

# STANDARD TWINNING ACTIVITY FICHE

## 1. BASIC INFORMATION

- 1.1 Publication notice reference: EuropeAid/ 137-797/IH/ACT/TR  
1.2 Programme : 2014 Annual Action Programming (indirect management)  
1.3 Twinning Number : TR 14 IB JH 02  
1.4 Title : Strengthening the Victims' Rights in Criminal Justice System  
1.54 Sector : Rule of Law and Fundamental Rights Sector / Judiciary and Fundamental Rights Sub-sector / Fundamental Rights Field /Twinning sector Justice and Home Affairs  
1.5 Beneficiary Country : Republic of Turkey

## 2. OBJECTIVES

### 2.1 OVERALL OBJECTIVE:

Within the framework of basic standards stated in the international instruments and the notion of social state of law and reparative justice, having regard to the developments both in the Turkish justice system and in the world; development of appropriate service models for the provision of accessible legal social support services based on expertise and voluntariness throughout the proceedings by taking into consideration the expectations and needs of victims, to compensate for the affects and scars of their exposure and prevent secondary victimization.

### 2.2 ACTIVITY PURPOSE:

To contribute to the establishment of an effective, sustainable and accessible victim support system that serves victims and especially vulnerable groups during proceedings, in line with the principles of reparative justice and social state of law.

### 2.3 CONTRIBUTION TO THE NATIONAL DEVELOPMENT PLAN/ COOPERATION AGREEMENT/ ASSOCIATION AGREEMENT/ ACTION PLAN

#### **A- Accession Partnership Document;**

On 18 February 2008 the Council adopted the Council Decision on the principles, priorities and conditions contained in the Accession Partnership with the Republic of Turkey and repealing Decision 2006/35/EC . In the Annex to Council Decision on Accession Partnership with Turkey dated 2007, within the scope of political criteria (human rights and protection of minorities) under "Priorities" the following were stated:

**"Access to Justice: Strengthen efforts to ensure adequate legal aid and qualified interpretation services."**

#### **B- Indicative Strategy Paper for Turkey (2014-2020)**

The Indicative Strategy Paper for Turkey (the Strategy Paper) sets out the priorities for EU financial assistance for the period 2014-20 to support Turkey on its path to accession. One

objective defined under sub-sector Judiciary and Fundamental Rights reads as “Improving access to justice and alternative dispute resolution in both criminal and civil cases”.

### **C- 10th Development Plan (2014-2018)**

Activities planned for some rights of women and children concern the following articles in the 10th Development Plan:

**132.** There is a need for a more efficient public management and stronger justice system for qualified individuals and a strong society. In this context, constitution of a justice system that protects the rights of all citizens, reduces the uncertainties and increases the predictability in the economy; existence of a public management which maximizes utilization of ICT and which is flexible, participative and transparent in the processes of decision-making and implementation and has sufficient institutional capacity and existence of a strong civil society have priority.

**189.** To improve the accessibility of justice, right of defense and judicial assistance will be enhanced.

**190.** Protective and preventive law approach will be extended. A simplified trial procedure will be applied for law conflicts. The group action system aiming at preventing collective rights arising from similar subjects will be introduced.

**191.** Equality of arms principle which ensures a fair balance between parties at the judgments will be realized.

**194.** On every branch of law, alternative dispute resolution mechanisms will be given priority.

**196.** To achieve efficient operation of justice services and to increase access to justice, utilization of information technologies in justice and judiciary services will be extended.

**266.** Child protection and justice systems will be reorganized in coordination with each other, in a way to include preventive mechanisms and practices as well as early warning and risk monitoring system, needs in this field regarding infrastructure and human resources will be met, quality of services will be raised, and the services for children in need of protection will be provided in a way to support their social and personal development.

### **D- Turkey’s National Action Plan for the EU Accession -Phase II (June 2015-June 2019)**

Under “Judiciary and Fundamental Rights”, it was regulated that “Law on Legal Aid to the Victims of Crime” for eliminating the material damages to the victims of violence; lending psycho-social support to other victims of crime or rendering counselling service will be published in the second half of 2017.

### **E- Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA;**

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 16 November 2015. Turkey, as a country in the process of EU membership, also has to develop a system that is in line with these standards.

#### **F- European Convention on the Compensation of Victims of Violent Crimes (24 NOVEMBER 1983)**

European Convention on the Compensation of Victims of Violent Crimes was signed on 24 November 1983. Turkey ratified the “Convention” on 24.04.1985, but it has not yet been transposed since it has not been adopted by the Grand National Assembly of Turkey. The Convention does not cover all crimes and it is only applicable in respect of the victims of violent crimes. Accordingly, those entitled to compensation are those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence and the dependants of persons who have died as a result of such crime. Compensation shall cover loss of earnings, medical and hospitalisation expenses and funeral expenses, and, as regards dependants, loss of maintenance.

#### **G- The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)**

Lanzarote Convention, ratified by Turkey on 7 December 2011, entered into force in Turkey on 1 April 2012. Lanzarote Convention was signed by 46 countries and ratified by 29 countries, and its articles include prevention of and combatting against sexual exploitation and sexual abuse of children, protection of children who are victims of sex offenses, improving national and international cooperation in respect of sexual exploitation and sexual abuse of children, establishing justice for children and filing criminal prosecution against offenders.

#### **H- Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)**

The purposes of this Convention are to protect women against all forms of violence, and prevent violence against women and domestic violence; contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; design a comprehensive measures for the protection of and assistance to all victims of violence against women and domestic violence; promote international co-operation with a view to eliminating violence against women and domestic violence; provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence. General obligations of the Convention underlines the importance of substantial changes in government practices towards the prevention of violence against women and domestic violence and awareness raising on gender issues.

#### **I- Judicial Reform Strategy – 2015**

The Judicial Reform Strategy, which includes reforms to be implemented throughout EU membership process in the field of judiciary, was updated and submitted to the Council of Ministers on 2 of March and 8 March 2015 and made public on 17 April 2015, by the Prime Minister.

The strategy includes the following;

**Objective – 7 Improving practices concerning disadvantaged groups such as children, women and the disabled**

- **Purpose 7.1.** Taking necessary measures for the effective protection of children in juvenile justice system and enhancing inter-agency cooperation
- **Purpose 7.2.** Developing practices for the juvenile within the framework of reparative justice system
- **Purpose 7.3.** Activating special measures for children during proceedings
- **Purpose 7.6.** Developing practices for disadvantaged groups in courthouses and penitentiary institutions

**Objective – 8 Strengthening Access to Justice**

**Purpose 8.5. Strengthening access to justice for victims**

- 1- Drafting legislation
- 2- Institution building
- 3- Developing an intervention programme for victims
- 4- Effective cooperation between NGOs and public bodies

**J- Strategic Plan - 2015-2019**

The second Strategic Plan of the Ministry of Justice, which covers the period from 2015 to 2019, was adopted and put into force. Public bodies are obliged to draft strategic plans, which have gained a distinctive meaning in the field of judiciary by playing a crucial role in the judicial reform process. The plan sets forth the priorities identified by the Ministry of Justice together with a clear description of resource allocation and related periods. On the other hand, strategic plans serve as public commitments.

The plan includes the following;

**Strategic Objective 2- Improving Access to Justice and Practices for Victims and Disadvantaged Groups**

- **Purpose 2.2.** Establishing mechanisms to inform beneficiaries on proceedings
- **Purpose 2.6.** Strengthening the juvenile justice system
- **Purpose 2.7.** Restructuring proceedings involving children
- **Purpose 2.8.** Capacity building for the justice system in domestic violence crimes
- **Purpose 2.9.** Establishing a system that is sensitive towards disadvantage groups
- **Purpose 2.10.** Developing victim-focused practices within the justice system
  1. Preparation of the Draft Law on Victims' Rights
  2. Institution building at central and local units
  3. Drafting a manual on approaching victims

#### 4. Drafting guidelines on victims' rights

### **3. DESCRIPTION OF THE ACTIVITY**

#### **3.1 BACKGROUND AND JUSTIFICATION:**

Compensation of victims of crimes is a highly important problem that requires a systematic service provision. One of the most important problems associated with being a victim of crime is the loss of confidence in others. On the other hand, the society is based on some assumptions and certainties that people are trustworthy, their behaviours are predictable and a social order has been established. These basic assumptions and certainties, which play an essential role in social life, may suddenly and unexpectedly be lost when a person is exposed to criminality and therefore becomes a victim. Once a person is a victim, it becomes essential to rebuild perceptions on social behaviour and social norms. A meaning must be attached to what has happened in compliance (or in contradiction) with the values adopted before the criminal act. Confidence in others must be restored. Both social (spouse, family members, friends, neighbours, colleagues) and professional (police, doctors, social workers, legal professionals, insurance companies, media...) environment play a crucial role in the restoration of the victim's social trust on a sufficient level.

The multilateral nature and typical features of victimisation experience brings about important implications for the identification of victims and services provision. It is not possible to introduce a simple and standardized intervention; each victim should be treated on an individual basis taking into consideration the personal characteristics and the level of exposure to criminality. Professionals providing services to victims should understand what the particular victimisation experience means for a specific person on a specific occasion. A mere administrative treatment will never be enough, though accurate; police officers, legal professionals, doctors or professionals (psychologist, social worker, pedagogue) should try to understand the emotional and subjective context of the victim's experience, while visibly establishing empathy. Support provided to the victim should be result-oriented and it should reach out the victims, i.e. it should not expect the victim to file an application before a public body or ask questions to an official demanding some services. Necessary skills should be developed to identify the specific needs of the victim and assess his/her individual circumstances. Vulnerability status should be assessed having regard to factors which might potentially influence the personal characteristics of the victim, his/her prior experience, the nature and type of crime, circumstances under which the criminal offense took place.

Today the rights and needs of victims have been widely recognised and acknowledged, primarily by the legislation, execution and the judiciary, and also by a wide variety of countries on both national and international level. In addition to the concerns and efforts regarding victims in Turkey today, the structure of services for and rights of victims is relatively much more complicated. Therefore, there is a need for a realistic and step-wise approach along with a long-term strategic planning that takes into account the political, economic and cultural specificities while implementing national policies for victims. A

successful victims' rights system and policies, as described above, have not yet been put into practice.

One reason for failure in the implementation of policies for victims is associated with the failure to fully understand the needs of victims. Victims' experience, needs and expectations are usually considered from the various institutional perspectives of professionals; thus, leading to limited, narrow and sometimes stereotypical conclusions. In the specific case of Turkey, people affected and victimized are exposed to secondary victimisation during long, onerous and costly proceedings, when they cannot benefit from State safeguards as much as the suspects do. Regarding some rights offered to the suspects, the distance between victims' rights and suspects' rights seem to have been elongated in favour of the suspect. In this framework, lack of safeguards for victims in the national law and the absence of specific individual-tailored mechanisms gave rise to acceleration of efforts for the strengthening of victims' position under the reformation of criminal law in 2005.

Turkish judiciary does not rely on a specific legislation or law on victims' rights. Thus, affected people and victims of crime are left alone during proceedings. The system focuses on penalizing the suspect and it does not include any compensatory measures or preventive mechanisms to deal with the effects and trouble caused by the criminal act on the victim. Therefore, the aim is to set up an institutional and legal structure to raise awareness on victims' rights and develop them on a national scale.

Based on the abovementioned reasons and descriptions, it is required to set up a specialized unit under the Ministry of Justice to serve only the victims as its target group to provide material and moral support and guidance to victims during post-criminality. Consequently, Department of Victims' Rights was established under the Directorate General of Criminal Affairs to provide guidance and support to victims during post-criminality investigation and prosecution and to coordinate relevant services, after practices and shortcomings concerning victims' rights in the criminal justice system had been identified and the problems faced by victims during criminal proceedings had been evaluated in general.

Subsequent to the establishment of the Department UNDP and Department of Victims' Rights conducted a joint comparative analysis to support the related legislative efforts and structuring, and made a series of recommendations for strengthening victims' rights and services provided to victims in Turkey along with those on relevant local structures.

The Department of Victims' Rights aims at providing various services. In this framework, the Department is responsible for developing legal framework for victims' rights; improving victim-offender re-conciliation practices; developing intervention programs for victims; awareness-raising programs for victims of crimes; coordination of psychosocial support services for victims of crimes; drafting "Manual for Approaching Victims" for the public officials; Drafting "Guidelines on Victims' Rights" for informing victims; developing alternative rehabilitation programs for victims of crimes; undertaking efforts for the employment of victims; developing a protective legal framework for victims of sex offenses; and supporting organisations helping victims of crime. The broad scope of roles and functions

enjoyed by the Department of Victims' Rights directly lay down the context for practice and policy.

With a view to determine the services and roles as described above, a commission was established to prepare the "Draft Law on Victims' Rights" and relevant efforts were kicked off. The Draft Law on Victims' Rights will include provisions in line with Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA and "European Convention on the Compensation of Victims of Violent Crimes".

The draft law will fulfil the related legal gap in the internal legislation, once it is enacted immediately after necessary corrections and additions are made having regard to the basic standards introduced in international instruments and criticisms so far made. However, there is a need for an effective implementation of the law and its internalization by practitioner. In this respect, efforts will be made to introduce more effective services for victims and especially the disadvantaged groups such as women, children, young people and the disabled. This activity will have significant contributions to the implementation of the relevant law and services.

There is also a need for the completion of institution building in addition to the legislation. Although the Department of Victims' Rights was established under the Ministry of Justice in November 2013, the organizational and legal infrastructure requires improvement. The activity aims at the improvement of organizational and legal infrastructure.

### **3.2 LINKED ACTIVITIES (OTHER NATIONAL AND INTERNATIONAL INITIATIVES):**

**- Justice for Children in Turkey:** The EU funded project started on 3 January 2012. The main beneficiary is Ministry of Justice, Directorate General for Prisons and Detention Houses. Implementing and responsible units include DG for Prisons and Detention Houses, Department of Training and Justice Academy of Turkey. The purpose of the project is to ensure that all rights provided for children in the law are completely enforced through effective implementation of the Child Protection Law, fair trial for children and effective intersectoral cooperation in juvenile justice system along with appropriate services and high-level standards for children deprived of their liberty. Project activities included strengthening coordination among institutions responsible for the protection of children, enhancing the implementation of protective and supportive measures, facilitating access to justice of juvenile victims of violence, preventing secondary victimization and public awareness raising. The project was completed on 03 January 2014.

As outputs of this project Child Interview Rooms constituted in the courthouses of 31 cities in Turkey. But the system that regulates the experts who are going to serve in these rooms is not being developed yet. So the current Twinning Project is expected to contribute to the development of victim services system and enable the child interview rooms by providing a regulation on the victim service providers.

**- Development of Work with Juveniles and Victims by the Turkish Probation Service:**

The EU funded project started on 16 January 2009. Its main beneficiary and implementing authority is Ministry of Justice, Directorate General for Prisons and Detention Houses. The purpose of the project is to strengthen the institutional capacity of probation services for victims and work with juveniles, ensure rehabilitation of victims and prevent juvenile recidivism. Project activities included those on communication strategies concerning juvenile probation services and victim services. National standards and policy papers were developed for children under probation services and victims of crimes, and they were finalized upon consultation with directorates. The project was completed on 28 September 2010.

According to the outputs of this project it is concluded that the existing system needs to be re-examined in terms of legal and administrative issues. According to the analyses of this project the victim services decided to be structured as a separate body than the suspect focused services. The materials obtained through this project is being planned to revise and benefited in the current Twinning project.

**- Support to Improvement of Legal Aid Practices for Access to Justice in Turkey:** This is a SIDA-funded project that was kicked off in September 2015 and will last 3 years. The main beneficiary of the project is the Union of Turkish Bar Associations. The co-beneficiary is the Directorate General of Criminal Affairs affiliated to the Ministry of Justice. The Project aims at improving the quality of legal aid and implementing coordinated activities to increase the capacity of the attorneys at law who have been involved in legal aid for disadvantaged populations including especially Syrian population. Furthermore, the project will also address the institutional needs for the efficient and coordinated monitoring of the legal aid system of the bar associations. The project is expected to be complete in 2018.

The Directorate General of Criminal Affairs affiliated to the Ministry of Justice and especially the Department of Victims' Rights established within that DG are supposed to contribute to the activities to be carried out under the second component of the project titled "Improving the professional capacity of attorneys at law to enable the disadvantaged groups to have better access to legal aid practices". The Department of Victims' Rights also focuses on the services for the disadvantaged groups under the scope of "legal aid" and continues its efforts to improve the efficiency of legal aid services provided to women, children and young people. The results of current Twinning project is expected to contribute to the efforts on improving the legal aid services.

**- Strengthening the Legal Aid System:** This EU-funded project was launched in 2005 and last 2 years. The main beneficiary is the Ministry of Justice. The total budget of the project is 2.000.000 Euro and it aims at strengthening access to justice by improving the efficiency and effectiveness of the legal aid system. The project aims at reviewing the legal aid system, adopting a general strategy, enabling all segments of the society to have access to justice services easily, completely, fairly, improving the satisfaction of those who receive legal aid service, developing a strategy for the activities to be carried out to improve legal aid services, raising the awareness of the attorneys at law who are involved in the delivery of legal aid and improving the service performance with a view to increasing the efficiency and effectiveness of the service, and increasing the capacity of all relevant stakeholders involved in free legal aid system. As an output of this project a need analyses of legal aid for victims of crime and also informing and training works will be done. So these works are expected to contribute to the current Twinning project.



### 3.3 RESULTS:

The results to be achieved through the activities scheduled under the Activity are as follows:

- The provisions of the EU Directive regarding the victim rights are transposed.
- A central victim rights unit is developed and strengthened.
- Draft Law on the Rights of Victims is prepared; activities are performed for the preparation of the secondary legislation.
- A Guideline on the Rights of Victims is developed.
- A Guideline on the Approach to Victims is developed.
- Provincial units for the rights of victims are established.
- An appropriate service model for victims is created and improved.
- Alternative compensation programs for victims are harmonized with the provisions set out in the EU Directive and further improved.
- The mechanism required for the compensation of victims' damage by the state when they do not have the possibility to claim it from the offenders on various grounds is established.
- A system for the active involvement of the volunteers and NGOs in the services to be provided to victims is designed.

### 3.4 ACTIVITIES:

The activities listed hereunder represent the minimum activities to be implemented in the course of the Twinning project. **Member State(s) may propose additional activities in line with the methodology elaborated in its proposal.**

#### \* Needs analysis

- Information and practices in the field of victims' rights will be reviewed.
- A field study and needs analysis will be performed. The field study will be performed through the qualitative interviews and questionnaires with the judges, prosecutors, experts and clerks of the central court in 1 province to be selected from each of 7 regions in Turkey that is representative of the respective region.
- The results of the field study will be evaluated in a multidimensional way. The project's analysis team will evaluate the interviews and questionnaires to be used during the field study through statistical analysis methods (SPSS...), and the information and tables will be produced as a result.

- The problems faced in the field of victims' rights in Turkey will be identified. As a result, the services to be delivered by the provincial units to victims will be determined.
- While identifying the pilot provinces; geographical location, the current backlog at the courthouses, socio-economic status, willingness and etc. will be taken into account. This evaluation will be performed by the project experts.

**\*Comparative analysis of the best practise in EU:**

- Study visits will be organized to three EU Member States to be selected in order to observe their practices relating to victims' rights.
- A comparative analysis regarding the best system for victims' rights in EU Member States will be performed. The relevant legislation will be translated into Turkish.
- The provisions of the Council's Convention on the compensation of victims will be transposed.

**\*Analysis of current legal framework and practices:**

- The current situation in 7 pilot provinces selected will be determined through surveys and focus group meetings in order to identify the needs of the disadvantaged groups that are victims of crimes, especially relating to the rights of and services for women. The surveys and focus group meetings will be conducted by the project's field researchers.
- After the monitoring visits to the pilot provinces are organized, the observations regarding the current situation and the best practices will be reported. The monitoring visit will be organized by the central team of the Department of Victims' Rights. The reports will be drafted in line with the international standards.
- An information and experience exchange meeting will be organized annually in order to share the best practices and observations in the pilot provinces. The meetings will be held at the headquarters of the Department of Victims' Rights. The representatives of the pilot courthouses and the relevant central units will be invited to the meetings.
- Victim support bureaus will be established in 7 pilot provinces to be selected according to the results of the situation analysis performed at local level.

**\*Preparation of a strategic plan in the light of the analysis:**

- The Strategy and Action Plan for Promoting and Protecting Victims' Rights in Turkey will be prepared by the central unit. Implementation strategies will be developed depending on the current situation of the pilot provinces.

**\*Preparation of the required legislative amendment and draft guidelines:**

- In the light of the experience from the pilot implementation, a Recommendation Report regarding the legislative amendments and implementation measures for developing victim support services for different age and gender groups as well as types of crimes will be produced and presented to the Ministry of Justice.
- In the light of information and experience gathered throughout the project, comprehensive draft Law on Victims' Rights works that regulates the services provided for victims of crimes as well as service standards will be completed.

**\*Organization of training events:**

- Training materials will be developed for the staff and volunteers who will be involved in the services for victims and the existing materials will be updated. Intervention programs for victims will be developed. Training materials and intervention programs will be developed by the academics-from public universities- in the project team that are chosen from the professors, university lecturers and researchers who are experts in their respective fields.
- Training of trainers will be organized for the service providers in the pilot provinces (judges, prosecutors, clerks, law enforcement officers, social security officers etc.) in order to satisfy the needs. Training will be delivered by the academics in the project team. All training contents will be assessed by the academics and project team through consultative meetings. The continuity of training events will be ensured through the involvement of academics in the project team.
- Activities will be carried out in order to enable the trainers to train the other service providers. In this scope, 3 training programs will be organized for around 90 people.
- In order to keep the statistics about victims in a robust way, a database will be created first at the pilot courthouses and training will be delivered for the utilization of the concerned databases. The Information Technologies Department of the Ministry of Justice will provide assistance.

**\*Raising public-awareness:**

- Guiding handbooks about the approach towards the victims from different age and gender groups (victims of sex offences, violence and etc.) and practical information depending on different types of crime will be developed and designed to be ready to disseminate for the service providers.

- An understandable guide on law that contains the methods for seeking the right to legal remedies will be developed and designed to distribute to the disadvantaged victim groups (women, children, disabled individuals, elderly and youth) within the courthouses in the pilot provinces.
- Brochures, guides and etc. will be developed and designed to be ready for dissemination for the awareness-raising campaign across the country.
- A guiding and interactive web site that contains the studies regarding the rights of the victims will be created under the Ministry.
- The infrastructure for the Victim Help Line will be created. Cooperation will be established with the Ministry of Family and Social Affairs and that of the Ministry of Health in order to connect the Victim Help Line with their respective lines.
- An international symposium will be organized with respect to the practices in the field of victims' rights. The duration of the symposium will be three days. The representatives of the relevant units from the Ministry of Justice, the representatives of relevant Ministries, NGOs, academics, university administrators, judges, prosecutors and expert staff will be invited to the symposium. The aim of the symposium will be to achieve continuous communication and information/experience exchange after the symposium between the Department of Victims' Rights and the units, bodies and non-governmental organizations in the other countries that operate in the field of victims' rights. Monthly meetings will be held between the relevant representatives for the sake of achieving continuous communication.

### **3.5 Means/ Input from the MS Partner Administration:**

#### **3.5.1 Profile and Tasks of the Project Leader**

Project Leader must continue working at her/his position in the partner administration in the Member State but spend some of his time in order to develop an overall idea of the twinning project, supervise and coordinate it and must be a senior official that has a vast amount of knowledge with regard to assistance to the victims.

The Project leader must allocate minimum of 3 days per month including one visit every three months to the Project.

The Project Leader will be responsible for the achievement of the project results through organizing cooperation and information exchange activities between the beneficiary and the counterparts in the EU Member States and ensuring that the MS institutions and their employees support the project. The Project Leader will coordinate the meetings of the Project Steering Committee from the EU Member State side.

#### Qualifications:

- Have a vast amount of knowledge and experience about the chapter of the acquis that is relevant to the project

- Have the capability to make an overall evaluation of the problems in the sector and solutions
- Have the ability to develop solutions for all kinds of problems at the highest level
- Have good leadership skills.
- Have sufficient communication skills in the project language

Tasks:

- Overall project coordination
- Co-chairing the meetings of the project steering committee together with the Turkish Project Leader
- Mobilizing the short-term experts
- Executing the administrative affairs (which means signing the reports, administrative order etc.)

### **3.5.2 Profile and Tasks of the Resident Twinning Advisor**

The Resident Twinning Advisor will be in charge of the daily implementation of the Twinning Project in the Republic of Turkey. S/he will coordinate the implementation of the activities according to the predetermined work plan and will act jointly with her/his counterpart Resident Twinning Advisor in the Republic of Turkey.

The Resident Twinning Advisor will contribute a significant professional input especially at the beginning of the twinning project.

Qualifications and skills:

- At least 5-year experience in EU legislation related to judiciary and fundamental rights,
- Have recent experience and knowledge in a governmental body/competent authority that is in charge of providing assistance to victims or an organization that is a member of VSE (Victim Support Europe),
- Have strong entrepreneurial, analytic and team work skills,
- Have knowledge about EU acquis and the documents of the Council of Europe related to the victims' rights,
- Preferably have comparative knowledge of the other EU Member States' practices in the field of victims' rights,
- Have experience in developing, coordinating and implementing training programs,
- Have experience in project management,

- Have strong written and verbal communication skills in English,
- The temporary term of office of the Resident Twinning Advisor will be 24 months.

### **3.5.3 Profile and tasks of short-term experts**

A pool of short-term experts will be needed to carry out the project activities in the following indicative subject areas:

- Victim Assistance Systems
- Comparison of victim assistance practices
- Institutional Development
- Strategic Planning
- Preparation of Draft Laws
- Methodology and Guideline Sampling
- Information technology and databases
- Training and syllabus development

### **Indicative Profile of Short Term Experts**

#### Qualifications and skills:

- Minimum 3 years of professional experience in the relevant fields,
- Have a university degree in a relevant field,
- Have sufficient experience in the fields and subject areas they are selected for in addition to professional competence,
- Have a good command of written and verbal English,
- Proven employment contract with a public body or a competent authority,
- Have the capacity of integrating with a wide team of experts,
- Have the willingness to work in a different cultural environment.
- Previous working experience in different cultures and countries will be an asset.

## **4. Institutional Framework**

The beneficiary of the project is the Ministry of Justice. The pilot courthouses will be the co-beneficiaries of this project. The Department of Victims' Rights affiliated to the Ministry of Justice will play the leading role for coordination. This Department will also assume the

responsibility for all technical aspects regarding preparation, implementation and control. Within this scope, universities, the Ministry of Family and Social Policies, Union of Turkish Bar Associations, Ministry of Health and relevant NGOs will be contacted.

### **Project Steering Committee**

The Steering Committee will be comprise of the representatives of the Ministry of Justice, Ministry for EU Affairs, Central Finance and Contracts Unit and NGOs. The representatives of the EU Delegation to Turkey will attend the meetings as observers. The Steering Committee will put forward the strategic alternatives of the program and deal with the significant issues that may be faced. The Steering Committee will convene at the beginning of the program and quarterly on a regular basis or for extraordinary meeting provided that a serious problem arises. The Steering Committee will assume the following responsibilities:

- To evaluate the needs for a good project implementation.
- To accept the overall work program and annual work plans.
- To recommend strategies in the light of national sectoral priorities and Accession Partnership.
- To review the implementation.
- To ensure that all kinds of measures are taken in order to disseminate the project results as extensively as possible (e.g.: organizing additional training activities to be delivered by the trainers who will attend the courses of the program).
- To make strategy recommendations for sustainability.
- To discuss the progress of the project.
- To verify the success of the project deliverables.
- To discuss the actions to be assumed in the following three months.

The Project Steering Committee will also discuss the draft of the quarterly report that is previously presented and provide recommendations for possible modifications. A final report will be prepared by the end of the project period. The template of the final report provided in the TW Manuel will be used including a thorough evaluation of the project implementation results and the extent of achievement of objectives.

### **5. Budget**

<b>Developing Victims' Rights Practices in Turkey</b>	<b>EU Contribution</b>	<b>National Contribution</b>	<b>Total</b>
<b>Twinning</b>	<b>2.090.000 Euro</b>	<b>110.000 Euro</b>	<b>2.200.000 Euro</b>

### **6. Implementation Arrangements**

6.1 Implementing Agency responsible for tendering, contracting and accounting

Ms. Emine Döğer

Acting PAO and CFCU Director

Central Finance and Contracts Unit

Phone: +90 312 295 49 00

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Address: Eskişehir Yolu 4.Km.2.Sokak Halk Bankası Kampusu No: 63 C-Blok  
06580 Söğütözü/Ankara

## **6.2 Main counterpart in the Beneficiary Country**

### **Project Leader, Resident Twinning Advisor, Resident Twinning Advisor Counterpart and Senior Program Officer of the Beneficiary Country**

#### **Senior Program Officer**

Mr. Selahaddin MENTEŞ  
Undersecretary of Ministry of Justice

#### **Project Leader counterpart:**

Mr. Muhittin ÖZDEMİR  
Department of Victims' Rights

#### **Resident Twinning Advisor Counterpart**

Mr. Murat BİNİCİ  
Department of Victims' Rights

## **6.3 Contract**

This project will be implemented by a Twinning contract with an estimated total budget of 2.200.000 EUROS.

## **7. Implementation Schedule (indicative)**

7.1 Launching of the Call for Proposals (1<sup>st</sup> Quarter of 2016)

7.2 Start of the project activities (3<sup>rd</sup> Quarter of 2016)

7.3 Project Completion (3<sup>rd</sup> Quarter of 2018)

7.4 Duration of the execution period (24+3 = 27 months)

## **8. Sustainability**

The project activities will be carried out and their sustainability will be ensured by means of the Department of Victims' Rights. Furthermore, the protection of victims' rights will be ensured on a continuous basis due to the legal grounds to be stipulated through the legislative amendments that are aimed by the project.

## **9. Crosscutting issues**

Participation in the project will be ensured on the basis of equal access regardless of gender, race or ethnic origin, religion or faith, disability, age or sexual orientation in the light of the principles of promoting equality and anti-discrimination.



**10. Conditionality and sequencing (Not Applicable)**

**ANNEX 1: Logical framework matrix in standard format**

<b>LOGFRAME PLANNING MATRIX FOR Project Fiche</b>		<b>Programme name and number</b>		
<b>Project Name: Strengthening the Victims' Rights in Criminal Justice System</b>		<b>Contracting period expires</b>		<b>Execution period expires</b>
		<b>2014</b>		<b>2016</b>
		<b>Total budget</b>	<b>2.200.000 Euro</b>	
		<b>IPA budget</b>	<b>2.090.000 Euro</b>	
<b>Overall objective</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of Verification</b>		<b>Assumptions</b>
<p>Within the framework of basic standards stated in the international instruments and the notion of social state of law and reparative justice, having regard to the developments both in the Turkish justice system and in the world; development of appropriate service models for the provision of accessible legal social support services based on expertise and voluntariness throughout the proceedings by taking into consideration the</p>	<p>Setting a comprehensive and functioning model for the first time for the establishment of a new victim support system which is in line with the European standards set by the EU Directive 2012/29, and also aiming to assist victims of crime especially to those among the vulnerable groups in Turkey,</p>	<p>A field study and needs analysis will be performed. The field study will be performed through the qualitative interviews and questionnaires with the judges, prosecutors, experts and clerks of the central court in 1 province to be selected from each of 7 regions in Turkey that is representative of the respective region</p>		<p>Today the rights and needs of victims have been widely recognized and acknowledged, primarily by the legislation, execution and the judiciary, and also by a wide variety of countries on both national and international level. In addition to the concerns and efforts regarding victims in Turkey today, the structure of services for and rights of victims is relatively much more complicated. Therefore, there is a need for a realistic and step-wise approach along with a long-term strategic planning that takes into account the political, economic and cultural specificities while implementing national policies for victims. A successful victims' rights system and policies, as described above, have not yet been put into practice.</p>

expectations and needs of victims, to compensate for the affects and scars of their exposure and prevent secondary victimization.			
<b>Project Purpose</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
To contribute to the establishment of an effective, sustainable and accessible victim support system that serves victims and especially vulnerable groups during proceedings, in line with the principles of reparative justice and social state of law.	Contribute to the efficient drafting of the draft law, on Victims' Rights with the help of comparative analysis of the best practises and analysis of current legal framework in EU, which is in the process of being prepared and related secondary legislation in Turkey.	The results of the field study will be evaluated in a multidimensional way. The project's analysis team will evaluate the interviews and questionnaires to be used during the field study through statistical analysis methods (SPSS...), and the information and tables will be produced as a result.	Turkish judiciary does not rely on a specific legislation or law on victims' rights. Thus, affected people and victims of crime are left alone during proceedings. The system focuses on penalizing the suspect and it does not include any compensatory measures or preventive mechanisms to deal with the effects and trouble caused by the criminal act on the victim. Therefore, the aim is to set up an institutional and legal structure to raise awareness on victims' rights and develop them on a national scale.
<b>Results</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
<ul style="list-style-type: none"> <li>The provisions of the EU Directive regarding the victim rights are transposed.</li> <li>A central victim rights unit is developed and strengthened.</li> </ul>	Contribute to creation of the provision of holistic, advanced and victim-oriented services for victims of crime, in seven pilot district units in Turkey; improvement of quality of victim services by preparing guideline on the Approach to	The current situation in 7 pilot provinces selected will be determined through surveys and focus group meetings in order to identify the needs of the disadvantaged groups that are victims of crimes, especially relating to the rights of and services for women. The surveys and focus group meetings will be conducted by the project's field researchers.	Close cooperation and full commitment of all stakeholders.

- Draft Law on the Rights of Victims is prepared, activities are performed for the preparation of the secondary legislation.
- A Guideline on the Rights of Victims is developed.
- A Guideline on the Approach to Victims is developed.
- Provincial units for the rights of victims are established.
- An appropriate service model for victims is created and improved.
- Alternative compensation programs for victims are harmonized with the provisions set out in the EU Directive and further improved.
- The mechanism required for the compensation of victims' damage by the state when they do not

Victims developed in four groups (for health workers, police, judges/prosecutors and judiciary workers) and augmented into 4000 copies in total.; by eight training events in total, in four categories (for judges and prosecutors, lawyers and police, social workers and lastly for clerical staff) and twice for each category, one at the beginning of duty with the victim support services and second in further phase of victim services. and increase the awareness on victim rights which the base levels are defined by the needs analyses, by the help of developing and spreading the brochures in five categories (traffic accidents, domestic violence, sexual crimes, migrant smuggling, offences against property) augmented into 5000 copies in total, through ensuring

<p>have the possibility to claim it from the offenders on various grounds is established.</p> <ul style="list-style-type: none"> <li>• A system for the active involvement of the volunteers and NGOs in the services to be provided to victims is designed.</li> </ul>	<p>cooperation and coordination between the public sector and NGO's in Turkey .</p>		
<p>Activities to achieve results</p> <ul style="list-style-type: none"> <li>• Needs analysis</li> <li>• Comparative analysis of the best practise in EU</li> <li>• Analysis of current legal framework and practices</li> <li>• Preparation of a strategic plan in the light of the analysis</li> <li>• Preparation of the required legislative amendment and draft guidelines</li> </ul>	<p>Means / contracts</p>	<p>Costs</p>	<p>Close cooperation and full commitment of all stakeholders.</p>

<ul style="list-style-type: none"><li>• <b>Organization of training events</b></li><li>• <b>Raising public-awareness</b></li></ul>			
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