1. Basic Information

1.1. Desiree Number: Initial Twinning Support to the Ombudsman of the Republic of Turkey
1.2. Title
1.3. Sector Rule of Law/Human Rights – Public Administration
1.4. Location The Ombudsman of the Republic of Turkey
1.5. Duration 2 years

2. Objectives

2.1. Overall Objective

To promote and enhance the performances of the public authorities in Turkey in relation to the rule of law, human rights and good governance.

2.2. Project Purpose

To support the Ombudsman of the Republic of Turkey at its establishing and first phase of operations to develop into a prominent body in accordance with European ombudsman standards and the Paris Principles on National Human Rights Institutions, capable to pursue its mandate, as enshrined in the Ombudsman Law, with independence, integrity and impartiality.

2.3. Accession Partnership and NPAA Priority

The Accession Partnership refers in short term to the following:

- 2003 Accession Partnership paragraph No. 12 foresees strengthening judicial effectiveness as a priority that should be accomplished in short term. Under the task 24.14.1 in the NPAA, Law on Ombudsman is planned to be adopted in 2004. The main aim of adoption of Ombudsman System in Turkey is to reduce the number of filed cases before the courts. A well functioning Ombudsman System will assist to overcome the alleged maladministration and human rights abuses at administrative stage and the workload of the courts will considerably decrease across Turkey.

An intensified assistance should in medium term refer to the following:

- Endow the Institution with appropriate mechanisms of case handling and review procedures by professional consultative activities, and provide supplementary training addressing specific human rights fields, with reference to relevant international instruments, recognized by the Republic of Turkey.
- Offer practical training in the scope of proactive measures and other *ex officio* activities, such as issuing general guidelines for civil servants and conducting formal inspections of public authorities, including prisons facilities and mental institutions.

- Establish and develop mechanisms for monitoring of law abidance by and the conduct of public authorities in general as well as civil servants individually, in order to strengthen the rule of law and to promote improved compliance with human rights and good governance principles.

- Establish routines for reviewing, commenting and proposing draft legislation in relevant fields.

- Enhance the efficiency of the Institution by efforts to further educate the administrative staff in activities such as case registering, filing, coding and, not least, compiling of statistics.

- Develop a strategy of proactive public relations measures and awareness raising activities, contributing to an extended impact of single recommendations and a raise of public awareness of the services and other activities of the Institution as well as the significance and importance of the rule of law, human rights and good governance.

*The partnership shall pursue a long-term activity referring to the following:*

- Review the operational Ombudsman law in order to identify flaws and deficiencies.

- Ensure proper settlement of issues pertaining to the legal, financial, political independence of the Ombudsman by conveying guidelines and advice to the relevant legislative and executive Turkish authorities as well as facilitating discussions between the Ombudsman Institution and those authorities.

  - Facilitate the Institution joining international Ombudsman network and organizations, such as the IOI, the EOI and the ICC.

2.4 National Development Plan

N/A

2.5 Cross Border Impact

N/A

3. Description

3.1 Background/Justification

As of the proclamation of the Republic of Turkey in 1923, the country set out to develop a pluralistic secular democracy. Throughout the cold war Turkey proceeded on this path closely interlinked with Western Europe, aligning itself with the basic principles of European politics by its membership in NATO, the Council of Europe, the OECD and the EEC.

However, a deeper integration with European structures has been hampered by autarchic elements in both the economical and the political system. International organizations, including
the United Nations and the Council of Europe, as well as various non-governmental organizations have recorded a poor respect to human rights, implying a major impediment in the relations between Turkey and Europe. These concerns disqualified the renewed attempt to attain full membership in the European Union in 1987. Although Turkey was considered as eligible for membership in Agenda 2000, endorsed by the Luxembourg Council in 1997, it remained excluded from the EU enlargement process until 1999, when the Helsinki Council officially recognized Turkey as a candidate state.

Over the past years Turkey has shown a determination to intensify the pace of reforms. Seven reform packages have been adopted, effectuating far-reaching and thorough changes in the legal and political system. In addition, Turkey has taken commendable steps in dealing with some most sensitive human rights issues, such as Freedom of Speech, Freedom of Religion, and Freedom of Assembly and Association as well as issues pertaining to cultural rights and civil control of the military. In 2002 a zero-tolerance against torture policy was launched by the Parliament, verifying the sincerity behind the zeal in the reform process. Moreover, Turkey has ratified major International Conventions, such as the International Covenant on Civil and Political Rights, the International Covenant on Social and Economic Rights and Protocol No 6 to the European Convention on Human Rights concerning the abolition of the death penalty.

These reforms are noteworthy and laudable. They should, however, be honored by the rate of actual implementation. Evidently, problems remain when it comes to the conduct of the public administration and the judiciary.

In order to accelerate the implementation and entrench relevant reforms, the Government has initiated various proactive measures. In 2002, 129 Prisons Monitoring Boards were established, tasked to conduct regular inspections. A Human Rights Violation Investigation and Assessment Center has been set up within the command of the Gendarmerie. As a replacement of the Ministry of Human Rights, which was abolished in line with recent constitutional amendments, the Prime Ministry Human Rights Presidency has been set up, inter alia to “maintain coordination between the state agencies dealing with human rights”. The Parliamentary Human Rights Commission, established already in 1990, monitors and reports human rights violations. However, none of these bodies qualify as an Ombudsman and a formal National Human Rights Institution, due to their lack of formal independence vis-à-vis the executive and legislative branches of public power.

The Ombudsman Institution in Turkey may assume a prominent and vital position in the ongoing legal and political reformation. By both reviewing the conducts of the administration and promoting general enhancements, such an Institution would have an outstanding position to contribute to and galvanize the actual enforcement process. Furthermore, an independent and impartial Ombudsman could usefully contribute to an assessment of the actual progress of the reform pace, which could be of vital importance in the accession process.

### 3.2 Linked Activities

Modern Turkey has no previous experience of an Ombudsman Institution in its currently recognized form, and given Turkey’s autocratic history, the integration of the Institution into the constitutional and political framework may face a number of difficulties. It is therefore most recommendable that the inaugurated Institution is provided with immediate support by participation in a twinning program. It is also of importance that this program can involve relevant branches of the public authorities concerned, especially the Prime Ministry, the Ministry
of Justice, the Ministry of Interior and, in relation to financial independence\(^1\), also the Ministry of Finance.

The conditions of work must be realized at earliest convenience, given that a protracted period of inactivity may harm the credibility of the Institution. Following the adoption of the Law, the Assembly will launch the appointment process and initiate budgetary discussions. Subsequent to the appointment, the person/s in charge of the Institution must summon and begin initial arrangements regarding the practical prerequisites of operations, recruitment and architecture of the organization. Accordingly, the twinning project shall preferably be commenced at the earliest possible state.

In a short-term perspective the project will assist the initiation and ensure swift operational adequacy of the Institution. To this end it is most important that a basic understanding of the rather special character and notion of the Institution is instilled at an early stage. The twinning project therefore foresees early visits to some EU Member State Institutions, providing a thorough introduction to the Ombudsman concept in practice, yet not imposing a predestinated approach on the incumbent Ombudsmen.

The training of the Institution’s personnel will preferably be combined with other programmes, conducted by the assistance envisaged in the Communication on “Strengthening the Accession Strategy for Turkey”. Moreover, the twinning program foresees the possibility of exchange of viewpoints and experiences with other relevant twinning projects.

3.3. Results

The outputs to be delivered and the results achieved by this project include:

- Development of the Institution’s capacity and proficiency regarding its legal operations and expertise, including case handling procedures and various proactive measures.
- Strengthening of the organizational structure in line with best European practices.
- Comprehensive training in \textit{ex officio} activities and proactive measures, including issuing of general guidelines for civil servants and conducting formal inspections of public authorities, including prisons facilities and mental institutions.
- Introduction of practices of law review and integration of the European case law into the domestic jurisprudence.
- Establishment of monitoring procedures and an appropriate reporting capacity, which would enable the Institution to produce progress assessment, relevant to domestic authorities as well as international organizations, including treaty bodies.
- Increased awareness of the fundamental principles of the rule of law and good governance among ordinary citizens and civil servants.
- Design of a public relation strategy and introduction a public relation unit.
- Safeguard of the political, legal and financial independence of the Institution.
- Revision of the Ombudsman Law after the first phase of the Institution’s operations.
- Establishment of a working group, facilitating the coordination between the Institution and relevant other authorities, including the Prime Ministry, the Ministry of Justice, the Ministry of Interior and the Parliamentary Human Rights Commission.

3.4. Activities

\(^1\) Note in this context the co-called Ljubljana Conclusions of 13 November 2001.
3.4. Activities

The activities will be implanted in the form of a Twinning Project under a Contract between Turkey and a Member State. The Contract will focus on short as well as medium and long term activities (modules), given that the project includes assisting in the establishing as well as the development of the Turkish Institution. The project is envisaged to last for 26 months.

The project will be supervised and coordinated by a Project Leader (PL), who is to be a high-ranking official of the Member State Institution. The project will provide a Resident Twinning Adviser (RTA) and a number of short and medium term experts.

3.4.1 Launching of the Ombudsman Institution and establish operational adequacy of the Institution.

A twinning partnership can be concluded when the prerequisites for the operations of the Institutions have been established, hence the adoption of the Ombudsman Law, the appointment of the person or persons in charge, and the approval of the budget. The launching package will engage in the following activities.

*Short-Term Module I: Initial support to managerial personnel*

The partnership will pay heed to the implicit independence of the Institution. Nonetheless, it is important that the persons in charge are introduced to basic conceptual ombudsman principles at the initial phase of the program. One first element of the project program will therefore be a study tour, or study tours, to corresponding Member State Institutions, at which these persons will be presented to profound experience of ombudsman operations and practices availed. This initiative shall encourage and embolden the Ombudsman and set a general framework for later initiatives and activities. To the same end, visits are included in this module by current or previous Ombudsmen or else senior staff from well established Ombudsman Institutions.

This module requires the involvement of two to three international experts.

- Study visit/s to corresponding Member State Institutions, providing general introduction to case handling, proactive measures, monitoring, legal review, public relations strategies and organizational issues. The study shall also refer to the relation between the Institution and other public authorities, especially the judiciary.
- General training of Ombudsman methods and practices.
- Visits to the Institution, providing experience by current or previous Ombudsman or else senior staff from well established Ombudsman Institutions.

*Short-Term Module II: Assistance in organizational development and capacity building*

The project will by institutional building efforts contribute to the creation of the organizational structure, ensuring that an efficient and rational model is initially provided framing the further development. An evaluation of the initiated and envisaged structure should produce
recommendations and identify needs and potential inadequacies. On the basis of the evaluation, specific areas should be strengthened in order to boost capacity in fundamental and underdeveloped elements of the organization.

Evaluation should be undertaken by the RTA, including administration and supervision regarding the training. One short-term expert will be needed in order to deliver adequate input. The activities will primarily be undertaken at the main office, yet training of legal staff in a corresponding Member State Institution might not be excluded.

- Evaluation and assessment of preferential organizational structure and devise recommendations in organizational design.
- Assistance in formulating practical organization models, including the formal rules of procedures, office chart, internal rulebook etc.
- Basic training in best practices of case handling procedures.
- General training of the administrative personnel, including techniques of filing, coding, registering and, not least, compiling statistics. This training will be executed at the main office in Turkey.

3.4.2. Continued and elaborated assistance and capacity building

Subsequent to the short-term assistance, effectuating an Institution accomplished to pursue its general mandate, the Institution must evolve and grow explicit expertise, able to tackle complex issues and achieve tangible results. The program will be initiated in several modules, requiring intensive training efforts referring to the following:

Medium-Term Module I: Professional development of case handling procedures

The Ombudsman staff will be engaged in an extensive education in case handling. This training will target the process of determining admissibility of complaints, case analyzing, creative solutions, drafting recommendations, informal remedies and methods of establishing compliance etc. The ambition is to instill a specific Ombudsman approach and to raise the legal quality as well as the efficiency of the case handling and the general compliance rate.

The training will be dispersed in close cooperation with the person or persons in charge of the Institution, thereby precluding the introduction of double standards. Study visits and engagement of short-term experts will bring the desired output.

- Training of staff in issues related to case handling.
- Visits to corresponding Member State Institutions.
- Visits to the Institution, providing experience by current or previous Ombudsman or else senior staff from well established Ombudsman Institutions.

Medium-Term Module II: Training in specific Human Rights issues

The Ombudsman staff will be provided adequate training in specific human rights areas. This training will be provided both horizontally to the Institution in order to strengthen the overall knowledge and exclusively to certain lawyers, in order to establish spearheaded expertise. The training will address the legal complexity related to selected human rights issues and will make specific reference to the International and European Conventions of Human Rights and the case law of the European Case Law.
The training requires two short-term experts and may include visits to corresponding Member State Institutions

- General training in Human Rights Conventions and practices.
- Developing of internal expertise within specific human rights areas.
- On the basis of an evaluation of needs, specific training in case handling might also be provided in areas pertaining to the Courts, the Police, the Prisons, the Mental Institutions, the Customs, and the Frontier Patrol.

Medium-Term Module III: The Institution shall be provided with training in the scope of ex officio practices and pro-active measures.

Such an Institution cannot merely rely on individuals to submit complaints in order to remedy maladministration. Such abuses are often structural and systemic and their redress may require proactive measures, such as investigations or general recommendations, in the framework of reports. Several violations are never acknowledged since the aggrieved party is often declined to report them. Especially, individuals within so called vulnerable groups, such as persons in prisons or other detention facilities, mentally ill, children and Roma/Sinti, cannot be expected to make adequate use of the possibility to address the Ombudsman. In order to detect problems, experienced by such groups or individual, it will be necessary to initiate formal inspections and other ex officio measures. Ex officio measures will also otherwise be motivated. Such measures necessitate a sophisticated and well-expressed approach, not only in terms of the legal foundation, but also in their general approach.

Two to three short-term experts are required in order to achieve desired results within this module. The RTA will be responsible for administration and supervision. These activities may sometimes be undertaken in collaboration with other domestic authorities, for instance with the Prisons Monitoring Boards concerning formal inspections.

- Workshops and training on ex officio activities, including practices in and experiences from other countries, with the ambition to encourage actions and to provide appropriate models.
- Special training in formal inspections of public authorities, including prisons and mental institutions. The training will include practical methods and conducts, review processes and reporting. The training should be conducted in Turkey. One actual inspection will be conducted in the framework of the training program. This exercise shall be coordinated with the existing monitoring institutions, such as the Prisons Monitoring Boards, and other relevant public authorities.

Medium-Term Module IV: Strengthening efforts and capacity building activities rendering improved efficiency of the organization

Following the short-term assistance, regarding the practical institutional building, a second package should be introduced in order to further strengthen the capacity of the organization. On the second year of the project, a follow up evaluation of the organization will be conducted, assessing the efficiency and rationality of the organizational structure. On the basis of this study further assistance will by targeted efforts shore up deficiencies and strengthen the administrative capacity of the Institution.

Evaluation shall be undertaken by RTA. One short-term expert is needed.
• One-year term evaluation of the organization, producing recommendations and devising a strategy for further organizational development.
• Additional training of administrative staff, especially in filing, registering, coding and compiling of statistics.
• Study visits might be conducted to corresponding Member State Institutions.

Medium-Term Module V: Establishment of sophisticated mechanisms of monitoring

One element of an Ombudsman Institution is the monitoring and reporting mechanism. The activities concerned are basically provided by the case handling and by inspections and investigations, but also by an independent research directed to the public authorities, evaluating the general abidance by the rule of law and the principles of human rights and good governance. Such monitoring implies, inter alia, review of legislations or codes of conducts in order to integrate European case law into the jurisprudence and general monitoring of practices in the public administration regarding for instance free access to information, specific discrimination and the right to use minority languages. The scopes of these activities are almost unlimited, yet it may be of specific importance for an Ombudsman to initiate explicit follow ups of particular recommendations or resolutions or to analyze the implementations of certain reforms. In the context of the accession process, this role may be most significant, given that the Ombudsman is a formal domestic institution, enjoying independence from the government, as well as from international bodies.

This module will be delivered by RTA and short-term experts.

• Establishing and training a monitoring unit, capable of reviewing legislations and scrutinizing overall practices and conducts of the public authorities and the civil servants.
• Training in techniques of report compiling.

Medium-Term Module VI: Establish and develop a Public Relation Unit

An indispensable prerequisite for the success of an Ombudsman Institution is the ability to disseminate the output of its activities to the public. By reporting on effectively resolved cases, the Ombudsman can promote public trust in the Institution and entice individuals to address the Institution, but also effectuate a learning process, which can bring about general improvements within the public authorities. Moreover, one of the most effective tools of the Ombudsman is public criticism. Criticism expressed in media is generally difficult to circumvent by mere ignorance or administrative silence. It is therefore crucial for an Ombudsman to grow an appropriate relation with mass media. Another aspect of these activities is awareness raising campaigns. Advocacy campaigns directed to either the public or the civil servants or, preferably, both, may have a preemptive effect, and well-designed campaigns can often have a greater general impact than the successes in the case handling. The project will invest significant efforts in supporting the establishment of a public relations unit and contribute to its development.

The assistance will be delivered by the RTA and one short-term expert.

• Establishing a unit responsible for public relations and awareness raising activities.
• Designing a strategy reassuring the transparency of the Institution and regular dissemination of information and recommendations to the society through press conferences, press meetings, press releases and other forms of public relations.
• Support to the initiation of advocacy campaigns, regarding the concept of the Institution and specific issues regarding the relationship between the State and the citizens.
• Seminars hosted by experts on public relations, preferably with Ombudsman experience.

3.4.3. **Entrenching principles of operation and reassuring the sustainability of the Institution in accordance with European Ombudsman standards and the Paris Principles (Long – term module)**

The dynamic training program is anticipated to bring enough reassurance for the development of the Institution in line with European Ombudsman standards and the Paris Principles. The activities in the terminal phase shall safeguard the independence of the Institution and its integration into international network of Ombudsman institutions. Such integration would provide an institutionalized protection.

This exercise will be accomplished by the support of the RTA.

• Stimulate the dialogue with the relevant public authorities in order to ensure that issues pertaining to the legal, financial, political independence of the Ombudsman are properly settled.
• Review the operative Ombudsman legislation, in collaboration with the Ombudsman, in order to identify flaws and deficiencies and propose necessary amendments.
• Facilitate the entrance of the Ombudsman Institution into international network and organizations, such as the IOI, the EOI and the ICC.

3.5 **Means/Inputs - External Input**

**3.5.1 Project Leader (PL)**

The PL should be a high ranking official with broad knowledge of all processes in the area of an Ombudsman Institution or other National Human Rights Institution, who will continue to work at his/her Member State administration but devote some of his/her time to conceive, supervise and co-ordinate the overall thrust of the Twinning Project.

The PL will allocate a minimum of 3 days per month including one visit every 3 months to Turkey as long the project lasts.

a) **Qualifications :**

  • Broad and long-term knowledge of the functioning of an Ombudsman Institution or other National Human Rights Institution.
  • Overall understanding of the problems and solutions in the sector.
  • Capable of unblocking any problems at highest level.
  • Good leadership skills.

b) **Tasks :**

  • Overall project co-ordination.
• Co-chairing the PSC (see p 4 below).
• Mobilising short and medium term experts.
• Executing administrative issues (i.e. signing reports, side letters etc.).

3.5.2 **Resident Twinning Adviser (RTA)**

The RTA will assist in the organisation and mobilisation of the technical assistance, training, ad hoc seminars, day to-day practical advice and organisation of study tours.

**a) Background of the RTA:**

The RTA shall preferably be or have been a Staff Member of an Ombudsman Institution or other National Human Rights Institution of an EU Member State. The RTA must possess good management skills. Experience with operation of pre-accession programmes is a comparative advantage.

**b) Other qualifications:**

- Profound knowledge of human rights conventions and extensive practical experience of working in an Ombudsman Institution or other National Human Rights Institution, including experience of report design, awareness-raising campaigns and human rights monitoring.
- Communication skills and training and advisory capacity.
- Excellent skills in English or Turkish.
- Relevant university degree, preferably in law.
- Experience of project management is an advantage.
- Experience in EU procurement rules is an advantage.
- Experience in working in a different cultural environment is an advantage.

**c) Tasks of the RTA:**

- Assist in the preparation of all strategic project documents; inception study, sector strategy/policy/plan, assessment reports, quarterly monitoring reports, final project report, training manuals etc.
- To design a work plan for the implementation of the programme and to assist the process of drawing up a contract.
- To ensure continuity of implementation through: the execution of the day to day management; working on a daily basis with the Ministry staff to implement the project.
• To plan and coordinate outputs.
• Together with the Project Leader: to nominate and mobilize the short and medium term experts.
• To supervise the short and medium term experts.
• To coordinate and organise study visits, training activities, workshops and public awareness activities.
• To ensure proper quality of outputs.
• To provide detailed reports on the impact of the programme.

3.5.2. Short and Medium Term Experts:

a) Qualifications

• Minimum of 3 years professional experience in the fields within the activities outlined in the modules.
• University degree or equivalent professional experience in relevant areas.
• Good written and oral command of English (or other community language).

b) Tasks:

• To work on specific project components outlined in the modules and contribute to the project with specialist knowledge in these areas.
• To help in drafting and refining strategies.
• To provide specialist support services.
• To prepare training course modules.
• Advice and backstopping from an EU Ombudsman Institution or other National Human Rights Institution.

3.6. Lessons learned

This project has been designed by experience inter alia from a recent, brief evaluation visit to Turkey. During this visit, various stakeholders presented their anticipation of the Institution as well as attempts undertaken in Turkey to establish the Ombudsman Institution or other bodies in line with the Paris Principles. Two most important observations were made. A reform in this field should preferably bring together and take into account all current initiatives related to the establishing of independent bodies at national as well as local level, and a reform should preferably not be pursued without prior consultation of experienced ombudsman practitioners.

When it comes to Ombudsman Institutions in Europe, it should further be underlined that there does not exist one particular institutional model. The institutional and constitutional design and
the role of the Ombudsman in the legal system vary. In designing its Institution, Turkey could draw from the experience of various European as well as non-European corresponding institutions. It should, however, be borne in mind that it is indispensable to adhere to certain principles, in particular regarding the Institution’s independence, integrity and impartiality as well as its possibilities to fulfill its mandate unhampered by financial restraints.

4. Institutional Framework

The Twinning Project will be implemented by the Turkish Ombudsman under the coordination of General Directorate for EU Affairs of the Ministry of Justice. A Project Steering Committee (PSC) will be set up, consisting of the above mentioned institutions, the CFCU as well as representatives of the European Commission and member states delivering the twinning inputs. The PSC will monitor, supervise and co-ordinate the overall progress and implementation of the project. The PSC will provide guidelines for the different components of the project, define priorities, redirect objectives when needed, approve budgets and assess results.

The Ministry of Justice or the Turkish Ombudsman institution will be responsible for the provision of the necessary resources to enable the RTA to function properly.

4.1.1 Twinning contact person

Contact person at the Ministry of Justice and contact details:
Mr. Ali Bilen
Judge at the General Directorate for European Union Affairs of the Ministry of Justice
Adalet Bakanlığı Ek Bina 9.kat no.22 Bakanlıklar ANKARA/TURKEY
Tel:+0090-312
Fax:+0090-312
E-mail: abilen@adalet.gov.tr

4.1.2 Introduction/Background on the Twinning and Training Package

The project will be implemented in the form of a Twinning contract between Turkey and a Member State/Member States. The overall duration of the project is envisaged to be 26 months with activities to take place during the 24 months. The Twinning partner(s) will manage all aspects of execution in close cooperation with the Ministry of Justice.

The Twinning partner(s) will provide a Resident Twinning Advisor (RTA) and also secure a pool of short-term experts, who will be called upon whenever necessary to contribute to the achievement of the mandatory results and especially for the purpose of advisory services and training according to the work plan that will be prepared as part of the corresponding contract.

The EU Twinning advisors will work together with the staff of the beneficiary institution under the overall direction of the beneficiary institution and the Project Steering Committee. In addition to providing the twinning partner with adequate staff and other resources to operate effectively, the senior management of the beneficiary institution is expected to be involved in the development and implementation of policies and institutional change required to deliver the project results.

The EU Twinning partner will be a Member State institution directly involved in judiciary. Member States may also form a consortium which could result in a wide range of qualified senior experts gathered from public administrations or mandated bodies from up to two Member State, provided that national approaches can be harmonized within this consortium.
STUDY VISITS

Four study visits to member states are proposed. Due to lack of experience in Turkey on this field, and the innovative character of the Ombudsman institution in Turkey, for successful implementation of the project study visits are very important to compare and contrast how such institutions work, their procedures, organizations and strategic designs, and the problems they have faced. Numbers presented in the budget are indicative.

3 Study visits on launching and functioning of the Ombudsman institution

The study tours will focus on case handling, proactive measures, legal review, PR strategies and organisational issues.

Study visits on specific Human Rights issues

The study visits will include general training on Human Rights conventions and practices, as well as specific training in areas pertaining to the Courts, the Police, prisons, mental health institutions, customs and frontier Patrol. They will aim at making the participants able to acquire direct experience on best practices of work with those institutions.

2. Operating environment for Twinning:

The RTA will be placed at the beneficiary, the Turkish Ombudsman. The provision of the operating environment for the RTA and the experts is part of the Twinning co-financing responsibility of the beneficiary.

The EU Twinning advisors will work together with the staff of the beneficiary/ies under the overall direction of the Project Steering Committee.

The EU Twinning partner will be a Member State institution directly involved in good governance institutions. Member States may also form a consortium which could result in a wide range of qualified senior experts gathered from public administrations or mandated bodies from up to two Member States, provided that national approaches can be harmonized within this consortium.

4.2 Contracts

The twinning contract is in the focus of the project (estimated value is Euro 1.170.000)

5. Detailed Budget

<table>
<thead>
<tr>
<th>Project Components</th>
<th>Investment</th>
<th>Institutional Building</th>
<th>Total Financing By EU</th>
<th>National Co-financing</th>
<th>IFI</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>Twinning</td>
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<td></td>
<td></td>
<td></td>
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</tr>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Total</td>
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<td>1,170,000</td>
<td></td>
<td></td>
<td>1,170,000</td>
</tr>
</tbody>
</table>
The project budget takes into account that Turkey will set up and equip the Institution, totally irrespective of the project, and project budget does therefore not envisage any contribution for equipment, except for the equipment designated the RTA.

“Turkey’s contribution to the project to fulfill the Twinning co-financing requirements will cover provision of adequate office space and equipment for the Resident Twinning Advisor (RTA), organizational costs of trainings, seminars and workshops (rental fees for training and seminar venues, interpretation equipment, catering as well as international travel of trainees in the framework of study visits and traineeships) and other costs non-eligible for pre-accession funding, as specified in the “Reference Manual on Twinning Projects”.”

6. Implementation Arrangements

Implementation Agency

The Central Financing and Contracting Unit (CFCU) will be the Implementing Agency responsible for contracting and accounting. Responsibility for technical aspects related to preparation, implementation and control will rest with the Directorate General of EU Affairs of the Ministry of Justice or the Turkish Ombudsman as the beneficiary institution.

Contracting Authority:

Central Finance and Contracts Unit
Mr. Ercan Tortop
Tel No. (+90 312) 285 4620-21
Fax No. (+90 312) 285 96 24
Ehlibeyt Mahallesi 6. Sokak No:18/8 Ekşioğlu İş Merkezi 06520 Balgat/Ankara, TURKEY

7. Implementing Schedule (Indicative)

The twinning project is scheduled for 26 months.

Start of twinning selection 3rd quarter /04 (A pre-condition is the adoption of all relevant new legislation)

Start of twinning activity 3rd/4th quarter /05

Project completion 3rd/4th quarter /07

The signature and endorsement of the twinning contract will be conditional upon the approval and adoption of a Law on the Establishment of the Ombudsman Institution in Turkey.

8. Non-Standard Aspects

N/A

9. Equal Opportunity

Equal opportunity principles in ensuring equitable gender participation in the project will be applied.

9. Conditionality and Sequencing

Pre-conditions for the commencement of the twinning project are that an Ombudsman Law is adopted, the person or persons in charge of the Institution are appointed and the budget of the Institution is decided, all in line with the requirements outlined in the justification section of this project fiche.
The beneficiary Institution will give whole-hearted support to the project and facilitate its implementation. Relevant staff member will be participating and technical support for the project will put at disposal, including office space, supportive staff and office equipment not prescribed in the contract.

Specific conditionality and sequencing are built into each and every module. The timing and speed of each and every activity must proceed individually in order to achieve the objectives of each module.

The Ministry of Justice will commit itself to support the project and allot required means and provide logistic support.

Relevant stakeholders, in the first place the Ministry of Justice and the Prime Ministry, will support the project and participate in the Project Steering Committee.

10. **Annexes to Project Fiche**

1. Indicative Budget Breakdown
2. Logical Framework Matrix in Standard Format
3. Detailed Implementation Chart
4. Contracting and Disbursement Chart
# Annex 1

## Indicative Budget Breakdown - EU sponsored expenditures

<table>
<thead>
<tr>
<th>Components</th>
<th>Amounts in Euro</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Continuous Costs</strong></td>
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<tr>
<td>Member State Project Leader (Including cost of Visits to Turkey)</td>
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</tr>
<tr>
<td>Resident Twinning Advisor (24 months engagement, all cost included)</td>
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<td>Linguistic/RTA Assistant</td>
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<td><strong>Module 1 and 2</strong></td>
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<tr>
<td>Short-term experts</td>
<td>80,000</td>
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<tr>
<td>Study trip to MS state</td>
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<td><strong>Module 1</strong></td>
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<tr>
<td>Short/Medium-term experts</td>
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<td><strong>Module 2</strong></td>
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<td><strong>Module 3</strong></td>
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<td>Inspections experts</td>
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<td><strong>Module 4 - 6</strong></td>
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<td>Short/Medium-term experts</td>
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<tr>
<td><strong>Grand Total</strong></td>
<td>1,170,000</td>
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## Indicative Budget Breakdown - Turkey sponsored expenditures

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<tr>
<th>Components</th>
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<td>RTA Equipment</td>
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<tr>
<td>Domestic travel</td>
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<tr>
<td>International Travel</td>
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<tr>
<td>Logistics Seminars and training</td>
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<tr>
<td><strong>Grand Total</strong></td>
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<td>ANNEX – II LOGFRAME PLANNING MATRIX FOR SUPPORT IN ESTABLISHING AND STRENGTHENING THE OMBUDSMAN OF THE REPUBLIC OF TURKEY</td>
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<tr>
<td>-----------------------------------------------------------------------------------------------------------------------------</td>
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<tr>
<td>SUPPORT IN ESTABLISHING AND STRANGTHENING THE OMBUDSMAN OF THE REPUBLIC OF TURKEY</td>
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</tr>
<tr>
<td>Contracting period expires: 3 Quarter / 04</td>
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<tr>
<td>Disbursement period expires: 4 Quarter / 06 or 1st Quarter 07</td>
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</tr>
<tr>
<td>Total Budget: 1,175,000</td>
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</tbody>
</table>

| OVERALL OBJECTIVE |
| OBJECTIVELY VERIFIABLE INDICATORS |
| SOURCES OF VERIFICATION |
| - To promote and enhance the performances of the public authorities in Turkey in relation to the rule of law, human rights and good governance. |
| - Adoption Ombudsman legislation and establishment of a Turkish Ombudsman Institution, operating in accordance with the Paris Principles. |
| - Reports prepared by the Turkish Government, European Commission and other international organizations. |

| PROJECT PURPOSE |
| OBJECTIVELY VERIFIABLE INDICATORS |
| SOURCES OF VERIFICATION |
| ASSUMPTION AND RISKS |
| - To support the Ombudsman of the Republic of Turkey at its establishing and first phase of operations to develop into a prominent body in accordance with European ombudsman standards and the Paris Principles on National ombudsman Institutions, capable to pursue its mandate, as enshrined in the Ombudsman Law, with independence, integrity and impartiality. |
| - An operating Ombudsman Institution. |
| - Complaints proceeded, issued recommendation, pro-active measures undertaken, initiated awareness campaigns, monitoring reports and law reviews issued, initiated inspections. |
| - Reports prepared by the Turkish Government, European Commission and other international organizations. |
| - Evaluation and expert mission reports. |
| - Reports of the Ombudsman Institution. |
| - Timely adoption of the Ombudsman legislation. |
| - Inadequate Ombudsman legislation. |
| - Inadequate financing to the Ombudsman Institution. |
| - Lack of co-ordination and co-operation between beneficiary and relevant stakeholders. |
| - Inadequate training facilities and experts |

| RESULTS |
| OBJECTIVELY VERIFIABLE INDICATORS |
| SOURCES OF VERIFICATION |
| ASSUMPTION AND RISKS |
| - Development of the Institution’s capacity and proficiency regarding its legal operations and expertise, including case handling procedures and various proactive measures. |
| - Strengthening of the organizational structure in line with best European practices. |
| - Comprehensive training in ex officio activities and proactive measures, including |
| - Number of filed and successfully solved cases by 2007. |
| - Number of trained legal expert, assistants and administrative staff by 2007. |
| - Number of ex officio interventions by 2007. |
| - Published reports by the Ombudsman Institution. |
| - Numbers of inspections conducted and inspection protocol issued. |
| - Staff training evaluation reports. |
| - Ombudsman reports, incl. Annual Reports, Recommendations, Resolutions and Official Protocols. |
| - Case handling statistics |
| - Evaluation of on going Project. |
| - Evaluation and expert mission reports. |
| - Twinning report |
| - Timely adoption of the Ombudsman legislation. |
| - Inadequate Ombudsman legislation. |
| - Inadequate financing to the Ombudsman Institution. |
| - Lack of co-ordination and co-operation between beneficiary and relevant institutions. |
| - Inadequate training opportunities for staff. |
| Issuing of general guidelines for civil servants and conducting formal inspections of public authorities, including prisons facilities and mental institutions.  
- Introduction of practices of law review and integration of the European case law into the domestic jurisprudence.  
- Establishment of monitoring procedures and an appropriate reporting capacity, which would enable the Institution to produce progress assessment, relevant to domestic authorities as well as international organizations, including treaty bodies.  
- Increased awareness of the fundamental principles of the rule of law and good governance among ordinary citizens and civil servants.  
- Design of a public relation strategy and introduction a public relation unit.  
- Safeguard of the political, legal and financial independence of the Institution.  
- Revision of the Ombudsman Law after the first phase of the Institution’s operations.  
- Establishment of a working group, facilitating the coordination between the Institution and relevant other authorities. Develop the capacity and proficiency of the legal operations and expertise, including case handling procedures and various proactive measures.  
- Strengthen the organizational structure in line with best European practices.  
- Comprehensive training in *ex officio* activities and pro-active measures, including inspections in prisons facilities, institution for mentally ill, custodies and other administrative organs.  
- Introduce practices of law review and facilitate the integration process of the European case law into the domestic | - Collaboration between the Ombudsman office with domestic monitoring bodies, public authorities and non-governmental organizations.  
- Level of media coverage of the activities of the Ombudsman.  
- Disseminated awareness campaigns.  
- Number of recommendations on legal amendments issued. |
Establishment of monitoring procedures and strengthening the reporting capacity, which would enable the Ombudsman to produce a progress measurement, relevant to domestic authorities as well as international organizations, including treaty bodies.

- Increase awareness of the fundamental principles of the rule of law and good governance among ordinary citizens and civil servants. Design a public relation strategy and introducing a public relation unit.
- Safeguard the political, legal and financial independence of the Institution.
- Revision of the Law on the Ombudsman, reassuring full compliance with the Paris Principles.
- Establishment of a working group facilitating the coordination between the Institution and the relevant authorities.

<table>
<thead>
<tr>
<th>ACTIVITIES</th>
<th>MEANS</th>
<th>COSTS</th>
<th>ASSUMPTION AND RISKS</th>
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</table>
| 3.4.1. Launching of the Ombudsman Institution and establish operational adequacy of the Institution. | - Twinning Contract  
- Ombudsman Legislation.  
- Publications on Ombudsman practices, Conference Recommendation and the Paris Principles.  
- Expertise of the Ombudsman and the recruited experts and staff within the Institution.  
- PAA evaluation.  
- Equipment provided.  
- Beneficiary’s own equipment and premises.  
- Beneficiary’s own resources allocated for training | - Full commitments of Beneficiary and involved authorities  
- Timely and adequate financing  
- Training opportunities for staff.  
- Staff will absorb training  
- Twinning assistance from appropriate agency/ies in EU states |
- General training of Ombudsman methods and practices.
- Visits to the Institution, providing experience by current or previous Ombudsman or else senior staff from well-established Ombudsman Institutions.

Short-Term Module II: Assistance in organizational development and capacity building

- Evaluation and assessment of preferential organizational structure and devise recommendations in organizational design.
- Assistance in formulating practical organization models, including the formal rules of procedures, office chart, internal rulebook etc.
- Basic training in best practices of case handling procedures.
- General training of the administrative personnel, including techniques of filing, coding, registering and, compiling statistics.

3.4.2. Continued and elaborated assistance and capacity building

Medium-Term Module I: Profession development of case handling procedures

- Training of staff in issues related to case handling.
- Visits to corresponding Member State Institutions.
- Visits to the Institution, providing experience by current or previous Ombudsman or else senior staff from well-established Ombudsman Institutions.
### Medium-Term Module II: Training in specific Human Rights issues

- General training in Human Rights Conventions and practices.
- Developing of internal expertise within specific human rights areas.
- On the basis of an evaluation of needs, specific training in case handling might also be provided in areas pertaining to the Courts, the Police, the Prisons, the Mental Institutions, the Customs, and the Frontier Patrol.

### Medium-Term Module III: The Institution shall be provided with training in the scope of ex officio practices and pro-active measures.

- Workshops and training on *ex officio* activities, including practices in and experiences from other countries, with the ambition to encourage actions and to provide appropriate models.
- Special training in formal inspections of public authorities, including prisons and mental institutions. The training will include practical methods and conducts, review processes and reporting. The training should be conducted in Turkey. One actual inspection will be conducted in the framework of the training program. This exercise shall be coordinated with the existing monitoring institutions, such as the Prisons Monitoring Boards, and other relevant public authorities.

### Medium-Term Module IV: Strengthening efforts and capacity building activities
- One-year term evaluation of the organization, producing recommendations and devising a strategy for further organizational development.
- Additional training of administrative staff, especially in filing, registering, coding and compiling of statistics.
- Study visits might be conducted to corresponding Member State Institutions.

**Medium-Term Module V: Establishment of sophisticated mechanisms of monitoring**

- Establishing and training a monitoring unit, capable of reviewing legislations and scrutinizing overall practices and conducts of the public authorities and the civil servants.
- Training in techniques of report compiling.

**Medium-Term Module VI: Establish and develop a Public Relation Unit**

- Establishing a unit responsible for public relations and awareness raising activities.
- Designing a strategy reassuring the transparency of the Institution and regular dissemination of information and recommendations to the society through press conferences, press meetings, press releases and other forms of public relations.
- Support to the initiation of advocacy campaigns, regarding the concept of the Institution.
- Seminars hosted by experts on public
relations, preferably with Ombudsman experience.

### 3.4.3. Entrenching principles of operation and reassuring the sustainability of the Institution in accordance with the Paris Principles and European standards

- Stimulate the dialogue with the relevant public authorities in order to ensure that issues pertaining to the legal, financial, political independence of the Ombudsman are properly settled.
- Review the operative Ombudsman legislation, in collaboration with the Ombudsman, in order to identify flaws and deficiencies and propose necessary amendments.
- Facilitate the entrance of the Ombudsman Institution into international network and organizations, such as the IOI, the EOI and the ICC.
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### ANNEX – IV Contracting and Disbursement Schedule (Quarterly – in Euro)

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