



ANNEX C1: Twinning Fiche

Project title: Increasing Efficiency of Auxiliary Staff in Judicial Services and the Quality of Trainings

Beneficiary administration: Turkish Ministry of Justice

Twining Reference: TR 14 IPA JH 07 17

Publication notice reference: The publication notice reference will be completed by the European Commission

EU funded project

TWINNING INSTRUMENT

(It is recommended that the complete Twinning Fiche should not exceed 10 pages, excluding annexes)

1. Basic Information

- 1.1 Programme: Judiciary 2014 Programming Year, Twinning- Indirect Management with ex-post control Financing Decision number: IPA/2014/031-874 (EC)- IPA National Programme for Turkey 2014- Objective 1
- 1.2 Twinning Sector: Justice and Home Affairs (Judiciary and Fundamental Rights)
- 1.3 EU funded budget: EU Contribution 3.000.000 Euro, Total Budget 3.157.894

2. Objectives

2.1 Overall Objective(s):

To reduce the heavy workload of judges and public prosecutors and strengthen the rule of law

2.2 Specific objective:

To increase the efficiency of the judicial proceedings by enhancing the competencies of the auxiliary staff.

2.3 The elements targeted in strategic documents i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reform strategy and related Action Plans

Accession Partnership

On 18 February 2008, the Council adopted Decision on the principles, priorities and conditions contained in the Accession Partnership with Turkey and repealing Decision 2006/35/EC and the Annex Turkey 2007 Accession Partnership, which foresees to strengthen efforts, including through training, to ensure that interpretation by the judiciary of legislation related to human rights and fundamental freedoms is in line with the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), with the case law of the European Court of Human Rights (ECtHR), and with Article 90 of the Turkish Constitution. The Accession Partnership Document also refers to the priority concerning the follow up the reforms in public administration and personnel policies with a view to ensuring broader performance criteria in judiciary in order to ensure the implementation of personnel policies effectively and efficiently.

The project will contribute to the establishment of a pre-service and in-service training system for the auxiliary staff of judiciary and increasing the efficiency of the auxiliary staff by setting objective performance criteria in addition to enhancing the quality of the services provided by the social workers, pedagogues and psychologists at the family courts, juvenile courts and juvenile high courts by developing standards for the social investigation reports of the social workers.

National Programme of Turkey for the Adoption of EU Acquis

Under the Political Criteria, Title 3 “Functionality and Efficiency of the Judiciary”, it is stipulated that “In order to increase the efficiency and functionality of the Judiciary, in-service

training of judges, public prosecutors and auxiliary staff by Turkish Justice Academy and by Department of Training of Ministry of Justice in addition to the training of judicial members regarding ECHR and the ECtHR case law will continue.”

Turkey 2016 Progress Report:

Turkey 2016 Progress Report (Commission Staff Working Document) released on 9th November 2016 contains various comments about the workload of the public prosecutors and judges as well as the court experts system.

Under the ‘Quality of Justice’ section, it is underlined that the quality of judicial decisions has improved in recent years; however, there is still room for further improvement in order for the judiciary to effectively perform its tasks.

Additionally, it is emphasized that some steps were taken to introduce a reliable registration system and draw up indicators to measure the justice system’s efficiency. Systemic solutions are needed to further address the excessive length of trials.

Progress report also calls for a revision on the court experts system. The issues related to court expert system such as frequency of referral to court experts, quality of expert reports, level of fees need to be addressed. A draft law on court expert system is expected to be adopted to deal with those problems.

In line with the Progress Report, the project will serve the purpose of increasing the efficiency of the judiciary through strengthened capacity of the auxiliary staff who are one of the main pillars of the judiciary. Pre- service trainings will enhance the readiness and awareness before starting their professional career while in service trainings will keep the auxiliary staff up to date about the recent developments and systematic changes while performance management will increase the quality of the work. Additionally, standardization of the social investigation reports will speed up the decision making process of the justice professionals and enhances the role of social workers, pedagogues and psychologists role within the system.

10th Development Plan of (2014-2018)

According to the 10th Development Plan, under “Main Goals and Principles of the Plan” Section 2.1.3 Justice stipulates that “Within the context of the universal principles of law, rule of law and supremacy of law; ensuring fast, fair, efficient, reliable and proper functioning of the trial process is the main goal of the justice system. Economic efficiency in both structure and functioning of the judiciary will be taken into account. A well-functioning and effective justice system is also very important in increasing the predictability in the economy and in developing a more appropriate investment climate” is identified as one of the targets under article 188.

Besides The Judicial Reform Strategy prepared by the Ministry of Justice aims to improve the capacity of the auxiliary staff. Under the Objective 6.6, the need of activating the personnel trainings, obligating the members and employees of judiciary to complete the in-service trainings for a certain period of time is underlined.

It is mentioned that a systematic training is a pre-requisite for more component employees, and also providing a healthy organizational structure. The initial step to provide knowledge

and competency for the employees is a well-structured and functioning in-service training. Law on Civil Servants no. 657 attributes great importance for the upbringing of the employees and provides a legal status for the training of the employees.

Additionally, under the Objective 3.16 the importance of determining the working process and job descriptions for auxiliary staff in judicial organizations is underlined. Therefore in line with the public personnel regime, job descriptions specially developed for the auxiliary staff in judicial organizations need to be clarified.

Council of Europe's Committee of Ministers recommended that members of judiciary should be provided appropriate training after being appointed which is related to their independency, impartiality and role of judges in the jurisdiction.

In line with the extraordinary developments occurring in contemporary legal systems, the legal issues and disputes also undergo significant changes with regard to the quality and quantities, getting more and more complex. Considering the mentioned developments, in-service trainings of the members and auxiliary staff of judiciary take a great part in order to ensure efficient execution of their duties. Therefore, re-designating the trainings as mandatory for certain terms is aimed for the next term.

Justice Academy of Turkey and the Ministry of Justice provide trainings to the members and auxiliary staff of judiciary with regard to the improvement of their professional competencies and personal development. Within this scope, especially the trainings given within the scope of the amended legislation, ethical principles, modern information technologies and efficient communication, are going to be proceeded.

It is stressed within the report that, also considering the increase in the number of the employees, the physical and training capacities of the training centers, have a great importance for the training of the judicial staff.

The Strategic Plan 2015-2019 of the Ministry of Justice

Under Human Resources Section of the Strategic Plan 2015-2019 of the Ministry of Justice there is a specific emphasis on strengthening the training activities for the judicial staff. It is underlined that pre-service and in-service trainings of the auxiliary staff are given great importance. The regulation on the establishment of the training centres for the staff serving in the courthouses entered in to force in 2014. With the regulation, it is expected to make these training centres operational as of 2015. Except from these activities, the legislative infrastructure for the establishment of the personnel training centres was completed and the preliminary assessment was carried on to put the training centres into operation.

Under Objective 2.7 there is a specific emphasis on setting standards for the social investigation reports, which is one of the core elements of the project to increase the quality of these reports and enable judges and public prosecutors to proceed more effectively and efficiently.

Additionally under Objective 4.4 of the strategic plan many activities listed to strengthen the training system as such:

- To create trainers' pool and carry out training of trainers.
- To prepare training modules and training programs.
- To conduct project for the use of new and effective methods and techniques in the training.
- To activate staff training centers.
- To launch accreditation studies for admissibility of the staff training centers and operationalize the centers
- To conduct trainings to the employees of foreign judicial personnel in staff training centers.

As abovementioned, Ministry of Justice prioritized setting standards for the investigation reports as well as having sustainable training programmes for its staff through a trainers' pool. Therefore, during this phase, EU expertise together with the local experts will scale up the quality of the content and ensure that both the standards of the social investigation reports as well as the quality training of the trainings are in line with EU criteria. EU experts will bring their wide expertise and provide support to the local experts to align the content together. This process will ensure the high quality trainings and the training pool will serve as a sustainable capacity building investment nationwide with EU standards.

Instrument for Pre-Accession Assistance (IPA II) Indicative Strategy Paper 2014-2020

Indicative Strategy Paper refers to Turkey's significant reforms in the fields of the judiciary and fundamental rights over the past decade, a development that has its roots in the country's EU accession process under sub-sector: Judiciary and Fundamental Rights. The 2001 Accession Partnership document identified achieving stability in the rule of law, and by extension in the justice sector itself, as one of the main priority areas to meet the Copenhagen criteria. However, it is mentioned that despite Turkey's efforts and support from the international community, the objectives and activities relating to judiciary and fundamental rights have not yet been sufficiently translated into improvements in practice. As mentioned above, Turkey's 10th National Development Plan acknowledges that improvements are still needed on the rule of law and the full enjoyment of fundamental rights and freedoms by all individuals, without discrimination. This has been supported by a series of judicial reform packages which are examples of Turkey's efforts to significantly reform the judiciary, but which also highlight the fact that further steps will be needed especially in terms of translating the reform packages into practice.

3. Description

3.1 Background and justification:

Article 6 of the European Convention on Human Rights provides 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.

There is approximately 45.000 staff working for the Ministry of Justice excluding public prosecutors and judges and the staff working under the supervision of Prisons and Detention Centers' Directorate General. Out of 45.000 staff, 201 psychologist, 187 social workers and 166 pedagogues listed. Referring to the strategic plan -, public prosecutors and judges called as *members of judiciary* whereas all other occupational categories within the Ministry named as *justice workers*. Additionally, as indicated within the Strategic Plan, another group called *judicial professionals* referring the members of the judiciary, judicial workers, lawyers and notaries. With the *auxiliary staff*, as the main target group of the project, it is referring two groups of staff who provide direct support to the judiciary namely, clerks, chief of clerks, bailiffs as one group and social workers, psychologists and pedagogues as another group.

Following to the establishment of the Turkish Justice Academy in 2009, all trainings for the members of the judiciary have been transferred from Department of Training to the Justice Academy. It is also important to underline that all kinds of trainings for the staff of Prisons and Detention Houses Directorate General, which also includes staff working at the prisons, are being held by the respective Directorate General not by the Department of Training. To sum, target group of the Department of Training is all Ministry of Justice staff except public prosecutors, judges and the personnel of Prisons and Detention Houses Directorate General.

By 2016, most of the in-service trainings of the Training Department are being held in Antalya Training and Social Facility and Judges' House of Kızılcahamam. Trainings are mostly conducted within 6 day programmes with the participation of app. 150-200 people. The aim for 2016 was set as training 13000 personnel and by June 2016 app. 6000 were trained. Some of the topics covered through the in-service trainings are as such: UYAP, Notification Law, Forensic Science Proceedings, Rules of Official Correspondences, Enforcement Law, Communication, Team Work, Stress Management, Human Rights, Gender Equality and Ethics. In 2015, 6096 staff participated to the in-service training courses out of which 76 were court experts (psychologists, pedagogues, social workers), 2828 were clerks, 880 were chief of clerks and 499 were bailiffs. The construction of the new training center in Ankara is completed by February 2017. However, it is awaited to operationalize the training center by the first half of 2017 following to the finalization of the additional construction as per the emerging needs during the process. Regarding the Rizetraining center, construction of the facility is completed as planned and most of the personnel is assigned. It is expected to operationalize the center within the first quarter of 2017.

'*Modelling the Training System for the Auxiliary Staff of the Judiciary*' project is implemented in 2013 by the Ministry of Justice and Ankara University aimed to define the standards of a training centre, develop orientation training module and programmes for the clerks together with an effective assessment and evaluation system. Final report of the project underlined that:

- There is an urging need of strengthening the skills, enhancing the capacity and increasing the knowledge of the – chief of clerks before they start their duties. In 2013, total number MoJ staff was 45.546 out of which 23.767 were chief of clerks. Only %13,66 of those chief of clerks were graduated from the Vocational High Schools related to their duties. In other words, three quarters of these occupational groups had neither a formal nor an informal education before they officially start to perform their tasks. This also explains the high turnover rates of the judicial clerks, which was 1764 in 2012.

- Lack of information and experience in justice system increase the risk of failure and mistakes, which slows down the process and leads inefficiency of the system.
- There are various inconsistencies among court houses stemmed from lack of standards and procedures.

Therefore, it is recommended to establish training centres, which will serve for the pre-service, and in-service training needs of the auxiliary staff with a permanent pool of trainers and updated training programmes.

As per the needs listed above, there were various amendments made to the Article 34/A of the Law on the Organization and Duties of the Ministry of Justice and in 2015 by-law regulating the establishment and working principles of personnel training centres of the Ministry of Justice was entered into force. Following to this recent bylaw, it became an urging need to have a structured and modular training system including both pre-service and in-service trainings.

As per the changes within the law and the urging need Ministry of Justice Personnel Directorate General and Directorate for Strategy Development jointly organized a work shop on 'Bottlenecks and the Solution Proposals of the experts working at the family courts, juvenile courts and juvenile assize courts' between 25-26 February 2013. The results of the workshop also reassured the need of a sustainable project to increase the capacity of the social workers, psychologist and pedagogues working at the family and juvenile courts. It was underlined that there is an urging need to ensure the standardization of the reports provided by the abovementioned professionals and conduct trainings accordingly. It is recommended to prepare and disseminate a reporting format, which includes the obligatory items in line with the international standards.

Additionally, the report of the Internal Auditing Unit prepared in 2012 also covers similar findings as such:

- Job description of psychologists, pedagogues and social workers working at the family and juvenile courts are not clear
- The assignment of the experts to the on-going cases depends very much on the judges which affects efficiency
- The language and sensitivity reflected within the reports prepared by the experts are underestimated or disregarded which causes difficulties for the parties of a divorce case as well as the children in between
- Some of the social investigation reports prepared by the experts do not include relevant and detailed information about the child and his/her environment and mainly lacks of information indication what type of intervention might be needed for the child in terms of protection. Therefore, standardization prevailed as a must for reporting once more as before.
- Some of the social investigation reports that have been evaluated have shown that there is no information about a) the match between the age of the child and his/her developmental characteristics b) when did the birth registration taken place, c) suspected child's relationship at the school and the area of residence, d) previous criminal record, e) any probation decisions, f) the awareness of the negative effects of the crime that is committed, g) the willingness to apologies and take an action to alleviate the effects of the crime, h) the family discussions on the crime committed.

Therefore, many of the reports evaluated by the Internal Auditing Units reported to be not serving for their purposes. It is proposed to develop checklists to monitor the appropriateness of the reports for their purposes.

Furthermore, meetings conducted with the provincial representatives of the auxiliary staff showed again that the job descriptions; job distribution and workflow for these staff are still unclear which have direct impact on efficiency and efficiency of judiciary. Therefore, it becomes obligatory to define clearly the job descriptions, roles and responsibilities and the workflow at the courts together with the new set of performance criteria.

As listed above, there is a significant need to improve the quality of the social investigation reports, which are the most important tools to ensure the efficiency of the juvenile justice system in Turkey. Since 2005, Turkey has made considerable progress in strengthening the juvenile justice system and bringing it into greater compliance with international standards. The Child Protection Law passed in 2005 to “regulate the procedures and principles with regard to protecting juveniles who are in need of protection or who are pushed to crime, and ensuring their rights and well-being (Art. 1).” adopted the following rights set in the CRC as fundamental principles (Art. 4): a) Safeguarding the interest and well-being of juveniles; b. Ensuring the participation of the juvenile and his/her family in the process via keeping them informed; c. Following a procedure that is based on human rights, fair, effective and swift; d) Employing special care appropriate to the situation of the juvenile throughout the investigation or prosecution process; e) Penalty of imprisonment and measures that restrict liberty shall be the last resort for juveniles;

In order to realize these principles, various provisions introduced by the Child Protection Law (CPL), Criminal Procedural Law (CPrL) and Law on the Enforcement of Penalties and Security Measures (LEPSM) as such

- The interviews with child witnesses and victims should be audio-visually recorded and their questioning should be conducted with an audio communication technique (CPrL art. 52 and 180);
- An expert should accompany the child during questioning (CPL art. 22);
- All juvenile justice professionals are required to receive special trainings on child law, social services, child development and psychology (CPL art. 28, 31 and 32).
- Conditional release (LEPSM art. 89).

In addition to the findings of the Internal Audit Report and the reforms taken place since 2005, it is still a significant need to enhance the capacity of the court experts who are the main actors of the juvenile justice system and ensure the utmost utilization of the social investigation reports with improved quality.

Moreover, it has always been an issue to increase the efficiency and the effectiveness of the judiciary and reduce the heavy workload of the judges and public prosecutors. Therefore, to enhance the capacity of the auxiliary staff that provide direct support to the justice professionals and eliminate the unnecessary administrative work of judges and public prosecutors will ensure the dramatic increase in the efficiency of the judiciary. Increased competence of the auxiliary personnel through trainings in line with EU standards will contribute to the delegation of some more tasks to auxiliary staff that allows judges and public prosecutors to concentrate on their major duties. Therefore, this project will serve for the purpose with sustainable actions.

Additionally, there is a strong need to establish common working procedures and standards for auxiliary staff in line with the EU best practices in Turkey. Besides, establishing objective performance criteria for the auxiliary staff will increase the effectiveness and the motivation of the staff.

The effectiveness and the efficiency of the psychologists, pedagogues and social workers serving in juvenile and family courts will be improved through standardization in the reports prepared and introducing the best practices of the EU Member States to the system and the legislation.

3.2 Ongoing reforms:

IPA I programming intensively focused on training programmes for judges and prosecutors; the auxiliary personnel working at all instances of the judiciary could not **adequately** benefit from these trainings. Therefore, under IPA II Programming period, a special attention was given to the trainings of the auxiliary staff in order to ensure the quality of the judicial services. Providing a sound and effective pre-service and in-service training for the auxiliary personnel along with delegation of tasks will reduce the workload of judges and prosecutors and therefore speed up the judicial proceedings. In addition, special groups of auxiliary personnel including social workers, psychologists and pedagogues needs to be supported by special trainings taking into consideration of their important roles in judicial process primarily in the juvenile and family court proceedings.

In this regard, the Project aims to support the institutional capacity of the training system for auxiliary staff, introduce performance criteria and transformation of the newly established legislation into practice with the EU expertise.

3.3 Linked activities:

To avoid any kind of duplications and moreover to benefit from the results and the lessons learnt of the previous projects, programmes and workshops, a detailed research is conducted to identify the relevant projects as well as the previous workshops/activities conducted by the relevant Directorate Generals. All are listed below to maximize utmost the results and built upon for more sustainable results.

Towards Good Governance, Protection and Justice for Children Project (2005 – 2008)

‘Towards Good Governance, Protection and Justice for Children Project’ is implemented between 2005 and 2008 by the Ministry and Justice and UNICEF Turkey Office. Overall objective of the project was to enhance the protective environment for children in contact with the law and to strengthen the system to prevent children from coming into contact with the law as outlined by the convention on the rights of the child. Under the scope of that above-mentioned project, MoJ Department of Training took active role for organizing trainings on enhancing cooperation for the implementation of Child Protection Law No. 5395 and strengthening the implementation capacity of 700 professionals (like judges, public prosecutors, social workers, provincial health directors, provincial education directors, section heads of forensic science medicines, representatives of provincial bars, NGOs, academics and members of the Supreme Court).

Support to Court Management System in Turkey (2007 – 2009)

The Project on Support to Court Management System in Turkey, implemented by the Council of Europe in co-operation with the Ministry of Justice and financed by the European Union, was implemented between 1 December 2007 and 30 November 2009. The overall objective was 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. The purpose of the project was to support the restructuring of the court management system, to strengthen the effectiveness of the judiciary and to speed up the procedure. The target group of the project were the judges, public prosecutors and auxiliary staff of the 5 pilot courts which will include juvenile courts and family courts.

The first phase of the Project focused on the related to the needs assessment study held by the experts. Following the needs assessment, a strategy plan was prepared including case flow management, financial management, human resources management, court performance standards, technology management, training strategies in addition to proposals concerning the amendments in relevant legislations.

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

Children First: Modelling Child Protection Mechanisms at Provincial Level Project (2008 – 2010)

The Children First Project was implemented under the coordination of the Ministry of National Education General Directorate of Non Formal Education and Apprenticeship and 16 project partners. The Project has touched the lives of many children as it involves programmes ranging from parenting education to life skills based education, from child rights participation to action plans for children living and working in the streets, from the coordination model to the early identification and referral system, from the case management model to developing minimum standards for institutions.

One of the goals of the coordination mechanism developed by the Ministry of Justice, Department of Training was the enabling institutions to learn about the facilities and capacities of each other and to work in coordination. A strategy paper has been prepared in accordance with the Child Protection Law No.5359 on the operationalization of province and district level coordination and a pilot implementation has been started in Bursa. Based on the feedback from the pilot implementations, nationwide expansion is ensured. In addition to that, an 'Effective Case Management Model' that included educational and rehabilitative programmes for each convicted/arrested child during the execution period from the moment a child was admitted into the institution until his or her release. With the Individualized Rehabilitation System (IRS), whose pilot implementation took place in four detention centers, individualized programmes developed based on the needs of children will be implemented and IRS is envisaged to be expanded. Also, under the scope of the Project 'A Guidebook for the Social Workers' has been developed and 371 social workers, pedagogues and psychologist who work at family courts, juvenile courts and juvenile high criminal courts are trained. The

Children First project has supported legislative and institutional reforms in Turkey. Sustainability has been achieved with institutionalized programmes. Turkey's big steps to enhance the lives of children has been exemplary for other countries.

Strengthening the Court Management System (2011 – 2013)

An efficient court management system, i.e. case flow management, fiscal management, human resources management and technology management should be developed in Turkey. To address this issue, the project on Support to Court Management System in Turkey, implemented by the Council of Europe in co-operation with the Ministry of Justice and financed by the European Union, was implemented between 19 May 2011 and 18 May 2013 with a budget of 5.5 mio. Euro under the 2006 pre-accession financial assistance for Turkey.

The following specific objectives pursued were:

- to fine-tune the new court management system introduced under the European Union/Council of Europe Joint Programme (JP) "Support to the Court Management System" in line with European standards and best practice; within this framework, to explore the possibility of creating a new judicial post; and to implement the revised system in 20 new pilot courts, with a view to its further dissemination throughout Turkey;

- to raise the level of professional skills of the auxiliary personnel in the pilot courts and in particular to enhance the effectiveness of court managers and judicial assistants;

- to ensure that the Inspection Board provide sufficient support to the implementation of the new court management system.

Improved Capacity of Civil Enforcement Offices (2012 – 2014)

As a result of the critics taken place within the official reports of the Strengthening the Court Management System, a new project implementation need was arisen. Therefore, 'Improved Capacity of Civil Enforcement Offices' project was implemented with the Turkish Ministry of Justice and Spanish and Greek partners for 2 year with 1.8 million Euro budget to enhance the efficiency and the confidence in the judiciary. Project purpose was to strengthen the institutional capacity of enforcement offices to ensure effectiveness and efficiency of enforcement service.

The project has supported the establishment of a central enforcement and insolvency unit, within the Ministry of Justice, in charge of steering and coordinating the enforcement system nationwide. A professional training curriculum has been developed, including on ethics, and some 35% of staff has received training. Research on EU standards related to law enforcement has also been supported to provide legal support to work to amend the Enforcement and Insolvency Law of Turkey.

Regarding the outputs of the Project, the achievements in short and long terms will provide contribution for MoJ's infrastructure of personnel training and capacity development system as an integrative component in accordance with the new project's outputs.

Justice for Children (2012 – 2015)

The project with a budget of €3.75 million aimed to ensure the effective implementation of protective and supportive measures for children through protecting juveniles' rights in justice system and strengthening the inter-sectorial collaboration in the juvenile justice system. Under the umbrella of the Project, training modules, materials and trainer pool for the social workers, psychologists, pedagogues were developed. All these training modules, established capacity and the lessons learned will be utilized during the implementation of the Project. Close cooperation with the previous Project partners will also be ensured.

Taking into consideration the direct outputs and the longer-term impact under the previous projects, this new project will provide an integrative approach between the products of all the projects mentioned with aim to further strengthen the Turkish Judicial System through increased capacity and standardised methodologies.

3.4 List of applicable *Union acquis*/standards/norms:

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions building trust in EU-wide justice a new dimension to European Judicial Training COM (2011)/0551

EU Member States' National Training Systems for court staff and bailiffs

3.5 Results per component

1. An effective and sustainable pre-service training system for clerks is established
2. In-service trainings for the auxiliary staff (clerks, bailiffs, chief clerks, social workers, pedagogues and psychologists) are strengthened
3. A performance tool is developed and institutionalized for the auxiliary staff through detailed job analysis and work flow definitions in line with the draft legislation prepared by the State Personnel Department
4. The standards for the social reports prepared by the social workers, psychologists and pedagogues who work at family, juvenile and heavy juvenile courts are set and the quality of the services provided by social workers, pedagogues and psychologist is improved
5. Ethical principles for the justice workers under the judicial services are set and institutionalized

3.6 Means/input from the EU Member State Partner Administration(s)*:

3.6.1 Profile and tasks of the PL:

The Project Leader from the EU Member State should be a senior civil servant or equivalent staff who works in the field relevant to this project and have been at least three years in a management position within the institution.

The Project Leader will be responsible for achievement of project results, ensuring the activities for the co-operation and information exchange between EU Member States side and Beneficiary side and ensuring that all the required support of the management and staff of the EU side are available. S/he will coordinate the Project Steering Committee meetings on the EU Member State side.

Qualification and skills

- University degree in law or 8 years equivalent professional experience in the related field
- Fluency in English,
- Good inter-personal skills
- Good management skills
- Experience in working intercultural project

General professional experience

- At least 3 years of experience in working with Union acquis concerning judiciary and fundamental rights
- Experience in project management
- Strong initiative, analytical and team working skills

Specific professional experience

- Specific experience in the field of adult education in judiciary is an asset
- Knowledge of the EU Member States' pre-service and in-service training system for the judiciary staff

3.6.2 Profile and tasks of the RTA:

The RTA will be in charge of the day-to-day implementation of the Twinning project in the Republic of Turkey. S/he will coordinate the implementation of activities according to a predetermined work plan and liaise with the RTA counterpart in the Republic of Turkey.

The RTA will bring in a significant professional input, especially at the beginning of the Twinning project.

Qualification and skills

- University degree in law or 8 years equivalent professional experience in the related field
- Fluency in English
- Good PC literacy (Word, Excel, PowerPoint)

- Good inter-personal and diplomatic skills
- Good management skills

General professional experience

- At least 3 years of experience in working with Union acquis concerning judiciary and fundamental rights
- Recent experience in a senior position in a state institution\mandated body responsible for planning, conducting and monitoring of pre and in-service trainings for the justice professionals
- Strong initiative, analytical and team working skills

Specific professional experience

- Knowledge in training systems for auxiliary staff of justice systems
- Knowledge of the Union acquis
- Experience in preparation of major strategic documents
- Experience in developing, co-ordinating and conducting training programmes.

3.6.3 Profile and tasks of Component Leaders:

Component leaders will ensure the implementation of project components and plan the agreed activities in a timely manner with high quality. They report to the RTA and liaise with the RTA counterpart.

Qualifications and skills:

- University degree in law or 8 years equivalent professional experience in the related field
- Working knowledge of English.
- Good inter-personal and communication skills.

3.6.4 Profile and tasks of other short-term experts:

A pool of short term experts is required to implement the project activities covering the following indicative subjects:

- Development of a Pre-service training for auxiliary staff
- Improving the existing in-service training of the auxiliary staff
- Institutional Development
- Strategic Planning
- Developing the performance and promotion criteria for the auxiliary staff
- sampling methodology and guidelines
- Information Technology (IT) and databases.
- training and curriculum development

Indicative General Profile of the Short Term experts

Qualifications and skills:

- University degree in law or 8 years equivalent professional experience in the related field
- Working knowledge of English.
- Good inter-personal and communication skills.

General professional experience:

- At least 3 years of professional experience in the relevant field

4. Budget

Maximum Budget available for the Grant

Improving Professionalism and Competence of the Members of the Judiciary and Auxiliary Staff	EU Contribution	National Contribution	Total
Twinning	95%	5%	
	3.000.000 Euro	157.894,74 Euro	3.157.894,74 Euro

5. Implementation Arrangements

5.1 Implementing Agency responsible for tendering, contracting and accounting (AO/CFCE/PAO/European Union Delegation/Office):

Mr. M. SelimUslu
PAO and CFCU Director
Central Finance and Contracts Unit
Phone: + 90 312 295 49 00
Fax : + 90 312 286 70 72
İnönüBulvarı No: 36 E Blok 06510
Emek - Ankara / TURKEY

5.2 Institutional framework

In line with the project objective and purposes Ministry of Justice Directorate General for Personnel Affairs will be the main end beneficiary of the project in line with its tasks and responsibilities. During the technical implementation of the project as a part of its overall coordination role in addition to executing the activities fall under developing performance

tools and ethical principles, it will work in close cooperation with the Department of Training who will lead the activities fall under pre-service and in-service components of the project.

Within the scope of the power granted by the Law on Establishment and Duties of Judicial Organization, the Directorate General for Personnel Affairs is responsible for taking all kinds of legal and administrative measures with regard to the issues concerning the auxiliary staff. Additionally, conducting researches for better functioning of the justice system are some of other important functions of the MoJ DG for Personnel Affairs as well.

Directorate General for Personnel Affairs is responsible for:

- conducting researches regarding the bottlenecks in practice stemmed from the legal deficiencies and provide sound proposals on legal and administrative measures to the Ministry in order to ensure the efficiency
- preparing decrees and bylaws within the area of responsibility
- providing comments and prepare circulars on the areas/subjects that are not under its jurisdiction area
- conducting all relevant issues with regards to the personnel rights of the Ministry of Justice staff and conduct preparatory work for the judges and public prosecutors for the Council of Judges and Public Prosecutors
- organizing the establishment and execution of the legislative unit of the judges and public prosecutors.

As per the law on Amending and Passing the Decree-Law on the Organizational and Duties of the Ministry of Justice dated 29.03.1984, numbered 2992, Department of Training is assigned as the responsible unit for the pre-service and in-service training of auxiliary staff. Department of Training prepares, publishes and monitors the implementation of the training plan of the central and provincial organizations of the Ministry; organizes and implements in-service trainings; and also carries out functions regarding the training institutions and facilities. As per the amendment of law no.2992 in 2014, Article 34/A is added which enables the Training Department to establish training centres under his supervision.

As per the current organizational structure, Training Department functions with 5 different sections. Main tasks of the Training Department are as such:

- Preparing, publishing and following the implementation of the training programme of the Ministry and its provincial structure
- Developing and implementing the pre and in service training programmes for the Ministry's central and provincial structure
- Doing all tasks falling under the personnel training centres and any other training facilities
- Performing all similar tasks assigned by the Ministry

Similarly, during the IPA II term, the Ministry of Justice Directorate General for EU Affairs has overtaken the lead institution role in judiciary sector. As a leading institution in justice sector, the MoJ Directorate General for EU Affairs is given important responsibilities and powers to ensure efficient and effective utilization of the IPA funds. Within the framework of the lead institution role, Directorate General for EU Affairs is entitled and authorized to ensure the general coordination of the projects to be implemented in the sector. In this

framework, it will also support the technical implementation of the judicial notification project and ensure that all sub-beneficiaries participate in the project activities within the main objective of the project.

5.3 Counterparts in the Beneficiary administration:

5.3.1 Contact person:

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5.3.2 PL counterpart

Mr. Muharrem Ürgüp
Director General
MoJ Directorate General for
Personnel Affairs
Adalet Bakanlığı Milli Müdafaa Caddesi No: 6
Bakanlıklar/Ankara

5.3.3 RTA Counterpart

Mr. İzzet Şensizoglu
Judge

Head of Department
Directorate General for Personnel Affairs
Adalet Bakanlığı Milli Müdafaa Caddesi
No:6 Bakanlıklar/Ankara

6. Duration of the project

21+3 months

7. Sustainability

As indicated in the strategic plan and the national program, all activities in overall will serve to increase the efficiency of the judiciary. The draft legislations to be developed will also ensure the legal basis for strengthening the implementation. Commitment of the project beneficiary is the most important element of an effective implementation and the sustainability of the results.

It is also a vital issue to benefit from the pool of experts as a core team after the project implementation period. Capacity building activities such as establishing the experts' pool and conducting training of trainers will pave the way for strong foundations of training capacity of the Ministry of Justice and enhance dramatically the competencies of the staff. Moreover, introducing the best practices, applied in the EU Countries to the system and aligning the legislation will create a leveraging effect on the efficiency of the judiciary. Increased quality of the social investigation reports will support the public prosecutors and judges to obtain more qualified information which will have a triggering effect on the decision making process.

Effective and coordinated implementation of the project activities will be ensured through regular monitoring meetings with all project partners as well as other concerned institutions and civil society organizations. The project partners will also make every effort possible to ensure the consistent follow-up of project activities by the responsible staff. Furthermore, as listed under 3.1 Background and Justification section, all lessons learned and good practices of previous project will be reflected into the implementation process.

Beneficiary committed % 5 (157.894,74 Euro) of the overall budget. Ministry of Justice ensures required financial sources after the implementation of the project to strengthen the sustainability.

8. Crosscutting issues (equal opportunity, environment, climate etc...)

Based on the fundamental principles of promoting equality and combating discrimination, participation in the project will be guaranteed on the basis of equal access regardless of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

9. Conditionality and sequencing

N/A

10. Indicators for performance measurement

Number of trained personnel per year increased.

The number of auxiliary staff who received pre-service training

Baseline (year) 2014- 0

Milestone(year)2017-N/A

Target (year)2020- 150 auxiliary staff

Number of auxiliary staff who received in-service training

Baseline (year) 2014- 4428 auxiliary staff

Milestone (year) 2017- N/A

Target (year) 2020- 9500 auxiliary staff

Quality of services provided by auxiliary staff improved, workload of judges/prosecutors decreased

Quality of reports submitted to courts by psychologist, social workers and pedagogues increased

Baseline (year) 2014- Survey to be conducted to measure the indicators

Target (year) 2020-Workload of judges and public prosecutors' decreased by %5 after the pre-service training system introduced, in-service training system enhanced and the quality of the reports by social service officers enhanced.

Source of Information: Survey results

11. Facilities available

The Beneficiary commits itself to make available free of any charge for the project:

- Office facilities for the RTA and the RTA assistant(s) for the entire duration of their secondment, with a level of equipment at least comparable to that in use in the Beneficiary administration.
- Adequate conditions for the short-term experts to perform their work while on mission to the Beneficiary.
- Training and conference venues, catering if appropriate and presentation and interpretation equipment.

ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format (compulsory)

ANNEX 1: Logical framework matrix in standard format

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. Total number of study visits and internships are maximum 5 as indicative.

LOGFRAME PLANNING MATRIX FOR Project Fiche		Programme name and number		
Project Name: Improving Judicial Notification System		Contracting period expires 2018		Execution period expires 2021
		Total budget	3.157.894,74 Euro	
		IPA budget	Euro	
Overall objective	Objectively verifiable indicators (OVI)	Sources of Verification		Assumptions
To reduce the heavy workload of judges and public prosecutors and strengthen the rule of law	Workload of judges and public prosecutors' decreased by %5 after the pre-service training system introduced, in-service training system enhanced and the quality of the reports by social service officers enhanced. Number of trained auxiliary personnel increased gradually each year	MoJ Judicial statistics MoJ annual reports; Monitoring and evaluation reports of the project;		The beneficiary and national partners engage to the utmost extent to implement the activities and sustain the results. Member States remains fully dedicated to the achievement of the overall objective.
Project Purpose	Objectively verifiable indicators (OVI)	Sources of Verification		Assumptions
To increase the efficiency of the judicial	Draft legislation is available by the end of the project	MoJ Statistics		The beneficiary and national partners engage to the utmost extent to implement the activities and sustain

proceedings enhancing competencies of auxiliary staff by the the	<p>implementation period</p> <p>Pre-Service training for clerks is introduced and institutionalized within the system</p> <p>In-service training is enriched</p> <p>Sustainable pool of experts established</p> <p>Min. 250 personnel trained</p> <p>Standardization of the reports prepared by social service officers is ensured</p> <p>New performance tools are utilized</p> <p>Handbook on ethical principles is printed and distributed</p>	<p>MoJ annual reports;</p> <p>Monitoring and evaluation reports of the project;</p>	<p>the results.</p> <p>The parties remains fully dedicated to the achievement of the overall objective</p>
Results	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions
1. An effective and sustainable pre-service training system for clerks is established	<p>Pre-service training is institutionalized.</p> <p>Number of trained auxiliary personnel</p>	<p>Situation analysis report, needs assessment report and comparative study developed under the auspices of the Project</p>	<p>Strong commitment by the project beneficiary and the partners.</p> <p>There is sufficient and sustainable staff and the availability of necessary absorption capacity from the</p>

<p>2. In-service trainings for the auxiliary staff (clerks, bailiffs, chief clerks, social workers, pedagogues and psychologists) are strengthened</p>	<p>increased gradually per year</p> <p>Revised and enriched in service training programme, modules and materials are utilized and institutionalized</p>	<p>MoJ Statistics</p> <p>Training evaluation reports</p>	<p>beneficiary side is secured.</p> <p>There is political will to ensure sustainability.</p>
<p>3. A performance tool is developed and institutionalized for the auxiliary staff through detailed job analysis and work flow definitions in line with the draft legislation prepared by the State Personnel Department</p>	<p>New performance tools are introduced into the system</p> <p>New standardized report introduced to be used by social service officers are institutionalized</p>		

<p>4. The standards for the reports prepared by the social workers, psychologists and pedagogues who work at family, juvenile and heavy juvenile courts are set and the quality of the services provided by social workers, pedagogues and psychologist is improved</p> <p>5. Ethical principles for the justice workers under the judicial services are set and institutionalized</p>	<p>Quality of reports submitted to courts by social service officers is increased</p> <p>1000 copies of the handbook on ethical principles are printed and distributed</p>		
<p>Activities to achieve results</p> <p>An effective and sustainable pre-service training system for clerks is established</p> <p>Project visibility meeting organized to</p>	Means / contracts	Costs	

<p>develop the project's logo and slogan</p> <p>A detailed desk review including a comparative analysis of EU examples are conducted reflecting the numbers, facts, education level, skills etc. and also the practices of other public authorities that has pre-service training programmes</p> <p>A situation and a need analysis are conducted through focus group discussions and different methodologies at min.</p> <p>5 pilot courthouses to identify the pre-service training needs of the clerks</p> <p>Min. three working groups established to define the pre-service</p>			
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<p>training needs and develop the training programme and modules including assessment and monitoring tools.</p> <p>Min. 5 field visits conducted to the governmental bodies that have institutionalized pre-service training programmes with monitoring and assessment tools</p> <p>Study visit organized to one EU member state to see the best practices both pre-service and in-service training</p> <p>International symposium organized to present the findings of the studies and identify the pre-service training needs with the participation of</p>			
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<p>international experts</p> <p>Working group meetings organized to develop the training programme, training modules and assessment tools including the training materials with international experts</p> <p>Working group meetings organized to develop the monitoring system with international experts and academics</p> <p>Workshops organized to present and discuss the first drafts of the modules, training programme and training materials together with the assessment and monitoring tools with the decision makers</p> <p>Working group meetings organized to finalize the</p>			
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<p>training modules, programmes and the materials</p> <p>Pool of experts who will be the trainers for min. 50 potential trainers are defined from the members of the working groups</p> <p>Trainings organized for the trainers on enhancing their skills on adult education</p> <p>Training of trainers. organized for min. 50 potential trainers. These 50 clerks will be trainers who received trainings within the project. These trainers will participate in forthcoming training activities that will be conducted by MoJ.</p> <p>Formateur trainings</p>			
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<p>organized for at least 15 trainers from the 'trainers' pool' specifically on training supervision and shadowing</p> <p>Pilot trainings organized for min. 50 clerks organized within two groups</p> <p>Working group/assessment meetings organized to revise the training programme, modules including assessment and monitoring modules with the participation of international experts</p> <p>Working group meetings organized to finalize the training programme, modules including assessment and monitoring module</p>			
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<p>Meetings organized to draft the legislative background for the pre-service training with the participation of international experts</p> <p>In-service training for auxiliary staff(clerks, bailiffs, chief clerks, social workers, pedagogues and psychologists) is strengthened.</p> <p>To ensure an effective and efficient implementation focusing on in-service training activities, a project coordination team is established and a meeting organized to clarify the roles and responsibilities of each partner for in-service trainings</p> <p>A detailed desk review reflecting the efficiency</p>			
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<p>of the current in-service training of MoJ and also other public authorities in addition to a comparative component of EU countries is conducted</p> <p>Working groups –as per each job title- established with the participation of international experts to identify the in-service training needs and to develop the training programme and modules together with assessment and monitoring tools</p> <p>A need analysis is conducted through focus group discussions and other methodologies with the social workers, psychologists, pedagogues, bailiffs, clerks and chief of clerks</p>			
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<p>Field visits conducted to the governmental bodies that have institutionalized in-service training programmes with monitoring and assessment tools</p> <p>Workshop organized to present the findings/report of the desk review and field analysis and identify the in-service training needs (modules to be revised and modules to be newly introduced) with the participation of international experts</p> <p>Revision meeting organized for the training modules, implementation status and the trainers pool developed for social workers, psychologists and pedagogues within</p>			
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<p>the Justice for Children project</p> <p>Working group meetings organized to develop the training programme, training modules and assessment tools for different professional categories including the training materials with international experts</p> <p>Working group meetings organized to develop the monitoring system with international experts and academics</p> <p>Workshops organized to present and discuss the first drafts of the modules, training programme and training materials together with the assessment and monitoring tools with the decision makers</p>			
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<p>Working group meetings organized to finalize the training modules, programmes and the materials</p> <p>Pool of experts who will be the trainers for min. 50 potential trainers are defined from the members of the working groups</p> <p>Training organized for the trainers on enhancing their skills on adult education</p> <p>Formateur trainings organized for at least 15 trainers from the 'trainers' pool' specifically on training supervision and shadowing</p> <p>Pilot trainings organized for min. 200 participants organized within 2</p>			
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<p>groups of 50 pedagogues, social workers and psychologists, 50 clerks, 50 chief of clerks and 50 bailiffs</p> <p>Working group/assessment meetings organized to revise the training programme, modules including assessment and monitoring modules with the participation of international experts</p> <p>In-service trainings for min. 200 participants organized within 2 groups of in total 50 pedagogues, social workers and psychologists, 50 clerks, 50 chief of clerks and 50 bailiffs after revision process concluded</p> <p>Working group meetings</p>			
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<p>organized to finalize the training programme, modules including assessment and monitoring module</p> <p>Working group is established to identify the needs of legislative changes on in-service training legislation</p> <p>Meetings organized to draft the legislative background for the in-service training with the participation of international experts</p> <p>An international conference on pre-service and in-service training practices is organized to establish a platform and a network</p> <p>A performance tool is developed and institutionalized for the</p>			
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<p>auxiliary staff through detailed job analysis and work flow definitions in line with the draft legislation prepared by the State personnel Department</p> <p>A comprehensive needs analysis is conducted to understand the existing human resources management structure, human resources policies and operational capacity of the auxiliary staff</p> <p>An effective 'job analysis' is conducted to assess the existing 'job descriptions' and 'job specifications'. Research will be conducted in min. 5 pilot institutions, Analysis and research paper is drafted.</p> <p>A study visit is organized to a Member</p>			
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<p>State in order to analyse EU best practices.</p> <p>A ‘Strategy Paper’ is developed as a result of the in-depth needs assessment and job analysis, which will include inter alia the assessment of time, manpower and skills/qualifications needed to accomplish a task.</p> <p>Drafting conducted to re-define and create new job descriptions with adequate job specifications, and incorporate them within the existing organizational charts of MoJ, in line with the Strategy Paper.</p> <p>A meeting organized to present the a) strategy paper and b) the draft</p>			
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<p>job descriptions and job specifications for the decision makers</p> <p>Experts meetings organized to finalize the job descriptions and job specifications of the auxiliary staff together with the legislative draft</p> <p>In line with the results of the job analysis, a detailed needs assessment is conducted to understand the bottlenecks within the performance system including a desk review on EU best practices</p> <p>Working groups established to work on the establishment of the performance system on social workers, clerks and bailiffs.</p> <p>expert meetings</p>			
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<p>organized to develop a draft appraisal and performance evaluation system, including reward and disciplinary procedures of auxiliary staff</p> <p>A study visit organized to one of the EU countries to see the best practices on performance evaluation system for auxiliary staff</p> <p>An effective appraisal and performance evaluation system is developed as per the State Personnel Unit's draft law including draft legislation. Management experts tested and finalized the different appraisal tools and determine/develop the best option(s) for the auxiliary staff.</p>			
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<p>The standards for the reports prepared by the social workers, psychologists and pedagogues who work at family, juvenile and assize courts are set and the quality of the services provided by social workers, pedagogues and psychologist is improved</p> <p>A detailed needs assessment study is conducted with evidence based data on systematic bottlenecks and proposals for enhancing the system as per the field visits and surveys conducted at the 5 pilot courthouses.</p> <p>A study visit organized to one of the EU countries to see the best</p>			
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<p>practices</p> <p>A workshop is organized to discuss the best practices at EU countries, current bottlenecks of the Turkish system and a final report as a road map is prepared</p> <p>Working group (representatives of the Ministry of Justice, judges and public prosecutors of family and juvenile courts, psychologists, pedagogues, social workers and academics etc.) meetings conducted to define the areas that requires legal amendments together with a draft proposal</p> <p>A template with quality standards of a report is prepared by a group of</p>			
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<p>experts and piloted in 5 pilot courthouses</p> <p>All social service officers and justice professionals working at the family courts, juvenile courts and heavy juvenile courts are informed about the new reporting template</p> <p>Ethical principles for the justice workers under the judicial services are set and institutionalized</p> <p>Working groups established to identify the ethical issues through field visits, surveys and focus group discussions at 5 pilot courthouses</p> <p>Working group meetings organized to prepare a handbook on ethical</p>			
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<p>principles for the justice workers under the judicial services</p> <p>Visibility materials like brochures and posters are developed, printed (10.000 copies) and distributed to the selected courthouses</p> <p>Standardization of the reports prepared by social service officers is ensured.</p> <p>Needs assessment conducted</p> <p>Workshops and working group meetings held</p> <p>Revised report template for social service officers is prepared</p> <p>Ethical Principles introduced.</p> <p>Expert meetings organized</p>			
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