1. **Basic Information**

   1.1 CRIS Number (Year):
   1.2 Title: Support to Court Management System
   1.3 Sector: Political Criteria
   1.4 Location: Ankara-Turkey
   1.5 Duration: 24 months

2. **Objectives**

   2.1 **Overall objective**
   
   To improve the functioning and efficiency of the judiciary according to European standards as foreseen in the Accession Partnership and the National Program for the Adoption of the Acquis.

   2.2 **Project purpose**
   
   To reconstruct the court management system, strengthening the effectiveness of the judiciary and facilitated speedy judicial processes.

2.3 **AP and NPAA priority**

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

   2.3.1 **AP priority (2006)**
   
   In the Political Criteria Section of the Accession Partnership Document, under the “Democracy and the Rule of Law” heading, within the “Judicial System” of the short term priorities, strengthening the efficiency of the judiciary through, in particular, reinforcing its institutional capacity has been emphasized.

   2.3.2 **NPAA priority (2003)**
   
   In the Political Criteria Section of the NPAA, under Title 5 “Functioning and the Efficiency of Judiciary”, it is stated that “The overriding goal of the Government is the entrenchment of the principle of the rule of law in Turkey, as it exists in modern nations that embrace such universal values, and which constitutes a leading pillar of the State. Furthermore, the provision of effective justice required by modern society is also a priority”.
Also, in the Justice and Home Affairs Section under 24.14 of the NPAA, “Functioning of the Judiciary and Capacity Building for the Establishment of an Effective Judicial System” is emphasized as a priority.

2.3.3 Regular Report (2005)

In the Political Criteria Section of the Regular Report on the progress of Turkey in the full membership process, under the “Judicial System” heading and the title “1.1 Democracy and Rule of Law”, the newly adopted regulations on judicial procedure have been assessed and their positive results have been emphasized. On the other hand, it has been recommended to re-evaluate issues, which can be assessed within the court management context, as judge-prosecutor relations and the discretion of the prosecutors about whether the case will be filed or not.

2.3.4 Advisory Report (2005)

In the advisory report on the “Functioning of Judicial System in Turkey”, it’s recommended in the section entitled as “Quality and Efficiency in the Justice System” under the title “Administrative functions in court buildings” to reduce the workload particularly which is on the prosecutor’s shoulders by enhancing the instruction of the judicial staff. In Article 33 of the section titled “The Summary of the Recommendations” of the same report, the importance of the modification of the present court management system is emphasized, advising that the administrative duties which are implemented as of now by prosecutors to be handed over to the administrative personnel. In Article 34 of the same section, another recommendation suggests the EU Commission to give importance to the training of the judicial personnel which do not benefit from “The Judicial Modernization and Penal Reform” and “Support to Establishment of Courts of Appeal” projects.

2.4 Contribution to National Development Plan

N/A

2.5 Cross Border Impact

N/A

3. Description

3.1 Background and Justification

Article 6 of the European Convention on Human Rights suggests that; each shall have the right to demand his case to be held fairly, publicly and within a reasonable time. About the issue, the Council of Europe has published many recommendations regarding the court administration. Most important ones are Recommendation No R. (86) 12 of 16 September
1986 of the Committee of Ministers concerning prevention and reduction of excessive workload of the courts and Model Status for European Office Personnel. These regulations formulate court administration system, the processes which must be transferred to the authority of different public institutions necessary for judiciary to become quicker. Also, they concern the position and qualities of the office personnel in the system with the aim of reduction of courts’ workload. It is necessary for the Turkish judiciary system to function quicker and more efficiently by determining the steps with the help of preliminary evaluation works to be carried out and by taking best practices in the universal level into consideration.

Turkey at the present does not have an efficient court management system, i.e. case flow management, fiscal management, human resources management, court performance standards and technology management which would facilitate to achieve speedy and effective judicial process.

**Case flow management system**

Many steps in judicial procedures are many times repeated unnecessarily and these result in unreasonable prolongation of the process. A case flow management system which would lead to effective and fast judgments could be introduced through the project where not only the judges but also the auxiliary staff would be incorporated. There is an urgent need for such a case flow management system to be developed with appropriate training being provided to judges and court personnel in its implementation.

**Fiscal management system**

Many steps in judicial procedures or the payment of some services used in these procedures such as experts sending biological evidences to laboratories for examination could be delayed due to the fact that the courts do not have their own budget. Through this project the most appropriate fiscal management system to be designed by examining the best practices in EU countries and due activities will be run to have a highly sophisticated fiscal management system.

**Technology management system**

The legislation as of now, with little exception, does not allow the judicial staff to take advantage of the technical means that enables court staff to efficiently manage the court's cases from the filing of the case to termination, keeping track of all court processes in the litigation. Such a system would automatically track court dates, actions taken and relevant deadlines. It could create lists of actions needed with appropriate reminders being forwarded to judges when necessary. As an additional feature, such a system could provide a management tool for analysis of work-flow, case status, and types of cases opened and closed. The efforts to develop a case management system and to operate it through the National Judicial Network (UYAP- please refer to 3.5.4) of the Ministry are not at required level. The functioning of UYAP has not yet been disseminated throughout the country. Through the project, at the end of the need assessment phase, a proposal will be provided on which new applications should be placed to UYAP and to what extent it will be modified.

**Human resources management and court performance standards**

In terms of the human resources management, the prosecutors have to deal with many technical issues and more or less, each administrative process needs prosecutor’s attestation.
This situation lessens the capacity of the prosecutors to conduct an effective judicial investigation at required level.

On the other hand, judicial officers are in the category of general administration services, subject to the Act on Civil Servants in which there is no category defined as "judicial services". Thus, the judicial officers do not receive serious, disciplined and periodic in-service training during their candidacy period or after candidacy status have been lifted. As the normal result of the lack of training, the personnel try to serve by means of information they get from their superiors and senior servants in a "master-apprentice" relationship. As a result of this wrong performance, in the course of carrying out their duties;

- Owing to diffidence and hesitation which stem from the lack of knowledge, problems may occur in the process which leads to the loss of time during judicial process,

- Mistakes result from lack of training cause loss of workforce and effort in the judgment service aspect,

- Clerical office service which promotes seeking rights is not offered,

- Sometimes apathy and indiscipline stemming from not having sense of professional work may become irksome for the right seekers and this affects trust to judiciary negatively.

In terms of court performance standards, it is required to develop a system that would allow to create balance between the workload and the quantity and quality of the personnel employed in a given court.

To solve the above mentioned problems, establishing a contemporary human resources management and court performance standards in line with European standards are of great importance. In addition, of key importance is the establishment of a solid training capacity both for judicial administrative staff and judges/prosecutors through designing curricula for the trainings.

The project in terms of the overall purpose is the follow up of the "Judicial Modernization and Penal Reform Project" which is to be concluded in 2007. Hence, through the implementation of the project proposed, the maintenance of the works on the modernization of the judiciary can be provided with an ignorable interruption.

Due to the lack of necessary feasibility studies, needs assessments and the wideness of the field, the project is to be composed of two consecutive phases:

The first phase will cover activities related to the needs assessment study to be held by the experts. Following the needs assessment, a strategy plan will be prepared including case flow management, fiscal management, human resources management, court performance standards, technology management, training strategies in addition to proposals concerning the amendments in relevant legislations. Also, the establishment of a national network system to be affiliated and to operate in harmony with the UYAP project is envisaged.

The second phase, based on the strategy plan and the needs identified in the first stage, will include training of the judicial staff in pilot courts and implementation of the new management system in these courts.

Following the effective implementation of newly adopted court management system in pilot courts, a follow up project is envisaged to be designed for funding aiming to disseminate the
new court management system and training throughout the country. Any equipment needs that might arise from the needs assessment study could also be included into this follow-up project.

3.2. Sectoral Rationale

N/A

3.3. Results

3.3.1 New court management system including, fiscal, case flow and human resources management of the courts, developed and implemented.

3.3.2 Backlog of the cases from previous years reduced.

3.3.3 The average trial duration shortened.

3.3.4 Professional skillfulness of the auxiliary personnel in pilot courts raised, especially effectiveness and responsibility of administrative staff enhanced

3.3.5 Effective technological solutions and technology management system serving to the more satisfactory and rapid judiciary obtained.

3.4. Activities

3.4.1. First Phase Activities

3.4.1.1 Needs assessment study on description of the deficiencies and necessities in the existing court management system

To this end, teams will be established for review of the present system, identification of shortcomings and deficits in addition to elaboration of the existing legal structure. The study will be on case flow management, fiscal management, human resources management, court performance standards and technology management. The composition of the teams are envisaged to be as follows:

**Team for the Public Prosecution Office:** Prosecutors skilled and experienced in prosecution procedures from EU countries, Turkish public prosecutors, academicians in the field of criminal procedures, prosecution clerical office directors, human resources experts, attorneys and computer engineers.

**Team for the Criminal courts:** Criminal judges from EU countries, Turkish judges from the different levels of Turkish Criminal Judgment, academicians in the field of criminal procedures, criminal court clerical office directors, attorneys, human resources expert, computer engineers.

**Team for the Civil Courts:** Judges skilled and experienced in civil court procedures from EU countries, Turkish civil court judges from the court of first instance, commercial court, civil court of peace and court of consumers, academicians skilled in civil judicial procedures,
clerical office administrators from each court mentioned above, attorneys, human resources expert and computer engineer.

**Team for the Enforcement Offices:** Judges skilled and experienced in the execution of the decisions of civil judgment from EU countries, Turkish enforcement judges, enforcement office directors, academicians skilled in aforementioned procedures, attorneys, human resources expert, computer engineer.

**Team for the Administrative and Tax Courts:** Judges skilled and experienced in administrative court procedures from EU countries, judges from Turkish administrative and tax courts, academicians skilled in administrative judicial procedures, clerical office directors from both administrative and tax courts, attorneys, human resources expert and computer engineer.

These Teams will visit various Turkish courts and judicial establishments in the course of the needs assessment study.

In addition, 3 study visits will be conducted to the European countries to observe the best practices in their places.

**3.4.1.2 Preparation of a strategy plan in the light of the needs assessment**

At the end of the needs assessment study, a working group will be established composed of the experts engaged in the assessment phase to prepare a strategy plan including new implementations on case flow management, fiscal management, human resources management, court performance standards and technology management which will aim at adopting the most suitable court management system based on best practices. The strategy plan will not only cover the proposals for any legislative amendments but also will advice on the five courthouses for pilot implementation.

**3.4.1.3 Drafting of the necessary legal amendments**

In the light of the strategy plan, necessary legal amendments will be drafted. The Ministry of Justice commits itself to make these amendments in the nearest possible time.

**3.4.1.4 Preparation of the training programmes/curricula**

Taking into consideration different training strategies for different category of staff in the court management (administrative staff, judges, prosecutors), specialized training programmes/curricula aimed at these groups according to their respective needs and tasks will be developed. The training programmes will also address the managerial skills of the court administrators and of prosecutors.

In addition, guidebooks on case management will be prepared and published for all categories of judicial staff.

**3.4.1.5 Modifications to National Judicial Network Project (UYAP)**

Following the strategy plan proposals, at this stage, incorporation of the new court management system into the UYAP – IT network project will be ensured. New applications
will be placed to UYAP and modifications will be done. The applications will be ready for utilization at the pilot court houses.

3.4.2 Second Phase Activities

3.4.2.1 Training

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

Then, specialized training programmes will be carried out for all of the judicial staff of the pilot courts at the premises of the Turkish Justice Academy.

The Ministry of Justice and Justice Commissions will ensure the required convenience concerning the appointment of the trainers throughout the project.

3.4.2.2 Implementation of the System in the Pilot Court Houses

The new system will be fully implemented with the all legislation, trained staff and technological infrastructure in place in the pilot courthouses.

Guidance and information desks will be established in the court houses to inform the citizens on the new system in order to enable citizens to enjoy the benefits of the new faster implementation. In addition, brochures will be prepared and published to be distributed to the citizens fee of charge at the pilot court houses and other public buildings.

Periodical evaluations will be carried out by the experts in each pilot court house through observations of the implementation.

Besides the periodical evaluation reports prepared by the observer experts, inquiries shall be made among the beneficiaries of the service, to have their opinion on sufficient and deficient aspects and to measure the quality and satisfaction level of the implemented case management system in the pilot court houses.

At the end of this phase, an in-depth assessment of the effectiveness and efficiency of the system will be carried out which will also include proposals for improvements if necessary.

3.5. Linked Activities
Within the area of judicial reform the following programs are linked to this area:

3.5.1 Judicial Modernization and Penal Reform Project

The Turkish government has started planning and implementing various measures on penal reform and judicial modernization. This program which provides support to enhance these efforts in certain areas seeks to contribute more generally to increasing the capacity of the Ministry of Justice to design and implement broader reform strategies for the future, drawing on good practice in the EU and was launched in 2004.

The overall objective is to advance the penal reform and modernization of the judiciary in Turkey as foreseen in the Accession Partnership and the National Program for the Adoption of the Acquis.

The Project has two components: support to the judiciary and support to the penitentiary system.

The activities of the project are in progress.

This project does not include any activity directly aiming to ameliorate the existing court management system but in terms of the general aim of having an effective and rapid judiciary, Judicial Modernization and Penal Reform project is linked to this project

3.5.2 Support to the Establishment of the Courts of Appeal


The purpose of the abovementioned laws is to establish a second instance ordinary court for civil and criminal matters and therefore clarify the role and function of the Court of Cassation (also referred to as the High Court of Appeals) as a law court. Both laws entered into force on 1 June 2005. The Court of Appeals to be established under this Code will start to operate on 1 June 2007.

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

In terms of the case flow management, reducing the trial durations and ensuring rapid judicial procedures, this new step of the Turkish judiciary must be in line with the new court management system. To achieve this goal, it is of great importance to run the activities of both of the projects in harmony.
3.5.3 Better Access to Justice in Turkey

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

This purpose is intended to pursue the following achievement indicators:

- By means of creation of a sound legal basis for ADR in Turkish legal system and awareness raising activities for the lawyers and citizens on ADR, it is planned to ensure that application of ADR is applied in 10% of legal disputes by 2007.

- By increasing the utilization of the legal aid service which will be achieved by public awareness activities and training activities for lawyers, public confidence of fair trial will increase to a certain extent which will be determined by a survey to be conducted under this project.

- With the introduction of ADR into the Turkish legal system and practice which will block the entrance of the minor disputes into the judicial system, and thus it is planned to ensure that the length of the civil and criminal trials shortens (10%) and the average caseload of the civil and criminal courts decreases (10%) by the end of 2008.

- By strengthening the technical infrastructure of the Ministry of Justice, the judicial statistics which provide transparency in terms of functioning of the judiciary will be obtained in two months instead of one year, in other words, the length of monitoring the performance of the judiciary will decrease from one year to two months by the end of 2008.

The project is envisaged to start in 2007.

The project is highly linked to this project due to the reason that increasing the implementation level of the alternative dispute resolution in Turkish justice system would serve the purposes of this project in terms of case flow and management.

3.5.4 UYAP National Judicial Network Project

The Project will establish an electronic network and program development covering all Courts, Offices of Public Prosecutors and Enforcement Offices together with the Central Organization of the Ministry of Justice. The Project has the objective of abolishing the use of written documents and typewriters. When the project is completed, the cases shall be transferred to electronic environment starting from its petition to the court-house, repetitions shall be avoided, and the information gathered by the Office of the Public Prosecutor shall be available online during the trial stage.

All stages, including the trial, sending to supreme courts, stages of Supreme Court of Appeals and Council of State, return from the Supreme Court, conclusion, judicial decree execution and transmission to the Office of Records of Convictions will all be completed on this network. UYAP has been planned in two stages: the central and the provincial organization. The first stage has the objective of automating the procedures of the central organization of the Ministry and its subordinate units. At the following stage the remaining parts of the
Project shall be carried out. The criminal records kept by the General Directorate of Judicial Records and Statistics shall be reached by all competent authorities. The activities of the project are in progress.

It is vital to work in collaboration with UYAP because the new technical judicial procedures will be included to UYAP. Now that the judiciary have such software facilitating the existing system it would better modify it according to the requirement of the new system than creating new one. To this end pilot courts shall be chosen from the court houses in which UYAP is activated.

Due to the close links it is highly required in close collaboration with aforementioned projects. To provide close co-operation the experts of these projects shall meet periodically to evaluate the situation and designate the points of each project where cooperation is needed. Additionally they will exchange the reports they prepared to provide interactive work and effective information flow.

3.6 Lessons Learned
3.6.1 Slow functioning of justice and insufficiency of arrangements towards recruiting and maintaining well-trained human power in judicial services and the fact that technical infrastructure deficiencies have been indicated as some of the main reasons negatively affecting the effectiveness of the judiciary. It must be emphasized that the deficiency of judicial personnel in professional respect results in malfunctioning of the judiciary and the main target must be put forward as to make fundamental regulative modifications in judicial services to achieve faster and effective justice.

3.6.2 Experts running the project activities should take into account and tolerate cultural and perceptual differences and must show great effort to run the activities in peaceful atmosphere.

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

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

3.6.5 Lack of proper information exchange between beneficiary and EU side could result in incoherence.
This area has been covered by the advisory report on the “Functioning of Judicial System in Turkey”. Thus, the design of this project has been greatly taken into consideration the recommendations of this report.

4. Institutional Framework

The Ministry of Justice is the beneficiary of this project.

The project will be implemented by the Ministry of Justice with the internal co-ordination of Directorate General for EU Affairs, Directorate General for Staff Affairs, Directorate General
for Legislative Issues, Justice Academy and IT Department of the Ministry together with the Union of Turkish Bar Associations and the Bar Associations of the relevant cities where the pilot court houses are situated.

A Project steering committee (PSC) will be set up, consisting of the above mentioned institutions as well as representatives of the European Commission, CFCU and the Council of Europe.

The PSC will convene quarterly, screen and assess the studies and advise on the problems which may occur during implementation.

Project Contact Person

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5. Detailed Budget

<table>
<thead>
<tr>
<th>€M</th>
<th>Phare/Pre-Accession Instrument support</th>
<th>Co-financing</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>National Public Funds (*)</td>
<td>Other Sources (**)</td>
<td>Total Co-financing of Project</td>
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<td>Year 2006 - Institution Building support</td>
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<tr>
<td>Direct Grant Contract</td>
<td>3.3 €M</td>
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<td>3.3 €M</td>
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<tr>
<td>IB support</td>
<td>3.3 €M</td>
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<td>3.3 €M</td>
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<tr>
<td>Total project 2006</td>
<td>3.3 €M</td>
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<td>3.3 €M</td>
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</tbody>
</table>

(*) contributions form National, Regional, Local, Municipal authorities, FIs loans to public entities, funds from public enterprises

(**) private funds, FIs loans to private entities
1. All **investment** sub-projects supported by PHARE must receive co-financing from **national public funds**. Minimum requirement for co-financing from national public funds is 25% of the combined PHARE and national contributions to the overall investment support.

2. Many Institution building projects will also have a degree of co-financing – this should be quantified and included wherever possible.

3. Expenditure related to equipment (regulatory infrastructure or ESC-related) and to Technical Assistance supporting investment (e.g. pre feasibility study / supervision of works / technical specifications) should be considered as Investment support in the project fiche.

4. All co-financing must be provided on a joint basis. Parallel co-financing will, in a principle, not be accepted. Exceptions to this rule have to be agreed with the Commission in advance.

5. All co-financing should be clearly quantified, also the degree of certainty of such co-financing (i.e. for National Public Funds: is it already earmarked in local or national budget, for FIs Loans, private funds: are they already approved/ under appraisal, etc..).

Where parallel co-financing is accepted and justified per exception to the normal rule it should be provided in monetary form. If this is not possible there should be clear criteria set out for the valuation of any non-monetary contributions (that should be quantified in the table).

If twinning is involved, clearly state the expected budget of the twinning covenant.

The financial engineering of the project should be closely monitored against actual delivery during implementation and against the objectives that were set in the project fiche so that corrective actions may be taken where required.

6. **Implementation Arrangements**

6.1. **Implementation agency**

The CFCU (The Central Finance and Contracts Unit) will be implementation agency which is responsible for treaties and accounting including payments.

Central Finance and Contracts Unit (CFCU)
Muhsin ALTUN
PAO
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Fax: +90-312-472-37-44/45

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

6.2 **Twinning**

N/A
6.3 Non-standard Aspects

A direct grant contract will be signed with the Council of Europe for the implementation of the project.

Council of Europe is the “guardian of European values and principles”. Indeed, all European Union countries and Turkey are already member states of the Council of Europe. Joint projects therefore present a significant opportunity for Turkey to work together with the Council of Europe and the European Union closely to promote Turkish and European standards and consolidate democratic reforms.

Council of Europe activities concerning justice and the Rule of Law are of great assistance for States wishing to join the European Union, as many of the Council of Europe internationally agreed legal texts are part of the acquis communautaire.

Numerous recommendations have been addressed by the Council of Europe to its member states to improve their legal systems and by the Council of Europe and its experts as a basis on which to make proposals to individual States seeking to reform their legal systems. These recommendations have dealt with matters which are crucial for the project such as principles of civil procedure to improve the functioning of justice, measures to prevent and reduce the excessive workload of courts, management of criminal justice, the use of new technologies (eg. design of court and legal information systems, delivery of court and other legal services to the citizen through the use of new technologies).

Furthermore the European Commission for the Efficiency of Justice (CEPEJ) which has been established on 18 September 2002 aims at the improvement of the efficiency and functioning of justice in the member States, and the development of the implementation of the instruments adopted by the Council of Europe to this end. Its findings in the different countries of the Council of Europe are of great importance for the present project.

Relevant Council of Europe Resolutions and Recommendations in the field of efficiency and fairness of justice are as follows:

Recommendation No R (81)7 on measures facilitating access to justice

Recommendation No R (84)5 on the principle of civil procedure designed to improve the functioning of justice

Recommendation No R (86) 12 concerning measures to prevent and reduce the excessive workload in the courts

Recommendation No R (87) 18 concerning the simplification of criminal justice

Recommendation No R (94) 12 on the independence, efficiency and role of judges

Recommendation No R (95) 5 concerning the introduction and improvement of the functioning of appeal systems and procedures in civil and commercial cases

Recommendation No R (95) 12 on the management of criminal justice

Recommendation No R (98) 1 on family mediation
Recommendation No R (99) 19 concerning mediation in penal matters
Recommendation No R (2000) 19 on the role of public prosecution in the criminal justice system
Recommendation No R (2000) 21 on the freedom of exercise of the profession of lawyer
Recommendation No R (2001) 2 concerning the design and re-design of court systems and legal information systems in a cost-effective manner
Recommendation No R (2001) 3 on the delivery of court and other legal services to the citizen through the use of new technologies
Recommendation No R (2001) 9 on alternatives to litigation between administrative authorities and private parties
Recommendation No R (2002) 10 on mediation in civil matters
Recommendation Rec(2003)14 on the interoperability of information systems in the justice sector
Recommendation Rec(2003)15 on archiving of electronic documents in the legal sector
Recommendation Rec(2003)16 on the execution of administrative and judicial decisions in the field of administrative law
Recommendation Rec(2003)17 on enforcement

Furthermore, it is to be underlined that the Council of Europe is implementing similar projects financed by the European Commission in various candidate countries such as Romania.

6.4 Contracts

Due to the reasons stated above (6.3. non-standard aspects), the delivery of the outputs of the project will preferably be provided through direct grant contract with CoE with a maximum value of 3.300 MEURO.

7. Implementation schedule of the first phase

7.1 Start of preparing the direct grant contract with Council of Europe November 2006
7.2 Signing of the direct grant contract and start of project activity March 2007
7.3 Completion the activities: February 2009

8. Equal opportunity
The beneficiary is the employer who ensures equal opportunity. Professional qualifications and experience will be key factor in recruitment and evaluation of the personnel. Women and men have equal opportunity.

9. Environment

N/A

10. Rates of return

N/A

11. Investment criteria

N/A

12. Conditionality and sequencing

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

ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format

2. Indicative implementation chart

3. Contracting and disbursement schedule, by quarter, for full duration of project (including disbursement period) (compulsory for year 1)

4. Reference list of list of feasibility/pre-feasibility studies, in-depth ex ante evaluations or other forms of preparatory work. For all investment projects, the executive summaries of economic and financial appraisals, environmental impact assessments, etc, should be attached

5. Reference list of relevant laws and regulations

6. Reference lists of relevant strategic plans and studies
### ANNEX 1 LOGFRAME PLANNING MATRIX FOR PROJECT FISCHE

<table>
<thead>
<tr>
<th>Overall Objective</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
<th>Assumptions /Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>To improve the functioning and efficiency of the judiciary according to European standards as foreseen in the Accession Partnership and the National Programme for the Adoption of the Acquis.</td>
<td>Full working capacity of the New Court Management System in Turkey</td>
<td>Evaluation of the EU Regular Report on Turkey’s progress towards accession</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Evaluation of the progress in the implementation of the Turkish National Programme for the adoption of the Acquis</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Purpose</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
<th>Assumptions /Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>To reconstruct the court management system in order to strengthen the effectiveness of the judiciary and to facilitate the judiciary system to facilitate the judiciary system to</td>
<td>Judgements of the First Instance Courts sent back for reconsideration by the Court of Cassation are reduced by at least 5% by the end of the project.</td>
<td>EU Commission’s: - Regular Reports, - Advisory Visit Reports on Functioning</td>
<td>Continued political support for the reforms to the justice systems of the Republic of Turkey</td>
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</tbody>
</table>
-TR 06 01 04 Support to the Court Management System (ver 30.08.06)

<table>
<thead>
<tr>
<th>Results</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
<th>Assumptions/Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1- New court management system including, fiscal, case flow and human resources management of the courts, developed and implemented</td>
<td>-New legislation reflecting the findings of the “needs assessment study” and the “strategy plan” prepared by end 2007</td>
<td>-Turkish Official Gazzette</td>
<td>Sustained support for project by the MoJ.</td>
</tr>
<tr>
<td>2- Backlog of the cases from previous years reduced.</td>
<td>-Training curricula for all category of judicial staff prepared by end 2007</td>
<td>-Periodical Evaluation Reports by the Experts</td>
<td>Active involvement in training by the selected pilot courts’ staff.</td>
</tr>
<tr>
<td>3- The average trial duration shortened</td>
<td>-Length of the trials shortened (by 10%) by the end of the project</td>
<td>-In-depth Assessment Reports by the Experts</td>
<td></td>
</tr>
<tr>
<td>4- Professional skillfulness of the auxiliary personnel in pilot courts raised, especially effectiveness and responsibility of administrative staff enhanced</td>
<td>-The average caseload of the courts decreased in % 10 by the end of the project</td>
<td>-Advisory Visit Reports.</td>
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</tr>
<tr>
<td>5- Effective technological solutions and technology management system serving to the more satisfactory and rapid judiciary obtained.</td>
<td>-The processes carried out by the court clerical offices, public prosecution offices and execution offices fastened by the end of the Project at least by % 10 percent</td>
<td>-Monitoring reports.</td>
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<td></td>
<td>-Mistakes made by the clerks of courts, public prosecution offices and enforcement offices decreased. at least in % 10 percent by the end of the Project</td>
<td>-MoJ Judicial Statistics.</td>
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<td></td>
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<td>-Results of survey to be conducted by the project</td>
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<tr>
<td></td>
<td></td>
<td>Internal Ministry of Justice reports</td>
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</tbody>
</table>
Guidebooks are created for all category of judicial staff. -Brochures are created for the citizens

<table>
<thead>
<tr>
<th>Activities (first phase)</th>
<th>Means</th>
<th>Assumptions/Risks</th>
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<tbody>
<tr>
<td>Needs assessment study on description of the deficiencies and necessities in the existing court management system</td>
<td>Direct Grant Contract with Council of Europe</td>
<td>Full commitment of the involved authorities</td>
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<tr>
<td>Preparation of a strategy plan in the light of the needs assessment</td>
<td>Beneficiary’s own resources</td>
<td>Effective monitoring of project implementation</td>
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<tr>
<td>Drafting of the necessary legal amendments</td>
<td></td>
<td>Timely availability of adequate resources</td>
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<tr>
<td>Preparation of the training programmes/curricula</td>
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<td>Staff will be released for training</td>
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<tr>
<td>Modifications to National Judicial</td>
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<td>Staff will be able to absorb the training</td>
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<tr>
<td>Network Project (UYAP)</td>
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<td>------------------------</td>
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<tr>
<td><strong>Activities (second phase)</strong></td>
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<tr>
<td>Training</td>
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<tr>
<td>Implementation of the System in the Pilot Court Houses</td>
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<tr>
<td><strong>PRECONDITIONS</strong></td>
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ANNEX 2: Implementation chart in standard format

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<tr>
<th>Implementation Chart</th>
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<th>2008</th>
<th>2009</th>
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<tr>
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<td>Direct Grant Contract</td>
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<td>Contracting</td>
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<td>Implementation</td>
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### ANNEX 3: Contracting and disbursement schedule by quarter for the project (in million euros)

#### FIGURES REGARDING EC CONTRIBUTION ONLY

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<tbody>
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<tr>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>Cumulated</td>
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<tr>
<td>TA - Direct Contract</td>
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<tr>
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ANNEX 4: As of now there is no any reference list of feasibility/pre-feasibility studies, in-depth ex ante evaluations or other forms of preparatory work available to benefit from. Because this Project to contain a very well organized need assessment phase which will be run by the expert and other activities through the results of this first phase any other pre-evolution work would not be as sufficient enough as this planned first phase would be. Because this

ANNEX 5: Reference list of relevant laws and regulations
1- Constitution of Republic of Turkey
2- Criminal Procedural Code
3- Turkish Penal Code
4- Turkish Civil Code
5- Civil Procedural Code
6- Administrative Procedural Code
8- Tax Procedural Code
9- Act on Establishment, Duties and Competences of First Instance Courts and Regional Courts of Appeal.
10- Advocateship law
11- By law on clerical services of criminal courts
12- By law on clerical services of civil courts
13- By law on clerical services of prosecution offices

ANNEX 6: Reference list of relevant strategic plans and studies
As a result of the fact that the court management is a newly developing concept in Turkish judiciary, there is no strategic plan or study relevant to the project.