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# 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

<b>Project title</b>	Technical Assistance for the Evaluation of 2014, 2015 and 2016 Turkey Annual Programmes EuropeAid/140793/IH/SER/TR
<b>Beneficiary Country</b>	Turkey
<b>Location</b>	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.
<b>Contracting Authority</b>	Central Finance and Contracts Unit (CFCU), Ankara, Turkey.
<b>Responsible Body</b>	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).
<b>Target groups</b>	<ul style="list-style-type: none"><li>▪ NIPAC Office;</li><li>▪ The EC/EUD;</li><li>▪ OSs and LIs of the projects involved at central and local level;</li><li>▪ Decision and policy-makers in the ministries involved;</li><li>▪ Project beneficiaries, end beneficiaries, grant beneficiaries and their co-applicants;</li><li>▪ The Final Beneficiaries of the activities implemented;</li><li>▪ Members of the Evaluation Reference Groups (ERG) including CFCU members;</li><li>▪ Other social partners and CSO representatives.</li></ul>
<b>Commencement date</b>	9 August 2021
<b>Duration</b>	14 months

## ABBREVIATIONS

<b>AD</b>	Action Document
<b>CFCU</b>	The Central Finance and Contracts Unit of the Ministry of Treasury and Finance of Turkey
<b>CoE</b>	Council of Europe
<b>DEUA</b>	Directorate for EU Affairs
<b>DG NEAR</b>	Directorate General European Neighbourhood and Enlargement Negotiations
<b>EC</b>	European Commission
<b>ERG</b>	Evaluation Reference Group
<b>EU</b>	European Union
<b>EUD</b>	European Union Delegation to Turkey
<b>HELP</b>	Human Rights Education for Legal Professionals
<b>IL</b>	Intervention Logic
<b>IPA</b>	Instrument for Pre-accession Assistance
<b>IRM</b>	Implementation Review Meetings
<b>JC</b>	Judgement criteria
<b>LI</b>	Lead Institution
<b>NGO</b>	Non-governmental organisation
<b>NIPAC</b>	National IPA Co-ordinator
<b>OS</b>	Operating Structure
<b>ROM</b>	Results Oriented Monitoring
<b>SMC</b>	Sectoral Monitoring Committee
<b>TA</b>	Technical Assistance
<b>ToR</b>	Terms of Reference
<b>UNDP</b>	United Nations Development Fund
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund

## EXECUTIVE SUMMARY

This report focuses on Theme 8 'Judiciary' and specifically the expected 'results' of *Improving Professionalism and Competence of the Members of the Judiciary and Auxiliary Personnel* and *Improving Efficiency and Effectiveness of the Judiciary*. These are key results under IPA assistance, with substantial financial assistance in the programming years covered by this evaluation (for the entire judiciary theme - including the penitentiary sector: 28.7 EUR million EU contribution for the 2014 programme, 17.9 million EUR EU contribution for the 2015 programme, and 22.1 EUR million for the 2016 programme). As discussed in the Annual Action Programmes for the three years, some of the key issues regarding the expected results comprise deficiencies in pre- and in-service training of judges, prosecutors, and other staff working in the judiciary sector; heavy workload of courts, lengthy and inefficient proceedings, and limited support for victims. Turning to the selected seven 2014 and 2015 Activities covered by this evaluation and looking specifically at the reconstructed intervention logic for the selected Activities, the long-term change or expected impact can be defined as *Turkey's Citizens Benefiting of Enhanced Delivery of Justice*, with a specific focus on judicial process. This will be achieved by improving the professionalism and competence of the judiciary and auxiliary personnel and by improving the efficiency and effectiveness of the judiciary (the expected short-/medium- term outcome). The expected outcomes will be achieved based on seven 'Activities' (or projects); two Activities focus on the outcome of 'professionalism and competence of the judiciary' and five Activities cover the outcome 'efficiency and effectiveness of the judiciary'. Targeting the judiciary and auxiliary personnel, the seven Activities comprise a wide range of activities 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.

**Relevance:** The selected interventions are fully relevant regarding the achievement of the improved professionalism, competence, effectiveness, and efficiency of the judiciary. Interventions are clearly aligned with Turkey's and the European Union's (accession) policy framework and with needs of the lead beneficiaries and other stakeholders, with good levels of flexibility to address changes, most notably in the context of the COVID-19 pandemic.

**Coherence:** The selected interventions are coherent with EU and other international assistance, with the main implementing actors (Ministry of Justice, Council of Europe, twinning partners) ensuring coordination and preventing duplication.

**Effectiveness:** The selected Activities to a large extent made important contributions to the intended outcomes of improved professionalism, competence, effectiveness, and efficiency of the judiciary. Indeed, the selected Activities have largely delivered intended outputs, including different categories of outputs, e.g., existing legislation revised, new legislation drafted, institutional structures and tools developed, trainings and corresponding capacity development materials produced etc. Specific objectives in terms of a more professional/competent/efficient and effective judiciary have been largely achieved. Whilst indicator data at the outcome level were not collected systematically, the existing indicator data and qualitative feedback by all stakeholders fully validate the strong performance of the selected Activities. Indeed, Activities made a strong contribution to enhancing the

legal and policy framework governing the performance of the judiciary. The Activities also contributed greatly to developing and/or strengthening the institutional framework. Moreover, Activities contributed greatly to the enhanced coordination between relevant stakeholders. Activities were designed with a view on gender (mostly balanced participation of men and women) and human rights considerations.

The COVID-19 pandemic and the corresponding restrictions to 'physical' activity constituted the most important external factor influencing the achievement of the Activities' objectives and results, however, this was adequately mitigated by adoption of online modes of capacity development. The Activities used twinning ('2014 Auxiliary Staff', '2014 Judicial Notification', '2014 Civil Enforcement', '2014 Victim Rights', '2015 Pre-service Training'), a grant agreement ('2015 Criminal Justice System') and technical assistance ('2014 Judicial Statistics'). The use of the different modalities proved largely adequate.

**Efficiency:** Whilst there have been efficiency issues (most notably delays caused by COVID-19) on the whole, outputs have been generated in time to support effectiveness. Practices regarding reporting, communication and coordination were fit for purpose, however, there is room for further strengthening the use of outcome indicators. Activities demonstrated strong efforts of ensuring adequate coordination between relevant Activities, despite the COVID-19 restrictions constraining face-to-face meetings.

**Impact:** The selected Activities have already made first contributions to achieving overall objectives and the wider theme's impact in terms of citizens benefiting of enhanced delivery of justice. However, full impact will only materialise in the future. This is indicated by strong ownership by the Ministry of Justice. Wider sector developments, most notably turnover/recruitment issues in the judiciary, could of course constrain future impact.

**Sustainability:** Prospects for sustainability are good, again explained by strong ownership by the Ministry of Justice, and the presence of a reinforced normative and institutional framework. Only a small number of yet important constraining factors were identified, including failure to ensure the integration (and updating) of new capacity development contents into existing regular training curricula of judges, prosecutors, law enforcement, lawyers and staff working at courts; and failure to ensure the regular monitoring of the application of new 'standards' across all provinces of Turkey.

**Added value:** The selected Activities demonstrated strong added value - allowing access to experience and expertise from the European Union and speed and scale of development that would not have been possible without the support. Indeed, it is unlikely that beneficiaries could have accessed experience/expertise from the European Union (and Council of Europe member States) outside the Activities. Specific elements associated with EU added value include study visits/access to specific experience from different EU Member States.

## **Conclusions, lessons learnt and recommendations**

The selected 2014 and 2015 Activities demonstrated a strong performance in the light of all evaluation criteria. Most importantly, looking at the reconstructed theory of change, the selected Activities were **effective**, making important contributions to the intended outcomes of improved professionalism, competence, effectiveness, and efficiency of the judiciary. The selected Activities have already made



first contributions to achieving overall objectives and the wider theme's impact in terms of citizens benefiting of enhanced delivery of justice. However, full impact will only materialise in the future. Prospects for impact are indicated by strong ownership by the Ministry of Justice. Wider sector developments, most notably turnover/recruitment issues in the judiciary could of course constrain future impact.

Key **lessons learnt** include:

- Adopting participatory approaches, including final beneficiaries/civil society organisations in the designing and delivery of support, thus ensuring strong relevance;
- Piloting new approaches in selected institutions (court houses)/provinces, thus allowing for the immediate testing of new models of capacity development, new structures etc. and subsequent finetuning before rolling out new approaches across the country, thus contributing strongly to effectiveness;
- Allowing for flexibility with regard to the delivery of capacity development interventions, e.g., adopting online/hybrid modes of capacity development, allowing twinning experts to work remotely, thus ensuring efficient and effective delivery of support;
- Ensuring regular meetings between relevant stakeholders, thus ensuring coordination between different components of an Activity/between different Activities;
- Strong ownership of the Ministry of Justice, ensuring the allocation of human/financial resources to activities, involvement of senior-level representatives in key events of Activities, thus contributing to impact and sustainability.

**Recommendations** addressed to the Ministry of Justice include:

- Ensure that participatory approaches are deployed during the design and delivery of Activities, involving relevant public sector stakeholders and civil society organisations.
- Follow up with the Ministry of Family and Social Services on the current situation of the intended structure on addressing gender/domestic violence and to inform NIPAC and EUD; Lead beneficiary to inform NIPAC and EUD on progress with victim compensation mechanism.
- Ensure that the procedures for final reporting of Activities to be finalised as stipulated in financial rules, in particular for the 2014 Victim Rights project: A full assessment for the achievement of the indicator of the project (Provisions of the EU directive on compensation to victims internalised) is presented in the Final Report.
- Ensure all training curricula designed under IPA Activities are integrated into the regular trainings of judicial actors.
- Review ongoing IPA-funded Activities for potential to strengthening the balanced participation of men and women and ensure all Activities collect data on the balanced participation of men and women. Lead beneficiary to ensure that future log frames integrate data collection on the balanced participation of men and women.
- Consider allowing for hybrid formats for future capacity development activities, combining presentational events with remote participation.
- Ministry of Justice (supported by other stakeholders such as NIPAC, CFCU, EUD) in their communication with twinning partners to emphasise the importance of twinning experts spending some time on familiarising with the Turkish context prior to their deployment.

- Establish bilateral-level exchanges with twinning partners, e.g., inviting representatives of the administrations having provided twinning support for bi-annual informative meetings on follow-up to twinning recommendations. Besides discussing content (with a view to ensuring relevance) this should also touch on the need to ensure the swift deployment of twinning teams as soon as Activities are launched.
- Ensure all future Activities include a substantial element of piloting institutional/normative innovations in selected provinces/courts.
- Ministry of Justice (supported by other stakeholders such as NIPAC, CFCU, EUD) to support technical assistance teams when approaching Member State administrations for the hosting of study visits.
- Ensure that sufficient capacities/structures are in place to ensure monitoring at the outcome level.
- Ministry of Justice (supported by other stakeholders such as NIPAC, CFCU, EUD) to consider using IT/collaborative workspace platforms to comment on draft reports/circulate reports between relevant stakeholders.
- Organise annual meetings with former twinning partners to allow for exchanges on relevant normative/institutional issues covered by former twinings with a view to identify areas for further bilateral cooperation (outside the framework of EU funding).


# 1 INTRODUCTION

## 1.1 Objectives and scope of the evaluation

This Evaluation Report covers Theme 8 Actions under the Instrument for Pre-Accession Assistance (IPA) II for Enhancing the Capacity, Efficiency and Administration of the Judiciary. 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 of 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.”

**Table 1 Basic data on the evaluated interventions**

Code	No. of contracts	Sector/Theme/Intervention	Start date	End date - planned date if different	Allocated (EUR)	Contracted (EUR)	Disbursed (EUR)
	<b>7</b>	<b>Theme 8 "Evaluation of IPA II actions for Enhancing the Capacity, Efficiency and Administration of the Judiciary in Turkey funded under Annual action Programmes 2014, 2015 and 2016"</b>					
A8.1	1	2014 Activity 2.1 Increasing Efficiency of Auxiliary Staff in Judicial Services and the Quality of Trainings	18/05/2018	17/02/2020	3,157,895.00	2,660,881.25	2,660,881.25
A8.2	1	2014 Activity 3.2 Improving Judicial Notification System	19/07/2018	27/10/2020	1,650,000.00	1,591,829.74	1,591,829.74
A8.3	1	2014 Activity 3.3. Increasing the Capacity and Quality of Judicial Statistics	07/03/2019	07/10/2020	2,200,000.00	2,000,449.50	800,179.80
A8.4	1	2014 Activity 3.4. Improved Capacity of Civil Enforcement Offices (Phase II)	03/09/2018	22/04/2021	2,000,000.00	2,000,000.00	1,116,524.03
A8.5	1	2014 Activity 3.5 Strengthening the Victim Rights in Criminal Justice System	21/03/2017	18/06/2019	2,200,000.00	2,200,000.00	1,931,707.33
A8.6	1	2015 Activity 2.1 Strengthening the Criminal Justice System and the Capacity of Justice Professionals on prevention of the European Convention on Human Rights Violations in Turkey	15/03/2019	14/03/2023	4,500,000.00	4,500,000.00	3,602,992.63
A8.7	1	2015 Activity 3.4. Improvement of the Efficiency of Pre-service Trainings for Candidate Judges and Prosecutors	31/05/2019	30/11/2021	2,000,000.00	2,000,000.00	976,958.53

This thematic evaluation is focused on a selection of IPA activities, more exactly, seven Activities funded by IPA 2014 and 2015.

Note on terminology used: The IPA Action Annual Programmes use the term “Activity” for the support provided, each Activity consisting of one or more contracts. Whilst this report mostly uses the term “Activity” at times we also use the more generic term “intervention” which is largely used in the evaluation practice not only in IPA but in all European Union (EU) funding programmes. With regard to specific contracts, we will also refer to the term “project”.

## 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 from surveys 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 selected Activities. The suggested methods and tools were based on the reconstructed intervention logic. The purpose of this exercise was to focus 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 the theme, comprising all the Activities 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 also ensures that no evidence gaps emerge.

#### 1.4 Description of the evaluation activities

As for the methodology, 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 Ministry of Justice, contractors, NIPAC staff responsible for the theme, 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 versus 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 Activities 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, SOLUTIONS AND LIMITATIONS

Only two minor problems, and with limited impact on the evaluation, were encountered. As already noted in the context of the inception phase/inception report, relevant documentation/reports on the selected Activities were not readily available at the outset of the evaluation, and this somewhat delayed the data collection efforts (mitigated by extending the duration of the data collection effort). Moreover, the review of the documentation/reports found that monitoring based on indicators corresponded mostly to the level of activities/outputs, with less systematic/comprehensive monitoring of outcomes. Stakeholders demonstrated good awareness of this issue, and weaknesses in this area were explained with resource issues (limited time to dedicate to the design of monitoring systems and corresponding data collection during implementation). Whilst the assessment was somewhat constrained by the absence of systematic monitoring data, this was largely mitigated by extensive data derived from interviews.

### 3 PRESENTATION OF THE THEMATIC EVALUATION CONTEXT

This report focuses on Theme 8 'Judiciary' and specifically the expected 'results' of '*Improving Professionalism and Competence of the Members of the Judiciary and Auxiliary Personnel*' and '*Improving Efficiency and Effectiveness of the Judiciary*'. These are key results under IPA assistance, with substantial financial assistance in the programming years covered by this evaluation (For the entire judiciary theme (including the penitentiary sector) this comprised: 28.7 million EUR EU contribution for the 2014 programme, 17.9 million EUR EU contribution for the 2015 programme, and 22.1 million EUR for the 2016 programme). As discussed by the Annual Action Programmes for the three years, some of the key issues regarding the expected results comprise: deficiencies in pre- and in-service training of judges, prosecutors, and other staff working in the judiciary sector, heavy workload of courts, lengthy and inefficient proceedings, and limited support for victims. In terms of the wider context, it is also worth noting that the IPA instrument supports reforms that facilitate compliance with EU standards. The objectives of the Indicative Strategy Paper for Turkey for the judiciary sector is to further strengthen and make more concrete and visible the independence, impartiality, efficiency and administration of the judiciary as well as to enhance respect for fundamental rights and freedoms. Under IPA II, the EU programmed 26 projects between 2014 and 2020 with a total value of EUR 68.7 million. The EU has not programmed new actions in this sector since 2017 in view of backsliding in the justice sector.<sup>1</sup> Several projects under 2014-2016 IPA II were suspended with a total allocation of 16.7 million EUR, de facto terminating their implementation. Indeed, the European Commission closely monitors the implementation of the Judicial Reform Strategy and the Human Rights Action Plan. Several legislative amendments, which include also positive changes took place until today, however, the concerns identified in the Venice Commission (VC) and the EU reports, i.e., certain key reform needs, comprehensive system-wide changes to restore independence and impartiality are still not addressed. Funding through IPA II is currently undertaken through projects addressing mainly the efficiency, administration of the judiciary. These projects are not specifically tackling the fundamental/core issues of the judiciary system, such as independence and impartiality. **Findings as discussed in section 4 below exclusively draw on the seven Activities discussed in the following paragraph.**

Turning to the selected seven Activities covered by this evaluation and looking specifically at the reconstructed intervention logic for the selected Activities, the long-term change or expected impact can be defined as '*Turkey's citizens benefiting of enhanced delivery of justice*', with a specific focus on judicial process. This will be achieved by improving the professionalism and competence of the judiciary and auxiliary personnel and by improving the efficiency and effectiveness of the judiciary (the expected short-/medium-term outcome). The expected outcomes will be achieved based on seven 'Activities' (or projects) - listed below; two Activities focus on the outcome of 'professionalism and competence of the judiciary' and five Activities cover the outcome 'efficiency and effectiveness of the judiciary'. Targeting the judiciary and auxiliary personnel, the seven Activities comprise a wide range of activities with the goal establishing the required institutional systems and re-organising existing institutions; developing capacities of the concerned actors; revising legislation; ensuring that the

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<sup>1</sup> See for example, European Commission (2021) Commission Staff Working Document, Turkey 2021 Report, p. 4: 'The serious backsliding observed since 2016 continued. Concerns remained, in particular over the systemic lack of independence of the judiciary and undue pressure on judges and prosecutors'.

required physical facilities are in place and operational; and conducting awareness raising. The seven selected Activities are:

1. *2014 Activity 2.1 Increasing Efficiency of Auxiliary Staff in Judicial Services and the Quality of Trainings* (referred to as '2014 Auxiliary staff' in the remainder of this report);
2. *2014 Activity 3.2 Improving Judicial Notification System* (referred to as '2014 Judicial Notification');
3. *2014 Activity 3.3. Increasing the Capacity and Quality of Judicial Statistics* (referred to as '2014 Judicial Statistics');
4. *2014 Activity 3.4. Improved Capacity of Civil Enforcement Offices (Phase II)* (referred to as '2014 Civil Enforcement');
5. *2014 Activity 3.5 Strengthening the Victim Rights in Criminal Justice System* (referred to as '2014 Victim Rights')
6. *2015 Activity 2.1 Strengthening the Criminal Justice System and the Capacity of Justice Professionals on prevention of the European Convention on Human Rights Violations in Turkey* (referred to as '2015 Criminal Justice System');
7. *2015 Activity 3.4. Improvement of the Efficiency of Pre-service Trainings for Candidate Judges and Prosecutors* (referred to as '2015 Pre-service Training').



## 4 FINDINGS OF THE EVALUATION BY THE EVALUATION QUESTION

### 4.1 Relevance

**Q1. To what extent are the activities implemented relevant for achieving the specific objectives of the Activity/Theme (Professionalism and competence of judiciary and auxiliary personnel improved/Efficiency and effectiveness of judiciary improved)?**

The selected interventions are fully relevant regarding the achievement of the improved professionalism, competence, effectiveness, and efficiency of the judiciary. Interventions are clearly aligned with Turkey's and the European Union's (accession) policy framework and with needs of the lead beneficiaries and other stakeholders, with good levels of flexibility to address changes, most notably in the context of the COVID-19 pandemic.

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

IPA Interventions are characterised by their **strong alignment with Turkey's wider policy framework**.

Indeed, at the highest policy level regarding the 'judiciary sector', Activities are clearly aligned with **Turkey's Judicial Reform Strategy** for the periods 2015-2019 and 2019-2023. For example, this is very clearly the case for '*2015 Criminal Justice System*', with the strategy documents clearly underlining the importance of adherence to criminal justice standards set by case law of the European Court of Human Rights. Similarly, '*2014 Auxiliary Staff*' and '*2015 Pre-service Training*' clearly speak to the strategy objectives of enhancing capacities (via training).<sup>2</sup> Moreover, all Activities clearly align with the general objectives of the 10<sup>th</sup> (2014-2018) and 11<sup>th</sup> National Development Plans (2019-2023). For example, '*2014 Criminal Justice System*', '*2014 Victim Rights*', '*2014 Judicial Statistics*', '*2014 Judicial Notification*' and '*2014 Civil Enforcement*' clearly address the 11<sup>th</sup> National Development Plan's objectives of '*Effectiveness of ordinary and administrative judiciary will be improved; citizens' satisfaction with the justice services will be increased*'.

Some of the Activities also speak to other **more targeted or specialised policy frameworks**. For example, '*2015 Criminal Justice System*' contribute to operationalising commitments under the **Action Plan on Human Rights (2021)**. Similarly, '*2014 Auxiliary Staff*' speaks to the Ministry of Justice **Strategic Plan 2014-2018** and successor plans.

Moreover, Activities are tailored to implement/develop **existing legal frameworks**. For example, '*2014 Victim Rights*' contributed to developing the Law on Protection of Witnesses and the Law on the Protection of Family and Prevention of Violence against Women. '*2015 Pre-service Training*' speaks to Law 2802/Presidential Decree 34/2019 regarding organisational aspects in the judiciary and to the amended Regulation on internship period and internship courts of candidate judges and prosecutors

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<sup>2</sup> Looking at the 2019-2023 strategy, the selected Activities most clearly align with 'Aim-1 Protection And Improvement Of Rights And Freedoms' ('2014 Criminal Justice System', '2014 Victim Rights', '2014 Judicial Statistics', '2014 Judicial Notification', '2014 Civil Enforcement'); with 'Aim-3 Increasing The Quality And Quantity Of Human Resources' ('2014 Auxiliary Staff', '2014 Pre-service Training'); with 'Aim-4 Enhancement Of Performance And Productivity' ('2014 Civil Enforcement', '2014 Judicial Statistics', '2014 Judicial Notification', '2014 Auxiliary Staff', '2014 Pre-service Training'); and with 'Aim-6 Ensuring Access To Justice And Enhancing Satisfaction From Service' ('2014 Victim Rights', '2014 Judicial Notification', '2014 Civil Enforcement', '2014 Auxiliary Staff').

(Rules of Procedure for Ordinary Judiciary Candidate Judges and Prosecutors RG-30/10/2011-28100). '2014 Judicial Notification' speaks to Law 7201 on judicial notification and the corresponding by laws. '2014 Judicial Statistics' is aligned with Law 5429 (2015) and the Presidential Decree 1 (10 July 2018).

#### JC1.2. Alignment of selected Activities with EU accession policy framework

The seven selected Activities are also **fully aligned with the EU accession policy framework**, most notably regarding Chapter 23 on 'Judiciary and Fundamental Rights' of the accession negotiations, and with a specific focus on efficiency/administration in the judiciary sector.

Moreover, **Activities clearly speak to needs identified by the IPA II Annual Action Programmes for Turkey** (2014 and 2015). For example, '2014 Auxiliary Staff' clearly addresses the issue of the high workload of courts identified by the 2014 IPA II Annual Action Programme for Turkey. Similarly, '2015 Pre-service Training', by focusing on enhancing the professionalism of judges and prosecutors, clearly speaks to needs identified by the IPA II Judiciary Action Document 2015.

Finally, the Activities also address issues identified by the **Turkey Progress Reports** of the European Commission (2015, 2016), e.g., the capacity constraints of the Turkish judiciary to deal with the caseloads as evidenced by the length of court proceedings, the need for improving the training of candidate judges and prosecutors, and the lack of adequate use of human resources etc.<sup>3</sup>

#### JC1.3. Alignment of selected Activities with needs of lead beneficiary

Activities are **clearly aligned with the needs of the lead beneficiary, the Ministry of Justice**.

In many cases, **needs were identified based on comprehensive needs assessments** at sub-sector level conducted whilst designing the Activities or in the framework of earlier Activities. For example, the 2009 Activity 'Improved Efficiency of TR Criminal Justice System' comprised a needs assessment feeding into the design of '2015 Criminal Justice System', and the latter was able to design its capacity development interventions based on Justice Academy training modules developed by the 2009 Activity. For '2014 Civil Enforcement' (Phase 2) needs were identified under an earlier 'Phase 1' Activity, also supported under IPA. For '2014 Judicial Notification' needs were identified by an earlier EU-funded project implemented by the Council of Europe, namely 'Support to Court Management System in Turkey 2007-2009' and subsequent needs assessments.

Activities met needs in terms of the lead beneficiary working on **legislative gaps**. For example, '2014 Victim Rights' was developed in a context characterised by the absence of a dedicated legal framework on victim rights and was well-timed to support the Ministry of Justice (Victims' Rights Unit, later Department of Judicial Support and Victim Services) with developing the legislative framework.

Similarly, Activities met needs in terms of the lead beneficiary addressing **institutional gaps**. '2014 Victim Rights' was developed at a time when there was no well-established system (at central and province level) for supporting victims (the Victims' Rights Department had only been set up in 2014); rather the existing system was mostly repression-focused with a focus on punishing the perpetrator, and victims often experienced 'secondary victimisation', e.g., in the context of law

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<sup>3</sup> See for example, European Commission (2021) Commission Staff Working Document, Turkey 2021 Report, p. 10, and 57-58.

enforcement/judicial process. '2014 Civil Enforcement' met institutional needs in terms of supporting the introduction of more efficient approaches to the organisation of civil enforcement in comparatively larger provinces. '2014 Judicial Statistics' addressed needs in terms of enhancing the collection, processing, and presentation of judicial statistics.

Activities also met needs in terms of the lead beneficiary experiencing **institutional developments**. For example, '2015 Pre-service Training' addressed needs emerging in the context of the re-organisation of the Justice Academy (however, the involvement of the Justice Academy in the Activity was somewhat limited), and the corresponding requirement for the Council of Judges and Prosecutors and the courts to ensure adequate pre-service training for judges and prosecutors.

'2014 Auxiliary Staff' clearly met **needs for capacity development** further to the Ministry of Justice establishing training facilities. Moreover, the Activities addressed needs of more recently established structures, e.g., '2014 Victim Rights' addressed the needs of newly established victim support structures at central and province level.

The alignment between the Activities and needs of the lead beneficiary is also **clearly articulated in the form of the intended outcomes** - the latter clearly speak to beneficiary needs.

The **alignment of the Activities with lead beneficiary needs benefited from the highly participatory approach to organising the delivery** of Activities, e.g., with intensive exchanges during the inception phases of the different Activities, e.g., for '2015 Criminal Justice System'.

#### JC1.4. Alignment of selected Activities with needs of other stakeholders/final beneficiaries

Activities clearly meet the **needs of other stakeholders/final beneficiaries**.

For example, '2014 Victim Rights' clearly met the needs of victims in terms of tangible victim support measures, e.g., those provided by the new victim support structures at province level. '2014 Civil Enforcement' met the needs of final beneficiaries such as citizens involved in civil enforcement 'cases' and lawyers. '2014 Judicial Statistics' met the needs of a wide range of justice sector stakeholders beyond the Ministry of Justice, namely the Justice Academy, Council of Judges and Prosecutors, different courts etc.

The **alignment of selected Activities with needs of final beneficiaries also benefited from the involvement of selected final beneficiaries in the detailed design of the Activities during the inception phase**. For example, '2015 Criminal Justice System' saw an involvement of different law enforcement bodies and of the Union of Turkish Bar Associations in the identification of detailed needs and the corresponding design of activities.

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

Activities have demonstrated **fully adequate levels of flexibility** to respond to changing needs and to constraints imposed by COVID-19. This flexibility contributed to ensuring the strong relevance of all Activities, and there is no evidence of any substantial implications for the effectiveness/impact/sustainability of the Activities.

For most Activities, this involved **re-designing activities to meet stakeholder needs, introducing online formats for activities** (especially for training activities), **postponing activities/organising extensions** etc.

In many cases Activities had to be adjusted to meet **institutional/organisational needs**. For example, stakeholders involved in '2015 Criminal Justice System' noted good flexibility in terms of adapting work plans to institutional reorganisation at the Justice Academy. Stakeholders for '2015 Criminal Justice System' also reported staff changes at the Council of Europe headquarters in Strasbourg that implied additional workload for the Council of Europe Programme Office in Ankara, and the need for flexible adaptation of work plans. Finally, '2015 Criminal Justice System' identified a need for additional cooperation between relevant institutions, and therefore introduced changes to the original work plan to allow for additional coordination meetings between stakeholders.

**Regarding COVID-19, Activities experienced a move to online formats of capacity development**, e.g., '2014 Civil Enforcement', '2015 Pre-service Training', '2014 Auxiliary Staff'.

**COVID-19 restrictions also implied the postponing of activities, and in particular of study visits and training programmes**, explained by restrictions to physical meetings and the beneficiary preference for organising capacity development face-to-face. For example, '2015 Criminal Justice System' experienced a postponing of study visits, and of placements of Ministry of Justice and Justice Academy staff.

The **move to online formats also affected the management and steering of Activities**. For example, Steering Committee meetings could no longer be organised as face-to-face meetings, but had to adopt online formats, e.g., for '2015 Criminal Justice System'.

## 4.2 Coherence

**Q2. To what extent is the EU assistance coherent with interventions by other international actors and with other EU interventions in related fields?**

The selected interventions are coherent with other international (e.g., United Nations – see below) and EU assistance, with the main implementing actors (Ministry of Justice, Council of Europe, twinning partners) ensuring coordination and preventing duplication.

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

Activities demonstrated a **good level of alignment with other relevant EU-supported interventions, in terms of addressing wider sector objectives regarding the professionalisation and competences of the judiciary**. Activities also generated recommendations of relevance for related sectors.<sup>4</sup>

There is somewhat more limited **evidence of synergies with other EU-funded interventions**. Some synergies were identified, in terms of other IPA II Activities targeting capacity development in the justice sector, for example '2014 Auxiliary Staff' noted synergies with '2014 Victim Rights', in terms of

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<sup>4</sup> For example, '2014 Victim Rights' issued recommendations for improvements relating to data protection and witness protection.

working with the same staff categories. However, on the whole, there was limited room for synergies, given the very targeted thematic focus of the different Activities.

There were also **synergies with other projects, e.g., Council of Europe projects** funded by the EU. In many cases, the Activities were coherent with earlier support, e.g., '2014 Victim Rights' had linkages to earlier EU support on improving legal aid practices/access to justice. For '2015 Criminal Justice System' there were synergies with the Council of Europe initiatives 'End Online Child Sexual Exploitation and Abuse@Europe (EndOCSEA@Europe)'<sup>5</sup> and 'Joint Project of the European Union and the Council of Europe iPROCEEDS-2 – Targeting crime proceeds and securing electronic evidence on the Internet in South East Europe and Turkey'.<sup>6</sup> The selected Activities were thus able to build on findings, capacities and resources generated by earlier interventions.

Activities **often built on earlier IPA Activities**, and this contributed to the adequate identification of needs. For example, '2014 Victim Rights' was able to draw on experiences of earlier EU support, covering themes such as legal aid, children's rights, probation etc. Similarly, '2015 Criminal Justice System' was based on the IPA I 2009 Activity 'Improved Efficiency of TR Criminal Justice System' 2012-2014'.

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

Activities were **well aligned with other relevant international interventions**.

Indeed, the Ministry of Justice has **substantial experience with cooperating with a series of European and international organisations**, with **bilateral cooperation with EU Member States** and **with other countries**.

For example, the Ministry of Justice noted experience, *inter alia*, with the United Nations High Commissioner for Refugees (UNHCR) (of relevance to activities under '2015 Criminal Justice System'), the United Nations Children's Fund (UNICEF), the United Nations Development Fund (UNDP), the Council of Europe, Sweden and the United Kingdom (of relevance for '2014 Auxiliary Staff'), and with Canada.

No overlap/duplication was identified; on the contrary, there were **good exchanges with other donors/implementing organisations**, thus ensuring the relevance of support. For example, '2014 Victim Rights' saw exchanges with UNICEF (on training), with UNDP (on the development of the legal framework on victim rights), and with UNHCR (on legal aid for refugees).

In some areas, **the EU was identified as the only actor providing support**, e.g., the Ministry of Justice did not identify other actors related to '2014 Civil Enforcement'.

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<sup>5</sup> <https://www.coe.int/en/web/children/endocsea-europe>

<sup>6</sup> <https://www.coe.int/en/web/cybercrime/iproceeds-2>

### 4.3 Effectiveness

**Q3. To what extent are the specific objectives and expected results of the Activity/Theme achieved (Professionalism and competence of judiciary and auxiliary personnel improved/Efficiency and effectiveness of judiciary improved)?**

The selected Activities to a large extent made important contributions to the intended outcomes of improved professionalism, competence, effectiveness, and efficiency of the judiciary.

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

**The selected Activities have largely delivered intended outputs.<sup>7</sup>**

This included **different categories of outputs, e.g., existing legislation revised, new legislation drafted, institutional structures and tools developed, trainings and corresponding capacity development materials produced** etc.

For example, *'2014 Victim Rights'* has performed very strongly in terms of **delivering capacity development outputs**, including training for judges, prosecutors, court staff, law enforcement and the staff directly involved in providing support for victims. Similarly, impressive achievements can be noted for *'2015 Criminal Justice System'* with over 3,000 beneficiary staff (e.g., judges, prosecutors, experts of law enforcement agencies, lawyers etc.) covered by capacity development interventions (despite the Activity not being completed by the time of data collection), or for *'2015 Pre-service Training'*, training over 3,000 candidate judges and prosecutors. *'2014 Judicial Statistics'* has enhanced capacities of 1,470 staff.

For the **2015 Activities that are still being implemented** (*'2015 Criminal Justice System'*) some outputs were still being delivered by the time of this evaluation, thus constraining the extent to which effectiveness can be fully assessed at this stage. However, existing progress on outputs (and the lead beneficiary's performance with the IPA 2014 interventions), the Council of Europe's track record in delivering similar Activities, and strong lead beneficiary ownership suggest that intended outputs and outcomes are highly likely to be achieved.

For some of the **outcomes relating to normative changes**, e.g., for *'2014 Victim Rights'* and the intended alignment with the European Union's Victims' Rights Directive, feedback suggested that full legal alignment remains to be achieved (note that the evaluation team was not in a position to assess the extent of legal alignment).

JC3.2. The extent to which produced outputs contribute to the achievement of specific objectives (reconstructed Theory of Change, i.e., Professionalism and competence of judiciary and auxiliary personnel improved; Efficiency and effectiveness of judiciary improved)

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<sup>7</sup> Please note that the assessment of the delivery of outputs draws on the review of Activity-level documentation (e.g., progress and final reports), with a specific focus on the reporting of output and outcome indicators. Examples of indicator data are included in Section 4.3 for illustration purposes and comprehensive data is included in the annexes. Information from this source has been triangulated with other data collection methods, e.g., semi-structured interviews etc.

**Specific objectives in terms of a more professional/competent/efficient and effective judiciary have been largely achieved.**<sup>8</sup> Whilst there is room for improving the collection of indicator data at the outcome level, the existing indicator data and qualitative feedback by all stakeholders fully validate the strong performance of the selected Activities.

Activities made a strong contribution to **enhancing the legal and policy framework governing the performance of the judiciary**. For example, *'2014 Victim Rights'* made a substantial contribution to developing the legal framework on victim rights, introducing a paradigm shift from a perpetrator- to a victim-centred approach. This involved the preparation of draft legislation on victim rights – enforced as Presidential Decree, together with revisions to the Criminal Procedure Code. Similarly, *'2014 Judicial Notification'* brought about changes in the legal framework, seeing the introduction of a new system for electronic notifications. *'2014 Auxiliary Staff'* also prepared legislation on pre-service training for auxiliary staff, however, by the time of this evaluation, the Ministry of Justice had not yet submitted the draft legislation to the Turkish Grand National Assembly for adoption. In the meantime, pre-service training modules are being used for training programmes provided for auxiliary staff at court houses (referred to as 'orientation training'). The legislation regarding the performance evaluation system corresponding to in-service training also remains to be adopted.

*'2015 Criminal Justice System'* contributed to the adoption of a Judicial Strategy and Human Rights Action Plan. *'2015 Pre-service Training'*, developed regulatory changes aiming at institutionalising the mentorship role.

The Activities also contributed greatly to **developing and/or strengthening the institutional framework**. For example, *'2014 Victim Rights'* developed and strengthened the victim support structures at the Ministry of Justice at central level (Department of Judicial Support and Victim Services), and at province level (covering all 81 provinces – building on the Activity's seven pilot provinces – with some 800 staff trained at the province level). *'2014 Civil Enforcement'* established a fully operational civil enforcement system, developing a strong coordinating function at central level (Department of Enforcement Affairs, Ministry of Justice), and strengthening the delivery of enforcement functions at province level, again based on a first successful piloting in five large provinces. Moreover, *'2014 Civil Enforcement'* greatly enhanced **working processes** for all stakeholders, most notably enforcement officers/court staff and lawyers, but also for debtors and creditors – this includes the **efficient use of new online processes**. *'2014 Judicial Notification'* made an important contribution to the reform of the judicial notification system and established the corresponding capacities at the Ministry of Justice and the Turkish Postal Services (PTT), however, whilst interview feedback suggested that this Activity contributed to a decrease in the length of proceedings, no outcome-level data on this was available. *'2014 Judicial Statistics'* greatly enhanced the collection, processing, and presentation/use of judicial statistics, seeing the training of nearly 1,500 staff. *'2014 Auxiliary Staff'* saw the development of 14 training modules, and 86 trainers are now available to deliver the new training modules. This Activity has also seen a substantial increase in the number of auxiliary staff trained each year, increasing from 12,734 staff in 2020 to 17,984 staff in 2021. *'2015 Pre-service Training'* introduced **mentoring arrangements** for candidate judges and prosecutors,

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<sup>8</sup> Please note that the assessment of the delivery of outcomes draws on the review of Activity-level documentation (e.g., progress and final reports), with a specific focus on the reporting of output and outcome indicators. Examples of indicator data are included in Section 4.3 for illustration purposes and comprehensive data is included in the annexes. Information from this source has been triangulated with other data collection methods, e.g., semi-structured interviews etc.

highly appreciated by both the mentors and the candidate judges and prosecutors, and there are now nearly 1,000 new judges/prosecutors serving at courts further to having completed this innovative pre-service training.

Moreover, Activities contributed greatly to **enhanced coordination between relevant stakeholders**. For example, for *'2014 Victim Rights'*, there are now biannual meetings at the province level, involving the province level Victim's Rights Directorates, province-level Directorates of the Ministry of Family and Social Services, Health, Interior (migration management), National Education, and Youth; relevant municipal services, the local bar associations and the Social Solidarity Foundation. For *'2014 Judicial Notification'*, a protocol of cooperation was established (signed on 20 October 2020) between the Ministry of Justice and PTT and involving the coordination between five Directorates General and three Departments in the Ministry of Justice and four Departments at the PTT. Similarly, *'2015 Criminal Justice System'* has enhanced coordination between relevant stakeholders on issues such as cybercrime and terrorism financing.

In this context it is worth noting that most of the **capacity development tools are in continuous use** at relevant stakeholder institutions. For example, *'2014 Victim Rights'* prepared manuals/guidance on victim rights that is currently in use at the Ministry of Justice. *'2014 Auxiliary Staff'* prepared a substantial volume of capacity development materials, including an Ethical Principles Handbook, currently in use in court houses countrywide. Similarly, *'2014 Civil Enforcement'* prepared guidance materials, currently in use at central and province level, and so did *'2015 Pre-service Training'*, most notably with its Guidebook for Mentors.

Activities are characterised by a **good coverage of new concepts, often of relevance to the promotion of human rights**, e.g., *'2015 Pre-service Training'*.

However, **some of the outputs under the 2014 Activities were not delivered/only partly delivered**, thus constraining the full achievement of specific objectives. For example, regarding *'2014 Victim Rights'*, the intended victim compensation mechanism remains to be established, and this is explained with the need of legislative change. Moreover, the intended structure on addressing gender/domestic violence was not established, this being explained with ministerial responsibility for the planned new structure lying with the Ministry of Family and Social Services and not with the Ministry of Justice.

### JC3.3. The extent to which the selected Activities mainstreamed gender and human rights

Activities were **designed with a view to gender (mostly balanced participation of men and women) and human rights considerations**.

For example, *'2014 Auxiliary Staff'*, *'2014 Judicial Notification'*, *'2014 Victim Rights'* and *'2015 Criminal Justice System'* contributed to the right to fair trial by enhancing court procedures. *'2014 Victim Rights'* mainstreamed human rights by focusing on enhancing the full enjoyment of human rights by victims. *'2015 Criminal Justice System'* had a direct focus on preventing violations of human rights in the areas of procedural safeguards in criminal matters, cybercrime, and terrorism financing. *'2014 Judicial Notification'* contributed to timely and transparent judicial process. Finally, *'2015 Pre-service Training'* contributed to the right to fair trial by contributing to a more qualified generation of judges and prosecutors.



However, there is **room for strengthening the balanced participation of men and women** in Activities at all levels. There is also room for **strengthening data collection on the balanced participation of men and women**. Indeed, log frames/indicator systems do not yet appear to integrate this dimension systematically.

#### 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 to ‘physical’ activity constituted the most important external factor influencing the achievement of the Activities’ objectives and results, however, this was adequately mitigated by adoption of online modes of capacity development.

##### JC4.1. The extent to which external and internal factors to IPA II affected (supported or constrained) the effectiveness of the selected Activities

As already discussed in the context of **JC1.5**. (The extent of flexibility of selected Activities to respond to changing needs/COVID-19 pandemic), **the most important external factor was the COVID-19 pandemic** with important restrictions to ‘physical’ activities throughout most of 2020 and 2021, thus affecting both 2014 and 2015 Activities. Indeed COVID-19 constrained the ‘quality’ of some of the capacity development activities - whilst the latter was delivered online, this mode of delivery constrained the extent to which stakeholders/participants were able to derive more informal learning benefits/network more informally.

Moreover, **wider context factors such as the general state of the judiciary and fundamental rights** (Chapter 23 of the accession process) might have had a bearing on the effectiveness of the selected Activities, however, the data collected for this evaluation does not allow to establish any direct linkages between wider sector performance and the performance of the selected Activities. Note also that the ‘backsliding’ noted by the European Commission is mostly relevant to themes not covered by this evaluation, e.g., independence and impartiality of the judiciary. Regarding ‘professionalism and competence’ and ‘efficiency’, the European Commission focuses on the recruitment of judges and prosecutors and on the backlog of cases - issues not directly touched upon by the selected Activities.<sup>9</sup>

In terms of supportive factors, effectiveness strongly benefited from the **Ministry of Justice counting with qualified/experienced staff**, including staff with substantial experience with the programming/design and delivery of EU-funded projects; and **making the required resources available**, most notably for the effective implementation of the pilots.

##### JC4.2. The extent to which Activities adapted to external factors that affected implementation/existence of mitigation strategy

Overall, **Activities adapted well to external factors**, most notably the **limitations to in-person activities imposed by COVID-19**.

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<sup>9</sup> Please note that Ministry of Justice feedback on the draft version of this report notes disagreement with this paragraph.

Most Activities experienced the **postponing of specific activities** over initial uncertainties as to the duration/scale of the COVID-19 restrictions, e.g., ‘2014 Civil Enforcement’.

Some Activities, e.g., ‘2015 Criminal Justice System’ saw a **scaling down of activities**. This specifically affected activities such as study visits, coordination/round table meetings and awareness campaigns. Similarly, ‘2014 Judicial Notification’ experienced the cancellation of one study visit. However, on the whole, this scaling down did not substantially affect the Activities, as only a small number of activities were concerned.

**Mitigation efforts consisted of adopting online formats and reorganising the delivery timelines** (often implying substantial extensions to the implementation timelines). On the whole, the mitigation efforts proved successful, and Activities were not substantially affected.

#### JC4.3. Evidence of the selected Activities producing unintended results

**There is evidence of interventions producing important unintended results.**

The adoption of **on-line formats** allowed the involvement of **higher numbers of participants**, and also allowed participation from across the country (besides implying budget savings, e.g., reduced travel and venue costs). For example, ‘2014 Civil Enforcement’ benefited from the adoption of online formats, thus allowing the participation of a higher number of province-level participants in capacity development activities, and the same was reported for ‘2015 Pre-service Training’ and ‘2015 Criminal Justice System’. The participation of higher numbers of participants and the coverage of a larger part of the country allowed extending capacity development outputs and outcomes well beyond what was originally intended.

In this context, stakeholders commended the EC for adopting mitigation measures (EC Communication (2020)1847623 of 31 March 2020), e.g., allowing for home-based work for Twinning short-term experts. The participation of higher numbers of participants was also noted for ‘2015 Criminal Justice System’ and ‘2015 Pre-service Training’.

‘2015 Pre-service Training’ resulted in an unintended result, namely the **drafting of a new legal basis** on the mentorship arrangements for candidate judges and prosecutors (the corresponding Regulation was adopted by the Turkish Grand National Assembly, and published in the *Official Gazette* dated 28.06.2022 and No.31880, as an amendment to Law (7413) on Judges and Prosecutors). ‘2015 Criminal Justice System’ established an electronic library for the Justice Academy, and ‘2014 Judicial Statistics’ achieved data quality certification on 24.05.2022 by the Turkish Statistical Institute.

**Q5. Are there different modalities of using resources that have produced more results or have decreased the resources needed for the same level of achievements?**

The Activities used twinning (‘2014 Auxiliary Staff’, ‘2014 Judicial Notification’, ‘2014 Civil Enforcement’, ‘2014 Victim Rights’, ‘2015 Pre-service Training’), a grant agreement (‘2015 Criminal Justice System’) and technical assistance (‘2014 Judicial Statistics’). The use of the different modalities proved largely adequate.

#### JC5.1. The extent to which the most efficient strategies of implementation can be identified

The Activities under review adopted **largely efficient strategies of implementation**.

In terms of contract modalities, **partnering with the Council of Europe** (e.g., '*2015 Criminal Justice System*') and **twinning were highly efficient** (e.g., '*2014 Victim Rights*', '*2014 Judicial Notification*', '*2014 Auxiliary Staff*', '*2015 Pre-service Training*'), in terms of delivery of outputs, quality of experts, access to European and international experience, and in terms of ensuring a relationship of trust between 'like-minded' public authorities. For example, for '*2015 Criminal Justice System*' stakeholders noted comparative experiences with technical assistance contracts, the latter not providing the same levels of efficient implementation and quality of experts (whilst at the same time not finding that outputs delivered by the Council of Europe (CoE) were more expensive than comparable outputs provided by technical assistance). For '*2015 Pre-service Training*' stakeholders noted how working with Spain's General Council of the Judiciary substantially contributed to establishing a relationship of trust and confidence among the Turkish partners.

Regarding the **selection of the specific twinning partners, this was fully adequate**. For example, Spain was selected for the twinning under '*2014 Victim Rights*', and this was well explained with Spain having one of the most developed normative and institutional frameworks on victim rights among the EU Member States.

The Activities implemented via twinning benefited of **longstanding relations of trust with twinning providers**. For example, Spain is a regular twinning partner for the Ministry of Justice ('*2014 Civil Enforcement*', '*2014 Victim Rights*', '*2015 Pre-service Training*').

At the same time, some room for further improvement was noted. Stakeholders recommended **increasing the availability of twinning/EU Member State experts** (e.g., for '*2014 Auxiliary Staff*'); **ensuring that EU Member State experts are fully familiar with the Turkish context** (e.g., for '*2014 Auxiliary Staff*'); **involving Turkish academic experts** (e.g., for '*2014 Auxiliary Staff*'). Stakeholders also identified room for improving the **quality of twinning experts** – these were perceived to have varying levels of expertise and familiarity with the Turkish (or similar) context.

Some Activities constituted **follow-up phases of earlier Activities**, e.g., '*2014 Civil Enforcement*'. In this context it was noted that lengthy **gaps between related Activities imply a loss of momentum**, and the need to dedicate substantial efforts to re-establish arrangements for cooperation between the partners.

'*2014 Judicial Statistics*' was implemented via **technical assistance** (global price contract), and this proved efficient, allowing for flexibility in adjusting activities to needs.

The approach of **piloting activities takes much credit in terms of strengthening effectiveness**, e.g., '*2014 Civil Enforcement*' was first tested in a small number of pilot courts and then rolled out to other court houses. '*2014 Auxiliary Staff*' piloted capacity development activities at five pilot court houses; '*2014 Victim Rights*' piloted victim support structures and services in seven provinces, and this has now been rolled out to all provinces of Turkey. '*2015 Pre-service Training*' piloted a new internship/training system for candidate judges and prosecutors at ten court houses, and this has now been rolled out to 31 court houses.

JC5.2. The extent to which alternative strategies of implementation, with expected increased efficiency, can be identified

**Substantially alternative strategies of implementation could not be identified.**

Indeed, stakeholders generally coincided on the **adequate choice of strategies of implementation**. This was evidenced, inter alia, by good awareness of the strengths and weaknesses of different ‘instruments’ for implementation. For example, for ‘*2015 Pre-service Training*’ there was a discussion as to whether twinning was the most adequate instrument for delivering trainings, as there were constraints in terms of involving Turkish experts.

Stakeholders recommended giving some consideration to organising **twinning around partnerships with more than one country/institution** to allow drawing on a wider set of experiences. This was noted for ‘*2014 Civil Enforcement*’.

Stakeholders also noted the **need of mobilising additional beneficiary human resources** to cooperate with the twinning teams – it was noted that beneficiaries often delivered twinning-related tasks in addition to other existing (full-time) responsibilities. This was noted for ‘*2014 Civil Enforcement*’.

Moreover, stakeholders voiced some concerns over the **perceived rigidity of twinning rules**. As there are time gaps between the initial design of Activities and their implementation, there are often needs for adjusting the content of Activities. This implies an administrative burden. For example, ‘*2014 Victim Rights*’ counted 38 side letters and three addenda. In this context, beneficiaries noted their general preference of the instrument of Direct Grants. At the same time, beneficiaries expected the revised Twinning Manual to introduce enhanced levels of flexibility (e.g., quarterly workplans). Beneficiaries also noted issues over involving non-governmental organisations (NGOs) in twinning Activities (paying NGOs for their involvement).

#### 4.5 Efficiency

***Q6. How timely and efficient is the Activity/Theme’s process of programming, contracting, implementation reporting and monitoring?***

Whilst there have been efficiency issues (most notably delays caused by COVID-19), on the whole outputs have been generated in time to support effectiveness. Practices regarding reporting, communication and coordination were fit for purpose, however, there is room for further strengthening the use of outcome indicators.

JC6.1. The extent to which the selected Activities have been implemented according to their planning

As already noted above, there was somewhat **mixed feedback/data regarding the timeliness of implementation**.

For some Activities, **only minor delays** were reported, e.g., ‘*2014 Auxiliary Staff*’.

For some Activities **delays were experienced during the inception phase**. This was explained with **delays in establishing the twinning/technical assistance teams** (and changes in team composition), but also some delays in partners/beneficiaries assigning staff to the implementation of Activities.

In some cases, delays during the inception phase were explained with the **long gaps between original Activity design and the actual launching of the Activities**, with long gaps also meaning that relationships of mutual trust needed to be 're-established' (this was noted for '*2014 Civil Enforcement*', '*2014 Victim Rights*', '*2015 Pre-service Training*'). It is worth noting in this context that the gaps were not found to undermine relevance - there was sufficient flexibility during the inception phases to finetune design).

For many Activities, **COVID-19 implied delays/postponing of activities** and the need for revising implementation plans, introducing extensions, and introducing online formats for capacity development and other activities (see JC6.2 below on the duration of extensions/suspensions). For example, this affected the **organisation of study visits to EU Member States** for '*2014 Judicial Statistics*', as host organisations in EU Member States were experiencing COVID-19-related travel and meeting restrictions. In this context it was noted that Activities implemented via the instrument of technical assistance usually experienced more challenges with the organisation of study visits than Activities implemented via the twinning instrument, implying that twinning experts and their Member State administrations have more 'leverage' when it comes to asking Member State administrations to receive a study visit.

Activities also experienced **changes in the composition of Twinning teams**. For example, '*2014 Civil Enforcement*' experienced a change of the Resident Twinning Adviser.

Some Activities experienced the **cancellation of specific activities**; however, this did not have any substantial implications for overall efficiency/effectiveness. In the case of '*2014 Victim Rights*' the cancellation of some activities was explained with the fact that some of the intended activities did not fall under the competences of the Ministry of Justice, but rather under those of the then Ministry of Family, Labour and Social Security. Note also, that this Activity experienced delays caused by delays in adopting the required legal framework, finally addressed by the adoption of a Presidential Decree.

Feedback by twinning partners ('*2014 Civil Enforcement*', '*2014 Victim Rights*', '*2015 Pre-service Training*') suggested a **certain level of 'frustration' over the perceived rigidity of twinning rules** (considering the Central Finance and Contracts Unit (CFCU), whilst being very cooperative, to allow for very limited room for manoeuvre), with suggestions to allow for more flexibility regarding changes for specific activities, selection of experts etc. In this context, **twinning partners voiced interest in being involved in future revisions of the Twinning Manual** by the European Commission, thus allowing them to contribute with their practical experience.

#### JC6.2. The extent to which outputs and outcomes have been generated in time to support effectiveness and impact

Whilst COVID-19 implied delays for outputs and outcomes, **on the whole outputs and outcomes have been generated in good time to support effectiveness**.

However, some Activities, e.g., '*2015 Criminal Justice System*' reported a **delayed delivery of outputs and outcomes**, explaining this with COVID-19 restrictions/delayed project start.

Most activities required extensions to deliver all originally intended outputs in the context of the COVID-19 restrictions: **Six-month extensions** were granted to '*2014 Judicial Notification*', to '*2014 Civil*

*Enforcement* and to *'2015 Pre-service Training'*. *'2014 Judicial Statistics'* was granted a **12 plus 7 months extension**; similarly, *'2015 Criminal Justice System'* was granted a **12 months' extension**.

#### JC6.3. Evidence of a sound and results-oriented reporting practice

##### **Reporting practices were largely fit for purpose.**

Reporting practices (e.g., the Quarterly and Interim Reports) can be considered largely adequate, though there appears to be some room for **further strengthening the reporting of outcomes** (and the corresponding measurement, including definition of outcome indicators, baselines, and targets). For example, the reports for *'2015 Criminal Justice System'* provide good information on outputs, however, there is no systematic reporting of outcomes (indicators, targets etc.).

For some Activities **delays in reporting/distribution of reports** to relevant stakeholders were noted (including delays in providing reports in the English language in cases of reports being drafted first in the Turkish language), e.g., for *'2014 Victim Rights'*, *'2014 Judicial Statistics'*.<sup>10</sup>

In some cases, **delays in reporting were explained with COVID-19 suspensions of activities**. For example, this affected *'2014 Civil Enforcement'*.

There also appears to be room for further **strengthening practices regarding 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.

#### JC6.4. Existence of a sound monitoring system

**Arrangements for monitoring appeared well established** at the level of the Ministry of Justice (including the Project Coordination Board) and the National IPA Coordinator (NIPAC). This includes the arrangements for reporting on progress, engagement with Results Oriented Monitoring (ROM), and meetings to monitor progress, e.g., the Sectoral Monitoring Committee (SMC) meetings and the Implementation Review Meetings (IRM) organised every six months by NIPAC, LI, European Union Delegation and involving relevant judiciary Sub- Sector representatives and CFCU.

There is also evidence of **adequate monitoring practices at the level of the Activities**. For example, *'2015 Criminal Justice System'* developed a monitoring and evaluation plan (planning for a formative interim and a final evaluation), including a gender assessment.

The quarterly **Steering Committee meetings were reported as effective** in terms of discussing implementation issues and identifying pragmatic solutions, e.g., for *'2014 Victim Rights'*, *'2015 Pre-service Training'*. Indeed, stakeholders such as the Ministry of Justice and the DEUA made an effective use of the Steering Committee meetings, focusing their contributions on Activities experiencing implementation issues. In this context, there appears to be room for enhancing the timely distribution of minutes of Steering Committee meetings (NIPAC (DEUA) noted delays in receiving the minutes).

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<sup>10</sup> For *'2014 Victim Rights'*, the EUD noted that by the time of this evaluation report the Activity's final report had not been sent to the EUD yet despite the contractual obligations as started in the Twinning Grant Contract.

**Implementation Review Meetings** (organised biannually by NIPAC) were also an effective tool to facilitate exchanges between key stakeholders (including, but not limited to the Ministry of Justice, relevant judiciary sub-sector representatives such as the Justice Academy, European Union Delegation, CFCU, DEUA) and update each other on key issues, including financial performance, though there appears to be room for further strengthening the use of outcome indicators at the meetings to allow stakeholders to review progress.

Activities also organised **management meetings**, involving the twinning teams (e.g., '2014 Judicial Statistics', '2015 Pre-service Training') in line with the Twinning Manual requirements, or component-specific working groups to ensure the efficient delivery of Activities (e.g., '2014 Judicial Notification').

**Activities developed monitoring and evaluation plans** (and established the corresponding monitoring structures) and conducted evaluations.

Monitoring also benefited from on-site visits/checks by the Ministry of Justice.

Monitoring based on indicators corresponded mostly to the level of activities/outputs; there is room for **improving the reporting and monitoring at the level of outcomes**. Stakeholders demonstrated good awareness of this issue, and weaknesses in this area were explained with resource issues (limited time to dedicate to the design of monitoring systems and corresponding data collection during implementation). For example, the reporting for '2014 Auxiliary Staff' shows a systematic use of indicators at the output, but not at the outcome/impact level (overall and specific objectives). The reporting for '2015 Pre-service Training' also limits itself to the output level, by providing lists of completed activities. Whilst '2014 Civil Enforcement' defined adequate indicators at the outcome level, the reporting does not make use of these indicators. Note that whilst the assessment was somewhat constrained by the absence of systematic monitoring data, this was mitigated by extensive data derived from interviews.

Activities make **good use of on-line questionnaires** after each activity, e.g., this was noted for '2014 Civil Enforcement' and for '2015 Criminal Justice System'.

DEUA and EUD noted constraints when it comes to **receiving information on developments further to Activities ending**, particularly for legislative outputs, for which the Activities reached the expected level of achievement by drafting and/or revision of the existing legislation. There is no structured mechanism at the Ministry of Justice to trace and report on the developments further to the Activities ending.

#### JC6.5. The extent to which Activity have been communicated effectively

**Interventions have been communicated effectively.**

Activities have prepared **communication and visibility plans**, to support systematic internal and external communication, e.g., '2015 Criminal Justice System'.

Indeed, there was generally **good internal communication**. Internal communication benefited from the **Steering Committee meetings** at Activity level. Moreover, key staff related to the Activities contributed to internal communication by organising **meetings with relevant stakeholders**. For

example, '2014 Victims Rights' saw the directors of province-level victim support units conduct meetings with judges and prosecutors to promote the use of victim support services. '2015 Criminal Justice System' specifically noted good experiences with involving civil society organisations in Steering Committee meetings, e.g., the Union of Turkish Bar Associations, the Turkish Penal Law Association, associations working on children's rights etc. Moreover, some of the Activities used **social media to ensure communication** between relevant stakeholders. For example, '2015 Pre-service Training' used WhatsApp to ensure communication and exchanges of experience between the coordinators involved in mentoring candidate judges and prosecutors. '2014 Civil Enforcement' saw internal communication covering all of Turkey's 81 provinces.

**External communication was also fully adequate.** External communication was ensured via **meetings with relevant stakeholders**. This included meetings with high-level officials in relevant institutions and civil society organisations. In addition to Activity-specific opening and closing events, external communication was also delivered via information campaigns, e.g., '2014 Auxiliary Staff' disseminated information with the use of posters at court houses, and '2014 Judicial Notification' used posters at post offices and court houses. There was also **good press/media coverage for Activities requiring awareness raising**, e.g., for '2014 Victim Rights' and '2014 Judicial Notification'.

***Q7. How efficient and effective are the institutional mechanisms, which ensure coordination among the various components and stakeholders of the Activity/Theme?***

*Activities demonstrated strong efforts of ensuring adequate coordination between relevant Activities, despite the COVID-19 restrictions constraining face-to-face meetings.*

JC7.1. The extent to which the selected Activities ensured coordination with other relevant initiatives

Activities involving the Council of Europe/twinning ensured coordination with other relevant initiatives implemented by the Council of Europe/twinning partner.

Indeed, there was systematic **cooperation between relevant Activities**. For example, '2014 Auxiliary Staff' cooperated with '2015 Victim Rights', e.g., on the development of guidance materials such the Ethical Principles Handbook. Cooperation with other IPA II-funded Activities included the organisation of joint activities. '2014 Judicial Notification' coordinated with '2014 Civil Enforcement', e.g., on legislative drafting activities (Notification Law).

**'2015 Criminal Justice System' cooperated with a series of other interventions implemented by the Council of Europe.**

Coordination benefited of involving civil society organisations in Steering Committee meetings, e.g., for '2015 Criminal Justice System'.

**Coordination also benefited of sector experts at the DEUA having good knowledge** of complementary interventions developed by other donors (non-EC, e.g., interventions developed by UN bodies – see section JC2.2. above on coherence issues) and of DEUA experts ensuring coordination via their participation in Steering Committee and Implementation Review meetings, following up with relevant stakeholders in case of implementation issues. Similarly, coordination benefited of the EUD contributing to Steering Committee meetings.



However, there appears to be some room for further strengthening coordination by further **'institutionalising' meeting formats** involving all relevant beneficiaries, donors, implementing partners and civil society organisations. Indeed, stakeholders for several Activities reported a gap in terms of systematic coordination between relevant stakeholders, including with civil society organisations during the Activities and after their completion, e.g., for *'2015 Criminal Justice System'*. In this context, *'2014 Victim Rights'* demonstrated good practice with the Adana Directorate in charge of victim support holding bi-annual meetings with the Adana Bar Association.

#### 4.6 Impact

##### ***Q8. Which long-term changes have the Activity/Theme contributed to regarding the sector in question (Citizens' benefit of enhanced delivery of justice)?***

The selected Activities have already made first contributions to achieving overall objectives and the wider theme's impact in terms of citizens benefiting of enhanced delivery of justice. However, full impact will only materialise in the future. This is indicated by strong ownership by the Ministry of Justice. Wider sector developments, most notably turnover/recruitment issues in the judiciary could of course constrain future impact.

##### JC8.1. The extent to which the selected Activities contributed to impact, i.e., citizens benefiting of enhanced delivery of justice (mostly judicial process)

**For the 2014 Activities first impact was noted.** For example, *'2014 Auxiliary Staff'* noted a reduction in the workload of judges and prosecutors indicated by reduced time spans for preparing reports of better quality (a total of 1,211 reports in the new format were completed in the five pilot courts and the experience with this exercise showed a reduced workload of judges and prosecutors, though this could not be quantified in detail; the corresponding impact indicator was 'Workload of judges and public prosecutors' decreased by 5% after the pre-service training system introduced, in-service training system enhanced and the quality of the reports by social service officers enhanced'). For *'2014 Victim Rights'* victim access to support services is now established in all of Turkey's provinces with a total number of 161 Directorates, and the number of victims provided with information and guidance has increased substantially from 6,417 in 2020 to 18,372 in 2021 - a nearly 190% increase; the number of applications processed has increased from 80,775 in 2020 to 128,372 in 2021 - a nearly 60% increase. *'2014 Victim Rights'* has also led to enhanced cooperation between relevant stakeholders (including between the Ministry of Justice and civil society organisations, with biannual meetings involving the province-level directorates for victim rights, province-level bar associations and province-level directorates of other ministries).

Future impact is indicated by **strong beneficiary ownership** and the existence of a normative and institutional framework (with adequate levels of human resources). *'2014 Judicial Notification'* reported a substantial increase in the number of e-notifications (the current number is 98.5 million), implying a saving of paper equal to 3,446 tons/or 58,589 trees. *'2014 Civil Enforcement'* noted fully operational local offices across Turkey, meaning that citizens across Turkey are now benefiting of the new enforcement services. *'2015 Criminal Justice System'* achieved some of its targets as defined in its indicator *'By 2024 Judicial Strategy and Human Rights Action Plan are in place and recommended*

*legislative amendments are submitted to Parliament* - indeed, a Judicial Strategy and Human Rights Action Plan have been adopted.

However, **more substantial long-term changes for the 2014 Activities will only materialise in the future.**

For the 2015 Activities (i.e., *'2015 Criminal Justice System'*, *'2015 Pre-service Training'*) it is somewhat early to assess impact. Indeed, targets for impact are only set for some time after the completion of the Activities. For example, for *'2015 Pre-service Training'*, the impact indicator is set for five years after the completion of the Activity: *'5 % increase in the approval rate of the Court of Appeals and/or Court of Cassation of the decisions of the newly appointed judges/public prosecutors who were trained under the scope of the project within 5 years after the finalisation of the project'*. For *'2015 Criminal Justice System'*, impact indicators are set for the year 2024, e.g., *'By 2024 Applications allocated at the ECtHR reduced by 5%, as compared to Baseline Year 2017'*. However, **stakeholder feedback did not identify any specific obstacles for impact to materialise.**

**Strong ownership by the lead beneficiary** also explains good prospects for impact.

#### JC8.2. The extent to which external factors could affect future impact

Stakeholders could not **identify any specific external factors threatening future impact**, except for the general economic development, with wider public budget challenges likely to also affect budget allocations to the Ministry of Justice, and wider sector developments. Indeed, the reconstructed intervention logic for Theme 8 noted the assumption of *'Political commitment to reforms; Turkey's commitment to enhancing performance of the judiciary; continuation of democratisation packages aligning Turkish judicial system with EU standards'*. However, as already noted regarding JC 4.1 (*'The extent to which external and internal factors to IPA II affected -supported or constrained- the effectiveness of the selected Activities'*), wider context factors such as the general state of the judiciary and fundamental rights (Chapter 23 of the accession process) might affect future impact, most notably turnover/recruitment issues affecting the judiciary.<sup>11</sup>

## 4.7 Sustainability

### **Q9. How likely are the effects to last after the intervention ends?**

Prospects for sustainability are good, again explained by strong ownership by the Ministry of Justice, and the presence of a reinforced normative and institutional framework.

JC9.1. The extent to which outputs under the Activities are likely to be maintained & JC9.2. The extent to which outcomes under the Activities are likely to be maintained (reconstructed Theory of Change, i.e., Professionalism and competence of judiciary and auxiliary personnel improved; Efficiency and effectiveness of judiciary improved)

Overall, interview feedback suggests **strong prospects for sustainability of outputs and outcomes.**

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<sup>11</sup> Please note that Ministry of Justice feedback on the draft version of this report notes disagreement with this sentence.

Factors explaining sustainability include **strong ownership by the Ministry of Justice** and other key institutions such as the Justice Academy. This was emphasised for all 2014 and 2015 Actions, e.g., for '2014 Judicial Notification' the participation of ministers was noted for key project events.

Sustainability is also indicated by the existence of an (to some extent, updated/ revised) **normative framework**. For example, '2014 Victim Rights' benefits of recent legislation on Judicial Support Victim Services (dated 30 April 2021). In more general terms, the adoption of the National Action Plan on Human Rights (May 2019) supports the sustainability of Activities, e.g., for '2015 Criminal Justice System'. '2014 Judicial Statistics' benefits from Law No. 5429 dated 10 November 2015 and Presidential Decree No.1, on Presidential Structure (10 July 2018, Article 44) for roles and responsibilities of the Directorate General of Judicial Records and Statistics of the Ministry of Justice.

The presence of a **reinforced institutional framework** also supports sustainability. For example, '2014 Victim Rights' benefits of the **presence of province-level services that are adequately staffed** (e.g., the Adana unit counts some 26 staff, including psychologists, pedagogues, and social workers), and that provide over adequate infrastructure (rooms for meeting with victims). Similarly, '2014 Civil Enforcement' saw substantial **increases in human and material resources** (staff increase from 3,500 to 8,000 in three years), and **reinforced management and monitoring structures** at central and province-level. For '2015 Criminal Justice System', the facilitating institutional framework comprises the autonomous nature of the Justice Academy,<sup>12</sup> the existence of a Human Rights Centre at the Justice Academy, and the existence of the Ministry of Justice Training Department. Indeed, '2015 Criminal Justice System' established a **pool of 39 trainers** at the Justice Academy and introduced **new training resources** (21 pre-service and in-service training modules, three new courses under the 'European Programme for Human Rights Education for Legal Professionals' (HELP)). Similarly, '2015 Pre-service Training' saw the introduction of new training modules, now accessible on the website of the Ministry of Justice. '2014 Auxiliary Staff' has seen the operationalisation of three training centres; new training modules were integrated in Ministry of Justice in-service training curricula. '2014 Judicial Statistics' benefits from data sharing/using protocols signed between the Ministry of Justice and Court of Cassation on 28.11.2019, with the Council of State on 17.07.2020, and with the Constitutional Court on 16.11.2020. Similarly, continuing coordination meetings of stakeholders for completed Activities supports prospects for sustainability, e.g., '2014 Judicial Notification' in line with protocol signed on 20 October 2020.

However, for some Activities concerns were voiced. For example, for the Activities delivered via the instrument of twinning with Spain it was noted that there were **no bilateral follow-up exchanges/activities planned**, and this despite the very good and longstanding bilateral relation.

**Q10. What are the main risks to sustainability, identified at the Activity/Theme implementation stage/materialised beyond Activity/Theme implementation?**

JC10.1. The extent to which external and internal factors affected (supported or constrained) the sustainability of Activities

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<sup>12</sup> Note however, the concerns expressed in the 2021 Progress Report: 'The lack of independence of the Academy affects its capacity to provide training programmes that meet the requirements of openness, competence and impartiality', European Commission (2021) Commission Staff Working Document, Turkey 2021 Report, p. 24.

**Only a small number of yet important constraining factors were identified:**

Limitations to ensure the **integration (and updating) of new capacity development contents into existing regular training curricula** of judges, prosecutors, law enforcement, lawyers and staff working at courts. For example, for '2014 Victim Rights' stakeholders urged continuous attention to include training content on victim rights in training curricula for judges and prosecutors.

Failure to ensure the **regular monitoring of the application of new 'standards' across all provinces of Turkey**. For example, stakeholders for '2014 Victim Rights' recommended regular monitoring by the Ministry of Justice of the delivery of support services to victims across the country.

Finally, the high numbers of auxiliary staff to be trained constitutes a risk ('2014 Auxiliary Staff'), given the fact that the number of new trainees is too high (5,000 to 6,000 per year).

Wider context factors such as the general state of the judiciary and fundamental rights (Chapter 23 of the accession process) might also affect sustainability, most notably turnover/recruitment issues affecting the judiciary.

#### 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 selected Activities demonstrated strong added value allowing access to experience and expertise from the European Union and the Activities contributed significantly to the speed and scale of development.

JC. 11.1. The extent to which the progress in the judiciary sector could be achieved without the support of EU IPA II (based on the initiatives of TR stakeholders or international organisations)

**The Activities added substantial value.**

It is **unlikely that beneficiaries would have accessed experience/expertise from the European Union (and Council of Europe member States) outside the Activities**. Specific elements associated with EU added value include **study visits/access to specific experience from different EU Member States** (this was specifically noted for '2014 Auxiliary Staff', '2015 Criminal Justice System', '2015 Pre-service Training').

For '2014 Victim Rights', '2014 Civil Enforcement', '2014 Judicial Statistics', '2015 Criminal Justice System', '2015 Pre-service Training', the **EU support contributed significantly to the speed and scale of developments**.

JC. 11.2. The extent to which the EU is visible as a key supporter for the judiciary sector

**EU guidance on visibility was followed by all Activities**. Beneficiaries and implementing partners reported very good visibility of the EU in the context of all outputs (events, publications, promotional materials, websites etc.).

## 5 OVERALL ASSESSMENT CONCLUSIONS, LESSONS LEARNED, AND RECOMMENDATIONS

### 5.1 Conclusions

The selected 2014 and 2015 Activities demonstrated a strong performance in the light of all evaluation criteria. Activities were fully **relevant** regarding the achievement of the improved professionalism, competence, effectiveness, and efficiency of the judiciary and clearly aligned with Turkey's and the European Union's (accession) policy framework and with needs of the lead beneficiaries and other stakeholders, with good levels of flexibility to address changes, most notably in the context of the COVID-19 pandemic. Activities were **coherent** with other international and EU interventions, with the main implementing actors (Ministry of Justice, Council of Europe, twinning partners) ensuring coordination/prevention of duplication.

Looking at the reconstructed theory of change, the selected Activities were **effective**, making important contributions to the intended outcomes of improved professionalism, competence, effectiveness, and efficiency of the judiciary. The COVID-19 pandemic and the corresponding restrictions to 'physical' activity constituted the most important external factor influencing the achievement of the Activities' objectives and results, however, this was adequately mitigated by adoption of online modes of capacity development. The Activities used twinning, a grant agreement and technical assistance, the use of the different modalities proving largely adequate.

Whilst there have been **efficiency** issues (most notably delays caused by COVID-19), on the whole, outputs have been generated in time to support effectiveness. Practices with regard to reporting, communication and coordination were fit for the purpose, however, there is room for further strengthening in the use of outcome indicators. Activities demonstrated strong efforts of ensuring adequate coordination between relevant Activities, despite the COVID-19 restrictions constraining face-to-face meetings.

Returning to the Theory of Change, the selected Activities have already made first contributions to achieving overall objectives and the wider theme's **impact** in terms of citizens benefiting of enhanced delivery of justice. However, full impact will only materialise in the future. Prospects for impact are indicated by strong ownership by the Ministry of Justice. Wider sector developments, most notably turnover/recruitment issues in the judiciary could of course constrain future impact.

Prospects for **sustainability** are good, again explained by strong ownership by the Ministry of Justice, and the presence of a reinforced normative and institutional framework and only a small number of constraining factors were identified, e.g., including the need to ensure the full integration (and updating) of new capacity development contents into existing regular training curricula of judges, prosecutors, law enforcement, lawyers and staff working at courts. Wider context factors such as the general state of the judiciary and fundamental rights (Chapter 23 of the accession process) might also affect sustainability, most notably turnover/recruitment issues affecting the judiciary.

Finally, the selected Activities demonstrated strong **added value** - the European Union contributed speed and scale of developments by allowing access to experience and expertise from the European Union.

## 5.2 Lessons learned

Adopting **participatory approaches**, including final beneficiaries/civil society organisations in the designing and delivery of support, thus ensuring strong relevance;

**Piloting** new approaches in selected institutions (court houses)/provinces, thus allowing for the immediate testing of new models of capacity development, new structures etc. and subsequent finetuning before rolling out new approaches across the country, thus contributing strongly to effectiveness;

- allowing for **flexibility** with regard to the delivery of capacity development interventions, e.g., adopting online/hybrid modes of capacity development, allowing twinning experts to work remotely, thus ensuring efficient and effective delivery of support;
- ensuring **regular meetings** between relevant stakeholders, thus ensuring coordination between different components of an Activity/between different Activities;
- strong **ownership** of the Ministry of Justice, ensuring the allocation of human/financial resources to activities, involvement of senior-level representatives in key events of Activities, thus contributing to impact and sustainability.

## 5.3 Recommendations

### Relevance

The alignment of the Activities with lead and final beneficiary needs benefited from the highly participatory approach to organising the delivery of Activities, with intensive exchanges during the inception phases of the different Activities, and the involvement of selected final beneficiaries, including civil society organisations, in the detailed design of the Activities during the inception phase. Recommendation (to be implemented by the Ministry of Justice on an ongoing basis in context of programming and delivery of EU support): **Ministry of Justice to ensure that participatory approaches are deployed during the design and delivery of Activities, involving relevant public sector stakeholders and civil society organisations.**

### Effectiveness

Regarding '2014 Victim Rights', the intended victim compensation mechanism remains to be established, and this was explained with the need of legislative change.<sup>13</sup> Whilst relevant data is being collected, the intended central structure on addressing gender/domestic violence was not established, this being explained with ministerial responsibility for the planned new structure lying with the Ministry of Family and Social Services and not with the Ministry of Justice. Recommendation (to be implemented by the Ministry of Justice in the course of 2022): **Ministry of Justice to follow up with the Ministry of Family and Social Services on the current situation of the intended structure on addressing gender/domestic violence and to inform NIPAC and EUD; Lead beneficiary to inform NIPAC and EUD on progress with victim compensation mechanism. Ensure that the procedures for final reporting of Activities to be finalised as stipulated in financial rules, in particular for the 2014 Victim Rights project: A full assessment for the achievement of the indicator of the project**

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<sup>13</sup> 'Violence Prevention Centres' for women have been already established in the 81 provinces by the Ministry of Family and Social Services. These centres are providing support for victims since 2012.

**(Provisions of the EU directive on compensation to victims internalised) is presented in the Final Report.**

There is room for strengthening the balanced participation of men and women in Activities at all levels. There is also room for strengthening data collection on the balanced participation of men and women. Indeed, log frames/indicator systems do not yet appear to integrate this dimension systematically. Recommendation (to be implemented by the Ministry of Justice on ongoing basis in context of programming and delivery of EU support): **Ministry of Justice to review ongoing IPA-funded Activities for potential to strengthening the balanced participation of men and women and ensure all Activities collect data on the balanced participation of men and women. Lead beneficiary to ensure that future log frames integrate data collection on the balanced participation of men and women.**

The adoption of on-line formats allowed the participation of higher numbers of participants, and also allowed participation from across the country (besides implying budget savings, e.g., reduced travel and venue costs). Recommendation (to be implemented by the Ministry of Justice on ongoing basis in context of programming and delivery of EU support): **Ministry of Justice to consider allowing for hybrid formats for future capacity development activities, combining in-person events with remote participation.**

Whilst twinning performed well, some room for further improvement was noted, most notably some twinning experts lacked sufficient knowledge of the Turkish context. Recommendation (to be implemented by the Ministry of Justice on ongoing basis in context of programming and delivery of EU support): **Ministry of Justice (supported by other stakeholders such as NIPAC, CFCU, EUD) in their communication with twinning partners to emphasise the importance of twinning experts spending some time on familiarising with the Turkish context prior to their deployment.**

Some twinning Activities constituted follow-up phases of earlier Activities. However, lengthy gaps between related Activities implied a loss of momentum, and the need to dedicate substantial efforts to re-establish arrangements for cooperation between the partners. Moreover, the time gaps between the initial design of twinning Activities and their implementation, required frequent adjusting of the content of Activities. For some twinning Activities delays were experienced during the inception phase and this was explained with delays in establishing the twinning teams and changes in team composition. Recommendation (to be implemented by the Ministry of Justice on ongoing basis in context of programming and delivery of EU support): **Ministry of Justice to establish bilateral-level exchanges with twinning partners, e.g., inviting representatives of the administrations having provided twinning support for bi-annual informative meetings on follow-up to twinning recommendations in the time between an Activity ending and a follow-up Activity starting, and between the design phase and actual start of an Activity. Besides discussing content (with a view to ensuring relevance) this should also touch on the need to ensure the swift deployment of twinning teams as soon as Activities are launched.**

The approach of piloting activities performed particularly strongly. Recommendation (to be implemented by the Ministry of Justice on ongoing basis in context of programming and delivery of EU support): **Ministry of Justice to ensure all future Activities include a substantial element of piloting institutional/normative innovations in selected provinces/courts.**

## Efficiency

Activities implemented via the instrument of technical assistance usually experienced more challenges with the organisation of study visits than Activities implemented via the twinning instrument. Recommendation (to be implemented by the Ministry of Justice on ongoing basis in context of programming and delivery of EU support): **Ministry of Justice (supported by other stakeholders such as NIPAC, CFCU, EUD) to support technical assistance teams when approaching Member State administrations for the hosting of study visits.**

There is room for further strengthening the reporting of outcomes (and the corresponding measurement, including definition of outcome indicators, baselines, and targets). Monitoring based on indicators corresponded mostly to the level of activities/outputs, but only to a limited extent to the level of outcomes. Weaknesses in this area were explained with resource issues (limited time to dedicate to the design of monitoring systems and corresponding data collection during implementation, due to their own workload). Recommendation (to be implemented by the Ministry of Justice on ongoing basis in context of programming and delivery of EU support): **Ministry of Justice to ensure that sufficient capacities/structures are in place to ensure monitoring at the outcome level.**

For some Activities delays in reporting/distribution of reports to relevant stakeholders were noted. There appears to be room for enhancing the timely distribution of minutes of Steering Committee meetings. There also appears to be room for further strengthening practices regarding collecting stakeholder feedback on draft reports. Recommendation (to be implemented by the Ministry of Justice on ongoing basis in context of programming and delivery of EU support): **Ministry of Justice (supported by other stakeholders such as NIPAC, CFCU, EUD) to consider using IT/collaborative workspace platforms to comment on draft reports/circulate reports between relevant stakeholders.**

DEUA and EUD noted constraints when it comes to **receiving information on developments further to Activities ending**, particularly for legislative outputs, for which the Activities reached the expected level of achievement by drafting and/or revision of the existing legislation. There is no structured mechanism at the Ministry of Justice to trace and report on the developments further to the Activities ending: **Ministry of Justice to regularly inform DEUA and EUD on relevant legislative changes related to supported Activities.**

## Sustainability

For some twinning Activities it was noted that there were no bilateral follow-up exchanges/activities planned, and this despite the very good and longstanding bilateral relation. Recommendation (to be implemented by the Ministry of Justice on ongoing basis): **Ministry of Justice to organise annual meetings with former twinning partners to allow for exchanges on relevant normative/institutional issues covered in former twinning projects with a view to identify areas for further bilateral cooperation (outside the framework of EU funding).**

Beneficiaries have made first efforts of integrating new training contents into regular training curricula. Recommendation (to be implemented by the Ministry of Justice on ongoing basis): **Ministry of Justice to ensure all training curricula designed under IPA Activities are integrated into the regular trainings of judicial actors.**