

## Standard Twinning Fiche

### 1. Basic Information

**1.1 Publication Reference:** EuropeAid/ 137-109/IH/ACT/TR

**1.2 Programme:** IPA 2013 (Indirect Management mode)

**1.3 Twinning Number:** TR 13 IB JH 05

**1.4 Title:** An Independent Police Complaints Commission & Complaints System for the Turkish National Police, Gendarmerie and Coast Guard

**1.5 Sector:** Justice Freedom Security / Justice and Home Affairs

**1.6 Beneficiary country:** ‘Republic of Turkey’

**1.7 Management mode:** Indirect Management mode (Decentralised)

### 2. Objectives

#### 2.1 Overall Objective(s):

To enhance the accountability, efficiency, effectiveness and public confidence of the Turkish National Police, Gendarmerie and Coast Guard in the discharge of their responsibilities in respect of the enforcement of law in accordance with democratic principles and having regard for the Human Rights of all citizens.

#### 2.2 Project purpose:

Implement the primary legislation with regards a new independent complaints system for the Turkish National Police, Gendarmerie and Coast Guard. Start full operations of the new complaints system and consolidate the system via a start-up (first year) business plan and 3-5 year strategic plan.

#### 2.3 Contribution to National Development Plan/Cooperation agreement/Association Agreement/Action Plan

There are important links between the overall objective of this project and the purpose of the 2<sup>nd</sup> phase with the NPAA which contains the following comments:

Forging a strong and prosperous modern and social state, for the information age, respectful to the human rights, united as a nation based on the principles of the rule of law, democracy and secularism, and firmly founded upon the basic tenets of the Republic and the nationalism of Atatürk, is a historic and perennial responsibility towards past and future generations.

Turkey has always regarded modernization as its fundamental principle. Since the foundation of the Republic, Turkey has always been a part of renewal movements in politics, economics and law. This inclination has been given substance through progress and visionary reforms, and has been driven by the principle of secularism based on freedom of conscience and a compact of citizenship that transcends language, religion, race or gender, in such a way as to reinforce the territorial integrity and political unity of the Turkish Republic which finds its most plain expression in the unitary state structure.

#### Political Criteria

Turkey has completed comprehensive constitutional and legislative reforms and has taken necessary steps rapidly in order to implement these reforms.

In this context, comprehensive legislative and administrative measures against torture and ill-treatment have been put into force and “zero tolerance” policy has been put into practice. The death penalty has been abolished in all circumstances. Freedom of thought and expression, and the freedom of press have been expanded in accordance with the provisions of European Convention on Human Rights and European Court of Human Rights case law. Provisions concerning associations, foundations and the right to assembly and demonstration have been advanced. Legislation has been amended to reinforce gender equality and to fight violence against women and children effectively. Cultural diversity and cultural rights of all Turkish citizens have been guaranteed and the right to learn and broadcast in different languages and dialects used traditionally by Turkish citizens in their daily lives has been ensured.

The dialogue established between state and civil society in the area of human rights through Provincial and Sub-Provincial Human Rights Boards has been strengthened. Restructuring works have been carried on the basis of the principal of separation of powers with regard to the executive.

Several conventions related to the political criteria have been signed or ratified, among which the “United Nations Convention Against Corruption” (signature 10 Dec 2003; ratified 9 Nov 2006), “Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” (signature 10 Sep 2005; ratified 27 Sep 2011), “Additional Protocol No.13 to the European Convention on Human Rights concerning the Abolition of the Death Penalty in all Circumstances” (ratified February 2006), “Second Optional Protocol to the International Covenant on Civil and Political Rights” (signature 6 Apr 2004; ratified 2 Mar 2006), “Optional Protocol to the International Covenant on Civil and

Political Rights” (signature 3 Feb 2004; ratified 24 Nov 2006), the “Convention for the Safeguarding of the Intangible Cultural Heritage” (ratified 27 Mar 2006) can be cited.

Circulars have been issued to raise the awareness of civil servants on the prevention of torture and ill-treatment. Human rights training programs for civil servants, particularly for law enforcement officers, have been broadened and human rights have become the constant subject of the training programs for civil servants, particularly law enforcement officers.

Solid progress, in parallel to the reforms, has been made in all these areas in practice. The Turkish Grand National Assembly EU Harmonization Commission continues to play an effective role in the legislative harmonization process.

#### Prevention of Torture and Ill-treatment

The importance will continue to be attached to, the implementation of the measures adopted in the context of “zero tolerance policy” against torture and ill-treatment, covering all public officers, in line with the ECHR, the provisions of the Turkish Penal Code and the recommendations of the European Committee for the Prevention of Torture and prevention of impunity.

To cope with the difficulties during the implementation, training activities on human rights and investigation techniques continues particularly for judges, public prosecutors and law enforcement officers. Trainings regarding the Article 3 of the ECHR, relevant case law of ECtHR and the impact of these to the Turkish law continue.

The Ministry of Interior and the Ministry of Justice will continue to ensure the effective implementation of laws and bylaws regarding the prevention of torture and ill-treatment through circulars.

The enhancement of the judicial capacity of the police in crime analysis, criminal investigation and questioning will continue.

Improvement of the training system for law enforcement officers will continue. The working conditions of law enforcement officers will be reviewed. Attaching importance and priority to preventive measures through using new technologies for preventing human right violations will continue.

Ethic Principles for Law Enforcement Officers have been issued. The works regarding the reflecting of these Principles in the basic training and in-service training will be carried out.

The Optional Protocol of “The United Nations Convention Against Torture, Other Cruel, Inhuman or Degrading Treatment or Punishment” will be ratified within a proper term.

## Women's Rights

The status of women in the society including their participation in the education, labour force and political and social life will be strengthened. In this framework, women organizations will continue to be supported.

In accordance with the current legislation, special trainings of judges and prosecutors, law enforcement bodies, municipalities and other relevant institutions regarding the women rights will continue. The works on establishing shelters for women under the threat of violence in the municipalities will continue. Informative and raising awareness trainings on combating violence against women will be provided to the law enforcement officers and employees working in the health sector.

The activities to determine the reasons and results of violence against women will be conducted...Measures on the prevention of violence against women will intensively be monitored and trainings and raising awareness activities will be supported. Comprehensive and broad campaigns will be organized in order to raise awareness of the public about combating violence against women and the participation of all sections of the society will be ensured.

## Children's Rights

Works on the protection of children's rights will continue in line with the international standards. Turkey will continue to become party to the international instruments of the UN and the Council of Europe concerning the children's rights.

The Draft Law on Assistance to Children Victim of Violence will be submitted to the Parliament. The trainings aiming to inform police on fight against violence are conducted.

Turkey is going through a dynamic process of legal, political and economic reforms on the road to the European Union membership. The purpose of this process is to guarantee the functioning of the democratic system with all its rules and institutions. Participatory democracy, rule of law, human rights and fundamental freedoms are not only universal values, but are also the most reliable bases for political and economic stability and development. Turkey, by adopting the Copenhagen criteria, has proven through the reforms and alignment work made to date that she has the will to achieve a more liberal, more participatory and modern democracy.

Short-term priority under Justice and Home Affairs (JHA): Further develop and strengthen all relevant institutions, with a view in particular to ensuring the accountability of the law enforcement bodies, and improve cooperation between them, including the judiciary.

Modern investigation techniques and medical monitoring systems to prevent maltreatment and human rights violations will be implemented effectively.

The ongoing human rights training of public officials, especially members of the judiciary and law enforcement officials, will be expanded, and training programs designed to raise awareness on ECHR and ECtHR case law, as well as EC law, will be developed further.

In addition – legal and administrative measures will be introduced in the short or medium term regarding individual rights and freedoms, pre-trial detention, training of law-enforcement personnel and other civil servants.

Train law enforcement personnel on human rights over a period of 7 years, within the framework of a project developed in light of the 1997-2000 Police and Human Rights Programme of the Council of Europe.

Additionally, according to the Accession Partnership Document (2008), in the context of ‘Political dialogue’ and regarding ‘Democracy and the rule of law’ Turkey has to pursue reform of public administration and personnel policy in order to ensure greater efficiency, accountability and transparency and to strengthen efforts to align civilian control of law enforcement bodies.

Moreover, according to Turkey 2014 Progress Report, reforms are needed to improve civilian scrutiny of the military, the police, the gendarmerie and the intelligence services. Independent, prompt and effective investigations into all allegations need to be ensured. Though law enforcement bodies continued to launch counter-cases against those alleging torture or ill-treatment, in many instances, these counter-cases were given priority by the courts. However, the absence of prompt, thorough, independent and effective investigations into all allegations of torture by law enforcement officers remained a concern. Law enforcement officers found guilty of torture, ill-treatment or fatal shootings continued to receive short or suspended sentences. An independent Law Enforcement Monitoring Commission has to be set up.

So, Justice and Home Affairs – work on administrative reform in the field of justice and home affairs will be accelerated. Work will be undertaken to harmonise the legislation and practices with the EU acquis. Police units responsible for statement taking and detention will be standardised. International cooperation is necessary for training programmes and information exchanges on matters of public security in general. Training and assistance will be sought on the reorganisation of the Turkish National Police.

Administrative capacity and co-operation between different law-enforcement bodies will be enhanced and international cooperation in these fields will be intensified.

### **3. Description**

#### **3.1 Background and justification:**

Turkey is in the process of strengthening and modernising its public services. In the course of pre-accession to the EU, Turkey's principal law enforcement bodies (LEBs) are engaged in efforts to improve the structures, functioning and performance of their tasks. At the same time that Turkish society becomes more informed, its expectations of law enforcement is increasing. Amongst other things, it requires that LEBs carry out their primary functions with greater professionalism and respect for democracy and the human rights of citizens.

The Council of Europe member states are also increasingly becoming aware that the only way to meet the standards set by the ECtHR is to have an independent system to investigate complaints against the police. The European Code of Police Ethics, to which Turkey is a signatory, states:

“Public authorities shall ensure effective and impartial procedures for complaints against the police.”(Paragraph 61).

It is recognised that civil society has a greater role to play in the oversight of public services, including the law enforcement complaints system, and this is recognised in the Institutional Framework produced in the 1st phase of the project.

The 1st phase of the project commenced on 20 February 2007 and concluded on 26 June 2009. The 1st phase delivered the following mandatory results:

- A conceptual and institutional framework for a new complaints system for the Turkish National Police and Gendarmerie developed on the basis of public consultation and adopted by the government;
- A legislative framework prepared for the establishment of an independent complaints commission; and
- A mature draft second phase fiche, incorporating a human resources programme, a training programme and equipment needs analysis relating to the establishment of the new complaints system.

An Institutional Framework for a new independent complaints system was subsequently produced and agreed by the Turkish Minister of Interior. The framework provides for a

system built upon the strengths of the current system whilst promoting the key principle and visions for the new system:

- transparency and good governance;
- accountability and fairness;
- effective, impartial and timely investigations; and
- accessibility.

The framework also seeks to embed engagement of all key stakeholders including those from civil society, in particular those communities are directly impacted by policing. The framework demonstrably incorporates the comments, ideas and views expressed by respondents and stakeholders in the public consultation.

In order to contribute substantially to the overall objective, a 2<sup>nd</sup> phase of the project “An Independent Complaints Commission and Complaints System for the TNP and Gendarmerie”, is necessary which will implement the legislation related to the National Police Complaints System drafted in the 1st phase of the project. Implementation will take the form of the complete set-up and operational ‘go live’ of the new independent complaints system for Turkey’s principal law enforcement bodies, and the consolidation of the new system via a first year start-up business plan and 3-5 year strategic plan.

The achievement of this purpose can be objectively verified by the operational start-up of the new complaints system and reviews at 6 and 12 months. The commencement of the 2<sup>nd</sup> phase is conditional to the approval of the Turkish National Parliament of the legislation related to the National Police Complaints System.

### 3.2 Linked activities (other international and national initiatives):

- A twinning project implemented under 2005 programming “An Independent Police Complaints Commission & Complaints System for the Turkish Police and Gendarmerie” (First phase)

Other relevant EU funded projects are:

- TR 0201.01 - Improvement of Statement Taking Methods and Statement Taking Rooms in the Republic of Turkey.

- TR 0301.01 - Strengthening the Accountability, Efficiency and Effectiveness of the Turkish National Police.

- TR 0304.01 – Strengthening the Police Forensic Capacity.

- TR 0404.03 - Enhancement of the professionalism of the Turkish Gendarmerie in its law enforcement activities.

- TR 0401.01 Implementation of human rights reforms.

### 3.3 Results:

The outputs of the 2<sup>nd</sup> and final phase of the project together will deliver the set up and implementation of the new complaints system. In order to do this a number of activities will be required to be completed and tested prior to go live. Strong and effective co-ordination will be required and this starts from the formation of a robust and properly resourced project team – the burden of delivery in 1<sup>st</sup> phase was undertaken by just two project officers from the BC side. Most of the components of the 2<sup>nd</sup> phase will necessitate multi-institutional work groups whose membership must include appropriate expertise and be empowered to make the decisions necessary to progress activities in a reasonable time. The leaders or chairs of the work groups should be suitably skilled and engaged in the process for the duration of the 2<sup>nd</sup> phase if possible.

Study visits to ascertain good practice across both Turkey and the EU will again feature during the 2<sup>nd</sup> phase. It is important that the relevant people are identified to undertake this learning so the maximum benefit is attained for the delivery of the project's outputs and long-term sustainability and implementation of the learning. Study visits may be most useful in respect to the activities of: reviewing live recording & case handling systems; stakeholder engagement/management; business/strategic planning; and go-live planning.

Twinning projects offer the candidate country a long-term adviser who is able to mobilise considerable resources from the member states, in order to assist with the development of the most suitable response to particular problems. It has proven to be of more practical benefit to the candidate countries, than management consultants, who usually concentrate on one specific issue for a limited period of time. As a result, if this project implemented, it will;

- a) Increase the knowledge and understanding of all those involved in the implementation of the reform programmes of human rights requirements.
- b) Strengthen capacity of all the agencies involved in the programme in implementing sound human rights policies and practices including reinforcement of the regional human rights boards, which file and handle complaints.
- c) Develop best practice for Police and Gendarmerie units responsible for policies on interrogation, public order control and anti-terrorism measures within accepted human rights standards in co-operation with their European Union counterparts.



d) Build confidence in civil society and the European Union that the objectives of the reform programme are being effectively implemented throughout the country.

To reach these goals in this project, it's aimed to:

- i. Complete set-up and operationalise new complaint system.
  - a. Drafting secondary legislation, including Ministerial Circulars and detailed operating procedures and guidance.
  - b. Training of the Special Investigations Group
- ii. Set up a new National Recording & Case Handling System
- iii. Provide stakeholder engagement and improve public information strategy.
- iv. Draft start-up business and strategic plans.

### 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.**

The key activities to take place throughout this project are the following:

Activity 1: Complete set-up of the new system including making ready for the “Go Live” date.

#### Activity 1.1. Operating Procedures and Secondary Legislation

The draft of primary legislation has been prepared in the first phase. It established the framework of the new complaints system. So, secondary legislation, including Ministerial Circulars and detailed operating procedures and guidance will be drafted and agreed in this activity.

#### Activity 1.2. Shape and size – putting the physical and human infrastructure in place

A Resource, Personnel and Administrative Support paper prepared in the 1<sup>st</sup> phase provides the template for setting up the infrastructure of the new complaints system. The shape and size proposals must be reviewed and actioned in this activity. The key structures to be established are:

- The Oversight Commission;
- The Office and secretariat support for the Oversight Commission; and
- The Special Investigations Group.

The Office that supports the Oversight Commissioners is central to the effective and efficient functioning of the Oversight Commission. It is to be headed by a Deputy Chair of the Inspection Board and should provide complete secretarial and administrative support for the Oversight Commission. The key responsibility of this Office is to ensure that there is good governance and support for the Commission.

In addition the Office will contain two specific sections – (1) Communications; and (2) Standards and Research. Stakeholder engagement and public awareness are key outputs for the 2<sup>nd</sup> phase hence the pre-condition that the heads of both these units are identified and appointed prior to commencement of 2<sup>nd</sup> phase. They will form an important part of the 2<sup>nd</sup> phase project team and will lead on delivering relevant activities in the 2<sup>nd</sup> phase.

Premises support, although under the general auspices of the MOI may require additional commitments if the Commission is to be seen to operate independently, for example, it may have to investigate serious matters and may not wish to be based on the territory of the Authority being investigated.

#### Activity 1.3.The Human Resource Programme

The Human Resource Programme produced in the 1<sup>st</sup> phase provides the template for what must be delivered in this activity. It contains role profiles consisting of job descriptions and person specifications for all staff including administrators and investigative staff. It also seeks to develop the selection criteria and competencies to ensure an effective recruitment process as well as development and progression criteria. In this activity the recommendations of the HRP must be reviewed and actioned.

New Commissioners, key officials and core staff in line with their duties will require a detailed and extensive programme of training and preparation prior to appointment and in the first year. Such a programme would cover:

- Agreeing general and specific responsibilities for Commissioners under the Chair;
- Agreeing use of resources and operational procedures of Commissioners and staff across all functions;
- Agreeing policies, procedures and decision-making processes for the Commission;
- Awareness of legal powers for the Commissioners and Executive Directors and staff;
- Development of statistical and research processes;
- Familiarization periods with Commanders, strategic managers and core staff in the enforcement bodies;

- Briefings and observations of existing processes of complaints and Complaints Boards within Authorities;
- Observation of other Oversight systems;
- Investigation skills training;
- The use of experts and independent advice and skills; and
- Working with civil society and managing stakeholder engagement.

#### Activity 1.4. Benchmarking and testing the new system

This activity requires the planning and implementation of two critical incident exercises whereby one or more scenarios are created to test, benchmark and learn lessons on the progress of the 2<sup>nd</sup> phase. The first will take place by 4Q2011 and test emerging systems and conceptual frameworks. The second will take place by 3Q2012 and will test the whole new system prior to go live and adapt the system where necessary. All key players and functioning systems will be incorporated into both exercises – recording, investigation, communications, case handling, stakeholder engagement, and so on.

#### Activity 1.5 Go live planning

A planning group, chaired by the Oversight Commission’s chair-elect will be established by this activity and will agree with stakeholders a go live date, devise and then oversee a go live countdown plan.

#### Activity 2: Set-up a National Recording and Case Handling System (NRCHS)

This activity must deliver one of the most important outputs of the project. The activity requires putting in place an effective and systematic approach to the recording and management (case handling) of complaints – the essential building block for understanding issues with law enforcement in Turkey and providing the data by which positive preventative interventions on standards and complaints can be made.

#### Activity 2.1. Tender for new system

A pre-2<sup>nd</sup> phase feasibility study will have identified the options for the NRCHS and this activity must determine the best option for Turkey and prepare and implement a tender process to build and install it.

#### Activity 2.2 Install new system

Once a contractor is identified this activity will manage and oversee the building, installation and preparation of the new system for full operation at go live.

Activity 3: A stakeholder engagement and public awareness strategy developed and implemented

This activity will establish the players and methods by which civil society is engaged systematically in the new independent complaints system.

Activity 3.1. Identify the key stakeholders in police complaints for long-term systematic engagement

The Oversight Commission is a small body and its capacity, credibility and independence will only be maintained if it is supported by a strong and vibrant stakeholder engagement process. This process must actively represent the civic interests of Turkey, key leaders in LEBs, frontline officers, relevant NGOs including those who represent women, young people, Governors and District Governors, the judiciary, human rights advisors, and other interested parties.

This activity must identify the key stakeholder groups/communities and the method for selecting individuals to represent these communities in the process.

Activity 3.2. Best method of engagement agreed and implemented

This activity must identify the best method of engaging – sustaining a meaningful and on-going two-way dialogue with the key stakeholders.

Methods of engagement between state institutions such as its LEBs and civil society vary within EU states and across the EU. Methods can be limited to the mere publishing of information or can extend to complete civilian oversight and control.

Whatever method is adopted for the new complaints system in Turkey, it should incorporate a systematic approach towards engaging with key stakeholder groups and should fulfill the following functions:

- Challenging assumptions and mindsets;
- Demonstrating the openness and accountability of the new system;
- Providing civic/public perspectives on complaints and assist in developing the priorities of the Oversight Commission; and
- Building trust and confidence between the organs of the state and civil society, in particular facilitating a positive relationship between the Oversight Commission and national stakeholders.

Activity 3.3 Raise awareness with widest possible stakeholders

In the 1<sup>st</sup> phase a significant public consultation exercise was undertaken across seven cities structured around a one day seminar format. The principal attendees were institutional stakeholders including MOI inspectors, senior LEB officers, Governors and District Governors, and prosecutors. To inform rather than consult a wider and important group of stakeholders on when the new complaints system will go live and what it will mean for them, a similar exercise to the above will be undertaken in this activity.

Up to eight cities across Turkey will be identified for two half day events in each (one day for the purpose of organization), in which two distinct stakeholder groups will be informed about the new system:

- Civil society, including representatives of young people and women's groups; and
- Frontline law enforcement officers from the three principal LEBs.

#### Activity 3.4 Public awareness strategy and launch events

This activity will develop a comprehensive and effective communications strategy to ensure the general public are aware of the new system and how they can access it. The activity outputs will be prior to/in conjunction with the launch and start-up of the new system. Website, media briefings and advertorials, information booklets, etc. will form some of the methods in the strategy.

To increase the awareness of public, a web page of the twinning project will be prepared.

Activity 4: Consolidation - Develop the first year start-up business plan including a new national professional standards framework, and a 3-5 year strategic plan.

#### Activity 4.1.A new national professional standards framework

For the overall improvement of policing standards and learning from all complaints, this activity will begin developing a national professional standards framework which builds on best practice across Turkey and EU. This activity will bring key institutional stakeholders together to research and formulate a new national framework for inclusion into the Oversight Commission's start-up business plan.

#### Activity 4.2.Develop and implement a start-up Business Plan

This activity must prepare a start-up business plan for the new complaint system's first year of operations including:

- Year one deliverables;
- Resources and budget; and

➤ Business objectives including development and implementation of a new national professional standards framework.

#### Activity 4.3. Develop and implement a 3-5 year Strategic Plan

This activity must prepare a strategic plan for the new complaint system's first 3-5 years of operations including:

- Direction and aims of the new system;
- What the new system will bring to Turkey (value added);
- Processes to be used;
- Resourcing issues including budget for growth; and
- Review milestones including first 6 and 12 month reviews.

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

##### 3.5.1 Profile and tasks of the Project Leader

The PL should be a high ranking official with broad knowledge of all processes in the area of the police law and specific procedures on use of force that the project deals with, who will continue to work at his/her Member State (MS) administration but devote, some of his/her time to conceive, supervise and co-ordinate the overall thrust of the Twinning project.

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

##### a) Qualifications:

- Professional experience in the field of covered by project at least (5 years).
- Experience in project management;
- High-ranking official,
- Overall appreciation of the problems and solutions in the sector;
- Capable of unblocking any problems at highest level;
- Good leadership skills,
- To have sufficient language skills and to spare the necessary time to the project,

##### b) Tasks:

- Managing the twinning project;

- Overall project co-ordination;
- Co-chairing, with the Turkish PL, the regular project implementation steering committee meetings;
- Mobilizing short- and medium term experts;
- Executing administrative issues (i.e. signing reports, administrative order etc.)
- Budget management.

### 3.5.2 Profile and tasks of the RTA

#### a) RTA background

A RTA expert on use of force practices will provide advice and technical assistance to beneficiaries in the development of legislation and education programmes. He/she will be located at the Ministry of Interior, Ankara. He/she has to be a person with significant experience as a manager and should have a capacity for initiating new projects. Experience of working outside of the home country administration would be an advantage.

The RTA must be highly qualified in public affairs in general and the field of police law in particular covered by the twinning covenant, and must possess good management skills. Experience with the operation of pre-accession programmes would be a comparative advantage.

#### b) RTA qualifications

- Minimum of 5 years experience in the organization of the practical application of policing at managerial/expert etc. level;
- Preferably a comparative knowledge of other Member States systems;
- Broad international contacts/exposure will be an asset;
- Advanced university degree;
- Strong written, oral and inter-personal communication skills in English;
- Good communication skills and experience in developing, co-coordinating and conducting training programmes;
- Experience in managing a large team of experts;
- Experience in working in a different cultural environment an advantage.

#### c) RTA tasks

- Working on a daily basis with the relevant staff of the beneficiaries to implement the project and to provide inputs focused on;
- To design a work plan for the implementation of the programme and to assist the process of drawing up a covenant;
- Assist in the preparation of all strategic project documents [inception study, sector strategy/policy/plan, quarterly monitoring reports, final project report, training manuals etc.]
- To design of education programmes on use of force in line with EU countries,
- Facilitation of transferee of EU member states implementation of their best practices in the implementation of use of force;
- To plan and coordinate outputs;
- Together with the Project Leader to nominate, mobilize and supervise the short and medium term experts; together with Beneficiary Country Adviser identify national experts;
- To coordinate and organize study visits, training activities, workshops;
- To ensure proper quality of outputs;
- To provide detailed reports on the impact of the project;
- Budget management;
- Management of the Project Assistant and Language Assistant(s)

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

#### a) Experts' qualifications

- Minimum of 5 years professional experience in use of force and general and police law;
- Advanced university degree in a relevant subject;
- They should be professionally qualified and have the appropriate experience in the area and subjects that they are selected for.
- Previous experience of working in other cultures and countries will be an advantage.
- Good written and oral command of English;
- Proven contractual relation to public administration or mandated body;
- Capacity to integrate into a large expert team;
- Willingness to work in a different cultural environment;



- Good presentation skills and previous experience as a trainer.

b) Experts' tasks

- To contribute to the project with specialist knowledge in the area of use of force;
- To provide specialist support services [e.g. providing Turkey with access to databases];
- To prepare training course modules;
- Delivery of selected training modules to the experts;
- To provide necessary documents translated into Turkish about specific issues within the concept of Acquis EU;

#### 4. Institutional Framework

##### Beneficiary

The main beneficiary and implementing institution are the Turkish Ministry of the Interior, the Oversight Commission of the New Independent Complaints System, the Turkish National Police, Gendarmerie and Coast Guard.

The Turkish Ministry of the Interior is committed and sufficiently resourced for the whole duration of **project implementation**.

#### 5. Budget

			SOURCES OF FUNDING										
			TOTAL EXP.RE	TOTAL PUBLIC EXP.RE	EU CONTRIBUTION		NATIONAL PUBLIC CONTRIBUTION			PRIVATE CONTRIBUTION			
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(e)	EUR (b)=(c)+(d)	EUR (c)	% (2)	Total EUR (d)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (e)	% (3)
Twinning (training)	X	-	2.000.000		1.900.000	5	100.000						
<b>TOTAL PROJECT</b>			2.000.000		1.900.000		100.000			-	-		-

*The co-financing requirement foreseen under IPA will be considered fulfilled according to the provision of the relevant Financing Agreement.*

## **6. Implementation Arrangements**

Implementing Agency responsible for tendering, contracting and accounting is the Central Finance and Contract Unit (CFCU).

6.1 Ms Emine Döger

Acting PAO and CFCU Director

Central Finance and Contract Unit

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Sögütözü/Ankara

6.2 Main counterpart in the BC

The main counterpart in Turkey will be the Turkish Ministry of the Interior (MoI).

The person in charge is:

Orhan TAVLI - Head of Inspection Board of MoI

6.2.1. Contact Person

Mithat Dumanli

Deputy Head of Inspection Board of MoI

6.2.2. **Project Leader Counterpart**

Hamdi Metin

Deputy Head of Inspection Board of MoI

**RTA Counterpart**

Mustafa Uckuyu

Senior Inspector at MoI

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

7.1 Launching of the call for proposals (Date) April 2015

7.2 Start of project activities (Date) April 2016

7.3 Project completion (Date) January 2018

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

## **8. Sustainability**

The new complaints system to be brought into existence as a result of the 2nd phase of the project is one, which will be enshrined in legislation and built on the strengths and practices of the current system. This is important for the compliance required to bring about this change and also means the change is evolutionary, not revolutionary.

As such the long-term structural and financial implications will not necessarily lead to a greater burden on Turkey than its current system. It is anticipated that political, operational and public support for reform in policing will be maintained regardless of the politics and processes of EU Accession.

Although nevertheless with the above factors in mind no critical sustainability issues are foreseen, a Sustainability Plan should be developed and implemented to ensure the long term impact of the Twinning project after completion. The Plan will be developed and reviewed at Months 12, 18 and 24.

## **9. Conditionality and sequencing**

There are three pre-conditions necessary for the commencement of the project's 2<sup>nd</sup> phase. These are as follows:

(1) A 'skeleton' Oversight Commission including, as a minimum, the appointments of the following as part of the 2<sup>nd</sup> phase project delivery team, should be in place:

- The Deputy of MOI BOI who will be the assistant to the Chair of the Oversight Commission;
- The MOI chief inspector responsible for the Communications Section of the Office supporting the Oversight Commission;
- The key staff in the Communications Section of the Office supporting the Oversight Commission;
- The MOI chief inspector responsible for the Standards and Research Section of the Office supporting the Oversight Commission; and
- 2 x secretarial/administrative assistants who will work in the Office of the Oversight Commission.

(2) A full scoping study determining the best options and costs of the proposed Recording and Case Handling System should be completed; and

(3) Non-institutional stakeholders must be identified from the following groups and sufficiently supported to engage at the commencement of the 2nd phase<sup>1</sup>:

- Women
- Young people
- Human rights
- Legal
- Medical
- Academic

Stakeholder engagement is not just an end result but also a means to the end. The institutional stakeholders – TNP, Gendarmerie, Coast Guard, MOI, Municipalities, etc. – should be straightforward to identify and engage. This will not be so for non-institutional stakeholders who should also be engaged throughout the set up of the complaints system.

During project implementation the Turkish Ministry of the Interior commits itself to institutional change and to adopt new strategies and standards developed during the programme and disseminate them through further training and awareness-raising activities. The Ministry of the Interior will also publish the newly developed guidelines, standards and strategies and communicate them to the public.

Projects to be implemented through twinning require the full commitment and participation of the senior management of the beneficiary institution. In addition to providing the twinning partner with adequate staff and other resources to operate effectively, the senior management must be involved in the development and implementation of policies and institutional change required to deliver the project results.

The twinning project will have to seek durable solutions and approaches which shall ensure adoption of the EU standards and best practices in the area of law enforcement, fight against crime and police co-operation and thus prepare grounds for Turkey's full integration into the EU.

During project implementation close cooperation with the European Commission and twinning partners will ensure best results by contributing to the preparation of activities and monitoring implementation of the working groups' findings and products.

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<sup>1</sup> Support for non-institutional stakeholders involved in the set-up activities of the new complaints system might include travel, accommodation and any other reasonable expenses incurred by attending meetings, etc. These costs will be met by the MOI .

## **ANNEXES TO PROJECT FICHE**

- Logical framework matrix in standard format (compulsory)
- Detailed implementation chart (optional)

## ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche

### **An Independent Police Complaints Commission & Complaints system for the Turkish National Police, Gendarmerie and Coast Guard**

TR2013/0123.01.06-01

Programme name and number

Contracting period ) expires

Disbursement period expires

Total budget : 2.000.000.EURO

IPA budget:1.900.000 EURO

#### Overall objective

To enhance the accountability, efficiency, effectiveness and public confidence of the Turkish National Police, Gendarmerie and other law enforcement bodies in the discharge of their responsibilities in respect of the enforcement of law in accordance with democratic principles and having regard for the Human Rights of all citizens.

#### Objectively verifiable indicators

- Turkey makes progress in Accession to EU.
- Turkish citizens have access to a complaints system which is open, fair, effective and consistent with EU standards.
- Democracy and accountability is enhanced.
- The professionalism and prestige of Turkey's law enforcement bodies is enhanced.
- Turkish civil society is developing active engagement in the design and management of key public services.

#### Sources of Verification

- New independent complaints system established and operational and conforming to ECHR, ECtHR
- Public awareness of new system.
- Stakeholder engagement in set up and ongoing oversight of new system.
- LEB officers' awareness.

#### Project purpose

Implement the primary legislation with regards a new independent complaints system for Turkish National Police, Gendarmerie and Coast Guard. Start full operations of the new complaints system and consolidate the system via a start-up (first year) business plan and 3-5 year strategic plan.

#### Objectively verifiable indicators

- Set-up physical & human resource structure by
- Complete & publish all operational guidance/procedures & secondary legislation by
- Implement Human Resource Programme by
- Design, develop and build Recording &

#### Sources of Verification

- MOI & project documents.
- EC monitoring reports.
- Council of Europe evaluation reports.

#### Assumptions

- Implementation and enforcement of approved primary legislation based on agreed 1st phase Institutional Framework.
- Other pre-conditions in place.
- Approval of secondary legislation.

	<p>Case Handling system by</p> <ul style="list-style-type: none"> <li>▪ Implement public awareness &amp; stakeholder engagement by</li> <li>▪ Ministerial sign off of start-up business plan &amp; 3-5 year strategic plan including implementation of national professional standards framework by</li> <li>▪ Go live by</li> </ul>		<ul style="list-style-type: none"> <li>▪ Political, operational and public support is sustained.</li> <li>▪ Change in political priorities in Turkey or the EU do not affect delivery of the project.</li> <li>▪ An effective twinning project team established including key institutional and non - institutional stakeholders.</li> </ul>
<b>Results</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
<p>1. Complete set-up and operationalise new system.</p>	<ul style="list-style-type: none"> <li>▪ Interdepartmental Committees established by MOI by 2Q2016.</li> <li>▪ Secondary legislation and all operating procedures drafted and completed by 1Q2017.</li> <li>▪ Go live planning group established and countdown plan implemented from 2Q2017.</li> <li>▪ Shape &amp; size of new body (physical and human infrastructure) determined and in place by 1Q2018.</li> <li>▪ Human Resource Programme completed by 1Q2018.</li> <li>▪ New system tested at 2Q2017 and 1Q2-18.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Evaluation of relevant reports.</li> <li>▪ On-going evaluation of the Project (IET, SMSC).</li> <li>▪ Twinning reports.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Pre-conditions met.</li> <li>▪ Political, operational and public support is sustained.</li> <li>▪ Continued full commitment of the key project beneficiaries to the achievement of the project purpose.</li> <li>▪ Government agrees the secondary legislation.</li> <li>▪ Suitably experienced, qualified and empowered component leader appointed.</li> <li>▪ Cross-organisational support (TNP, Gendarmerie, Coast Guard).</li> <li>▪ Effective overall project management.</li> </ul>
<p>2. Set up new National Recording &amp; Case Handling System</p>	<ul style="list-style-type: none"> <li>▪ Work group established by 2Q2016.</li> <li>▪ Preferred Recording &amp; Case Handling system identified by 3Q201.</li> <li>▪ Tender for contract by 4Q2016</li> <li>▪ Build/install new system by 4Q2017.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Evaluation of relevant reports.</li> <li>▪ On-going evaluation of the Project (IET, SMSC).</li> <li>▪ Twinning reports.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Pre-conditions met.</li> <li>▪ Political, operational and public support is sustained.</li> <li>▪ Cross-organisational support (TNP, Gendarmerie, Coast Guard).</li> <li>▪ Suitably experienced,</li> </ul>

3. Stakeholder engagement & public information strategy.	<ul style="list-style-type: none"> <li>▪ Stakeholders identified &amp; engagement strategy in place by 4Q2017.</li> <li>▪ Wider stakeholder awareness seminars by 1Q2018.</li> <li>▪ Public awareness campaign by 2Q2018.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Functioning working group and records of meetings.</li> <li>▪ Stakeholders involved in process.</li> <li>▪ Long-term stakeholders and method of engagement identified.</li> <li>▪ Wider stakeholders and general public aware of new system.</li> <li>▪ Evaluation of relevant reports.</li> <li>▪ On-going evaluation of the Project (IET, SMSC).</li> <li>▪ Twinning reports.</li> </ul>	<ul style="list-style-type: none"> <li>▪ qualified and empowered component leader appointed.</li> <li>▪ Pre-conditions met.</li> <li>▪ Political, operational and public support is sustained.</li> <li>▪ Cross-organisational support (TNP, Gendarmerie, Coast Guard).</li> <li>▪ Result activities commence on schedule.</li> <li>▪ Suitably experienced, qualified and empowered component leader appointed.</li> <li>▪ Finance secured.</li> <li>▪ Political, operational and public support is sustained.</li> <li>▪ Cross-organisational support (TNP, Gendarmerie, Coast Guard).</li> <li>▪ Result activities commence on schedule.</li> <li>▪ Suitably experienced, qualified and empowered component leader appointed.</li> </ul>
4. Business and strategic plans.	<ul style="list-style-type: none"> <li>▪ Start-up business plan and 3-5 year strategic plan drafted by 4Q2017.</li> <li>▪ Daft professional standards framework by 4Q2017.</li> <li>▪ Ministerial sign-off of plans by 1Q2018.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Functioning working groups and records of meetings.</li> <li>▪ Agreed and published plans and professional standards framework.</li> <li>▪ Ministerial sign-off.</li> <li>▪ Evaluation of relevant reports.</li> <li>▪ On-going evaluation of the Project (IET, SMSC).</li> <li>▪ Twinning reports.</li> </ul>	<ul style="list-style-type: none"> <li>▪ qualified and empowered component leader appointed.</li> <li>▪ Pre-conditions met.</li> <li>▪ Political, operational and public support is sustained.</li> <li>▪ Cross-organisational support (TNP, Gendarmerie, Coast Guard).</li> <li>▪ Result activities commence on schedule.</li> <li>▪ Suitably experienced, qualified and empowered component leader appointed.</li> </ul>

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.**

Means

Costs

Assumptions

*New complaint system, including human and physical infrastructure, set up and ready for go live date*

**Activity 1: Complete set-up the new System and make ready for the “Go Live” d**

▪ Ministerial sign-off - related secondary legislation

▪ Full involvement of relevant stakeholders (public, civic) in the set-up activities



1.1 Operating Procedures and Secondary

Legislation

1.2 Shape and size – getting the Physical, equipment & human infrastructure in place

1.3 Implement Human Resource Programme

1.4 Benchmarking and testing

1.5 Go-live planning

**Activity 2: Set-up NRCHS**

2.1 Determine best option & tender for new system

2.2 Install new system

**Activity 3: Stakeholders & public**

3.1 Identify key stakeholders

3.2 Determine engagement method

3.3 Raise awareness with wider Stakeholders

3.4 Public awareness campaign

**Activity 4: Consolidation & professional standards.**

4.1 Develop framework

4.2 Develop start-up business plan

4.3 Develop 3-5 year strategic plan

▪

▪

▪

▪

▪ Two half day events

▪ Some of the methods in the strategy

▪

▪ at up to eight cities across Turkey  
▪ Website, media briefings and advertorials, information booklets, etc.

▪

▪ Full involvement of relevant stakeholders (public, civic) in the activities

▪

▪ Ministerial sign-off for business and strategic plans inc PS framework

▪

▪

Annex II

Component	2015						2016												2017												2018				
	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M
Component 1: Twinning	T	T	T	T	C	C	C	S	A	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	E	E	E

<b>T</b>	Tendering
<b>C</b>	Contracting
<b>S</b>	Signature of Contract
<b>E</b>	Execution
<b>A</b>	Arrival of RTA
<b>I</b>	Implementation and Payments

## **Contracting Authority**

The Central Financing Contracting Unit (CFCU) will be the Implementing Agency and will be responsible for all procedural aspects of the contracting matters and financial management (including payments) of the project activities, in accordance with the Decentralised Implementation System (DIS) Manual. CFCU will involve in the Steering Committee meeting as an observer

## **European Commission**

The European Commission Delegation in Turkey and the funding agency will be involved in the monitoring of the project. ECD will be observer in Steering Committee.

## **REFERENCE TO LAWS, REGULATIONS AND STRATEGIC DOCUMENTS:**

Outputs (Strategic Documents) of 1<sup>st</sup> Phase:

- Framework Document
- Prepared Legislation
- Final Project Report
- Resources Report
- Human Resources Programme Report