MoJ agreed on the establishment of an Informal Working Group through which assistance can be provided to the MoJ, in specific areas of the Action Plan where agreement exists that Council of Europe expertise can be useful in ensuring that the Plan's goals can be achieved. The continuing discussions in this framework have led to the implementation, currently underway, of a project (funded by voluntary contributions) focusing on issues of the effectiveness of investigations of ill-treatment and combatting impunity. The ongoing co-operation developed through the Informal Working Group could benefit the present proposed Action as a whole, through common work to develop recommendations for activities in fields where perceived and agreed shortcomings lie, and through involvement in observing progress towards improvements in these agreed fields. The recommendations of the Informal Working Group<sup>5</sup> on actions on the prevention of human rights violations will be taken into consideration in the design of sub-activities.

Notwithstanding the fact that the implementation period of the current Action Plan is 2014-2019, the continuation of relevant actions should be part of the reviewed and updated plan in view of actual state of play and major changes to the national structures following the adoption of a presidential system of governance in July 2018.

The fourth meeting of the Reform Action Group (RAG) was held on 29 August 2018, in Ankara at the Directorate for European Union Affairs of the Ministry of Foreign Affairs under the chairmanship of the Minister of Foreign Affairs and with the participation of the Minister of Justice, the Minister of Treasury and Finance and the Minister of Interior. According to the press release that followed the meeting, *regarding fundamental rights and freedoms, the importance of the implementation of the Action Plan on the Prevention of the ECHR Violations was underlined. Following a thorough analysis of the Action Plan (2014-2019), options including updating the Action Plan were addressed at the meeting.* The Reform Action Group also announced the adoption of an updated Judicial Reform Strategy by the end of 2018.

## **OUTLINE OF IPA II ASSISTANCE**

Through “*Support to the Implementation of the Action Plan on Prevention of Violations of the European Convention on Human Rights*”, the Action aims at enhancing the full enjoyment of all fundamental rights and freedoms by all individuals without any discrimination in line with the **European Convention on Human Rights (ECHR)** and the case law of the **European Court of Human Rights (ECtHR)**. The focus will be on improving the efficiency and effectiveness of the implementation and monitoring of the Action Plan, strengthening the institutional capacity of the Ministry of Justice's Department of Human Rights and the relevant institutions, and enhancing effective cooperation between all stakeholders, including civil society organisations and universities.

In so doing, the Action focuses on prevention and reduction of the ECHR violations in Turkey and elimination of the systemic lacunas that lead to such violations. The Action Plan includes recommendations of legal reforms and implementation of regulatory adjustments, changes in administrative practices, and efforts to improve data collection and processing methods. For this, the Action will support the development of an effective monitoring and reporting system, ensure that the needs of relevant stakeholders are identified and required capacity building activities are conducted. Furthermore, it aims to improve the cooperation among them and raise awareness on the Action Plan's priorities and on relevant categories of rights.

The sustainability of the Action is ensured via the alignment with domestic policy priorities, such as those expressed by the Reform Action Group in its political statement of August 2018.

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<sup>5</sup> Established in 2015 with the participation of representatives of the CoE and the MoJ within the scope of the Action Plan.

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

Within the Revised **Indicative Strategy Paper for Turkey**<sup>6</sup>, which sets out the priorities for EU financial assistance for the period 2014-2020 to support Turkey on its path to accession, “Rule of Law and Fundamental Rights” is defined as one of the priority sectors. Under this sector, “Judiciary and Fundamental Rights” is identified as a sub-sector, which comprises the priorities under Chapter 23.

The Revised Indicative Strategy Paper for Turkey which highlights the importance of the fundamental rights also states that as the judiciary and fundamental rights are complementary areas, IPA II assistance will be programmed in a holistic and strategic way, against a multi-annual framework. It will duly take into account the relevant national strategies and action plans.

The **Sector Planning Document** developed by the Lead Institution for Fundamental Rights Sub-Field covers the objectives of the Indicative Strategy Paper for Turkey that sets out the priorities for EU financial assistance for the period 2018-2020. It translates the political priorities as defined in the Enlargement Strategy and the most recent Country Reports into key areas where financial assistance is most needed and useful to meet the accession criteria.

In this context, the overall objective is to achieve measurable progress towards the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination bringing the legal framework in line with European standards in all areas. The specific objective is to align the implementation in the area of fundamental rights in line with the ECHR and case-law of ECtHR. The Action is also linked to the Judicial Reform Strategy's objectives and targets, which is envisaged for update.

The activity under this Action on Fundamental Rights is closely related to priorities identified in Turkey's **Action Plan on the Prevention of Violations** of the European Convention on Human Rights as well as the Judicial Reform Strategy, National Strategy Papers and Strategic Plan of the Ministry of Justice 2015-2019. Specifically, Objective 9 of the Judicial Reform Strategy (ref. 9.2 and 9.3<sup>7</sup>) and Objective 1.9 (Developing awareness of human rights in judicial processes) of the Ministry of Justice Strategic Plan stipulate the need to increase the awareness related to human rights. Therefore, this Action Document directly contributes to the objectives of the Action Plan on the Prevention of Violations of the European Convention on Human Rights, which is one of the key related policy documents relevant for the sub-field.

The **Action Plan on the Prevention of Violations of European Convention on Human Rights** is the main strategic document in this field prepared by the Ministry of Justice. The Action Plan entered into force on 1 March 2014. It was developed to protect fundamental rights and freedoms in a more effective way so as to eliminate the reasons leading to violation of rights safeguarded by the European Convention of Human Rights (ECHR) and to reduce the number of violation judgments against Turkey rendered by the European Court of Human Rights (ECtHR). The Action Plan covers the objectives such as Prevention of violations of right to life, Prevention of ill treatment, Effective investigation against violations of right to life and ill treatment, Prevention of violations of freedoms and security, Ensuring fair trial within a reasonable time, Ensuring right to access to justice in an effective way, Enhancing effectiveness of defence, Ensuring effective implementation of judicial decisions, Protection of private and family life, Eliminating restrictions on freedom of thought, conscience and religion, Ensuring freedom of expression and press, Eliminating restrictions on freedom of assembly and association, Prevention of violations on property rights. It also includes a section on continuation of training, research and awareness-raising activities on prevention of human rights violations.

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<sup>6</sup> <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180817-revised-indicative-strategy-paper-2014-2020-for-turkey.pdf>

<sup>7</sup> *Objective 9.2: Identifying the problems leading to violation in ECtHR judgments and conducting works regularly in order to eliminate such reasons with the participation of the related organizations and institutions; Objective 9.3: Proceeding the works regarding training and awareness within the scope of human rights on a regular basis.*

It is considered that this Action will contribute to the Sustainable Development Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

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

As stated in the Thematic Evaluation on Judiciary and Fundamental Rights in Turkey by the European Commission (2012), “the projects in the portfolio were generally relevant to IPA objectives, in the sense that they addressed judiciary and human rights-related concerns identified in relevant strategy documents. They clearly contributed to enhancing the momentum towards human rights reforms meeting political criteria for EU accession. In particular, the projects addressed key gaps in the understanding and implementation of European human rights instruments by the judiciary and in the promotion and protection of fundamental rights in general”.

At the same time, following observations are yet to be considered:

- Use of sector-based approach could encourage greater collaboration between institutions and civil society organisations, including professional groups such as bar associations
- A systematic, consistent approach to gender mainstreaming is to be applied
- Cooperation between civil society and institutions is to be encouraged
- Alignment with domestic policy priorities helps to increase the levels of sustainability

IPA II (2014-2020) has brought changes regarding financial cooperation mechanisms including new rules and responsibilities and it requires strong planning, cooperation and coordination for all the parties.

Clear and relevant baseline indicators are important in order to measure the Action's impact. The "mid-term Evaluation of the Instrument for Pre-accession Assistance (IPA II) 2017" also states that "close alignment between EU Enlargement Strategy and IPA II support (both national and multi-beneficiary programmes), particularly in the area of institution building is also evident. Here a substantial portion of the IPA II funds is devoted to institution building in the sectors of Democracy and Governance and Rule of Law/Fundamental Rights. These are at the core of the ‘Fundamentals First’ principle that underpins IPA II programme rationale."

Past projects in the field of fundamental rights have been successful in terms of delivering their planned outputs. However, further efforts are needed in terms of programme and project design to have a set of measurable objectives and adequate performance indicators. In this respect, it is essential to achieve a stronger alignment of the relevant programming documents with the IPA II performance framework in terms of developing a meaningful set of realistic and measurable performance indicators in close cooperation with the implementing agencies/contractors as well the beneficiary institutions.

Given the delays in implementation of assistance, additional measures for better governance need to be taken to improve financial execution through better forecasting, procurement, planning and capacity increase in the national authorities managing the funds.

The recommendations of the European Court of Auditors’ report “EU pre-accession assistance to Turkey: Only limited results so far "of March 2018 are taken into consideration. In this report, the Court of Auditors found that the European Commission set funding objectives which were specific and consistent with the legal framework. The objectives for the rule of law, governance and human resources sectors were relevant and based on the needs which Turkey had identified in view of aligning itself with EU law and rules, and strengthening its administrative capacity. In reality, however, the funds spent have barely addressed a number of fundamental needs and the European Commission should better target funding for Turkey in areas where reforms are overdue and necessary for credible progress towards EU accession and political and project conditionality should be used.

Sector definition for fundamental rights has been one of the most important challenges taking into account the fragmented and complex institutional structure which includes various actors with intersecting roles and responsibilities. Existing strategies and action plans in this area are of a wide, horizontal, and cross-cutting nature. There is no comprehensive strategic document covering the entire spectrum of human rights. This structure does not provide clear vision for sector development, its priorities, its coordination, as well as its monitoring and evaluation on sector level. In this regard, this Action is relevant for the sector approach since it is comprehensive and overarching.

A further lesson learned is to simplify the implementation modalities in order to avoid numerous cumbersome tendering procedures that are likely to cause unnecessary delays. In this respect, in the previous programming exercises frequently applied sequencing of various activity components (i.e. Twinning plus Technical Assistance, Twinning plus supply contracts) has been avoided since it often turned out that no proper sequencing could be achieved due to various circumstances, often outside the control of the contracting authority/EU Delegation/Sector Lead institution. Furthermore, no more supply or works activities are programmed under Fundamental Rights given the prioritisation of funding.

As far as linked activities are concerned various activities implemented under IPA II, Judiciary Sub-Field, Home Affairs and Civil Society Sub-Sectors, Education, Employment and Social Policies Sector and Public Administration area have foreseen results also affecting the Fundamental Rights Sub-Field.

## 2. INTERVENTION LOGIC

### LOGICAL FRAMEWORK MATRIX

*During the inception period, indicators and sources of verification may be specified and adapted for optimal implementation purposes and accurate verification.*

OVERALL OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (*)	SOURCES OF VERIFICATION	
<p>Contribution to protection of human rights and freedoms in a more effective way so as to eliminate the reasons leading to violation of rights safeguarded by the European Convention of Human Rights and to reduce the number of violations in Turkey.</p>	<p>Progress made towards meeting accession criteria.</p> <p>Decreased number of admissible applications against Turkey filed at the ECtHR (by different categories of rights)</p> <p>Increased number of inadmissible applications against Turkey filed at the ECtHR (by different categories of rights)</p> <p>Decreased number of violation judgments against Turkey delivered by the ECtHR</p> <p>Decreased number of admissible applications regarding human rights violations filed at the Constitutional Court of Turkey</p> <p>Increased number of inadmissible applications regarding human rights violations filed at the Constitutional Court of Turkey</p> <p>Decreased number of violation judgments delivered by Constitutional Court of Turkey.</p> <p>Decreased number of ECtHR cases under supervision by the Committee of Ministers</p>	<p>-Progress reports on implementation of the Action Plan on Elimination of ECHR violations</p> <p>-Country Reports,</p> <p>-Statistics and data of European Court of Human Rights (ECHR)</p> <p>- Reports by international monitoring bodies of the Council of Europe and United Nations</p> <p>-National Statistics and Reports by authorities including Ombudsman Institution and Human Rights and Equality Institution of Turkey</p> <p>Reports and studies on the relevant categories of rights</p>	
<p>Improving the efficiency and effectiveness of the implementation of the Action Plan on Prevention of Violations of the European Convention on Human Rights focusing on elimination of systemic lacunas leading to ECHR violations</p>	<p>Positive assessment of the efficiency and effectiveness of the implementation of the Action Plan by relevant stakeholders (national and international)</p> <p>Degree of progress in implementing the measures of the Action Plan (number of aims, goals and activities fulfilled/implemented)</p>	<p>Country reports,</p> <p>Statistics of MoJ,</p> <p>Statistics of related institutions</p> <p>Annual Reports and statistics of Department for the Execution of Judgments of ECtHR at the Council</p>	<p>Continued commitment towards the promotion and protection of human rights in line with the ECHR</p> <p>Full commitment of</p>

	Impact assessment of the implementation of the action plan shows significant improvements in relation to different categories of rights	of Europe. - Reports by international monitoring bodies of the Council of Europe and United Nations Reports by domestic and international stakeholders - National Statistics and Reports by authorities including Turkish Ombudsman and Turkish Human Rights and Equality Institution Impact assessment report	relevant institutions to the Action Plan aims and active participation in its implementation Continued administrative and political support
<b>RESULTS</b>	<b>OBJECTIVELY VERIFIABLE INDICATORS (*)</b>	<b>SOURCES OF VERIFICATION</b>	<b>ASSUMPTIONS</b>
<b>Result 1: Action Plan implementation is efficient and effective.</b>	Positive assessment of the efficiency and effectiveness of the implementation of the Action Plan by relevant stakeholders (national and international) Significant progress made in fulfilling the objectives of the plan and implementing its activities  Increased number of closed lacunas leading to the violations of the ECHR Number of recommended legislative or regulatory amendments in line with the European and international norms and practices prepared and adopted under the Action Plan measures	Reports by domestic and international stakeholders Reports on the assessment of implementation Experts reports Statistics of relevant institutions	Full commitment of relevant institutions to the Action Plan aims and active participation in its implementation Commitment of relevant stakeholders to the Action's objectives
<b>Result 2: Strengthened institutional capacity of the Ministry of Justice - Department of Human Rights and relevant institutions in the monitoring</b>	Needs assessment report with recommendations is provided Number of support activities provided to the relevant stakeholders (in monitoring, implementation, communication, awareness raising, data collection and	Documents produced during project implementation, assessment reports, activity reports, expert reports, surveys, institutions' statistics, etc.).	Full commitment of beneficiary institutions and relevant stakeholders to the project's

<b>and implementation of the Action Plan.</b>	processing) Positive assessment of the institutional support activities by the beneficiaries and stakeholders Data collection and processing methods improved		objectives Availability of experts High quality of outputs
<b>Result 3: Increased cooperation among relevant stakeholders and increased awareness on the Action Plan, its priorities and targeted rights</b>	Number of awareness raising events conducted under the project Number of cooperation building activities under the project Increased knowledge on the Action Plan, its priorities and targeted rights	Project reports Reports by the project's stakeholders	Full commitment of beneficiary institutions and relevant stakeholders to the project's objectives Full commitment to good cooperation with involved stakeholders

(\*\*)

(\*) All indicators should be formulated as measurement, without specifying targets in the Logical Framework Matrix. The targets should be included in the performance measurement table in section 4. More detailed guidance on indicators is provided in Section 4 on performance measurement.

(\*\*) Relevant activities have to be included only in the following sub-section.

## **DESCRIPTION OF ACTIVITIES**

### **Sub-activities (the list is non-exhaustive)**

- 1- Support to Action plan implementation and monitoring
  - Impact assessment
  - Studies on rights categories
  - Comparative analysis (EU standards and best practices)
  - Recommendations of legal amendments
  - Regulatory adjustments
  - Changes in administrative practices
  - Supporting the MoJ for better coordination with stakeholders
- 2- Building institutional capacity of the relevant institutions particularly the Department of Human Rights of the Ministry of Justice to effectively implement and monitor the Action Plan:
  - Developing the reporting and monitoring mechanism
  - Needs assessment with recommendations
  - Organising trainings and workshops
  - Assessing the data collection and processing system
3. Cooperation and awareness raising activities
  - Organising workshops, seminars, conferences, work groups meetings
  - Publicising the results of the Action Plan implementation
  - Publications/campaigns

## **RISKS**

The assumptions are as follows:

- Continued commitment to the EU accession process and to the political and judicial reform agenda.
- Commitment at all levels to alignment with EU standards and practices.
- Stakeholders' dedication to participate and cooperate throughout the process; implementation arrangements require strong, reliable and committed partners among Turkish institutions.
- Ministries and other relevant public institutions lend high-level support for the measures.
- Adequate number of staff appointed for the trainings and for the management of the support mechanisms. Strong commitment of the beneficiary and close cooperation with the relevant stakeholders. Required financial sources after the implementation of the project will be allocated to ensure sustainability.
- All stakeholders collaborate closely and are devoted.

The risks are as follows:

- Insufficient commitment at all levels to increase alignment to EU standards.
- Insufficient ownership of the relevant Ministries and other public institutions.

Mitigation measures are as follows:

- High-level discussions in the framework of the Turkey-EU dialogue will represent a mitigation factor for the above-mentioned risks.
- The project will build upon existing cooperation mechanisms between the MoJ and the CoE related to the implementation of the Action Plan, namely the Informal Working Group.

### **CONDITIONS FOR IMPLEMENTATION**

The implementation of the action will require the prior adoption of an updated Action Plan on Prevention of ECHR Violations, or similar strategic document. This document is to be based on the analysis of the current action plan implementation and the assessment of the latest state of play. It is expected that the development of the new action plan will be done in a participatory manner.

The Turkish authorities should be committed to build a strong cooperation between all the relevant stakeholders (State institutions, international partners and civil society) in order to effectively implement the Action Plan.

Failure to comply with the requirements set out above may lead to a recovery of funds under this programme and/or the re-allocation of future funding.

### **3. IMPLEMENTATION ARRANGEMENTS**

#### **ROLES AND RESPONSIBILITIES**

The Lead Institution of the Fundamental Rights Sub-Field is the Directorate for EU Affairs, in the Ministry of Foreign Affairs. The CFCU is the Contracting Authority.

Main responsibilities of the Lead Institution in this regard include preparation of Action Documents and revision when deemed necessary; technical implementation, monitoring and evaluation; submission of information, documents and reports to the relevant institutions and authorities regarding the projects and the activities; Establishing protocols for defining duties and responsibilities with end beneficiaries.

NIPAC will ensure the regular donor coordination activities in line with its mandate.

Agreements and contracts under the action document are subject to the provisions of the Framework Agreement between Turkey and the EC on IPA II, Prime Ministry Circular No: 2015/15 on Management of Pre-Accession Funds to be Provided by the EU as well as the Agreements between Lead Institution (LI) (Directorate of EU Affairs, Ministry of Foreign Affairs and End Beneficiaries (EB) for the management and implementation of action Fundamental Rights Sub-Field financed by the Instrument for Pre-accession Assistance II (IPA II).

<b>Activity</b>	<b>Main Beneficiary</b>	<b>Stakeholders</b>
Supporting the Implementation of the Action Plan on Prevention of Violations of the European Convention on Human Rights	Ministry of Justice	Institutions mentioned in the Action Plan Relevant Civil Society organisations

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

The proposed Action will be implemented under indirect management by the IPA II beneficiary, Turkey. It is intended that the CFCU will conclude a direct grant contract with the Council of Europe.

In addition, a contract planned for the evaluation of this Action will be carried out under direct management by the European Commission.

Justification for choosing the Council of Europe:

#### 1. Specific Nature of the Action

The overall aim of the Action is to contribute to a better protection of fundamental rights and freedoms via support to the implementation and monitoring of the Action Plan on Prevention of Violations of the European Convention on Human Rights (ECHR). This requires a holistic approach based on synergy from several other projects in the field of fundamental rights being implemented in Turkey by the Council of Europe (more information below), the experience of the Council of Europe (CoE) in co-operation with Turkish authorities, and the role of the Council of Europe in the standard setting and monitoring in the field of human rights, especially in the form of the case-law of the European Court of Human Rights (ECtHR).

#### 2. Specialisation:

The Council of Europe is Europe's oldest intergovernmental institution, with 47 member states. Its core values and priorities are human rights, democracy and the rule of law. The Council's very core is the ECHR, as well as the ECtHR; it is hence best placed to provide support to its members' efforts to prevent violations of its own key statutes.

#### 3. Technical and administrative competences:

The value of the CoE's technical co-operation lies in the unequalled dynamic triangle of setting of international standards, their monitoring, and ensuring relevant co-operation activities to address shortcomings. This triangle links:

- the standards developed by the CoE since 1949 for human rights, rule of law and democracy;
- the conclusions and recommendations of the CoE's monitoring mechanisms, which single out the areas where improvements are needed, particularly under various international conventions;
- the technical co-operation programmes established largely on the basis of the monitoring conclusions and recommendations, in order to assist the beneficiaries in their efforts to apply the standards.

## 4. PERFORMANCE MEASUREMENT

### METHODOLOGY FOR MONITORING (AND EVALUATION)

The Sectoral Monitoring Committee (SMC) meeting was organised by the Lead Institution in cooperation with the EUD on 30 May 2018. Participation of a number of different institutions including the key actors of the IPA II system, project beneficiaries, International Organisations as well as civil society representatives is an indication of the challenges and opportunities for the Fundamental Rights.

As for activity level monitoring, one Steering Committee will serve for this purpose. The Steering Committee will monitor the implementation of activities, achievement of results against indicators in the action document, and to agree on corrective actions as appropriate. The Steering Committee will be composed of representatives from the end beneficiaries, the Ministry of Justice, implementing organisation, Directorate for EU Affairs - Ministry of Foreign Affairs as the Lead Institution, Central Finance & Contracts Unit, the European Union and civil society representatives.<sup>8</sup>

Furthermore, the sub-field will be governed by the main strategies in place, particularly the Action Plan on the Prevention of Violations of European Convention on Human Rights. Since IPA II is based on the sector approach, in line with the IPA II FWA, a sectoral monitoring committee will convene on a regular basis, co-chaired by the NIPAC and representatives of the EC.

The Action might be subject to external (results oriented) monitoring in line with the European Commission rules and procedures set in the Financing Agreement.

In line with the IPA II Implementing Regulation 447/2014, an IPA II beneficiary who has been entrusted budget implementation tasks of IPA II assistance shall be responsible for conducting evaluations of the programmes it manages.

The European Commission will carry out a mid-term, or a final or an ex-post evaluation for this Action or its components via independent consultants, through a joint mission or via an implementing partner. For this purpose an amount of EUR 50,000 is planned and set aside under the budget of this Action. The evaluations will be carried out as prescribed by the DG NEAR guidelines for evaluations.<sup>9</sup>

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<sup>8</sup> The selection of the civil society representatives will be done during the inception period in agreement with Beneficiary, Implementing Partner and the EU Delegation.

<sup>9</sup> In case a mid-term or final evaluation is not foreseen, the European Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner.

## INDICATOR MEASUREMENT

*During the inception period, indicator measurement may be further specified and adapted for optimal implementation purposes and accurate verification.*

<b>Indicator</b>	<b>Baseline (value + year) (2)</b>	<b>Target 2020 (3)</b>	<b>Final Target (year) (4)</b>	<b>Source of information</b>
Degree of progress in the implementation of the Action Plan on Prevention of ECHR violations	Preparational work for updated plan has started	Updated AP adopted and its implementation started	Substantial progress achieved in the AP implementation	Assessment reports on plan implementation Project reports National and International stakeholders reports
Improved legislative and regulatory framework in line with EU, CoE and international standards and practices;	No legislative or regulatory changes	Legislative and regulatory changes identified  Non EU/CoE compliant norms or practices identified	Number of recommended legislative and regulatory changes in line with EU, CoE and international standards or practices prepared and introduced  Number of non-EU/CoE compliant norms or practices decreased	National and International stakeholders reports

(1) This is the related indicator as included in the Indicative Strategy Paper (for reference only)

(2) The agreed baseline year is 2010 (to be inserted in brackets in the top row). If for the chosen indicator, there are no available data for 2010, it is advisable to refer to the following years – 2011, 2012. The year of reference may not be the same either for all indicators selected due to a lack of data availability; in this case, the year should then be inserted in each cell in brackets. The baseline value may be "0" (i.e. no reference values are available as the Action represents a novelty for the beneficiary) but cannot be left empty or include references such as "N/A" or "will be determined later".

(3) The target year CANNOT be modified.

(4) This will be a useful reference to continue measuring the outcome of IPA II support beyond the 2014-2020 multi-annual financial period. If the Action is completed before 2020 (year for the performance reward), this value and that in the 2020 target column must be the same.

## **5. SECTOR APPROACH ASSESSMENT**

### **Sector Policy/Context**

In the context of Fundamental Rights, national strategies have been put into place so as to align the standards of Turkey with the EU and international standards. The Action Plan on the Prevention of Violations of European Convention on Human Rights (2014-2019) which entered into force as of 1 March 2014 is one of the main strategic documents in this sub-field. The Action Plan is prepared with a view to eliminate the reasons which lead to violation of rights safeguarded by the European Convention of Human Rights (ECHR) and to reduce the number of violation judgments against Turkey rendered by the European Court of Human Rights (ECtHR).

It includes extensive legal and administrative measures in order to protect fundamental rights and freedoms of Turkish citizens in a more effective way. In this regard, the Action Plan is expected to contribute to the decline in the number of violation judgements of the ECtHR.

**The Fundamental Rights sector objectives are set out in the revised Indicative Strategy Paper for Turkey that covers the period 2014-2020.** The overall objective is to enhance respect for fundamental rights and freedoms. A prerequisite for success is to undertake the necessary EU oriented reforms in the framework of chapter 23 judiciary and fundamental rights and their effective implementation.

In this respect, priorities identified in existing relevant strategies and actions plans are taken in account during programme preparations.

### **Institutional Arrangements**

The lead institution is the Directorate of EU Affairs, Ministry of Foreign Affairs. Key institutions such as the Ministry of Justice, Ministry of Interior, Ministry of Defense, Ministry of National Education, Ministry of Labor, Social Services and Family are closely associated with the Action Plan on the Prevention of Violation of ECHR as well as other key stakeholders referred in the Action Plan.

### **Sector and Donor Coordination**

The developments and needs in this field are closely monitored by the Reform Action Group (RAG). 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 enhance the implementation regarding fundamental rights. The Sub-committee submits its recommendations to the Reform Action Group.

NIPAC will ensure the regular donor coordination activities in line with its mandate. The relevant international organisations in this field are as follows: The Council of Europe and UN Agencies (e.g. UNDP, IOM, UNFPA, UNICEF, UNHCR) who have provided substantial support, together with relevant Turkish and international NGOs working on human rights, civil society development and other right-based areas, such as Union of Bar Associations, bar associations, trade unions and NGOs.

On regular IPA assistance, with the aim of improving donor coordination at sector level, the European Union presents yearly the draft programmes to representatives of Member States embassies and also organises additional ad-hoc information sessions at sector level. These meetings include exchanges about complementary of bilateral funding from Member States, even though bilateral grant financing is very limited compared with the IPA allocations. In fields of joint interest, technical level meetings are organised.

The European Union has been holding meetings with Member States on a bi-yearly basis to focus on specific topics covered by IPA.

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

### **GENDER MAINSTREAMING**

Gender balance will be sought on all the managing bodies and activities of the Action and importance will be given during all stages. Equal participation of women and men will be secured in the design of activities and access to the opportunities they offer. Promotion of gender equality and equal opportunities will be

considered. The gender dimension of the activities will also be closely monitored by the European Union in terms of compliance with the 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.

## **EQUAL OPPORTUNITIES**

Equal opportunity principles and practices in ensuring equitable gender participation in the project will be guaranteed. The main criteria for staff recruitment will be appropriate qualifications and experience in similar projects, not sex or age. Turkey's government remains fully committed towards providing equal opportunities for men and women. The legislation ensures equal opportunities and no gender discrimination. All steps necessary to ensure equal representation and opportunities for women and men will be taken into consideration, including equal participation in implementation, monitoring and evaluation.

## **MINORITIES AND VULNERABLE GROUPS**

According to the Turkish Constitutional System, the word minority encompasses only groups of persons defined and recognised as such on the basis of multilateral or bilateral instruments to which Turkey is a party.

The activities supported under this Action will contribute to the protection of individual human rights.

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

Relevant national and international CSOs working on Fundamental Rights will be actively encouraged to participate in the activities of this Action Document. A number of CSOs selected according to criteria to be set by MoJ, CoE, EU Delegation during the inception phase shall be nominated as participants of the Steering Committee for this Action.

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

N/A

## **7. SUSTAINABILITY**

This Action will serve the overall strengthening of 'fundamental rights' and help further align this area with the EU acquis and standards in this field as well as support the implementation of Turkey's own related strategies and actions plans and strengthen its monitoring system. The Project team in cooperation with contact points from the related institutions and with the support of experts will prepare various documents - draft legal acts, recommendations, guidelines, reports, roadmaps, training materials - that would serve to ensure sustainable use and further development of the Project outputs, as these documents will be used after the Project completion. All documents prepared during the Project will be handed over to stakeholders of Turkey, and transferred by all means agreed upon with the EU and the CoE. In addition, all documents should be simple enough to be regularly updated and changed by the staff of the respective organisations without external support.

The institutional capacity of Human Rights Department of MoJ is strengthened as well as the capacity of other related stakeholders. In order to ensure the long-term sustainability of the Project's results, it is essential to define a project sustainability strategy for the continuous and ambitious implementation of the Action Plan that will structurally build on internal capacities.

## **8. COMMUNICATION AND VISIBILITY**

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

All necessary measures will be taken to publicise the fact that the Action has received funding from the EU in line with the Communication and Visibility Manual for EU External Actions. Additional Visibility Guidelines developed by the European Commission (DG NEAR) will have to be followed.

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

In this sense, in line with the Lead Institution roles and responsibilities identified in the Cooperation Agreements signed between the Lead Institution and End Beneficiaries for each programming year, a Communication and Visibility Plan for the Fundamental Rights Sub-Field should be prepared by the Lead Institution. Thus, 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 project outputs.

Communication and Visibility Plans of the Individual Activities must be in line with the overall of Communication and Visibility Plan of the Fundamental Rights Sub-Field. Visibility and communication actions shall demonstrate how the intervention contributes to the agreed programme objectives and the accession process. Actions shall be aimed at strengthening general public awareness and support of interventions financed and the objectives pursued. The actions shall aim at highlighting to the relevant target audiences the added value and impact of the EU's interventions and will promote transparency and accountability on the use of funds.