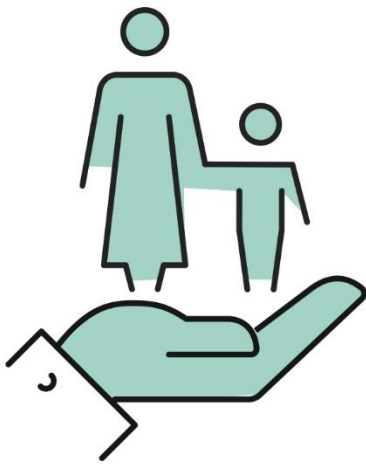




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Bu proje Türkiye Cumhuriyeti ve Avrupa Birliği tarafından finanse edilmektedir

Technical Assistance for the Evaluation of 2014, 2015 and 2016 **Turkey** Annual Programmes

THEME REPORT



Agriculture



Energy



EU-Turkey Dialogue



Civil Society



Fundamental Rights



Border Surveillance



Removal Centers



Judiciary System



Penitentiary System



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PROJECT SYNOPSIS

Project title:	Technical Assistance for the Evaluation of 2014, 2015 and 2016 Turkey Annual Programmes EuropeAid/140793/IH/SER/TR
Beneficiary Country:	Turkey
Location	Base of operation will be Ankara. The geographical area to be covered is the whole territory of Turkey since the evaluation activities will be organised to the cities where projects are implemented.
Contracting Authority	Central Finance and Contracts Unit (CFCU), Ankara, Turkey.
Responsible Body	The Central Finance and Contracts Unit (CFCU) is the contracting authority of the project. The beneficiary of the project is Directorate for EU Affairs (Department of Monitoring and Evaluation).
Target groups:	<ul style="list-style-type: none">▪ NIPAC Office;▪ The EC/EUD;▪ OSs and LIs of the projects involved at central and local level;▪ Decision and policy-makers in the ministries involved;▪ Project beneficiaries, end beneficiaries, grant beneficiaries and their co-applicants;▪ The Final Beneficiaries of the activities implemented;▪ Members of the Evaluation Reference Groups (ERG) including CFCU members;▪ Other social partners and CSO representatives.
Commencement date:	9 August 2021
Duration	14 months

ABBREVIATIONS

AD	Action Document
BA	Bar Association
BC	Beneficiary Country
BI	Beneficiary Institution
CBA	Cost Benefit Analysis
CCA	Chief Civil Administrators
CFCU	The Central Finance and Contracts Unit of the Ministry of Treasury and Finance of Turkey
CIB	Civil Inspection Board
CoE	Council of Europe
CoM	Council of Ministers
CSO	Civil Society Organisations
DEUA	Directorate of EU Affairs
DG NEAR	Directorate General European Neighbourhood and Enlargement Negotiations
DV	Domestic Violence
EC	European Commission
ECtHR	European Court of Human Rights
EHRS	European Human Rights Standards
ERG	Evaluation Reference Group
EU	European Union
EUD	Delegation of the European Union to Turkey
FR	Fundamental Rights
GDP	Gross Domestic Product
GDPR	General Data Protection Regulation
GGC	Gendarmerie General Command
GoT	Government of Turkey
HRC	Human Rights Council
HREI	Human Rights and Equality Institution of Turkey
HRM	Human Resource Management
IC	Istanbul Convention
IL	Intervention Logic
IOM	International Organisation for Migration
IPA	Instrument for Pre-accession Assistance
IPCC	Independent Police Complaints Commission
JC	Judgment Criteria
KADES	Emergency Support Application for Women
LEMC	Law Enforcement Monitoring Commission
LFM	Log Frame Matrix
LI	Lead Institution
MMM	Monthly Management Meeting
MoFA	Ministry of Foreign Affairs

MoFLSS	Ministry of Family, and Social Services
Mol	Ministry of Interior
MoJ	Ministry of Justice
MoNE	Ministry of National Education
MoTF	Ministry of Treasury and Finance
MS	EU Member State
NGO	Non-Governmental Organisation
NIPAC	National IPA Coordinator
OI	Ombudsman Institution
OO	Overall Objective
OS	Operating Structure
PL	Programme Lead
PMT	Project Management Team
RACER	Relevant, Acceptable, Credible, Easy and Robust (DEVCO, 2012)
RAG	Reform Action Group
RMG	Reform Monitoring Group
RoL	Rule of Law
RTA	Resident Twinning Advisor
SCM	Steering Committee Meeting
SGBV	Sexual Gender Based Violence
SO	Specific Objective
STE	Senior Technical Experts
SV	Study Visit
TA	Technical Assistance
TNP	Turkish National Police
ToC	Theory of Change
ToR	Terms of Reference
ToT	Training of Trainers
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children’s Fund
UTBA	Union of Turkish BA
WCS	Women and Children Sections
WSM	Whole School Model

EXECUTIVE SUMMARY

This Evaluation Report covers Theme 5 - Fundamental Rights and Freedoms under the Instrument for Pre-Accession Assistance (IPA) II. The purpose of this evaluation is to “improve the strategic link between the planning, programming, monitoring, and evaluation activities of National IPA Coordinator (NIPAC) office”. The evaluation of Theme 5 consists of the 6 activities and 8 projects/interventions.

The analytical methods were based on the theory of change. They included analyses of stakeholders as well as inputs, outputs, identified indicators, and internal/external factors and compared planned vs achieved milestones, targets, and deadlines. The original theory of change was adapted, and its revised version was agreed with the Evaluation Reference Group (ERG) to better correspond with the interventions selected for the evaluation. The availability of the data at the national level enabled identifying some trends for outcome indicators. Both qualitative and quantitative data were thus utilised.

The evaluation conducted primary and secondary research, collecting qualitative and quantitative data to address the evaluation questions and judgement criteria elaborated in the Inception Report. The interviews were conducted with all relevant stakeholders starting with the Lead Institution (DEUA), contractors, NIPAC staff responsible for the theme, CFCU, and EUD. Some end beneficiaries were interviewed during the field visits, and focus groups were conducted.

Theme 5 and its selected 8 projects have all been relevant from the design throughout the entire implementation period, appropriately addressing the development priorities and needs concerning fundamental rights and freedoms outlined in the main strategic documents of the Government of Turkey (GoT), namely, Turkey’s Tenth Development Plan (2014-2018), while also reflecting the vision, objectives, and priorities of the 11th Development Plan (2019-2023). Theme 5 initiatives are well-aligned with the objectives of the European Union Indicative Strategy Paper for Turkey (2014-2020) to improve the capacities of institutions, including CSOs (more on this later in the report), in charge of protecting and guaranteeing respect and defence of fundamental rights. Furthermore, Theme 5 aligns with Turkey's EU Strategy, setting priorities for legal improvements and institutional developments to ensure access and protection of fundamental rights and freedoms. On the other hand, the intervention logic, and logical frameworks for most activities were found to be weak due to the broadly formulated outcomes and inadequate indicators, or lack of data.

The EU IPA II Theme 5 initiatives represent critical and most important assistance to fundamental rights and freedoms and its priorities. All interventions have internal coherence, with generally explicit links to Theme 5’s stated objective to ensure progress towards the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination in all areas in Turkey. However, there is modest evidence of synergies, planned or emerging, between the interventions or other donor-led actions, so external coherence is not strong. Nevertheless, the IPA interventions have generally been responsive, flexible, and adaptive, capable of establishing institutional partnerships.

Concerning the effectiveness, the implementation of three interventions under Theme 5 ("Women and Child Sections", "Crowd Control", and "Police Complaints Commission" is completed, while three other projects ("Bar Associations", "Ombudsman", and "Democracy Education") are ongoing as of April 2022. The completed projects generally managed to implement all planned activities, mainly owing to the time extensions necessitated partly because of COVID-19-related delays.

The ongoing projects are mainly on track in terms of progress, and most of the planned outputs are likely to be delivered by the end of extended project timeframes, apart from some study visits and face-to-face

events that had to be cancelled due to COVID-19 pandemic restrictions. Two main initiatives, Strengthening the Capacity of Bar Associations and Lawyers on European Human Rights Standards, Empowerment of the Role of the Ombudsman in the Protection and Promotion of Human Rights, have only delivered their first outputs, thus constraining the extent to which effectiveness can be assessed at this stage. Even so, existing progress on outputs suggests that intended outcomes are likely to be realised.

However, there are also some concerns related to the sustainability of Theme 5 results. For example, some stakeholders stated that the dialogue (with CSOs and other non-governmental actors) is limited, while resistance to critical views and comments is growing among the authorities, and the reform agenda is not progressing. Feedback from the evaluation confirmed that IPA results remain mainly at the individual and only partially at institutional levels, while systemic changes could not be validated. As a result, the EU support for Theme 5 is decreasing, while the priority is to support key reforms to comply with EU values and to progressively align with its rules, standards and policies.

External risks relate to the broader context, which is outside the control or influence of the IPA support in this evaluation exist. The primary risk in this regard has been highlighted in recent years by the EC in its annual report on Turkey: for example, the 2021 annual Turkey report notes a continued deterioration of human rights, with no progress made on the recommendations made in the 2020 report. However, the 2021 Annual Turkey report also acknowledges that the legal framework includes general guarantees of respect for human and fundamental rights. In addition, it is worth noting that Turkey invests significantly in the sector and recognises the importance of universal and shared values embedded in international human rights instruments. This is evidenced by the commitment and priorities embedded and contained in the 11th National Development Plan and the Action Plan on Human Rights and consecutive judicial reform packages which introduced improvements in a wide range of policy areas related to fundamental rights. Despite these significant and positive developments there still exist concerns expressed by key international partners due to the withdrawal from the Istanbul Convention and the reported non-implementation of ECtHR decisions.

Theme 5 initiatives have already progressed towards (their respective) overall objectives, contributing to improved capacities for strengthening respect for fundamental rights and freedoms for all individuals without discrimination. The stated commitments of the national institutions and the commitment of the Government of Turkey to these objectives (expressed in the main strategic documents, including the Human Rights Action Plan) could facilitate this process. Action Plan on Human rights and Judicial Reform Strategy are unofficial opening benchmarks of Chapter 23. Turkey continues to update those documents regularly. At the same time, political challenges, slow governance reforms, the frequent turnover of employees and weak institutional capacities could affect these processes and impact achievement.

The evidence suggests overall adequate cost-effectiveness; however, frequent and lengthy extensions for Theme 5 initiatives had negative impact on cost-effectiveness. Furthermore, Theme 5 initiatives in their design did not consider any explicit cost-benefit, cost-effectiveness, or other financial analysis. The evaluation finds that the overall project management and transparency of actual spending have been effective and conducted with high compliance with government and contractual fiscal rules and regulations. The contracting authority, CFCU, has long experience in managing EU funding instruments, and it enjoys a high degree of confidence and trust in managing public funds.

The majority of Theme 5 initiatives included significant technical assistance focusing on strengthening policy processes, institutional and individual development. However, the planning and timeframe for implementation of these capacity development efforts have been inadequate, especially considering the differences in political dynamics and legislative processes in Turkey compared to the EU. The majority of initiatives requested and received lengthy no-cost extensions. The partners usually justified the delays by

stating that the COVID-19 pandemic created an "unprecedented situation in the country". While this is undoubtedly true, the evaluation has found other issues contributing to the delays. The evaluation finds varying degrees of government political commitment to support institutional development and strengthening legal and policy frameworks in line with EU Acquis. Turkey's political developments and context influenced decisions on critical topics, causing shrinking operating space for the EU and other development partners working on fundamental rights and freedoms, as reflected on by informants. Also, a generally high staff turnover within government institutions is a serious challenge. This issue will be deliberated later in the report.

Theme 5 interventions have generally established sound management systems, and the interventions have well-established monitoring systems. However, monitoring is hampered by a lack of usable indicators, especially at the outcome level. The reporting practice has been based on monitoring frameworks and could be considered generally adequate; this reporting practice included inception and regular (quarterly) progress reports. Also, these initiatives have prepared communication and visibility plans to support systematic internal and external communication.

To resolve the issues and avoid difficulties in the future IPA administration there are a few measures recommended:

- Strengthen the institutional capacities within the fundamental rights and freedoms sector. The next EU IPA Programming cycle and other funding opportunities should be considered and also opportunities for the institutions in Turkey to advance cooperation with the European institutions;
- Planning of future IPA interventions should be linked directly to priorities of the Action Plan on Human Rights (March 2021) and future planning in this area. This would be part of a dedicated plan of activities and supported by a monitoring system to follow up and report on activities;
- NIPAC and the EU Delegation for the IPA III programming need to prepare a sound (sector level) theory of change (or use another credible problem analysis tool). This approach will strengthen the intervention logic and frameworks for the new initiatives;
- There is a need for ensuring financial cost benefits and controls during the programming stage. This is critical to contribute to the financial viability and relevance of EU funded projects;
- Explore opportunities to enhance the twinning mechanism as a valuable modality for transferring EU experience and practices in this thematic sub-sector;
- To become more visible, OI and BA should work together with CSOs. Establishing or linking up to an existing sub-grant facility for CSOs, human rights organisations and other similar local stakeholders for future programming is essential;
- The effects of the IPA-supported capacity building can only be ensured long-term if the current sector strategy groundwork is followed up with beneficiary-led capacity building. Sector institutions, especially at the OI and Ministry levels, should build capacity in the form of dedicated training and learning units. This will enable a higher degree of inter-operability and alignment with EU institutions and better meeting the IPA EU policy objectives.

1 INTRODUCTION

1.1 Objectives and scope of the evaluation


This Evaluation Report covers Theme 5 - Fundamental Rights and Freedoms. It is submitted in accordance with the Terms of Reference (ToR) as one of the main outputs of the Technical Assistance for the Evaluation of 2014, 2015 and 2016 Turkey Annual Programmes.

The overall evaluation, consisting in nine thematic evaluations, is designed to “improve the strategic link between the planning, programming, monitoring, and evaluation activities of National IPA Coordinator (NIPAC) office”. This purpose is approached as a key contribution to the overall objective “improved overall management of IPA assistance in Turkey.”

This thematic evaluation is focused on a selection of IPA activities, more exactly, activities funded by IPA II 2014 and 2015 activities including six activities and eight interventions.

A note on terminology used: The IPA Action Annual Programmes use the term “activity” for the support provided, each activity consisting in one or more contracts. We will use for activities also the more generic term “intervention” which is largely used in the evaluation practice not only in IPA but in all EU funding programmes provided in the TOR. For the contracts we will refer also with the term project.

Table 1 Basic data on the evaluated interventions

Code	No. of contracts	Sector/Theme/Intervention	Start date	End date	Allocated (EUR)	Contracted (EUR)	Disbursed (EUR)	Co-financing ¹
Sector	8	Evaluation of IPA II Rule of Law and Fundamental Rights in Turkey						
		Theme 5 - Evaluation Theme 5 – Evaluation of Actions in the Fundamental Rights Field Funded under IPA II 2014 and 2015 Annual Action Programmes in Turkey (Fundamental Rights)						
A5.1	1	2014 Activity 2. Enhancing the Capacities of both Chief Civil Administrators about Crowd Control and the Civil Inspectors about Effective Investigation	05/06/2017	04/06/2019	1,500,000.00	1,500,000.00	1,318,355.46	
A5.2	1	2014 Activity 3. Strengthening the Capacity of Bar Associations and Lawyers on European Human Rights Standards	01/04/2018	31/03/2022	3,890,000.00	3,500,000.00	3,068,563.00	390,000.00
A5.3	2	2015 Activity 1.6. Empowerment of the Role of Ombudsman in the Protection and Promotion of Human Rights			2,000,000.00	1,871,719.00	1,173,545.00	
A.5.3.1		Technical Assistance	16/10/2018	04/01/2023	1,750,000.00	1,670,000.00	971,826.00	
A.5.3.1		Twining Light	16/10/2018	29/06/2019	250,000.00	201,719.00	201,719.00	
A5.4	1	2015 Activity 1.7. Independent Police Complaints Commission & Complaints System for the Turkish National Police, Gendarmerie and Coast Guard	27/04/2018	10/05/2020	2,000,000.00	2,000,000.00	1,759,100.94 ²	

¹ Co-financing indicated here is not included in disbursed amounts of subject contracts.

² The data provided is obtained from NAO, however 1,2 million EUR spent according to the final report.

A5.5	2	2015 Activity 3.1. Increasing the Organisational Capacity of the Women and Children Sections of the Gendarmerie General Command			5,568,500.00	4,757,487.00	4,557,100.25	
A 5.5.1		Twining contract	27/03/2018	23/06/2020	1,645,000.00	1,645,000.00	1,444,613.25	
A 5.5.2		Supply contract	21/12/2018	21/12/2019	3,923,500.00	3,112,487.00	3,112,487.00	
A5.6	1	2015 Activity 3.3. Strengthening Democratic Culture in Basic Education	03/08/2018	02/11/2022	4,000,000.00	3,600,000.00	3,123,502.,36	400,000.00

1.2 Structure of the report

Besides the introductory description of the objectives and scope of interventions under the evaluation in Chapter 2, a short summary of methodology and description of tool and instruments applied during the evaluation is given in Chapter 3. Chapter 4 includes the main findings structured along the originally proposed evaluation questions. The final Chapter 5 summarises conclusions and respective recommendations resulting from overall findings. All details concerning intervention logic, methodology, implementation of individual interventions – activities and outputs, data collected, and other sources are presented in the Annexes to the report.

1.3 Evaluation questions approaches and methods

The list of evaluation questions was originally determined in the Terms of Reference (ToR) and specific judgment criteria for each question were adopted according to the needs and type of the interventions. Therefore, the initial evaluability assessment took place during the inception phase of the assignment. Its purpose was to ensure that the methodology is suitable for the listed interventions. The suggested methods and tools were based on the reconstructed intervention logic. The purpose of this exercise was to reduce the original scope of the IPA II support and its intervention logic to the activities selected for the evaluation.

The intervention logic at the level of theme, comprising all the interventions included in the evaluation, was primarily analysed based on the information from the programming documents. Provision of additional information and data enabled the preparation of the reconstructed intervention logic, and this was subsequently discussed with the members of the Evaluation Reference Group (ERG) for further adjustment. The model includes inputs, activities, outputs, outcomes, and impacts, together with the contextual factors, and assumptions (see Annex 1).

The evaluability assessment followed the originally determined evaluation questions (all descriptive) and was complemented by the more specific judgement criteria (JC) to reflect the theme specific issues. The appropriate indicators, tools and/or methods were selected depending on their feasibility, available resources and data and assumptions concerning the accessibility of relevant stakeholders. Triangulation of sources or methods was considered to ensure data validity. The proposed evaluation approach in the matrix considered the risks and limitations identified from the documents, which were provided at the inception stage. The evaluation matrix provides summary of proposed tools based on the available data, information, and details, and identifies relevant stakeholders for the application of selected tools (see Annex 2). Within the main findings of this report (chapter 5), references to the relevant JCs are made throughout the analysis. This allows the reader to see how the matrix has been used to construct the evaluation and ensures that no evidence gaps emerge.

1.4 Description of the evaluation activities

The initial desk review of available documentation gathered secondary data from the provided documents and other available sources. Further data collection methods dealt mainly with the primary data, which were gathered through semi-structured interviews. The interviews were conducted with all relevant stakeholders starting with the Lead Institution the Directorate for EU Affairs and NIPAC staff, contractors, beneficiary institutions, CFCU, and EUD. Some of the end beneficiaries were interviewed during the field visits and focus groups were conducted.

The analytical methods were based on the theory of change and included analyses of stakeholders as well as inputs, outputs, identified indicators, internal/external factors, and compared planned vs achieved milestones, targets, and deadlines. The original theory of change was adapted, and its revised version was agreed with the Evaluation Reference Group (ERG) to better correspond with the interventions selected for the evaluation. The availability of the data at the national level enabled to identify some trends for outcome indicators. Both, qualitative and quantitative data were thus utilised.

2 PROBLEMS ENCOUNTERED AND LIMITATIONS

The evaluation team encountered some problems that did not significantly impact the overall evaluation. The Inception Report highlighted that relevant documentation and reports on the selected Activities were not readily available at the outset of the evaluation. This problem affected and delayed the data collection efforts, and the overall inception phase required an extension. In addition, the desk review of the available documentation and reports showed that indicators-based monitoring mainly corresponded to the level of outputs. As a result, more systematic and comprehensive monitoring of outcomes has not been established. The stakeholders were generally aware of this issue, explaining it with the time constraints and limited resources for more comprehensive data collection approaches. However, the evaluation team has included many key informants, mitigating this issue.

3 PRESENTATION OF THE THEMATIC EVALUATION CONTEXT

Theme 5 initiatives have been designed to contribute to improving the country's capacities (at systemic, institutional, and individual levels) concerning fundamental rights and freedoms for all individuals without discrimination in line with the European Convention on Human Rights (ECHR) and European Court of Human Rights (ECtHR) case law. In addition, these projects are also striving to ensure gender equality in all spheres, working to eradicate all forms of gender and family violence.

Theme 5's expected impact can be defined as "measurable progress achieved towards the full enjoyment of all fundamental rights and freedoms in all areas, by all individuals without discrimination". This is to be achieved through comprehensive policy and legal frameworks aligned with European Convention on Human Rights (ECHR) and the Charter of Fundamental Rights of the European Union and capacitated human rights and law enforcement institutions.

The Projects included the following activities:

- Developing capacities of the main human rights institutions, such as Human Rights Centres (HRC) of Bar Associations at pilot provinces, the Ombudsman Institution and the Law Enforcement Monitoring Commission.
- Developing capacities for security governance in Turkey (for the Chief Civil Administrators on the balance between freedom and security under the security governance; law enforcement personnel violations of rights during crowd control.
- Supporting institutions (the Women and Children Sections (WCS) of the Gendarmerie General Command) to work on prevention and elimination of all forms of gender-based violence.
- Increasing public awareness and information sharing regarding human rights and their protection, prevention of all forms of discrimination and eradication of gender-based violence.
- Supporting efforts for a democratic school culture, including capacity development for policy makers and practitioners.

Targeting the Turkish human rights institutions and law enforcement, these activities comprise a wide range of action aiming at putting the required institutional systems into place and re-organising existing institutions; developing capacities of the concerned actors; revising legislation; ensuring that the required physical facilities are in place and operational; and conducting awareness raising.

At the institutional level, these activities have been striving to develop capacities of the main human rights institutions (Human Rights Centres of Bar Associations and Ombudsman Institution) and improve functioning of the law enforcement institutions in the context of protection of human rights. The efforts included establishment of an independent complaint system for the Turkish National Police, Gendarmerie and Coast Guard and improvement of the functioning of the Chief Civil Administrators and the Civil Inspectors in the context of crowd control.

The activities planned to improve policy and legal environment for protection of human rights and prevention all forms of discrimination and gender-based violence. In connection to this, the Women and Children Section (WCS) of the Gendarmerie General Command has been strengthened as one of the main institutions for protecting women against all forms of violence.

The interventions have two categories of final beneficiaries:

- Citizens of Turkey, that are benefiting from full enjoyment of all fundamental rights and freedoms in all areas; vulnerable and marginalised groups would especially benefit from anti-discrimination measures,
- National institutions and civil society organisations and personnel engaged in fundamental rights and freedoms, prevention of gender-based violence and anti-discrimination

Activities involve all relevant actors within the human rights system, the Chief Civil Administrators, the Civil Inspectors; Bar Associations and Lawyers; Ombudsman Institution, the Women and Children Sections of the Gendarmerie General Command, the Ministry of National Education, and the Turkey Ministry of Interior.

4 FINDINGS OF THE EVALUATION BY THE EVALUATION QUESTION

4.1 Relevance

Q1. To what extent are the components/activities implemented relevant for achieving the specific objectives of the Activity/Theme?

Theme 5, “Fundamental Rights and Freedoms” under the “Rule of Law and Fundamental Rights” sector supports the achievement of results outlined in the main strategic documents of the Government of Turkey (GoT). In addition, these initiatives are relevant for the achievement of the EU standards and progress for the EU acquis alignment, and have highly relevant objectives that target the issues that have grown in importance since the IPA interventions were originally programmed.

JC1.1: Alignment of selected Activities with TR policy framework

Theme 5 initiatives are relevant for the priorities regarding fundamental rights and freedoms outlined in the main strategic documents of the Government of Turkey (GoT).

Data collected via primary and secondary sources indicate the strong alignment of Theme 5 objectives with the priorities of national strategies i.e., Turkey's Tenth Development Plan (2014-2018) while also reflecting the vision, objectives, and priorities of the 11th Development Plan (2019-2023). These overarching national strategic frameworks focus on human-centred development, recognising the need to work on social and administrative structures to guarantee human rights and individual freedoms. In this context, the evaluated initiatives supported the *priorities within chapter 2.1.5. Fundamental Rights and Freedoms* "further enhance the liberal and pluralist democracy in integration with principles and values of fundamental rights and freedoms, the rule of law, and the freedom of thought, faith and enterprise". These principles are carried forward in the 11th plan and emphasised in its “Vision, Main Objectives and Principles”.³ The initiatives align with the development areas, such as increasing the organisational and functional quality of services, effectiveness of protective human rights mechanisms, and coordination among institutions.

Some observations regarding the structure and language of the development plans should be considered. In the 10th Development Plan, several references are made to the European Court of Human Rights (ECtHR). There is no such reference in the 11th plan except paragraph 834 under “National Capacity for International Cooperation”. The 11th Development Plan, under paragraph 736, states, “A new Human Rights Action Plan will be prepared and implemented effectively.” This plan was finalised and adopted in March 2021.⁴

Theme 5 initiatives are relevant to the Action Plan on Human Rights goals and objectives (March 2021). The Action Plan aims to strengthen the principle of the rule of law and fully implement the legislation on human rights. Particularly relevant for Theme 5 are priorities to ensure stronger system for protection of human rights and contribute to high-level administrative and social awareness on human rights.

JC1.2. Relevance of selected Activities to the EU accession policy framework

Theme 5 initiatives are contributing to the EU accession priorities and the country’s strategic priorities related to EU accession.

Theme 5 initiatives are well-aligned with the objectives of the European Union Indicative Strategy Paper for Turkey (2014-2020) to improve the capacities of institutions, including CSOs, in charge of protecting and

³ See paragraphs 5 and 165.

⁴ https://inhak.adalet.gov.tr/Resimler/SayfaDokuman/1262021081047Action_Plan_On_Human_Rights.pdf

guaranteeing respect and defence of fundamental rights. Particularly relevant have been the efforts to enhance the stakeholders' ability to conduct independent, impartial, and effective protection of human rights while facilitating the cooperation between institutions engaged in human rights protection. Furthermore, Theme 5 aligns with *Turkey's EU Strategy* priorities for legal improvements and institutional developments to ensure access and protection of fundamental rights and freedoms. The evaluated initiatives addressed the need to enhance the administrative capacities of the authorities concerning the implementation of core services, working on proper human rights protection systems and mechanisms.

The EU support for fundamental rights and freedoms has been envisaged under the critical accession chapters 23 and 24, recognised and emphasised in the Turkey Reports Prepared by the European Commission. However, despite the fundamental rights and freedoms have been stated priorities and support has been ensured to these areas, EC Turkey Reports in the period 2016 to 2021 consistently show continuous backsliding and limited progress towards harmonisation and alignment with EU *acquis* and fundamental rights. According to the EC reports, efforts to ensure broader reforms concerning fundamental rights and freedoms are missing. Despite adopting some critical strategic documents, the framework for guaranteeing fundamental rights and freedoms remained unfinished, while the country is showing a negative trend in all governance and human rights indicators.

Theme 5 supports Turkey's efforts and ongoing work regarding the Accession policies⁵. The country has adopted measures for expanding human rights and ensuring a zero-tolerance policy against torture and ill-treatment that started in 2002. Broad modifications of the competence areas of the Police and the Gendarmerie and annulment of the Protocol on Cooperation for Security and Public Order that was conflicting with the law on public administration are among the critical steps taken by the government.

Additionally, in 2014 the Council of Ministers (CoM) adopted the Action Plan on the Prevention of Violations of the European Convention on Human Rights that defined the activities and measures, including the legislative amendments informed and guided by the ECtHR judgments. Theme 5 initiatives supported the implementation of the main aims and goals captured under chapter 2.5 "Rule of Law, Democratisation and Good Governance" of the 10th and 11th development plans. For example, Theme 5 interventions assisted with achieving aim 14, continuing training, research, and awareness-raising activities. Particularly relevant have been the goals for continuing the training on human rights and monitoring the effectiveness of the individual application to the constitutional court⁶ supported through the Ombudsman Institution (OI) and other domestic remedies regarding the redress for violation of human rights. Theme 5 also considered aim 6, providing effective right to access to court, contributing to revision and improvements of the Legal Aid System.

JC1.3. Alignment of selected Activities with needs of lead beneficiary & JC1.4. Alignment of selected Activities with needs of other stakeholders/final beneficiaries

All projects have strong relevance to addressing the general needs of targeted institutions. For example, the initiatives supported national stakeholders (Turkish National Police, Gendarmerie and Coast Guard) in implementing the primary legislation concerning a new independent complaint system and preparing its strategic and action plans. Also, the partners stated that initiatives responded to the needs of the Ombudsman Institution to become a fully functional, supplementing the work of the Human Rights and Equality Institution (TIHEK), and assisting with the implementation of priorities under its Strategic Plan 2017-2021. Some of the priorities included the development of core capacities to initiate investigations and

⁵ https://www.ab.gov.tr/accession-partnership-documents_46226_en.html

⁶ Reflects JC1.4 in the Evaluation Matrix.

intervene in cases with legal remedies and enhance the effectiveness of OI's contribution to the fields of human rights and good governance.

The national/official structures partners stated they had identified needs through a participative process involving representatives from the leading national institutions concerned with protecting fundamental rights and freedoms, resulting in “demanded technical assistance based on unique characteristics of participating institutions”. The evaluation finds a high degree of commitment and ownership among the beneficiary institutions, as the stakeholders recognised benefits from the EU technical assistance. Nonetheless, some stakeholders (especially non-governmental entities) indicated that Theme 5 initiatives encountered challenges during planning and implementation due to the limited openness and responsiveness of the national institutions dealing with human rights and gender. This is seemingly a contradiction; even so, the varied point of view emanates from difference in perspective on the sector held by national institutions and CSOs, which by all accounts is not healthy but, if applied and supported constructively, will contribute positively to the sector.

Theme 5 initiatives responded to the needs of final beneficiaries. For example, the initiative Increasing the Organisational Capacity of the Women and Children Sections of the Gendarmerie General Command and set the basis for the implementation of the Human Rights Action Plan (March 2021) and its sections dedicated to promoting women’s rights and combatting violence against women, which is highly relevant to the objectives of IPA assistance. This issue has been especially relevant in light of the increase of domestic violence linked to the COVID-19 pandemic, a massive influx of refugees to Turkey (trafficking, forced prostitution and sexual exploitation)⁷. Turkey All these occurrences have influenced the increase in violence against women in Turkey. The Action Plan takes a strong stance in condemning and attaches measures of vital importance in this regard.

JC1.5. The extent of flexibility of selected Activities to respond to changing needs/COVID-19 pandemic

The effects of COVID-19 on the selected activities have been significant, affecting plans and causing significant delays in implementation, while some activities have been cancelled. Still, the evaluation team finds that Theme 5 Activities partly responded to the changing needs, adjusting its approaches and showing flexibility during the implementation.

The unprecedented situation that COVID-19 created had adverse effects on Theme 5 activities. The tasks and responsibilities of the beneficiary institutions have shifted dramatically with the pandemic, disrupting the project-related coordination and activities. These challenges have been particularly evident in its first months. Thus, the beneficiaries did not prioritise project-related activities, responding to the requests only when possible. This situation has caused the planned training programs and workshops to be put on hold, and the study visits were delayed.

The Technical Assistance (TA) to the OI intervention struggled to adapt and was found not to be sufficiently flexible. After pandemic restrictions were introduced, the project activities could not be implemented. Key stakeholders advised OI to adopt online methods. Even so, the OI did not prefer the online modality and selected to implement the project according to the Terms of Reference (ToR), which calls for the need for face-to-face interaction. In addition, the project aims to gather large numbers of stakeholders through regional conferences, conferences, symposiums, workshops etc. The activities mainly focused on desk studies during the pandemic restrictions. Study visits and placements have not yet been realised. However, since September 2021, the project has gained momentum and is commencing with activities such as regional

⁷ ROM report Increasing the Organisational Capacity of the Women and Children Section (WCS) of the GGC – 04/2020.

conferences, consultation events, training for staff, and a planned national symposium. In the remaining period (extension till January 2023), it is likely that the remaining project activities will generally be completed.

The Police Complaints Commission project IT system (for national recording and case-handling) initially planned to be established through the project budget was eventually established through national funds and Mol's IT personnel. The reason for this has been reported as the Mol's "sensitivity on the system security" and the need to ensure compliance of this system with their own IT infrastructure. This was not foreseen during the project's design (thus represents a design weakness) and led to significant under-utilisation of the budget (according to interviews around 700,000 EUR remained unspent). Although this could have been foreseen during the project design stage the project later took the necessary actions to address the changes and aligned the activities.

4.2 Coherence

QC2. To what extent is the EU assistance coherent with interventions by other international actors and with other EU interventions in related fields?

The EU IPA II Theme 5 initiatives represent critical and most important assistance to fundamental rights and freedom and its priorities. These interventions are generally coherent with other international and EU assistance. The main implementing institutions are working to ensure coordination and prevent duplication.

However, the evaluation finds that the IPA II projects under Theme 5, being designed around 2014 are less coherent concerning focus and synergies. Although important, these initiatives have been more "stand alone" actions rather than a set of complementary interventions.

JC2.1. Alignment of the objectives/outcomes of the selected Activities with those of other relevant EU policies and funding programmes

Relevant public entities have a continuous dialogue with the CSOs, exemplified by the Ministry of Justice's involvement of CSOs in the drafting period of the Judicial Reform Strategy and the Action Plan on Human Rights (March 2021). Other entities involve civil society groups such as the Union of Turkish Bar Associations (UTBA), bar associations, trade unions, NGOs and CSOs (Civil Society Development Centre – STGM, Gender Equality Monitoring Association – CEID, the Joint Platform for Human Rights – IHOP).

The project-specific and structured cohesion and coordination have been evident. The coordination of Fundamental Rights projects⁸ has ensured a holistic and coherent programming approach focusing on achieving measurable progress towards the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination in all areas". The priorities have been to capacitate leading human rights institutions to deliver quality services and protect human rights (e.g., the Ombudsman Institution, Union of Turkish Bar Associations (UTBA) and Human Rights Centres, the Women and Children Sections of the Gendarmerie General Command, the Chief Civil Administrators, and the Civil Inspectors among other) and to improve policy and legal environment to stimulate protection of human rights and prevention all discrimination and gender-based violence.

JC2.2. Alignment of the objectives/outcomes of the selected Activities with those of other relevant international interventions

⁸ https://ab.gov.tr/fundamental-rights_52232_en.html

Stakeholders confirmed experience in cooperating with the EU and other international development partners; however, these efforts were mainly at the level of specific activities.

Referring to other EU funded interventions, the OI benefited from “condensed, highly beneficial and valuable” EU twinning light support that the Ombudsman Office from Portugal delivered. Two previous projects were also implemented with EU support: 2014 to 2016 ‘Twinning and TA Project on Support to the establishment of OI in Turkey’, and 2018 to 2019 ‘Twinning Light project on the empowerment of the Ombudsman in the promotion and protection of human rights.’ Also, the OI has partnered with UNICEF, including signing a working plan in 2020 within the national priority of the 10th NDP target 2.1.8 and the National Child Rights Strategy and Action Plan, a UNDP project funded by SIDA strengthening Institutional Capacity. UN’s work with the OI has brought “some flagship results in strengthening the institution’s capacity but also in expanded monitoring of rights”, mentioning that the ‘Guidelines for Handling Complaints Concerning Children’s Rights and Institutional Strategy for Children Rights’ were adopted as a strategy document. Additionally, CSOs, the media and, to some extent, private sector partners have been engaged to advocate and raise awareness on human rights issues.⁹

The Union of Turkish Bar Associations (UTBA) participated in various international development projects and benefited from technical assistance. With the support of the UN, a Strategy and Road Map for the Union of Turkish Bar Associations (UTBA) was developed, and, in addition, its child rights committee adopted a new guideline on child-friendly legal aid. These results complemented EU support and organisational development efforts.

4.3 Effectiveness

Q3. To what extent are the specific objectives and expected results of the Activity/Theme achieved

Theme 5 completed initiatives have generally been effective in delivering results; this includes different categories of outputs. Based on analysis of available indicators, evidence suggests that 3? completed IPA interventions have made solid progress towards achieving their immediate outcomes. These include facilitating the establishment of the Law Enforcement Monitoring Commission and the improved functioning of the Women and Children Sections (WCS) of the Gendarmerie General Command.

JC3.1. The extent to which the progress under the selected Activities has been achieved and targets met/outputs produced

The implementation of three interventions under Theme 5 (“Women and Child Sections”, “Crowd Control”, and “Police Complaints Commission” is completed, while the other three projects (“Bar Associations”, “Ombudsman”, and “Democracy Education”) are ongoing as of April 2022. The completed projects generally managed to implement all planned activities, mainly owing to the time extensions necessitated partly because of COVID-19 related delays. The ongoing projects are mainly on track in terms of progress, and **most of the planned outputs are likely to be delivered** by the end of extended Project timeframes, apart from some study visits and face-to-face events that had to be cancelled due to COVID-19 pandemic restrictions. The progress in achieving the outputs generally corresponds to what was expected at this stage of implementing the interventions.

- **Key output 1: The main human rights institutions capacitated to deliver quality services and protect human rights**

⁹ <https://www.unicef.org/turkiye/en/stories/ombudsperson-office-launched-its-strategy-rights-child>

Two main initiatives, Strengthening the Capacity of Bar Associations and Lawyers on European Human Rights Standards, Empowerment of the Role of Ombudsman in the Protection and Promotion of Human Rights have only delivered their first outputs, thus constraining the extent to which effectiveness can be assessed at this stage. Even so, existing progress on outputs suggests that intended outcomes are likely to be realised through the achievements of the results that are yet to be observed and assessed. The extent to which produced outputs contributes to the achievement of specific objectives (SO) varies according to the internal capacity of the beneficiaries, as well as the chosen methodology and Theory of Change (ToC) developed for the various projects during the design stage.

Theme 5 is working steadily on development of capacities of the UTBA; the targets have been met for nearly half of the outputs, with the remaining outputs in an advanced delivery stage. The project is doing well although some delays were experienced due to elections in the UTBA and local bar associations. During the extension period, the project recovered from the delays and processed the output delivery at an accelerated pace. The groundwork for establishing relevant structures was articulated through the draft regulation for the Human Rights Centres (HRC) coming into force in October 2021, seven pilot bar associations have adopted the regulation with the relevant directives. The Strategic Action Plan developed with the UTBA, HRCs and pilot Bars to strengthen the functioning of the Human Rights Centres has been developed and adopted, however, it is yet to be fully implemented. It should be noted that HRCs are voluntary groups of people originating from various communities and not formal organisations. The project created a semi-structured system or directive for seven pilot HRCs to create a more solid and unified structure

The project ensured the dissemination of human rights theories and practices through a substantial amount of capacity building (ToT and cascades) activities, reaching the training targets (ToT increased from 50 to 150), and expanding the outreach to the target groups (currently reaching around 6,500 lawyers through online cascades). In addition, the ToT methodology laid the foundation for the extended outreach of the project, with the cascades likely to exponentially expand this outreach. The IT tool, which is currently in use, paved the way for better coordination and networking among the Human Right Centres (HRC) across the country and their umbrella organisation, the UTBA. This created conditions for a structured, standardised collection, reporting and communication of human rights-related data among the legal professionals. The IT tool facilitates reporting on human rights violations occurring across the country.

The **Ombudsman Institution (OI)** project benefited from the twinning light component (8 months) with the Portuguese Ombudsman. Based on a comprehensive needs' assessment, subject-specific training was provided under selected fields (e.g., rights of vulnerable groups, social security, public personnel regime, right to property, etc.).

The Technical Assistance (TA) component was efficient until the COVID-19 pandemic struck. After pandemic restrictions, the project activities have been on hold, by the decision of the OI.

The intervention's expected outputs have not yet been achieved, due largely to delays caused by restrictions linked to the COVID-19 pandemic and also the decision made by the beneficiary to put on hold regional conferences, study visits, placements, and training until restrictions were lifted. The need to support the functioning of OI has exponentially increased with the pandemic, as evidenced by the exponential growth of complaints to be handled by the OI. To that end, the need to launch capacity building activities seems to have taken precedence over the awareness-raising activities.

- **Key output 2: The WCS capacitated for protecting women against all forms of violence and preventing, prosecuting and eliminating violence against women.**

The Women and Child Sections have enhanced capacities for protecting women against all forms of violence and preventing, prosecuting and eliminating violence against women. The pandemic had not affected the implementation, as most of the outputs had already been delivered before the pandemic began. The beneficiary institution, Gendarmerie General Command (GGC), has benefited significantly from the expertise of the Lithuanian team, best practices, and communication materials. Workshops and study visits have been beneficial for the national stakeholders to observe essential EU practices and learn international/technical standards in handling DV incidents. It is reported that all indicators at the output level have been met via training and other capacity-building activities delivered and the project added to the vision of the GGC. More than 1000 WCS officers from various provinces were trained during the project, where the Lithuanian partner presented real-life cases. The supply component and capacity building training increased GGC's service quality and interaction with citizens at the provincial level, benefitting from the approach and practices of the Lithuanian partner.

- **Key output 3: Policy recommendations and capacity development programs on democratic school culture designed and delivered to policy makers, teachers, parents, and CSOs.**

Theme 5 initiatives have been progressing especially concerning capacity development on democratic school culture, targeting policy makers, teachers, parents, and CSOs.

The ongoing initiative represents a continuation of larger-scale educational reform in Turkey launched back in 2010, building upon the project on democratic citizenship and human rights education (Generation Democracy Project). Although the project ended in 2015, its outcomes and impact remain relevant for implementing the current action. The preceding project resulted in delivering a new coursebook for the elective course "Human Rights and Democracy" and a new compulsory course "Human Rights, Citizenship, and Democracy", which have been integrated into the MoNE curriculum. With the current action, the focus is now on the basic education, namely, from pre-school to 8th grade, while integrating democratic culture models in line with the different age groups of students as well as different challenges that the educational practitioners, students, and parents (as well as policymakers) are facing.

All educational materials were developed in line with the CDC (competences for democratic culture) as well as the learning outcomes of each course as specified in the official curricula. The classroom-based activities took into consideration the learning outcomes specified in the curriculum for each grade/subject and integrated the CDC into them. In terms of capacity building, the cascade training is provided to 2126 teachers, and training on the 3rd module was completed in February 2020. Different experts evaluated training effectiveness, and feedback was very positive (videos on the project webpage exist).

Under policy recommendations, an analysis report for developing policy recommendations was generated. A workshop with teachers, provincial coordinators, and managers and another seminar with decision-makers was held.

Overall, it is highly likely that the project will achieve the expected outcomes. There are three primary outcomes that the project is intended to achieve, and these refer to strengthening democratic values and practices in schools through policy recommendations, building the capacity of all stakeholders at the central and regional/local levels, including the policymakers, educational and civil society practitioners and families/local communities in the democratic school culture and the awareness-raising in the schools and beyond relevant to the concept of democratic culture.

- **Key output 4: The primary legislation and operational framework established to new independent complaints system for the Turkish National Police, Gendarmerie and Coast Guard.**

The **Law Enforcement Complaints Commission** project; made good progress in achieving the mandatory results, increasing the capacity of the Civil Inspection Board regarding the law enforcement monitoring. Activities, outputs, and services delivered in 2019 (and until COVID-19 began in 2020) have evidently contributed to the partial achievement of results. The twinning partner has been generally useful for Turkey by sharing different views for improving and establishing a new police complaints system for Turkey. Even so, the twinning partner could not contribute to the law process itself as the law on establishing this commission had been approved long before the project started. Law 6713 on the Establishment of a LEMC was adopted in May 2016. The members of the LEMC were appointed upon the decision of the President in July 2019. The LEMC started its operations only close to the end of the project, on 20 September 2019 (the project was completed in May 2020). LEMC is currently operational for two years, with complaints offices established in 81 provinces.

Only the secondary legislation work was in progress during the project, to which project experts have contributed to some extent. In this respect, the timing of the project was relatively late to make a meaningful contribution to the legislative process and structure of the new commission. Generally, better planning would have helped to achieve the targets more effectively. Interviews also revealed that the Beneficiary was not yet fully ready to focus on this project when it was launched (in May 2018), as the State of Emergency was still in force following the coup d'état attempt in 2016. Interviews also revealed that as there is no equivalent organisation of the LEMC in Finland, the twinning experts' experience and knowledge of this system remained limited. The project helped to improve the complaints recording system and its functioning. Nevertheless, the need to raise public awareness of the existence and functions of this Commission is ongoing, as not much could be achieved in terms of awareness-raising during the project's lifetime.

The COVID-19 pandemic that began in March 2020 and related restrictions heavily affected the final stage of implementation, particularly the work on awareness-raising events to be conducted as face-to-face events.

- **Key output 5: The Chief Civil Administrators, the Law Enforcement Officers and the Civil Inspectors capacitated to deliver critical tasks and responsibilities about crowd control (in line with EU practices).**

The completed initiative "**Crowd Control**" aimed to enhance effective investigation capacities and abilities of civil inspectors who have the authority to make investigations about law enforcement personnel that use disproportional force by developing and preparing inspection and investigation guides standards and performance criteria. The project was successful in increasing the capacity of the Civil Inspection Board and law enforcement institutions. The outputs delivered through the project (such as manuals, guides, national standards, and procedures) are already incorporated into Civil Inspection Board's (CIB) system and published on their official website. CIB staff confirmed that they benefit from these outputs in their investigations and use them as a resource for the in-service training.

The increase in institutional capacity and raising awareness were highlighted as essential outcomes contributing to sustainable change. However, there are concerns that this cannot be finalised within the project's lifetime regarding the draft legislation. Some challenges were experienced in terms of the application of the training outputs, driven, in part, by communication issues and a level of disconnect between commanders and junior officers. This issue was addressed during the training in a participatory manner to raise awareness and build sustainable solutions. The project team amended the numbers to include 1200 governors, Law Enforcement Officers and 125 Civil Inspectors.

IC3.2. The extent to which produced outputs contribute to the achievement of specific objectives (reconstructed Theory of Change, i.e., enhanced physical and institutional capacities)

The IPA support has been successful in delivering planned outputs; however, the evaluation finds that half of initiatives (three out of six) are still ongoing, and due to the variable quality of indicators and reporting, it is difficult to verify the actual progress towards planned outcomes as laid out in programming documentation. Nevertheless, based on the available information, the following status is verified:

- **Number of applications to Ombudsman Institution, follow up and average processing time;**

The Ombudsman Institution of Turkey continued its works without any interruption and received significant number of applications reached 90,209 in 2020. The total number of complaints since the establishment of the Institution has reached 170,744, and the 8,199 decisions are issued in 2020 (June 2020). The number of cases resolved through amicable settlement is 2,867 in 2020. The compliance rate of the administrations with the OI was 20% in 2013, whereas it increased to 76.38% in 2020. In addition, close to 185,000 people were contacted via e-mail, telephone, or face to face to provide them legal assistance, to guide them and to find a solution to their problems. There is no available data on the effective duration of applications processing time. However, an application should be concluded in maximum 6 months according to the By-Law on the Implementation of the Law of the Ombudsman Institution (Article 36).

- **Number of complaints regarding excessive use of violence by law enforcement institutions and follow up**

The LEMC is functional, and the complaints system is established with public access to the complaints system being open. There are 1000 complaints bureaus in 81 provinces covering all provinces in Turkey. In 2020 LEMC received 42,501 complaints with 57,522 received in 2021 totalling 103,788. The reported satisfaction rate stands at a total of 1.909 (out of 2). LEMC publishes their yearly activity report containing.

- **Percentage of the rural areas covered by a specialised Gendarmerie section in charge of prevention and fight of violence against women and children;**

The Gendarmerie Command of Gendarmerie (GGC) covers 93% of Turkish territory via 81 provincial and 6 regional GGCs, being present in practically every part of Turkey, including the most remote areas. the GGC has WCSs in 81 provinces. 76 at the level of section, 5 (Istanbul, Ankara, İzmir, Muğla, Antalya) at departmental level. The EU Support enabled capacity development for more than 1000 officers. The perception (towards DV and violence against women) within the institution changed, while the establishment of WCSs and provision of services with trained staff, has positive impact on citizens.

- **Percentage of a school age-class having completed the compulsory course about human rights, citizenship and democracy;**

The target school-age class students were 110 pilot schools (30 preschool, 40 schools from 1st-4th grades and 40 schools from 5th-8th grades). The pilot implementation has started in September 2021 and is still ongoing. Interviews with MoNE's project team suggests 48,500 students are reached by project's pilot implementation so far. The LFM baseline data suggests that a total of 1,163,216 students, sex-disaggregated 50% girls, and 50% boys attends 4th grade primary school. The total number for primary school students in the academic 2014-2015 was 5.43 million. There is a total of 27,544 primary schools in Turkey, of which 1,205 are private (2015 numbers).

As regards relevant assumptions from the reconstructed IL, the evaluation team finds that they are generally holding true. The commitment of government institutions, the MoI and law enforcement institutions remained high during the entire implementation process. These institutions are ready and capable to

partner on protection of human rights with CSOs. However, there are challenges to establish systematic and participatory policy planning system and work on participatory policy planning.

The commitment of national authorities to improve the situation regarding gender equality and prevention of all forms of violence in Turkey exists; the Human Rights Action Plan carries several sections dedicated to promoting women's rights and combatting violence against women.

JC 3.3. The extent to which the selected Activities mainstreamed gender and human rights

Theme 5 is fundamentally concerned with gender and human rights in all projects and have strong elements of gender mainstreaming activities, alignment, participation, and focus. Equally human rights are at the core of the activities of the interventions.

Activities are being designed with a view to gender and human rights considerations. The WCSs have been established and capacitated to protect women against all forms of violence and prevent, prosecute, and eliminate violence against women. Other interventions also considered gender aspects, focusing on gender participation. There is evidence of sex-disaggregated indicators; however, most project reports and documents do not contain any sex-disaggregated data. This is particularly consequential in the Women and Child Sections project which depends heavily on such indicators to report progress and target realisation, such as the engaging training of female officers in the WCSs to respond to domestic violence incidents. The total officers trained and dedicated to work on WCS is 234 (158 F and 76 M) covering all 81 provinces.

4.4 Effectiveness - factors

Q4. To what extent did different factors influence the achievement of the Activity/ Theme specific objectives and results?

The COVID-19 pandemic and the corresponding restrictions on physical activity were the most important factors influencing the achievement of Theme 5 initiatives' objectives and results. However, the evaluation finds that other factors also affected implementation and achievement of results.

JC4.1. The extent to which external and internal factors to IPA II affected (supported or constrained) the effectiveness of the selected Activities & JC4.2. The extent to which Activities adapted to external factors that affected implementation/existence of mitigation strategy

The interventions under Theme 5 generally adapted to new conditions that the COVID-19 pandemic imposed. The learning process has been mainly online, and the development of distance learning materials and modules replaced in-person modalities. However, the evaluation finds that some initiatives did not adjust well to the COVID-19 imposed measures, as in the case of the Ombudsman Institution.

The GoT commitment is critical to ensure institutional and behavioural changes, with their involvement required from the design throughout implementation and completion. The evaluation team generally finds high commitment, but in some cases, political commitment to support institutional development and strengthening legal and policy frameworks in line with EU Acquis varied. According to some key informants, this challenge caused fundamental and human rights issues to remain limited mainly to an individual level, with minor effects on systemic improvements. Also, the legislative process in Turkey is multi-layered: for example, the creation of institutions may require clearing from different ministries, also facing Parliamentary competing priorities. Thus, ensuring full approval and functioning of an institution could be affected if the commitment and ownership of the main stakeholders are limited.

Staff turnover within government institutions is a serious challenge, as the institution loses capacity and knowledge, and reform processes and implementation of priorities undoubtedly slow down. This loss of

institutional capacities has been a challenge for the Theme 5 initiatives. The beneficiaries pointed to the absence of personalised career paths linked to an integrated institutional HR strategic and operational action supporting the institutionalising of consecutive TA and capacity building initiatives over the years. This affects the status of civil servants in the institutions covered by this evaluation.

The 11th National Development Plan¹⁰ under chapter 2.5.2.4, “Human Resources in the Public Sector”, clearly outlines measures to address capacity and institutional challenges in the HR-management in the public sector. The plan makes clear commitments to capacity building and sustainable training mechanisms. It also recognises the need for a more human-centred approach. It references strengthening digital skills and in-service training programs into easily accessible distance education systems. Still, there is no mention of the reintroduction of a functional evaluation system—the concerns raised by this evaluation is widely recognised by the institutions themselves and the GoT.

Some communication problems between twinning partners and Turkish beneficiaries were noted in interventions using the twinning modality. For example, in the Police Complaints Commission intervention, it took some time to reach a consensus on what was expected from each side in the implementation of the assistance. Interviewees stated that they felt that the working styles of northern countries are different from Turkey. Steering Committee meetings were not an ideal platform for listening to and solving the incongruities and disagreements of two partners. Informants observed miscommunication of partners in Steering Committees. Eventually, these issues were resolved to the satisfaction of all parties involved by establishing better lines of communication, both formal and informal, and developing a conducive climate of cultural sensitivity and understanding. Interviews also suggest the difficulties encountered during implementation due to inflexibility of twinning procedures and heavy burden on beneficiary institutions.

Q5. To what extent are the costs of the Activity/Theme proportionate to the benefits achieved/estimated?

The findings indicate that all results are generally cost-efficient and achieved within the approved budget. The management and transparency of actual spending have been effective and conducted with high compliance with government and contractual fiscal rules and regulations.

JC5.1. The extent to which costs of the Activity/Theme proportionate to the benefits achieved/estimated

In the absence of a baseline CBA and according to common standards in programme financial analysis, this evaluation will use **Operational Ratio measurement and analysis** as a basis for the CBA where the financial information is available mainly using a narrative form.

The stakeholders’ opinions concerning the resource management approach and effectiveness of resource utilisation are positive. The general view is that funds were utilised cost-effectively regarding operational overhead and programme funding. Two specific issues have emerged regarding budget and spending during the evaluation. This is i) the use of no-cost extensions and ii) underspending of budgets. No-cost is a misnomer. If there is an extension of a project, the operational overhead will continue and absorb funds for programming, thereby increasing the operating ratio. Several interventions report underspending. One prominent example is the IPCC project (Police Complaints Commission). An IT infrastructure for national recording and case handling was an integral part of the project. During project implementation, a risk was identified in externalising the delivery of the system, and it was decided to use national resources for this purpose, thus removing an approximately 40% or EUR 700,000 expenditure from the project budget.

¹⁰ https://www.sbb.gov.tr/wp-content/uploads/2021/12/Eleventh_Development_Plan_2019-2023.pdf

The evaluation found that several projects with the IP being commercial companies did not make financial information available for analysis and consideration for inclusion under this EQ. Commercial companies cannot be requested to reveal their expenditure details. However, the final expenditure should be reported.

Programme design and methodology play an essential part in analysing operational ratios and cost eligibility. The issue becomes illuminated when measuring and analysing HR costs. In a supply-driven project, it is expected that human resource costs will be low. A TA or capacity-building project will conversely come at a higher cost as human resources are the programme component in such projects. Also, when calculating the operational ratio, the inclusion or exclusion of indirect expenses needs to be considered. The general recommendation would include the indirect cost as part of the operating ratio. Finally, the financial analysis needs to consider programmatic considerations and design because of these considerations.

Table 2 Bar Association Operational Ratio

Operational cost	Amount
Human Resources	1,654,228
Travel	227,300
Equipment	99,216
Translation	197,200
Indirect Cost 7%	247,918
Total operational cost	2,425,862
Total project budget	3,890,000
Operational Ratio (total operational cost as part of total project budget)	62%

It can be seen from this analysis that the operational ratio does not support the notion that the project is financially viable. In this case, the problem lies in the design and presentation of the budget. The analysis may become misleading in the absence of clear separation and explanation in the budget notes and design. For example, should translation services be considered a programmatic or operational cost, like travel? Travel and per diem costs related to bringing in international experts should be programmatically linked. This provides an opportunity to, e.g., make comparisons using international experts versus national capacities from a programmatic and risk/assumption point of view. Considerations such as quality of translations, the need for dynamic interaction in training settings, cultural understanding and knowledge of local conditions may be weighed and considered from a CBA and risk analysis point of view.

Informants expressed some concerns about mixing profit and non-profit base of operation related to the choice of implementing partners. An example highlighted the Basic Education project and the use of the Council of Europe (CoE) as IP. The quality of experts from the CoE is not in question, although the financial efficiency may not be ideal, especially since, in this project, the Project Management team was divided between Ankara and Strasbourg, with two experts allocating 100% of their time in Strasbourg and not in Ankara.

Q6. Are there different modalities of using resources that have produced more results or have decreased the resources needed for the same level of achievements?

Theme 5 used various contracting modalities under the IPA II framework, including supply contracts and, twinning and twinning light (with Lithuania, UK, Finland, and Portugal), technical assistance (service) Global Price contract to a consultancy company, and a direct contribution agreement and direct grant (CoE). Relevant contract modalities and partnering with the Council of Europe and EU Member states (via twinning) efficiently delivered outputs and provided quality expertise and hands-on knowledge.

JC6.1. The extent to which the most efficient strategies of implementation can be identified

Evidence indicates that in the past the “twinning” modality was used widely; however, in recent years it is more inclined to use the “direct grant” modality. This direct grant modality has proven to be useful especially with well-established partners and initiatives:

In the **Police Complaints Commission** (IPCC) project there is a strong need for reliable coordination mechanisms between lead institutions because harmonising requirements and needs takes time. This project had to be relaunched twice because finding and matching partners that suit and adapt to the Turkish administrative structures can be challenging. Another issue linked to twinning projects is that they do not have an inception period, which may cause challenges in the initial implementation. Also, in the Police Complaints Commission project the supply contract, under component 2 (IT infrastructure for national recording case handling system) was cancelled due to confidentiality and security concerns. The change did not cause delays, but it is unclear to the evaluation why the beneficiary concern related to this action was not picked up at the design phase. The beneficiary allocated and used national resources for this action.

The **Crowd Control** project was similarly a twinning project and proved to be both relevant and suitable in the choice of the UK partner institution. Interviewees expressed that they were pleased with the Resident Twinning Advisor (RTA) even though the Turkish Programme Lead (PL) changed during the project. The 2013-2014 twinning manual procedure was applied to this project, but it created challenges. During interviews, UK partner and beneficiary criticised twinning procedures and the CFCU also stated that this manual was the major challenge for the project; each change required amendment to the contract, that affected efficiency. For example, the number of trainees were ambitiously set during programming, and the amendment was required and made to change numbers. Also, translation costs should not exceed 7-10% of the budget. But with high number of parallel training events this was challenging to ensure.

JC6.2. The extent to which alternative strategies of implementation, with expected increased efficiency, can be identified

The evaluation finds the lack of flexibility and long administrative processes to adjust or add activities and for projects to seek extensions, primarily due to the COVID-19 pandemic. Interviewees expressed concerns regarding the programme priorities and design while also expressing disquiet regarding the high cost of engaging external or international consultants flying in on high per diems and with limited understanding of projects and context. The cost associated with using such capacity and disagreements on programme modalities was not always conducive to the best use of money and practice. The cost factor would affect travel, per diem, translation services and salaries.

4.5 Efficiency

Q7. How timely and efficient is the Activity/Theme’s process of programming, contracting, implementation reporting and monitoring?

The evaluation finds that programming and contracting processes under Theme 5 have followed IPA rules and regulations. However, all initiatives have been facing implementation challenges, and majority of them requested and received no-cost extensions.

JC7.1. The extent to which the selected Activities have been implemented according to their planning

Theme 5 design was based on a participatory and inclusive programming approach. The partners stated they have identified problems using a bottom-up process of collaboration and involving representatives from the sector institutions. This approach to identify the challenges and priorities provided the framework for the TA teams to consider the unique characteristics of participating institutions and end-beneficiaries. Still, all

Theme 5 initiatives faced implementation challenges and the majority of them requested extensions. The COVID-19 pandemic had severe impact on this sector- a total of three of the theme 5 interventions (OI, Bar Association, Basic Education) requested no-cost extensions, recognising challenges, and highlighting the unprecedented situation brought by COVID- 19. In some cases, other issues also caused delays. For example, as noted in EQ4, the OI intervention did not use online opportunities to proceed with the implementation of activities. Also, some implementing partners have designed rather ambitious actions planned within a insufficient consideration of the scope of the project.

As regards **implementation**, Table 3 below summarises the status of the individual interventions at the time of the evaluation report cut-off date. The frequency of extensions indicates that some of the proposed implementation modalities were not well-considered and adequately planned during the programming stage. These concerns are highlighted in EQ6.

Table 3 Overview of Theme 5 initiatives - timeframes and extensions

Intervention	Plan Start date	Plan End Date	Delay (months)	Observations
2014 Activity 2. Enhancing the Capacities of both Chief Civil Administrators about Crowd Control and the Civil Inspectors about Effective Investigation	June 2017	June 2019	14 Months	Twinning. No inception report. Re-launched twice. End of implementation May 2020 No ROM report.
2014 Activity 3. Strengthening the Capacity of Bar Associations and Lawyers on European Human Rights Standards	April 2018	June 2022	12 + 3 Month ext.	Ongoing. Direct contract, Pillar Assessed Grant Agreement. ROM report.
2015 Activity 1.6. Empowerment of the Role of Ombudsman in the Protection and Promotion of Human Rights	March 2019	January 2023	10-month extension	TA Ongoing Twinning Light end June 2019. FA March 2016. TA signed 02/2019. Global Price contract. ROM report.
Police Complaints Commission	April 2018	May 2020		Twinning contract. Relaunched twice. ROM report.
Women and Child Sections	March 2018	June 2020	2-month extension	Twinning contract. Supply contract. ROM report.
Basic Education	August 2018		15-month extension	Ongoing. FA March 2016. Contract signed Aug. 2018. Direct contract, Pillar Assessed Grant Agreement ROM report.

The partners usually justified the delays stating that the COVID-19 pandemic created an “unprecedented situation in the country”. Whilst this is undoubtedly true, the evaluation has found other issues that also contributed to the delays experienced. For example, the "Police Complaints Commission" faced delays in implementing the project, mainly forming the Law Enforcement Monitoring Commission (LEMC), however, was finalised according to timeline. This is a complex and time-consuming exercise also exasperated by issues caused by weak coordination structures and bureaucratic and legislative processes. Following the

President's decision, the LEMC appointed members (July 2019). The initial problematic communication between the twinning partner and the BI caused some issues, which were resolved and the partnership between the twinning partner and BI became positive and productive. The project has been effective in delivering capacity development support in line with the primary legislation for the establishment of the new independent complaints system for the Turkish National Police, Gendarmerie and Coast Guard. Namely, civil inspectors, law enforcement personnel and governorates actively participated in project activities and training provided by the twinning partner on the legislation and operation of the complaints system.

Concerning the operational framework under the Police Complaints Commission, the IT system (for national recording and case-handling) initially planned to be established through the project budget was eventually established through national funds and Mol's IT personnel. The reason for this has been reported as the Mol's "sensitivity on the system security" and the need to ensure compliance of this system with their own IT infrastructure. This was not foreseen during the project's design (design weakness) and led to significant under-utilisation of the budget (around 700,000 EUR remained unspent). Furthermore, as the twinning modality has strict requirements, this activity could not be replaced with another activity. The "Ombudsman Institution" has been affected by the COVID-19 pandemic, and activities have been on hold due to reasons mentioned in EQ4 (see above). However, the project restarted its implementation, but the issues with delayed implementation will be challenging to resolve within the remaining implementation timeframe.

The evaluation finds that the approved extensions have generally been necessary, and have been useful in providing additional and sufficient time for the delivery of results. Nevertheless, the frequency of extensions indicates that some of the proposed implementation modalities were not well-considered and adequately planned during the programming stage. However, and as previously mentioned, programme design and methodology play an essential part in analysing operational ratios and cost eligibility. The issue becomes illuminated when measuring and analysing HR costs. In a supply-driven project, it is expected that human resource costs will be low. A TA or capacity-building project will conversely come at a higher cost as human resources are the programme component in such projects. Also, when calculating the operational ratio, the inclusion or exclusion of indirect expenses needs to be considered. The general recommendation would include the indirect cost as part of the operating ratio. Finally, the financial analysis needs to consider programmatic considerations and design because of these considerations.

JC7.2. Evidence of a sound and results-oriented reporting practice

Theme 5 interventions have generally established effective reporting systems

The reporting practice has been based on monitoring frameworks (JC7.4) and could be considered as generally adequate; this reporting practice included inception and regular (quarterly) progress reports. Still, the evaluation team finds that monitoring and reporting did not go beyond immediate activities and outputs. Practically, the reports did not provide information on the status and the level of achievement of specific objectives/outcomes (and the corresponding measurement, including definition of outcome indicators, baselines and targets). The evaluation finds that Theme 5 initiatives did not effectively use practices for collecting stakeholder feedback on draft reports (e.g., streamlining approaches to commenting, using IT/collaborative workspace platforms to comment on draft reports/circulate reports between relevant stakeholders), and this represents a missed opportunity. Additionally, the Twinning Projects experienced substantial delays in submitting approved final reports (including financial part) to the EUD. The approved financial report for the Independent Police Complaints System is still pending. The lack of adequate financial reporting also includes the TAs. Financial reporting is separate and independent of narrative reporting due to financial rules and regulations affecting timelines, expenditure and auditability of projects.

However, the evaluation team finds substantial delays in submitting to the EUD approved final reports in Twinning projects. For example, the approved final report for Independent police complaints system is yet not submitted yet. Please also mention the lack of financial reports for TAs.

JC7.3. Existence of a sound monitoring system

In general, theme 5 initiatives have well-established monitoring systems. However, monitoring is hampered by a lack of usable indicators, especially at outcome level.

The NIPAC and DEUA have generally established monitoring structures. These arrangements include reporting on progress, engagement with Results-Oriented Monitoring (ROM), and monitoring meetings. Operationally, the Political Affairs Department of the Directorate of EU Affairs of the Ministry of Foreign Affairs (DEUA) organises regular six-monthly meetings with the Sectoral Monitoring Committee (SMC) where sector level achievements are presented by the Lead Institution. The DEUA organised biannual Implementation Review Meetings to facilitate exchanges between key stakeholders, the European Union Delegation and CFCU. These meetings served as an effective monitoring tool to update stakeholders on key issues, including financial performance. However, the use of outcome indicators at the meetings has been limited, preventing the stakeholders from reviewing progress.

There is also evidence of good monitoring practices at the level of the evaluated initiatives, although the tools used are sometimes sub-optimal. The Logical Framework Matrices (LFM) at the level of evaluated initiatives served as the basis for monitoring activities, with tailor-made data collection protocols and instruments. Results Oriented Monitoring reports are available for five out of the six projects. The Crowd control project was not ROMed as the modality was not in place at the time of project implementation for this project. The ROM reports are comprehensive and provides a useful snapshot of the status of project implementation while providing useful conclusions and recommendations.

The evaluation finds that in several cases, adopted **indicators have been inadequate to measure progress or overambitious**, missing the available resources and responsibilities of implementing partners. Baseline data is frequently missing or not clearly and logically linked. Outcome and output indicators and benchmarks (baselines and targets) are often unclear, difficult to verify, lack a multi-year logic, fail to distinguish between cumulative and net annual targets, and lack gender mainstreaming. For example, in the “Basic Education” project; the intervention logic is of adequate quality and responds well to the needs identified in the project design. Changes to the intervention logic were introduced after March 2020 to the reduced number of working group meetings with good results. Indicators were not sex-disaggregated; however, under Specific Objective 3 (SO3), “Raising awareness on democratic school culture in and beyond schools”, the baseline and current values were sex-disaggregated. The LFM could be improved as a working document, generally observing that input data seem static and not updated, indicating that the LFM is not actively used in project management and reporting. This example shows that targets may be over- or under-ambitious. Other noted challenges include weaknesses in assumption monitoring, risk assessment and mitigation strategies for some approaches and interventions. Limitations accompany this in data collection and data segregation, which affect the level to which indicators could be fully accounted for.

JC7.4. The extent to which Activities have been communicated effectively

The evaluation finds that Theme 5 initiatives have prepared communication and visibility plans, to support systematic internal and external communication.

The evaluation team generally finds good internal communication, that benefited from the established professional relationships based on mutual trust and respect. This experience is particularly evident in the cooperation between CoE and national partners. Steering Committee meetings also served as a

communication platform. In addition, the initiatives have organised regular meetings with the relevant stakeholders. Moreover, some of the Activities used social media to ensure communication between relevant stakeholders.

Q8. How efficient and effective are the institutional mechanisms, which ensure coordination among the various components and stakeholders of the Activity/Theme?

Theme 5 and its initiatives have supported Turkey’s institutions in charge of fundamental rights and freedoms to ensure more effective coordination among the various components and stakeholders. However, there are challenges for the effective inter-institutional cooperation, especially considering the sensitivities surrounding the issues of fundamental rights and freedoms.

JC8.1. The extent to which the selected Activities ensured coordination with other relevant initiatives

The revised Indicative Strategy Paper for Turkey (2014-2020) set out the framework for Fundamental rights, with the overall objective to increase respect for fundamental rights and freedoms by undertaking the necessary EU oriented reforms and their effective implementation. The Department for Political Affairs supported by the National IPA Coordinator (NIPAC), Directorate of EU Affairs (DEUA) under the Ministry of Foreign Affairs (MoFA), is responsible for the overall coordination of programming, monitoring, evaluation, and reporting of the implementation of the Rule of Law and Fundamental Rights sector. However, a formal platform for effective dialogue and coordination between the government, CSOs, civil society, or international donors does not initially exist. This was addressed by an intervention design under the 2017 FR programming and the project commenced in January 2022.

The responsibility for cohesion, coordination and complementarity falls under the Political Affairs Department, DEUA, responsible for Acquis Chapter 23 Judiciary and Fundamental Rights. The Department monitors this sector and prepares progress reports shared with key stakeholders. Other international organisations working in this sector include UN Women, UNICEF, and the CoE. The Sector Coordination meetings and Sectoral Monitoring Committee (IPA 2) meetings provide forums where coordination and coherence of interventions can be discussed. If sectoral relevant interventions exist, beneficiaries and other implementing partners are informed at the Steering Committee meetings.

To improve donor coordination at the sector level, as part of its pre-accession assistance, the EU submits the draft programmes of accession countries to representatives of EU Member States every year, reflecting identified gaps linked to the 35 EU Acquis Chapters, which form the evaluation basis in the accession process. These efforts also include sector-specific information sessions about possible complementary bilateral funding from the Member States (although this is very limited compared with the IPA allocations). Technical level meetings are also organised in areas of joint interest.

Table 4 Relevant coordination mechanisms

Name of Mechanism	Responsible Institution	Function	Observations
National IPA Coordination (NIPAC)	MoFA, Department of Programming and Department of Monitoring and Evaluation	National IPA Coordination authority	
Reform Action Group (RAG)	Inter-Ministerial	Oversee political reform in Turkey’s EU accession process	Attended by the President and key ministries. Not met since May 2019. Political Affairs Sub-Committee meetings continue at the level of Deputy Ministers

Steering Committee Meetings (SCM), Sector Coordination Meetings and Monthly Management Meetings (MMM)	Projects	Coordination of project stakeholders. Monitoring and Evaluation.	CSOs actively participate in Bar Association only. Project documents will indicate the frequency of meetings.
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The authorities established the Reform Monitoring Group (RMG) in 2003 (then called the Reform Action Group (RAG) in 2014) as an inter-ministerial group that oversees political reform in Turkey’s EU accession process. The RAG included a Sub-committee for Political Affairs composed of high-level officials of the leading institutions. This sub-committee is authorised to direct, identify and assess the steps to improve fundamental rights further. One of its primary tasks is to submit its recommendations to the RAG. The meetings are typically held bi-annually, and the last RAG meeting was held on 9 May 2019.¹¹

While some cross-sectoral cooperation examples exist (e.g., RAG), they do not reach their full synergistic potential. The evaluation found no concrete evidence of planning that includes cross-sectoral interventions. Such interventions were also not extensively utilised in practice, as evidenced through document review and interviews. In a complex context such as in Turkey, these limited synergies affected the catalytic prospects of Theme 5. Stakeholder interviews with government representatives and development partners noted a need to consolidate these efforts through a stronger focus on deeper and cross-sectoral engagement to ensure continued relevance and strength of EU support to Theme 5. CSOs are generally not part of or invited to attend project level Steering Committees (SCM). One exception is the Bar Association project, where CSOs actively participate in the SCMs, which has generated positive responses among some stakeholders calling for increased attendance of CSOs at this coordination level. Basic Education is another example where think-tank organisations are invited to SCMs by the MoNE.

The key informants expressed positive views concerning the future coordination efforts, expecting that the Department of Political Affairs, under the responsibility of the DEUA, will enable more effective coordination and cooperation between institutions related to Fundamental Rights. However, improvements in these areas and more effective coordination would require a well-planned approach involving all key national stakeholders. In considering this, it is essential to note that the involvement and membership of CSOs in the SCM under the Bar Association may be appropriate and valuable. The coordination aspects and monitoring and coordination needs should be considered.

In recognition and response to the sectoral cohesion and coordination challenges and to ensure a formal coordination mechanism while considering the need for sustainability, a project under the 2017 Action Document was prepared called “Strengthening Fundamental Rights Sector Coordination” (SFRSC).

The international organisations active in this field (e.g., the Council of Europe and UN Agencies such as UNDP, IOM, UNFPA, UNICEF and UNHCR) have provided substantial support towards the Theme 5 sector together with Turkish and international CSOs working on human rights, civil society development and other right-based matters (e.g., the Union of Bar Associations, Bar Associations, and CSOs).

In addition, Theme 5 initiatives have established advisory and project steering structures, such as the above mentioned “Strengthening Fundamental Rights Sector Coordination” project, to provide guidance and support the stakeholders to reach objectives, serving also as a precondition to ensuring coherence and coordination with other interventions in Turkey. The PSC included representatives of EUD and the main beneficiaries, co-beneficiary, Directorate for EU Affairs of the Ministry of Foreign Affairs.

¹¹ https://www.ab.gov.tr/siteimages/birimler/sidb/press_release_of_rag_6th_meeting_.pdf

4.6 Impact

Q8. Which long-term changes have the Activity/Theme contributed to regarding the sector in question?

Theme 5 initiatives have already progressed towards (their respective) overall objectives, also contributing to achieving improved capacities of the targeted institutions for strengthening respect for fundamental rights and freedoms for all individuals without discrimination. The stated commitments of the national institutions and the commitment of the Government of Turkey to these objectives (expressed in the main strategic documents, including HR Action Plan) could facilitate this process. At the same time, political challenges and slow governance reforms, together with the frequent turnover of employees and weak institutional capacities could affect these processes and the achievement of impact.

JC9.1. The extent to which the selected Activities contributed to impact, i.e., progress towards the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination in all areas

The evaluation team finds that Theme 5 initiatives are generally strengthening institutions and policies to enable full enjoyment of all fundamental rights and freedoms by all individuals without discrimination in all areas. For example, the initiatives have contributed to gender-sensitive practices, providing more effective and higher quality services to women victims and children. In this context, the project **“Women and Child Sections”** contributes to the priorities of the country and the EU accession process in preventing violence against women and domestic violence. The capacity-building support that the twinning partner provided the WCS absorbed effectively. In addition, short-term effects of the intensive capacity building and awareness-raising activities of the Gendarmerie General Command (GGC) are already becoming visible, with the release of project outputs for broadcast in the media affecting longer-term outcomes. The Project stakeholders and WCS staff confirmed the increased capacity of the Gendarmerie in reaching out to women and children and communicating with citizens in the provinces as a direct result of the project’s support. The advocacy and communication strategy were prepared, which has helped enhance the contact with women in the fields, factories et cetera. Interviews with one WCS revealed their intense work in the rural areas, conducting informative events on DV and violence towards women and children. They raised awareness among MoNE teachers, parents and high school students on issues related to violence and informed them of their rights. The data shows an increased number of reports and investigations in 2018 (+32% of victims reported to Gendarmerie and +21% of investigations launched) and 2019 (further 3.5% increase in the number of victims reporting the incidents and a 4% further increase in investigations). This also reveals the project training success in changing the mindset of the local Gendarmerie/WCS officers in small provinces on DV and GBV; hence a valuable contribution has been made to the institutional vision and capacity, as well as its’ (and the EU’s) visibility/image enhanced in the provinces, as reliable partners with ownership and strong commitment on the prevention of GBV.

Generally, Theme 5 initiatives helped GoT take one step forward regarding fundamental rights and freedoms by all individuals without discrimination by introducing new ideas, EU best practices and thoughts for the CIB and Turkish law enforcement institutions countrywide. CIB had high ownership from the beginning, and the establishment and functioning of LEMC have been an essential step toward the EU accession process for Turkey. The LEMC and the establishment of other human rights institutions (such as the Ombudsman, Human Rights and Equality Institution and Personal Data Protection Authority) are all considered part of the critical reform process for Turkey’s *acquis* alignment Chapters 23&24. The LEMC is functional, and a complaints system has been established, enabling public access to the system, which allows the breakdown of crimes such as “torture”, “ill-treatment”, or “disproportionate force”. It is reported that there are 1007 law enforcement complaint bureaus in 81 provinces. CIB provides the number of complaints received/investigated at the Fundamental Rights Sectoral Monitoring Committee meetings. According to

this, more than 40,000 complaints were received in 2020 and decisions were made on 18,000 cases in 2021, 20% of which resulted in sanctions. Yearly activity reports are also published on their website.

The impact could be observed regarding the improved capacities of the **Union of Bar Associations, pilot bar associations** and lawyers in the implementation of European human rights standards. The groundwork for establishing relevant structures was articulated through the new Regulation, and the Strategic Action Plan developed with the UTBA, HRCs and pilot BAs. The implementation is yet to be seen.

JC9.2. The extent to which external factors could affect progress towards the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination in all areas

The evaluation finds concerns, for various reasons, over the independence of LEMC as an institution that is technically structured under the MoI. Similar concerns have been raised regarding the Ombudsman Office.

The importance of the independence of the LEMC and other Human Rights institutions constitutes an agreed baseline between the GoT, EU and other partners. Still, this topic continues to be controversial and a source of contention between the GoT and the EU. The LEMC operates as an affiliate organisation of the MoI, meaning being functionally independent and autonomous. The members include civil representation in addition to members of public institutions. This structure is similar to this kind of institution in EU countries, observed during study visits by beneficiaries. The Law emphasises the independency of the LEMC. The recommendations of the UN and CoE give direction in this regard. In the EU, there is no clear legislation or standard for law enforcement monitoring bodies.

On the other hand, the LEMC has its budget and operates autonomously; this finding is also confirmed in the ROM report (ROMIS CODE ON004). Therefore, it is crucial to evaluate how the system operations and then conclude whether it is independent or not. It is also critical to recognise that it is a new Commission and that after its first meeting in September 2019, COVID-19 started in March 2020, causing disruptions.

The analysis shows that despite the increase in the caseload of the Ombudsman, the institution remained silent on politically critical issues concerning fundamental rights. For example, the EC annual report stated that the Ombudsman still lacks ex officio powers to initiate investigations and to intervene in cases with legal remedies. Insufficient involvement of CSOs in the development of strategies and policies in this area appears as another concern that may hamper the long-term impact prospects, as is the case for several other projects under this theme. The long-term impact will depend on how Turkey will build on the achievements to improve this system. In summary, all these factors have yet to discernibly affect the longer-term impact of the results of the IPA interventions, and these are largely outside the influence of the IPA programme. The EQ 11 provides details regarding the external factors that could affect sustainability of these results and likewise may affect future impact.

4.7 Sustainability

Q10. How likely are the effects to last after the intervention ends?

The results and effects of Theme 5 initiatives will likely last (beyond the EU IPA assistance), supported by the national strategic priorities and institutional commitment. Strengthening the mechanisms and practices for protection of fundamental rights and freedoms remain national strategic priorities, and national institutions remain committed to these priorities.

JC10.1. The extent to which outputs under the Activities are likely to be maintained & JC10.2. The extent to which outcomes under the Activities are likely to be maintained (reconstructed Theory of Change, i.e., enhanced physical and institutional capacities)

Theme 5 initiatives have been investing efforts and means to advance fundamental rights and freedoms in through institutional capacity development to deliver quality services and protect human rights. For example, the Union of Turkish Bar Association and the Ombudsman Institution are establishing new operational practices and capacities. The Chief Civil Administrators and the Civil Inspectors benefited from improved capabilities to deal with crowd control (in line with EU practices). The WCS has been capacitated to protect women against all forms of violence and prevent, prosecute, and eliminate violence against women. The national resources have been allocated for financing these activities. Also, the primary and secondary legislation was adopted, and an operational framework was established for a new complaints system, through the Law Enforcement Monitoring Commission (LEMC), for monitoring the Turkish National Police, Gendarmerie and Coast Guard¹². The LEMC launched its activities and held its first meeting in September 2019.¹³ Theme 5 supported policies and laws to reflect EU accession requirements; however, progress in this area is mixed. There are concerns regarding adopting and implementing critical laws, which directly affect sustainability, impact, and relevance of EU engagement.

However, there are also some concerns related to the sustainability of Theme 5 achievements. For example, some stakeholders stated that the dialogue (with CSOs and other non-governmental actors) is limited, and the reform agenda is not progressing. Feedback from the evaluation confirmed that IPA results remain mainly at the individual and somewhat institutional levels, while systemic changes could not be validated. At the same time, the EU support for Theme 5 is decreasing, while the priority is to support key reforms to comply with EU values and to progressively align with its rules, standards and policies.

Although concerns have been raised there are significant developments that should be noted. Turkey continues to implement National Action Plan for the EU Accession, Judicial Reform Strategy and Action Plan on Human Rights. Standards and recommendations of the CoE, UN and EU as well as all opinions of national stakeholders were taken into account in drafting these documents.

A significant part (67%) of activities of the Judicial Reform Strategy were completed via judicial packages and other administrative measures in line with the Action Plan for implementing the Strategy. The Monitoring and Evaluation Board of the Judicial Reform Strategy is in place.

Within the scope of implementation of the Strategy, five judicial packages have so far been adopted with a view to enhancing judicial system and fundamental rights including freedom of expression, right to a fair trial, procedural rights, etc. During the reporting period, two judicial packages were adopted:

With the 4th Judicial Package, entered into force on 14 July 2021, among other improvements; vertical appeal system to decisions of criminal peace judgeships is introduced, addressing EU and CoE recommendations; explicit requirement of “concrete evidence” was introduced for pre-trial detention orders in respect of crimes listed (known as “catalogue crimes”) under Article 100/3 of the Criminal Procedure Code in line with the EU recommendation; court decisions on arrest will justify, with concrete facts, insufficiency of judicial control measures; penalties for certain crimes (killing, wounding, torture, forced detention, etc.) are applied heavier in case they are committed against divorced spouse.

The 5th Judicial Package, entered into force on 30 November 2021 brought improvements for more simplified and efficient civil and administrative proceedings. In addition, with the purpose of better protection of rights of the child, implementation of court decision regarding handover of a child or establishing a personal relationship with the child, which was previously dealt with by enforcement offices,

¹² The Regulation on Implementation of the Law no: 6713 on Establishment of the Law Enforcement Monitoring Commission was promulgated in the Official Gazette on 7 August 2019 and no: 30855 and entered into force.

¹³ <http://en.kollukgozetim.gov.tr>

will be carried out by the legal support and victim services directorates, free of charge and accompanied by experts.

Several practical and measurable outcomes addressed direct beneficiaries' capacity and material needs with incoherent contributions to sustainability. For example, materials were produced for dissemination to schools with a high degree of ownership and commitment by MoNE. On the other hand, the observations shared by interviewees reflected a high degree of uncertainty on future budgetary commitments for the dissemination of the results of the Basic Education project. Fundamental changes in curriculum are moving in the right direction, e.g., in 2016, the "Reference Framework of Competences for Democratic Culture" (RFCDC) was adopted by the CoE Standing Conference of Ministers of Education, including the MoNE, which aims to develop an understanding of 'democratic culture' through education. Due to the inclusion and participation of students, parents, and community grassroots, the approach represents a whole school model, a top-down *and* bottom-up process that increases sustainability.

Also, the training materials, the educational materials and the WSM are ready to be transposed into school development plans and integrated into the school curriculum. Policy recommendations to absorb the lessons learned, best practices from the field, and potential advantages/disadvantages of the project educational models will further embed the impact of the action in the long term. Despite funding concerns, and the need for private funding solicitation, Turkey dedicates a substantial share of the national budget to higher education than the European average¹⁴, particularly at the tertiary level.

In the "**Women and Child Sections**" project, the institutional capacity has been significantly enhanced to support the sustainability prospects. The GGC continues to conduct training for its staff even after the project ended through its training academy, effectively utilising the knowledge, communication materials and outputs delivered by the project, and maintains its institutional ownership on this issue. The high institutional commitment, which revealed itself with the establishment of 81 WCS throughout Turkey (even before the project began), is likely to continue. An in-house pool of trainers supports the sustainability prospects for continuing capacity-building efforts. On the other hand, the staff turnover in the GGC and WCSs is generally high, which requires regular/mandatory in-service training for WCS to ensure the institutional memory on a long-term basis and to keep the topics updated. Currently, out of 81 provincial WCSs, 76 are at the level of the section, while 5 of them (İstanbul, Ankara, İzmir, Muğla, Antalya) are departmental level. GGC has concrete plans to establish branches at the level of districts.

In the "**Police Complaints Commission**" project; the institutional sustainability prospects are strong as the LEMC Secretariat has been functional since September 2019 and is structured under the CIB/MoI with all the primary and secondary legislation adopted for its functions (secondary legislation published as of August 2019). The National Recording and Case Handling (NRCH) System is in place. The public information strategy, business, and strategic plans will support the effective functioning of the independent complaint system. In this respect, the short- and medium-term sustainability prospects are promising from the policy, institutional and financial perspectives. Interviews revealed that no difficulties are expected in ensuring the institutional and human capacities for sustaining the project's results. Budget allocations are also sufficient to enable the smooth functioning of the LEMC (budget as an autonomous organisation). The total number of personnel employed for the law enforcement monitoring system is currently 2651¹⁵. Although these

¹⁴ <https://www.oecd.org/education/policy-outlook/country-profile-Turkey-2020.pdf>

¹⁵ Law Enforcement Monitoring Commission: 7, Civil Inspectors: 149 (It was foreseen as 15 in the Law, then it was increased to 149 by involving all civil inspectors also for the services of LEMC), Staff at the LEMC Secretariat: 9; Staff in 1007 Law Enforcement Complaints Offices in 81 provinces: 2475 and Staff at Law Enforcement bodies: 18.

numbers are expected for a young institution like LEMC, it would be beneficial to gradually increase the number of personnel, particularly in the big cities, due to the high number of complaints/cases.

The EU's concerns over the independence of institutions are not limited to the LEMC (explained under the JC9.2) but include the Ombudsman Human Rights and Equality Commission. This negatively reflects the amount of funding provided for the fundamental rights sector. A stronger political will is needed to improve the impact and sustainability prospects in general and safeguard the continuation of EU funding in this sensitive field in the following term. Unless concrete policy steps are taken by the GoT to ensure strong and functional institutions and adequate representation of the CSOs in the decision-making processes, there is a risk that the EU's future financial support will be limited to technical and non-controversial fields such as rights of women and children etc., rather than "human rights" related organisations/processes.

Q11. What are the main risks to sustainability, identified at the Activity/Theme implementation stage/materialised beyond Activity/Theme implementation?

As regards internal risks, as noted in Q10, these are uncertainty over future budgetary commitments for financing of interventions linked to the sector in partnership with GoT, lack of dialogue between Turkish institutions and CSOs and other stakeholders due to the political environment. This may become exacerbated by the EU seeking to increase the use of direct grant modalities using ICSOs, local CSOs and CSO partnerships.

JC11.1. The extent to which external and internal factors affected (supported or constrained) the sustainability of Activities

External factors relate to the wider context which are outside the control or influence of the IPA support in this evaluation to affect.

The evaluation analysed the environment, finding factors that positively influence Theme 5 interventions; this analysis also reflected on constraints.

It is worth noting that Turkey invests significantly in this sector and recognises the importance of universal and shared values embedded in international human rights instruments and the national Rule of Law and Fundamental Rights priorities. This is evidenced by the commitment and priorities embedded and contained in the 11th National Development Plan and the Action Plan on Human Rights and noted in the 2021 Annual Turkey report. While critical, this latest EU Progress Report acknowledges that the legal framework includes general guarantees of respect for human and fundamental rights.

A positive contextual institutional development is the creation of the Law Enforcement Monitoring Commission (LEMC), which became operational in September 2019 towards the end of the Police Complaints Commission project (IPCC).

Some of the interviewed stakeholders, including CSOs, as noted in EU Turkey Country reports, shared their views on external factors affecting the implementation and long-term effects of the FR interventions. The challenge remains underutilised cooperation between national institutions and CSOs working on fundamental rights and freedoms. These issues could affect the improvements in the protection of human rights. For example, for the LEMC project, Civil Society Organisations were invited to awareness raising meetings in provinces, but the interest was low. Also, there are some concerns regarding the sustainability of the Human Rights Centres (HRC) of BAs. The HRCs could be considered groups of individuals and volunteers without a clear structure (not an organisation). Theme 5 tried to create a uniform system for seven pilots HRCs, and define a more solid, unified structure. Still, there are challenges to ensuring further

support to HRCs upon completing the EU support, and financial concerns for their sustainability have been raised.

4.8 Added value

Q11. What is the added value of the Activity/Theme, compared to what could be achieved without the EU support?

The Rule of Law and Fundamental Rights sector forms an integral part of the EU Acquis Chapters preparing Turkey for EU membership. The projects and the EU's engagement in the sector provide a mechanism to measure progress and hold stakeholders accountable for progress and achievements. The EU's role as a long-standing partner of GoT enables communication and commitments to be made at the policy level, which empowers projects to address the core issues of change while also linking the logical chain of the project to the impact level in a meaningful way. IPA assistance plays an important role in maintaining this process.

The projects under Theme 5 have achieved measurable progress toward their stated objectives. The projects have provided material support, helped to mobilise national resources, and provided input and guidance in the development of policies and action documents while also establishing permanent institutions such as the Law Enforcement Monitoring Commission (LEMC), strengthening the Ombudsman Institution (OI) and capacity building and networking opportunities for the Bar Association. These all represent substantial results because of support from the EU that helps build societal resilience and awareness of the sector.

The EU Added Value was noted as exceptionally high for OI regarding the exchange of subject-specific knowledge and expertise and for staff who benefitted from exposure to EU values, e.g., the rule of law, democracy, and good governance. The budget support is also essential and enables institutions to work with project teams in a significant and independent manner within the context of the projects. EU involvement brings projects within the context of large-scale reform and longer-term thinking. This dimension brings the development of institutional strategies to the forefront. The same is also true for the LEMC, which was established under the EU accession process with the support of the project. The establishment of human rights institutions (Ombudsman, Human Rights and Equality Institution, Personal Data Protection Authority, LEMC) were all under reform process (Chapters 23&24) and was achieved with EU support.

Other examples of EU added value include activities where it is unlikely that beneficiaries would access experience and expertise from the EU (and Council of Europe) without the projects funded through the IPA II instrument. Specific elements associated include study visits and access to the experience from interaction with the different EU Member States.

JC12.1. The extent to which the progress in the development and capacity of human rights mechanisms and institutions has been achieved with the support of EU IPA II & JC12.2. The extent to which the EU is visible as a key supporter for the fundamental rights and freedoms

EU guidance on visibility is being followed. Engagement with communities and increased public awareness regarding Fundamental Rights strengthen public institutions at the community level. Increased awareness also contributes to programming priorities linked to the recommendations drawn from the EC annual reports and priorities originating from findings relating project designs to the EU Acquis Chapter 23. These linkages and logical consequences significantly contribute to the sectors and Theme 5 relevance and effectiveness. The EU added value thus forms an integral and multi-layered influence which is value-based and encourages societal change and harmonisation.

Interviews revealed that the EU had been a significant donor and partner extending support to the Rule of Law and Fundamental Rights sector. There are no complementarities/synergies to be established with other interventions, and sectoral coordination can be improved. On the other hand, there are several donors, UN agencies and international NGOs (INGOs) extending support/development assistance in the Sector in general, under different sub-sectors, such as rights of children, people living with disabilities (PLWD), people living with HIV (PLHIV), SGBV issues etc. in Turkey. Interviews revealed that there might be duplication of technical and financial resources in various thematic areas (particularly rights of children and SGBV), which, if better coordinated, may improve the effectiveness of the actions, prevent duplications, and establish synergies. In this respect, there is room for improvement in ensuring sectoral inter-agency coordination and collaboration with other donors and actors in the Sector areas via the leadership of the DEUA.

The importance of horizontal sector coordination was a recurring theme raised during the evaluation, while informants also recognised and acknowledged existing challenges. Additionally, project-level coordination between the DEUA and other vital national stakeholders needs improvement. This issue seems to be partly resolved with the introduction and kick-off in January 2022 of the new Technical Assistance for Strengthening Fundamental Rights Sector Coordination funded by the EU and implemented by the private consultancy company and with DEUA, Department for Political Affairs as the main beneficiary. The fact that the EU is providing funding for this initiative highlights that there is continued recognition of issues related to the sector and willingness to continue engagements in addressing core issues.

5 OVERALL ASSESSMENT CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions

No	Link to Evaluation criteria/EQ	Conclusion
1	Relevance, Coherence, Complementarity/EQ1	<p>Theme 5 and its projects have all been relevant from the design throughout the entire period of implementation, appropriately addressing the development priorities and needs of Turkey and its citizens concerning fundamental rights and freedoms.</p> <p>Theme 5 remained relevant during the entire period of implementation, and the EU together with national authorities have been in general effective in conceptualising the assistance, in an aligned manner with the real needs. The responsiveness of the activities to the needs of the Government, while linking them to the EU accession priorities also contributed to the relevance of this support to the critical human rights institutions.</p> <p>On the other hand, the intervention logic and logical frameworks for majority of activities were found weak, due to the broadly formulated outcomes and inadequate indicators that only partially serve to measure the actual progress under outcomes and even less to capture the contribution to the overall progress. (EQ1, 2)</p>
2	Relevance and Coherence (EQ1,2)	<p>All interventions have internal coherence, with a generally explicit links to Theme 5 stated objective to ensure progress towards the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination in all areas in Turkey. However, there is little evidence of synergies planned or emerging between the interventions or with other donor-led actions, so external coherence is not strong. Furthermore, there are various negative developments across all governance indicators that, at the macro-level, impinge on the country's progress concerning fundamental rights and freedoms.</p> <p>Nevertheless, the IPA interventions have been in general responsive, flexible, and adaptive, capable of establishing institutional partnerships. In this context, the partners/national institutions recognised advantages and benefits from cooperating with international development organisations.</p>
3	Effectiveness/ EQ4	<p>A range of positive factors have supported the effectiveness of the IPA assistance, most notably the strong ownership and commitment of the Turkish institutional beneficiaries etc.</p> <p>Some hindering factors were also noted. In particular, a comprehensive and methodological approach to Human Resource management is not sufficiently in place to take full advantage of TA and capacity building in institutions working in the sector. This is true for the sector and public service, as recognised in the 11th National Development Plan (11th NDP). The absence of institution-based in-house training and monitoring units contributes to the institutional loss of knowledge and capacity. The lack of systematic and career development-oriented evaluation mechanisms aggregates the problem of staff retention, possibly resulting in weak project management. Strengthening these capacities on a national and sectoral basis would contribute to the abrogation of international experts in fields and</p>

		<p>themes where the use of national experts would be preferable. This would benefit programs in several ways, such as capacity, sustainability, and cost of interventions. Issues linked to differences of cultural and societal nature would also be mitigated, reducing overall risk, and improving the performance of project implementation.</p>
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4	Effectiveness/ EQ4	<p>The evaluation found that the programming process, although thorough and ultimately effective, was highly time consuming. Some shortcomings were noted in relation to the formal design of the interventions linked to formulation of results and indicators.</p> <p>The majority of Theme 5 initiatives included significant technical assistance focusing on strengthening policy processes, institutional and individual development. However, the planning and timeframe for implementation of these capacity development efforts has been inadequate, especially considering the differences in legislative processes in Turkey. The policy and law-making processes, including adopting and enacting new policies and laws take time in Turkey. The timeline of Theme 5 initiatives, which is 2-3 years, has not been sufficient to ensure that policies and laws are prepared and adopted. Similarly, institutional development efforts require time, as the processes are critical and not only end results.</p> <p>The logical matrices require improvements, particularly related to indicators and their adequacy to measure progress and achievements. This also holds true for the risk and assumptions elements of the design, as well as the external context, which is critical for sector level impact, which would require more thorough analysis and monitoring during the implementation.</p>
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5	Efficiency, Coordination/EQ5	<p>Although evidence suggests overall adequate cost-effectiveness, there was no evidence that Theme 5 initiatives in their design considered any explicit cost-benefit, cost-effectiveness, or other financial analysis.</p> <p>The programming process included planning of finances - preparation of budgets. However, the implementing partners, especially development organisations, presented unduly broad or unclear budget categories (e.g., positions that are not directly related to the respective initiative).</p>
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6	Efficiency, Coordination/EQ6	<p>Twinning modalities are often useful and effective, especially in this sector, and this modality for peer-to-peer knowledge sharing could increase in the future.</p> <p>However, challenges and gaps in the capacity to manage the twinning modality were also recognised, expressing the need to focus on lessons learnt. The twinning modality is rigid and inflexible, e.g., “not even a pencil could be procured if not specified in contract’ to paraphrase an interviewee.</p> <p>Consultancy companies for TA have not proved to be the most beneficial contracting modality meeting the requirements, priorities and sensitivities of the Rule of Law and Fundamental Rights sector. The development organisations are preferred, working in the beneficiary’s best interest, and the results of the projects. Furthermore, the sector-related challenges and political sensitivities may be better served by international not-for-profit organisations having a different focus while ensuring organisational capacities that fit this context.</p>
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7	Efficiency, Coordination/EQ8	<p>The need to strengthen coordination is evident, especially at the higher sectoral level. The recently launched sectoral coordination technical assistance contract could, if successfully delivered, may improve this situation.</p> <p>Coordination at the intervention implementation levels is usually adequate, although the involvement of CSOs is not strong, the exception being the BA project. Still, activities under Theme 5 could benefit from a genuinely integrated sectoral approach, thus providing more effective interactions between activities and their implementing agencies (development partners and consultancy companies) during planning and implementation.</p> <p>The interactions among Theme 5 activities remained confined mainly to information sharing through various formal or less formal channels eventually resolving issues. Day-to-day communication among the different partners has been more on the operational side.</p>
8	Impact/EQ9	<p>The issue linked to visibility and transparency is present. However, projects involving security institutions may be more sensitive to a high public profile in their work. This should not be the case for OI and BA, which require a high public profile. However, there is insufficient and under-utilised coordination with CSOs and CSOs working in the sector, that could enhance these cooperation options including better utilisation and integration with public sector institutions in the civil society sub-sector.</p>
9	Sustainability EQ5, EQ6, EQ7 and EQ8	<p>The sense of national ownership over the achievements under Theme 5 has been created through effective partnerships and active involvement, both in design and implementation stages of interventions. Sustainability of these achievements is likely to be high, particularly at the institutional and individual levels.</p> <p>Theme 5 has been implemented through different projects, designed and implemented through active/high cooperation of the national authorities and key stakeholders. Their involvement in the planning processes and specific steering and management arrangements during implementation of these initiatives (“output level”) have been satisfactory.</p> <p>Cooperation with international development organisations (as opposed to private companies) has remained as the preferred implementation (technical assistance) modality for the national stakeholders. Considering their proven accountability for results and the long-term partnerships created based on mutual trust, respect and teamwork; this is justified.</p>

Certain external factors and challenges including the COVID 19 pandemic posed risks on the achievement of results.

The technical expertise available through the EU assistance, combined with the national ownership and commitment contributed to the achievement of results. At the levels of individuals, capacity development support has been well-established, based on understanding the target groups' current knowledge, gaps, previous education and likely learning styles. Despite this progress, the capacities of several beneficiary institutions and their employees remain limited and would require their own internal continued and well-planned capacity development once IPA support comes to an end.

Some external factors affected delivery of results, including the impact of the COVID-19 that was immense, especially on OI. Also, political developments in the country and decline of all governance/human rights related indicators in the country are affecting the roles of many institutions (some departments and units have been abolished) while the engagement with the EU relevant bodies has been declining. Also, staff turnover within government institutions represents serious risks for the institutions to preserve the established human capacities and acquired skills.

10 Impact/sustainability
EQ4, EQ9 and EQ10

11	EU-added value EQ12	Knowledge sharing among the EU institutions and partners in Turkey fills a niche in the range of EU instruments, contributing to its added value. Direct cooperation with the EU institutions from relevant public administration structures facilitates the adoption of the <i>acquis Communautaire</i> and EU norms and standards.
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5.2 Recommendations

Link to conclusions	Recommendation	Addressee	Timeline for implementation
Conclusions 1 and 2	<p>The evaluation recommends continuing efforts to strengthen the institutional capacities within fundamental rights and freedoms sector. There is a need to continue with legislative changes to further advance independence of the main institutions.</p> <p>The next EU IPA Programming cycle and also other funding opportunities should be considered.</p> <p>It will be important to ensure the further organisational strengthening of the main national institutions, such as Ombudsman Office or the Union of Turkish Bar Associations, BAs and other human rights institutions. This support should focus on aligning institutions and policies with EU standards and practices as a main goal. In parallel, the evaluation recommends to consider capacity development for the leadership and technical staff based on capacity development needs assessment and define priority areas for professional improvements.</p> <p>In the context of supporting fundamental rights and freedoms, the evaluation recommends exploring opportunities for the institutions in Turkey to advance cooperation with the European institutions. The objective will be to ensure access to EU practices and models through horizontal knowledge sharing, peer-to-peer interactions and direct exposure to EU standards and practices. Possible options could be to ensure support through EU twinning support or the Technical Assistance and Information Exchange instrument of the European Commission (TAIEX). Also, the national funds could be considered for cooperation with EU institutions.</p>	<p>EU Delegation NIPAC Government of Turkey OI/UBA/BAs CSOs active in human rights and freedoms.</p>	<p>Next planning/programming cycle (IPA III) Continuous</p>
Conclusions 1 and 2	<p>The evaluation recommends planning future IPA interventions linking directly to priorities of the Action Plan for Human Rights (March 2021). In this context, the evaluation recommends support to revise the Action Plan, as this document expires in less than a year. This participative and expert support for the revision of this document will ensure that priorities are well recognised and integrated. In addition, there is a need to support a monitoring system to follow up and report on activities.</p>	<p>EU Delegation Government of Turkey OI/UBA? BAs CSOs active in human rights and freedoms.</p>	<p>Next planning cycle (IPA III) Continuous</p>

Considering the current status of the Action Plan implementation, the evaluation recommends that ongoing initiatives develop and prepare inputs for laws and policies in the relevant sectors considering and incorporating ECtHR case law and precedence to establish trust and intent.

<p>Conclusions 3 and 4</p>	<p>The evaluation recommends that leading institution plan longer-term interventions (under next IPA cycle, other national or other funding opportunities) with the representation, active involvement, and coordination of all related stakeholders (law enforcement institutions such as Turkish Police, Gendarmerie, Coast Guard and including the civil society actors) in decision-making processes. These longer-term interventions will consider realistic implementation period and prevent continues requests for no-costs extensions.</p>	<p>Ministry of Interior and its directorates Government of Turkey CSOs active in human rights and freedoms.</p>	<p>Continuous</p>
<p>Conclusions 1, 2 and 4</p>	<p>The evaluation recommends the NIPAC and the EU Delegation for the IPA III programming to prepare a sound (sector level) theory of change (or use another credible problem analysis tool).</p> <p>This approach will strengthen the intervention logic and frameworks for the new initiatives (funded under IPA III or other funds) and ensure stronger links within intervention logic, and especially between outputs and outcomes.</p> <p>In addition, the formulation of a sound intervention logic and chain of results (based on problem analysis) will facilitate to formulate of set adequate indicators that could adequately measure the actual progress under outcomes and capture the contribution of various interventions to the overall progress under the human rights framework. It is recommended to provide a well-balanced combination of qualitative and quantitative indicators to capture changes and results in the specific areas of intervention. The IPA II Performance Framework and, in future, the IPA III Monitoring and Evaluation Framework should be used as the primary sources of these indicators. Current DG NEAR guidance should be deployed regarding use of sex-disaggregated indicators in the log-frames and gender-sensitive practices in data collection and reporting.</p>	<p>EU Delegation NIPAC Government of Turkey CSOs active in human rights and freedoms.</p>	<p>Continuous</p>
<p>Conclusions 5, 6 and 7</p>	<p>The evaluation recommends ensuring financial cost- benefits controls during the programming stage. This is critical to contribute to financial viability and relevance of EU funded projects.</p> <p>The evaluation recommends that the programming stage include a simplified financial analysis separating operational and programmatic costs, reflected, and supported by narrative analysis. Clear</p>	<p>EU Delegation NIPAC Other institutions and implementing partners</p>	<p>Continuous</p>

	understanding and mapping of human capacity should be considered and rationalised, and financial reporting should indicate HR costs with comparable sector-related information.		
Conclusions 4, 8, 9, 10 and 11	<p>The evaluation recommends considering options to enhance the twinning mechanism as a valuable modality for transferring EU experience and practices in the context of this thematic sub-sector. The selection process of the Twinning partner is crucial. Attention should be paid to the proposals and presentations and whether the selected twinning partner could work under the Turkish framework/conditions with the necessary cultural sensitivity and experience.</p> <p>The twinning modality puts a heavy burden on public institutions regarding workload and budget. Increasing the eligible operational and programming expenses should be considered to capture and mitigate the extra cost for the BI.</p>	<p>EU Delegation</p> <p>NIPAC</p> <p>Other institutions and implementing partners</p>	<p>Next planning cycle (IPA III)</p> <p>Continuous</p>
Conclusions 5 and 11	<p>To become more visible, OI and BA should work together with CSOs. Establishing a “a sub-grant facility for CSOs, human rights organisations and other similar local stakeholders for future programming” is essential. This might be sensitive under the Fundamental Rights sector, but EUD and DEUA manage and implement projects under the civil society sector and should take a lead in this.</p> <p>In addition, the evaluation recommends involving CSOs in other activities, such as policy planning and analysis; workshops and studies, research, etc.</p>	<p>EU Delegation</p> <p>NIPAC</p> <p>Government of Turkey</p> <p>OI/UBA</p>	<p>Next planning cycle (IPA III)</p> <p>Continuous</p>
Conclusions 4, 8, 9, 10 and 11	<p>The effects of the IPA-supported capacity building can only be ensured long-term if the current sector strategy groundwork is followed up with beneficiary-led capacity building. Sector institutions, especially at the OI and Ministry levels should build capacity in the form of dedicated training and learning units. Institutions have cultural identity and history that can only be recognised by dedicated units that integrate fully in the institutions.</p> <p>While the impact from the awareness-raising component is guaranteed in the shorter term (public video spots, international and regional conferences), a more sustainable mechanism needs to be deployed across the country to obtain long term impact, such as building partnerships with the local public and CSO organisations. This should be done by the Government of Turkey and its ministries, local authorities and other stakeholders via formal and informal cooperation structures.</p>	<p>EU Delegation</p> <p>NIPAC</p> <p>Government of Turkey</p> <p>OI/UBA</p>	<p>Next planning cycle (IPA III)</p> <p>Continuous</p>