

13 Nov 2014



# **Project on developing mediation practices in civil disputes in Turkey**

---

(VC 3186)

## Contents

<b>PROJECT SUMMARY .....</b>	<b>4</b>
<b>PROJECT BENEFICIARY AND PROJECT IMPLEMENTING PARTNER INFORMATION .....</b>	<b>4</b>
CONTACT DETAILS .....	4
SHORT DESCRIPTION OF THE PROJECT BENEFICIARY AND PROJECT IMPLEMENTING AGENCY .....	5
<b>PROJECT JUSTIFICATION .....</b>	<b>8</b>
RELEVANCE OF THE ACTION.....	8
GENDER ASPECT.....	9
LEGISLATION RELEVANT TO THE PROJECT .....	10
<b>PROJECT CONTENT .....</b>	<b>11</b>
OVERALL OBJECTIVE OF THE PROJECT.....	11
SPECIFIC OBJECTIVE(S) OF THE PROJECT .....	11
EXPECTED RESULTS .....	11
RISKS AND RISK MANAGEMENT .....	16
PROJECT ORGANISATION .....	16
MONITORING, EVALUATION, STUDIES AND REPORTING .....	18
SUSTAINABILITY .....	20
<b>BUDGET AND FINANCING PLAN .....</b>	<b>21</b>
FINANCIAL RESOURCES – ELIGIBLE EXPENSES FUNDING (IN EUR) .....	21
<b>APPENDICES .....</b>	<b>21</b>
APPENDIX 1. LOGICAL FRAMEWORK OF THE PROJECT .....	22
APPENDIX 2. DETAILED DESCRIPTION OF ACTIVITIES .....	29
APPENDIX 3. WORK PLAN.....	42
APPENDIX 4: JOB DESCRIPTIONS.....	48

**Abbreviations**

<b>ADR</b>	<b>Alternative Dispute Resolution</b>
<b>CCJE</b>	<b>Consultative Council of European Judges</b>
<b>CEPEJ</b>	<b>European Commission for the Efficiency of Justice</b>
<b>CCPE</b>	<b>Consultative Council of European Prosecutors</b>
<b>CoE</b>	<b>Council of Europe</b>
<b>CoHE</b>	<b>Council of Higher Education of Turkey</b>
<b>DG CLA</b>	<b>Directorate General of Civil Law Affairs</b>
<b>ECHR</b>	<b>European Convention of Human Rights</b>
<b>ECtHR</b>	<b>European Court of Human Rights</b>
<b>HCoJP</b>	<b>High Council of Judges and Prosecutors</b>
<b>MoJ</b>	<b>Ministry of Justice</b>
<b>MFSP</b>	<b>Ministry for Family and Social Policies</b>
<b>NDP</b>	<b>National Development Plan</b>
<b>SATURN</b>	<b>Study and Analysis of judicial Time Use Research Network</b>
<b>SIDA</b>	<b>Swedish International Development Cooperation Agency</b>
<b>SCM</b>	<b>Steering Committee Meeting</b>
<b>TCUCMC</b>	<b>Turkish Confederation of Unions of Chambers of Merchants and Craftsmen</b>
<b>TJA</b>	<b>Turkish Justice Academy</b>
<b>ToT</b>	<b>Training of Trainers</b>
<b>TUCEC</b>	<b>Turkish Union of Chambers and Exchange Commodities</b>
<b>UNDP</b>	<b>United Nations Development Programme</b>
<b>UoTN</b>	<b>Union of Turkish Notaries</b>
<b>UTBA</b>	<b>Union of Turkish Bars Association</b>
<b>UYAP</b>	<b>National Judicial Network Project (UYAP)</b>
<b>WG</b>	<b>Working Group</b>

## Project Summary

**Project Title:** Project on developing mediation practices in civil disputes in Turkey

**Programme area:** Efficiency of Justice/Alternative means for the settlement of disputes

**Project Beneficiary:** Ministry of Justice of Turkey, (DG of Civil Affairs, Department of Mediation)

**Project Implementing Agency:** Council of Europe

**Project Funding:** SIDA and the Turkish Government

**Duration of the action:** 24 months (including the inception period)

**Inception period:** 3 months

**The overall objective** of the project is to improve the efficiency of justice by reducing the cost and time needed to resolve civil disputes through an effective implementation of mediation practices.

The **specific objectives** of the project are:

- 1) to support building a legislative environment that will ensure an effective implementation of mediation in civil disputes in Turkey;
- 2) to develop a practical model suitable for Turkey based on effective mediation pilot practices for civil disputes;
- 3) to strengthen the institutional and training capacity of the Department of Mediation established under the Ministry of Justice;
- 4) to raise awareness on the functioning of mediation amongst judges, lawyers, civil society and members of the public.

**Target Group:** members of the judiciary, judges of selected first instance courts, lawyers, academicians and lecturers in Law faculties and training centres, NGOs and Turkish society in general.

## Project Beneficiary and Project Implementing Partner Information

### Contact Details

**Full Legal Name:** Ministry of Justice of Turkey, Directorate General of Civil Law Affairs, Department of Mediation

**Address:** Adalet Bakanlığı Ek Bina, Mustafa Kemal Mah. 2151 Cad. No:34, B Blok 1. Kat (06530) Söğütözü/ANKARA, Turkey

**Contact Person:** Hakan Öztatar

**Job Position:** Department Head I

**Telephone:** 90-312-219 81 88

**Fax:** 219 44 47

**Email:** [hakan.oztatar@adalet.gov.tr](mailto:hakan.oztatar@adalet.gov.tr)

## Short Description of the Project Beneficiary and Project Implementing Agency

### The Ministry of Justice

The Project Beneficiary is the Turkish Ministry of Justice (the MoJ), which has received support from the Council of Europe (CoE) in many EU-funded Projects. The strengthening of an independent, reliable and efficient judiciary is a key priority for all CoE member states. This notably requires the acceleration of court proceedings, reduction of the number of pending cases, sufficient human resources, qualified staff, efficient training system and adequate technical support systems. The MoJ indicated in its Strategic Plan (2010-2014) two of the key areas of weaknesses: extensive workload of the courts and judges and unsatisfactory level of access to justice. Corresponding to the identified weaknesses, Strategic Objective 4 of the Plan proposed “Activating measures to prevent disputes and improve Alternative Dispute Resolution (ADR) methods”, with a special emphasis on awareness of the public on ADR methods.

#### The MoJ Strategic Plan 2010-2014

**Strategic Objective 4.3:** To work on introducing a mechanism for legal disputes and complete infrastructure activities regarding implementation.

##### Strategies

- Review practices in other countries and work on legislation amendment including the administrative structure
- Organize trainings for members of the judiciary and mediators
- Cooperate with the faculties of law for integration of topics related with mediation into law education.
- Organize public information activities (e.g. TV and radio programs, newspaper coverage etc.) and develop materials (e.g. books, brochures etc.)

##### Performance Indicators

Number of trainings and trainees  
 Number of public information activities  
 Number of mediated investigations and prosecutions

The MoJ established the Department of the Mediation located within the Directorate General of the Civil Law Affairs (DG CL) in July 2012. Under the leadership of the Department Head, three units, namely Mediation services, Registration, and Training were set up to be responsible for identifying the necessary procedures and the principles for resolving civil disputes by means of mediation; supervision of institutions in terms of contents of the training curriculum, length of training and training standards; preparation and application of the mediation exams, the issuance of mediation registry and the conditions to be sought in respect of mediation; oversee and follow-up of the mediators and the matters related to the working procedures and principles of the Department of Mediation and of the Mediation Council.

**The DG of Civil Law Affairs** will be the main beneficiary of the Project and play a key role in coordinating the project outputs and cooperating with internal and external stakeholders.

**The DG of EU Affairs** will join Project meetings; disseminate the results of the project outcomes with relevant international stakeholders and provide bilingual support in the international promotion of the project.

**The DG of Legislative Affairs** will draft required amendments on Mediation Law and interlinked legislations.

**The Department of Strategy Development** will provide basic support and join the WGs in pilot court practices and public awareness components.

**The UYAP system** and judicial experts will assist the project team to set up monitoring and evaluation of the case management system with mediation practices.

### **Other Judicial Actors**

**The HCoJP** along with the Inspection Board will also take part in the Project particularly in encouraging judges to take part in the pilot practices and monitoring and assessing the results of the pilot mediation practices, in relation to judges' promotions as part of the court performance standards.

**TJA** will actively participate in the WG for curriculum development and Training of Trainers (ToT) on Mediation.

**UTBA** will coordinate and facilitate its network in local bar associations and national scheme to accommodate requirements of the pilot exercise with regard to establishment of the help-line for mediation in civil disputes, legal aid, training of the mediators and awareness raising activities.

### **Cooperating Partners with the MoJ**

***The project will strengthen cooperation*** among various stakeholders during the project period including the Ministry of Education (MoE), the Ministry of Family and Social Policies (MoFSP), TJA, UTBA, HCoJP, Union of Turkish Public Notaries (UTPN), Turkish Union of Chambers and Commodity Exchanges (TOBB), Law Faculties of the Universities, Chambers of Commerce and Industry, and other relevant partners<sup>1</sup>.

## **The Council of Europe**

The CoE is an intergovernmental organisation with a unique network of governmental and non-governmental partners throughout Europe. Its **mandate** is to promote and protect human rights, the rule of law and democracy in Europe. A widely recognized reference point in the field of justice in Europe, the Organisation has developed the European norms and standards in the field of justice (Article 6 ECHR and the court case-law of the ECtHR, several recommendations by the Committee of Ministers, Opinions of the Consultative Council of European Judges – CCJE - and Prosecutors – CCPE) and has well-established expertise and

---

<sup>1</sup> Other relevant partners may include: Professional Chambers, Turkish Patent Institute, Institute of Sports Law, Institute of Banking and Commercial Law, Institute of Energy Law, Consumer Rights Association, Consumer Protection Association, Centre of Consumer Rights, Association of Medical Law Institute, Centre of Health Law, Institute of Maritime Law, Maritime Law Research Centre, Maritime Law Association, Turkish Insurance Reassurance and Pension Companies Union, Intellectual Property DG, Banking Regulation and Supervision Agency, Trade Unions, Local Bars Associations, Non-governmental Organisations (NGOs).

experience in the field of independence, efficiency and quality of justice in particular through the work of its European Commission for the Efficiency of Justice (CEPEJ), the CCJE and the CCPE.

Several Recommendations of the CoE address in particular the issue of mediation: [Recommendation \(98\) 1](#) on family mediation, [Recommendation \(99\) 19](#) concerning mediation in penal matters, [Recommendation \(2001\) 9](#) on alternatives to litigation between administrative authorities and private parties, [Recommendation \(2002\) 10](#) on mediation in civil matters. On this basis, the CEPEJ has elaborated guidelines and specific measures aimed to ensure an effective implementation of those Recommendations: [Guidelines for a better implementation of the existing recommendation concerning family mediation and mediation in civil matters](#).

The CoE has thus a specific expertise in the field of mediation. In its *Opinion no 6 (2004) on fair trial within a reasonable time and judge's role in trials taking into account alternative means of dispute settlement (ADR)*, the CCJE indicates that ADR has many positive effects, "among which is its potential to lead to speedy settlement of disputes". The 1<sup>st</sup> European Conference of Judges demonstrated the importance of ADR in the early settlement of disputes. "It is apparent that while ADR must not be regarded as a perfect way of alleviating the courts' excess workload, it is definitely useful and effective because it places the accent on an agreement between the parties, which is always preferable to an imposed judgement." The CCJE has also discussed the role of the judge in mediation, considering first of all that resorting to mediation, in civil and administrative proceedings, may be chosen on the parties' initiative or, alternatively, the judge may be allowed to recommend the parties to appear before a mediator, with their refusal to do so sometimes being relevant to costs. The CCJE emphasises the need that ADR schemes be closely associated with the court system, since mediators should possess relevant skills and qualifications, as well as the necessary impartiality and independence for such a public service. Therefore the CCJE emphasises the importance of training in mediation.

The CoE is also the evaluator of the day-to-day functioning of European court systems through **the CEPEJ**. It has developed specific tools aimed at addressing in particular the problem of excessive length of judicial proceedings, in the form of the SATURN Guidelines and the Checklist for judicial time management. Another set of tools focus on developing user-oriented policies in the field of justice, such as the Checklist for promoting the quality of justice in Courts. The CEPEJ efforts have been specifically mentioned as a European reference in particular in the Stockholm Programme. Mediation in civil matters is a subject where the CEPEJ has extensive experience. As one of its aims is "to enable a better implementation of the international legal instruments of the Council of Europe concerning efficiency and fairness of justice", the CEPEJ has included among its priorities an activity directed towards facilitating effective implementation of Council of Europe instruments and standards regarding alternative dispute settlement, in particular the above-mentioned Recommendations. It has thus adopted some specific Guidelines: *Guidelines for a better implementation of the existing recommendation concerning mediation in penal matters*; *Guidelines for a better implementation of the existing recommendation concerning family mediation and mediation in civil matters*; *Guidelines for a better implementation of the existing Recommendation on alternatives to litigation between administrative authorities and private parties* (2007).

The CoE and its CEPEJ can offer a specific added value to Turkey for orienting its public policies in the field of mediation.

The CEPEJ will lead and coordinate all activities related to the 4 components of the project, providing its experts' knowledge in close coordination with the MoJ and relevant stakeholders.

The CoE/CEPEJ, in close consultation and co-operation with the relevant Turkish authorities and within the framework of the agreed programme, will:

1. Carry out an in-depth analysis of the law and regulations on mediation in order to recommend necessary changes and provide citizens with a law that protects the principles of mediation in their entirety;
2. Based on CEPEJ working methods, select mediation pilot structures/entities, design and implement mediation schemes;
3. Based on CEPEJ Guidelines, help design standardized and adequate training programmes
4. Carry out adequate actions to raise the awareness of the general public and the relevant judicial professions on mediation.

## Project justification

### Relevance of the action

The maintenance of an independent, reliable and efficient judiciary is of utmost importance for Turkey *per se* and it is also an obligation arising from Turkey's long-standing membership of the Council of Europe. The 10<sup>th</sup> National Development Plan (NDP) 2014-2019 emphasized justice as a rapid, fair, efficient, reliable and unerring functioning of the judicial processes as per the requirements of international norms of justice, the rule of law and the superiority of law. As part of the judicial policies of the NDP, ADR mechanism was strongly emphasised to be applied in all types of legal cases. The share of the justice sector in public budget was increased from 1.3% to 1.5% in the 10<sup>th</sup> NDP.

The government has accelerated its efforts for making an extensive judicial reform as a follow-up to those national policy papers and the judicial reform strategy prepared for this purpose also envisages the application of reconciliation in the Turkish criminal law and mediation in the civil law in relation to the development of alternative dispute-resolution mechanisms. In this respect, Law (No: 6325) on Mediation in Civil Disputes has been adopted in June 2012, which paved the way for the resolution of private law disputes by mediation that may arise as a consequence of matters and activities freely disposed by parties including those of foreign origin.

Resolution of issues by way of mediation has two main advantages over handling them by court proceedings. The first is that resolution of civil disputes by way of mediation is much quicker and more flexible than a court proceeding, and secondly, since filing a lawsuit is a "formal" step, it may cause hostilities between parties and the relations between the plaintiff and defendant may become damaged beyond repair. On the other hand, if an issue such as a commercial dispute is resolved through mediation, it may be possible for parties to maintain their business relations in the future. In this regard, effective implementation of mediation within the legal system is of vital importance.

In accordance with this purpose, this project aims to establish the infrastructure for an effective implementation of the Mediation Law adopted in June 2012, and to develop practical models in the context of Turkey building upon the international experience and lessons learnt out of pilot practices. The current needs, in particular concerning the



improvement of legislation, the training of mediators, awareness-raising, and the development of viable models for mediation practices in civil proceedings have emerged. The aim is to put this project into implementation with a view to introducing mediation as an alternative way of dispute resolution and benefit from the experiences of other countries that have used this method in their proceedings.

One option for mediation pilot schemes is to choose court-annexed mediation pilots. Tradition suggests that parties value the courts, and even though mediation is not a court process, nor it has to take place in courts, it can enhance the reputation of the process if it can be seen to take place in a court building. Court-annexed mediation has the advantage of bringing together all the stakeholders in a particular geographical area. The best pilot mediation scheme for the Turkish society and culture will be identified by the Project team and the international experts in close consultation with the MoJ. The Mediation Department and the Board of Mediation's programs will be encouraged by including not only rule of law objectives, but also other development objectives, such as economic development, development of a civil society, and support for disadvantaged groups.

The Project will support the introduction of best practices of CoE member states on mediation in civil disputes. The Project will examine the possibility of elaboration of a model for mediation based on the best practice in European countries. Study visits to other CoE member States and exchange of information between different European countries provide first-hand experience to complement theoretical knowledge, facilitate understanding of practices and help individuals to establish personal relations with colleagues from countries with more advanced legal/institutional systems and/or similar problems in different stages of transition. Member States will be identified based on the best or most relevant experience and study visits will be organised for small-range mixed groups.

This project is a follow-up to the "Programme to Support the Development of Mediation in Turkey", which was funded by Sida and conducted by the UNDP from 2011 to 2013 in co-operation with the Ministry of Justice. The CoE is very well-equipped to assist in this follow-up in view of its mechanisms and tools as described above, and in view of the complementarity with the other CoE's projects implemented in the last years in Turkey in the field of the Rule of Law. The activities of this project were also shaped in light of the outcome of work conducted by lawyers, judges and other judicial actors (capacity improvement work, awareness raising activities, and lessons learnt during the programme in question).

## Gender Aspect

The project will focus on the gender aspect throughout its implementation. It will seek to ensure equal opportunities for men and women throughout, bearing in mind the potential differences in the impact that some project activities may have in terms of gender parity.

Early results of the mediator examination conducted by the MoJ show that, while the numbers of candidates who applied for the second exam were 52% male to 48% female, the ones who passed the exam were equally distributed: 50% female and 50% male.

The courts, bar associations, organisations and agencies involved in the mediation process shall be encouraged to select the same percentage or a higher percentage of women from the list of mediators. In addition, the MoJ shall be encouraged to appeal to women mediators

in the appointment or selection of the members of the Mediation Council within the Department of Mediation. The current composition of the Council consists of 2 females versus 13 males.

The project will identify and create opportunities for women mediators in certain practice areas such as family courts, commercial chambers, bar associations, unions, training centres, etc.

In the development and implementation of the public awareness element of the Project, gender equality and gender awareness shall be strongly emphasized in printed brochures, leaflets and relevant audio visual materials produced for the general public.

The standardized training modules for mediators will include women's rights and human rights elements. The mediators and the trainers will have the opportunity to discuss the importance of women's rights, cultural differences in dispute resolution of civil cases.

Relevant Codes will be reviewed during the amendment of the current legislation on Mediation with regard to supporting women and to the provision of legal aid particularly for women who would want to use mediation in civil cases such as divorce, inheritance, compensation, or labour rights. The New Civil Code strengthened women's role in the family and the social order such by, for example, increasing the legal marriage age to 18 for both sexes, by introducing a legal basis for sharing marital assets in case of divorce, and by granting the same inheritance rights to children born out of wedlock as children born in wedlock. The Project will give special emphasis to these issues in family courts for the effective enforcement of the Civil Code and of gender equality with positive discrimination of women and the opportunity for use of mediator if it was foreseen as being the best interest for women. Peaceful settlement of civil disputes via mediation could have been considered as an in-direct way of avoiding domestic violence by using the mediator between parties. In both regards, the Project Team will consult with the Ministry for Family and Social Policies (MFSP) for a better analysis of relationships between mediation and relevant codes.

### Legislation relevant to the Project

The following legislation shall be also taken into account during the project implementation:

- a) Law no 6325 on Mediation in Civil Disputes adopted in June 2012; the Mediation Regulation (into force on 26 January 2013 for enforcement of the Mediation Law). Relevant laws listed below were amended in accordance with the new Mediation Law and its regulation.
- b) The Law on Attorneyship No. 3256, Article 12
- c) The Law on the New Civil Procedure Code of Turkey, No 6100, on 12 January 2011, Articles 137, 140 and 320 of
- d) The Law on Judges and Prosecutors Conditions for degree promotion, No 5435, Article 21
- e) The Board of Mediation was established in March 2013 and adopted the Code of Ethics for the Mediators.

## Project Content

### Overall Objective of the Project

**The overall objective** of the project is to improve the efficiency of justice by reducing the cost and time needed to resolve civil disputes through an effective implementation of mediation practices.

### Specific objective(s) of the project

The **specific objectives** of the project are:

- 1) to help build a legislative environment that will ensure an effective implementation of mediation in civil disputes in Turkey;
- 2) to develop a practical model suitable for Turkey based on effective mediation pilot practices for civil disputes; build the infrastructure of mediation pilots, provide the means and present observations;
- 3) to strengthen the institutional and training capacity of the Department of Mediation established under the Ministry of Justice;
- 4) to raise awareness on the functioning of mediation amongst judges, lawyers, civil society and members of the public.

This will be achieved through the following components:

- Component 1 – improvement of legislation;
- Component 2 – design and evaluation of court mediation pilots;
- Component 3 – training of mediators;
- Component 4 – awareness raising.

### Expected results

In terms of stages, the Project will have two phases:

- **the inception phase** (December 2014 – February 2015): The CEPEJ Project Team and the team of CEPEJ experts, in close co-operation with the Turkish authorities, will finalise the work plan, design the performance indicators in order to correctly and efficiently monitor the results and evaluation of the project throughout its implementation. The CoE will also set up the Project teams in Ankara and Strasbourg, and will provide the required equipment and means for the full implementation of the Project. The first months of the inception period of the project will allow for further consultation with the stakeholders in order to identify the main priorities and needs in light of the on-going reform and to adapt accordingly the project activities.
- **the implementation phase** (March 2015 – November 2016) based on the final work plan and indicators would include development and implementation of the mediation practices in the courts.

The following are the intended outcomes and results of the project.

***Expected Result 1: The legal framework is improved to allow for an effective implementation of mediation in civil disputes in Turkey***

**Present situation:**

The current legal framework on mediation does not protect entirely the principles of mediation. It does not encourage resorting to ADR methods.

**Outcomes:**

- **Amendments to legislation on mediation drafted with the Project support**
- **Increased alignment of draft mediation legislation with European standards and CEPEJ Guidelines, with Project support**

**Activities:**

The activities under this heading will aim at supporting the review and adoption of the amendments to the 2012 Law on mediation. It is of utmost importance that the steps for the completion of the legislative process are taken at the **earliest convenience** by the MoJ. The CoE will provide the MoJ with the necessary expertise in the drafting of the required amendments. After the drafting process is completed, the CEPEJ experts and other relevant experts<sup>2</sup> can provide their comments on the draft legislation in line with the European standards.

Working methods such as the composition of working groups made up of national experts to draft legislation and guided by international and national experts and relevant stakeholders have proved to produce gains to build the necessary consensus required for effective implementation of projects. Therefore, the methodology of the Project will include forming special groups for the revision and elaboration of laws, designing the appropriate mediation pilot scheme, design of training materials, etc.

Three basic activities will be carried out by the Legislation WG under this heading which will contribute to creating the necessary pre-conditions for a successful implementation of the mediation practices. The MoJ commits itself to submit these changes through the Parliament via the PM Directorate and adjust the implementation in accordance with these changes.

1. **Three WG Meetings (two-days) if deemed necessary:** discussions with relevant stakeholders and the judicial community (including judges and lawyers from up to 5 mediation pilot structures) to be held to receive feedback on deficiencies in implementation practices so far as a result of the existing legislation.
2. **One International Workshop (one day)** analysis of best practices (Translation of selected legislations provided by the CoE Project team).
3. **One Final Review Workshop (two days):** finalisation of draft legislations and discussion on the final draft with internal and external stakeholders to receive feedback before submission to the Council of Mediation and the relevant review commissions at the CoE.
4. **Submission of draft amendment to the relevant experts, the Experts' advice will be obtained for the finalisation of the amendment.**

**Measurable indicators:**

- (1) *The MoJ amends the required legislation in reasonable time in line with CEPEJ Guidelines and international standards*

---

<sup>2</sup>The Venice Commission may be consulted as appropriate

- (2) *The draft amendments to the Law on Mediation for civil disputes receives acknowledgement of conformance to European standards from the relevant bodies and experts of the CoE*

***Expected Result 2. The necessary models, tools and structures are available for the use of mediation in civil disputes in Turkey***

**Present situation:**

Given that the Law on mediation was adopted in July 2013 and entered into force in 2013, mediation cases in Turkey are still rare (30 cases as of April 2014) and mediation practices are very scarce and still unknown to the judicial bodies.

**Outcomes:**

- models of Mediation practices are implemented in selected pilot courts and results are evaluated and fine-tuned for further dissemination
- confidence of the judiciary in the mediation referral process is increased
- information on the success of mediation in mediation pilots is collected by the MoJ and replication and/or modification of pilots is planned.

**Activities:**

Up to 30 Pilot courts within maximum of 5 pilot courthouses are selected for the design of model mediation practices. A WG for model development will be established including national and international experts and a small number of relevant stakeholder including judges and mediators who have already attended in the earlier phases of the Mediation practices since 2012. This WG along with the Legislation WG will develop model proposals to be discussed with the MoJ and pilot courts and the model to be applied in 5 selected pilot courthouses.

The findings of the pilot implementation of the selected model will be formulated before evaluation of the Project. In addition, this model and pilot implementation should include:

1. An implementation plan for each courthouse is designed; Definition of the scope of the mediation scheme. (1 Workshop)
2. Selection and training of judges and court staff for the new functions of the mediation model, including their number and qualifications. (2 Training/Information Seminars)
3. Employment of mediation clerk/officer, who will be trained and sufficiently informed on mediation in order to answer questions from the general public. (1 Training/Information Seminar)
4. Consultation meetings with the High Council of Judges and Prosecutors (HCoJP) (1 Workshop)
5. Development of monitoring and assessment screens (System) by UYAP for the civil cases resulted in mediation. (1 Workshop)
6. Conducting a Baseline Study data collection and Follow up Study at the beginning and end of the project phases. (2 Meetings)

**Measurable indicators:**

*(1) The number of judges engaged in mediation practices, references made to mediators in judges' decisions, and number of civil disputes settled by mediation is increased by 5% in pilot courts in two years compared to the data collected by the UYAP System.*

*(2) The number of judges who have settled cases through mediation practices who received a promotion by the HCoJPs, which considered mediation as performance assessment criteria or reference point is increased by 5% by end of the Project period.*

*(3) The MoJ develops a road map as a result of the successful implementation of pilot practices. New non-pilot courts apply to be mediation pilot courts.*

***Expected Result 3: - Mediation Department utilizes clear, adequate and standardised training curricula in line with CEPEJ Guidelines; - Continuous training is set up; - Justice professionals designated as mediators have the skills and competences necessary to fulfil this role.***

**Present situation:**

There are currently 49 institutions authorized to provide training. Training materials are not standardised and trainers do not have a clear idea of which standards to teach. Mediator exams are not centralized. Specialized training does not exist.

**Outcomes:**

- curricula in conformity with the CEPEJ guidelines are used in institutions authorized to provide training activities
- a qualified pool of trainers capable of sustaining mediation training nation-wide is created
- a system of assessment of training centres by Inspectors (Judicial Service Assistants) based on performance assessment Criteria for the Training Centres to be effectively used by the Inspectors is in place

**Activities:**

1. Review of existing curricula and training modules in light of CEPEJ Guidelines (2 Workshops)
2. Re-design, assessment and standardisation of guidebooks, and leaflets based on CEPEJ Guidelines
3. Development of training materials and modules and dissemination to the relevant stakeholders (1 Workshop)
4. Training of trainers and creation of a pool of trainers. (1 ToT workshop, 1 Refresher Course)
5. Development of performance assessment criteria for training centres. (1 WG Meeting)

**Measurable indicators:**

- (1) Training Centres for Mediators provide periodical feedback to the questionnaires to record their comments and observations about standardised training programs and training materials in line with European guidelines.*
- (2) CEPEJ experts assess positively the quality of mediation training provided*
- (3) CEPEJ Guidelines on mediation in civil and family matters are introduced in earnest and in full to the MoJ, Department of Mediation, trainers of trainers, as well as already-registered mediators*

***Expected Result 4. Mediation in civil disputes, its use, cost, advantages and legal implications are known among the general public and the judiciary, the legal profession and the users of the justice system***

**Present situation:**

Today, despite several actions taken by the MoJ to raise awareness of mediation and ADR methods, the public, but also the legal profession, is generally unaware of the definition, role, means, costs and purpose of mediation. Mediation remains a poorly illuminated subject and the society does not know its implications, or how it could be helpful to them.

**Outcomes:**

- the Turkish society as a whole is informed on mediation practices, their scope and advantages;
- an increasing number of judges is involved in encouraging settling civil disputes through mediation and recommending this solution to parties
- Relevant professions have a clear understanding of mediation

**Activities:**

1. Media advertisement/TV campaign on mediation targeting a large audience (1 workshop- 2 audio visual media materials)
2. Campaign on social media and other relevant web sites (virtual-e-surveys to measure attitudes of public)
3. Development and distribution of public awareness materials such as brochures and leaflets in relevant key places
4. Organisation of informative conferences, meetings and workshops on mediation for the judiciary and the legal profession (5 Regional Meetings )
5. International study visits (2) for the members of the Mediation Board and WGs to observe mediation practices in European states

**Measurable indicators:**

- (1) *The number of community members reached on-line by website hits, TV spots and news through relevant channels and media and through courts and other relevant institutions by distributing brochure and leaflets exceeds 1.000.000 people (includes the general public, national authorities, and other relevant actors, acknowledging a higher degree of acquaintance with the meaning, role and advantages of civil mediation).*
- (2) *Applications for mediation in pilot courts are increased by up to 5% until the end of the Project.*
- (3) *The number of Professional Organisations applying to use mediation is increased.*
- (4) *The number of parties who have heard about mediation from judges and public awareness tools applied to use mediation and satisfied with the result is increased*

## Risks and risk management

Description of risk	Assessment		Risk mitigation plan
	Likelihood [low/medium/ high]	Impact [low/medium/high]	
<b>The relevant stakeholders (judges/lawyers) are reluctant to participate in pilot courts activities</b>  <b>External risk factor</b>	High	High	Early consultation with the HCoJPs, and involvement of judges, including the TJA, meetings with the UTBA or the specific bars of the provinces of the pilot courts.
<b>Political instability, political decisions affect the pace of efforts for the implementation of certain reforms, including as regards funding for mediation</b>  <b>External risk factor</b>	Medium	High	The CoE Project management will closely monitor the status of such risk and will review the implementation plan and take informative measures to tackle the issue with the beneficiary and the donor agency immediately.
<b>The amendment of the legislative procedure is blocked, not adopted</b>  <b>External risk factor</b>	Medium	High	<b>Mid-Term evaluation will be conducted to identify probability of such risks and implementation plan will be revised accordingly.</b>

## Project Organisation

The project will be implemented by the Department of Justice and Legal Co-operation of the Directorate General I “Human Rights and Rule of Law” of the CoE. The project team will be composed of international and national staff members, and international experts with extensive relevant professional experience. It will be constituted as follows:

- Project Co-ordinator (Part-time, Strasbourg);
- Project Assistant (Part-time, Strasbourg)
- Project Manager (Ankara);
- Project Assistant (Ankara)
- Linguistic Assistant (Ankara);
- Financial Office Management Assistant (Part-time, Ankara).



### **Team based in Strasbourg**

#### **Project Co-ordinator (Part-time)**

The Strasbourg-based project Coordinator will provide quality control based on CoE mechanism and tools. S/he will be coordinating the activities carried out in Turkey in cooperation with the project manager based in Turkey. S/he will act as a liaison between the team in Turkey and the CEPEJ. S/he will be responsible for monitoring project progress, in particular as regards the timely and due implementation of the proposed activities. The project Co-ordinator will also be responsible for overseeing administrative and financial matters, and for ensuring the fulfillment of contractual and reporting commitments.

#### **International project assistant (Part-time)**

The Strasbourg-based project assistant's main duties will be to provide logistical and administrative support which may be needed in implementing project activities and follow up missions of the Secretariat and international experts.

### **Team based in Ankara**

#### **Local project manager**

The Local Project manager is responsible for the planning, organisation and follow-up of all operational activities under the project, as well as coordination with national authorities. The project manager is expected to closely work with international and local consultants, as well as with the counterparts and beneficiary institutions, in order to ensure a successful achievement of the project expected results and outputs. The project manager will coordinate the work of local consultants, contribute to the substantive implementation of the project and supervise the local project assistant. S/he will also provide input to the preparation of narrative reports to be submitted to the Steering Committee.

#### **Local assistant**

The local full-time assistant will provide logistical and secretarial assistance as regards the planning, organization and budgetary follow-up of the project activities, handle all administration, correspondence and financial arrangements concerning the project activities, and provide secretarial and logistical assistance for international and national experts participating in project activities.

#### **Local linguistic assistant**

The local full-time linguistic assistant will provide interpretation services to the international staff of the project, and provide translations, spelling and grammar checking, and editing in Turkish and English of the project documents, correspondence, and any other documents concerning the functioning of the Turkish judiciary and courts. S/he will observe established terminology and in-house usage and identify new terminology for common use.

#### **Financial Office Management Assistant (FOMA) (Part-time)**

The local financial assistant will carry out a variety of project related tasks to provide financial management advice and to ensure accurate and reliable budget and accounting records, statements and reports in compliance with the Organisation's financial regulations and deadlines. S/he will ensure all financial transactions of the office are carried out and reported in accordance with financial regulations, rules and procedures. Apply relevant tax exemptions VAT reimbursements if necessary and liaise with financial institutions and banks.

### International and national consultants:

The project has engaged a team of international experts for the fact-finding mission and the project proposal base, and will continue cooperating with international experts for the Inception phase. The Project will bring together a team of highly qualified and experienced international consultants in the specific field concerned. The experts will be experienced specialists from member states of the CoE.

The national experts will include legal professionals, lawyers, representatives of the judicial institutions and academic institutions, NGOs, and decision-makers of executive and legislative institutions and non-legal professionals.

International and national consultants will advise the stakeholders on the implementation of CEPEJ/mediation tools and any substantive issues related to the implementation of the project activities, throughout the project life time. Under the supervision of the project manager, they will liaise and cooperate closely with the beneficiaries and stakeholders in implementing the activities; draft relevant assessment and evaluation reports and recommendations; develop necessary training modules and conduct ToTs.

The final supervision of the Project activities and deliverables will be ensured by the Head of Unit, Head of Division and the Head of Department, none of whom are funded from the Project resources.

A **Steering Committee (SC)** of the Project will be established, composed of representatives of the CoE, the Swedish Embassy, the CoHE, the DG CLA, the HCoJP, the MoJ, the TCUCMC, the TJA and UTBA. Other stakeholders or partners including pilot courts may be invited over the course of the project's implementation. The Council of Europe will provide the secretariat for the Steering Committee.

The SC will discuss the implementation of the project, provide guidelines and address any challenges during the implementation phase. The SC will meet every 4 months.

The **responsibilities of the Steering Committee** are:

- To assess progress and establish priorities under the Project;
- To define key indicators of further development for the project;
- To provide national partners with all relevant information;
- To assess actual needs during project implementation;
- To adopt specific and overall work;
- To review and systematise project outputs;
- To conduct a final review of the project implementation;
- To assess the results of the project;
- To provide strategies for sustainability of the results;
- To ensure project visibility.

### **Monitoring, Evaluation, Studies and Reporting**

The Project outcomes as documented in the Project Proposal or Log Frame/in the Result Management Table will be closely monitored by the CoE Project team and reported in annual progress reports.

The initial Inception phase (up to three months) will provide final framework and finalisation of the implementation and monitoring plan and revising the indicators if necessary. Results of the first Project implemented by the UNDP will also be reviewed. During this phase, the resources provided by the MoJ such as UYAP system and its expertise will be consulted and involved for developing monitoring and assessment data-base in mediation practices in terms of source of information and verification of the data.

Some project activities require immediate action during the inception phase. For instance, the MoJ attaches high priority to the revision of mediation training programme and this will have to be dealt with since the very beginning of the project. Designing the baseline data collection which is necessary for the success of the Project, setting performance targets and measuring them afterwards is also to be undertaken at the earliest stages of project implementation. During the inception phase, a methodology for the base-line study will be developed. International and national academics and resources will be consulted and referred to in the course of this phase.

A baseline data collection and follow-up studies, details of which will be decided during the inception phase together with all parties, among the members of judiciary shall be conducted within the scope of the available project funds and project timeline in order to measure the results and outcomes of the Project under (1) review of regulatory framework related to the mediation to be effective, (2) review of existing practices and design, application and evaluation of new institutional framework, implementation of the new pilot mediation scheme including training of judicial and non-judicial staff, advisory and public information services, number of cases referred to mediation, etc. 3) improving and assessing qualification of capacities and facilities responsible for the delivery of high-quality mediation services (4) reaching wider public for effective use of mediation.

During base line data collection process the statistical information would be provided by the MoJ /UYAP in the areas of number of referrals and of cases successfully settled, litigation value of cases referred to mediation and cost of mediation compared to litigation. Different types of survey would also be considered. This data and information will then be used as a tool in public information campaign to increase awareness such as mediation being an incentive for allowing the business community to estimate the cost savings for choosing mediation.

Independent academics and professional entities would be involved in order to evaluate and further study the data as well as drawing lessons learnt. This baseline study team will be assisted by the Council of Europe Project Team, national and international CEPEJ experts as deemed necessary. In this context the standards developed by the Council of Europe CEPEJ/Mediation Working Group will serve as important references.

At the end of the implementation of the Project, a follow-up study will be designed in order to compare the data and measure the effectiveness before and after the implementation of the mediation pilot scheme in Turkey. Therefore, a simple and reliable methodology should be deployed for the baseline and follow-up studies - including any conducted by the MoJ, HCoJP, TJA and UTBA beyond the scope of the Project itself for sustainability of the results.

The Steering Committee will take a supervisory role for the proper monitoring and implementation of the project and promote measures to be taken to ensure the widest possible dissemination of the project results. The SC will also provide input to the evaluation strategy of the Project.

The Mid-term Evaluation after completion of the 12 months of Project period will be conducted by a consultant/expert in accordance with Terms of Reference and the basic evaluation tools, such as OECD's evaluation framework. As per results of the mid-term evaluation the Project framework and implementation plan could be revised and required corrective measures to be taken.

Final evaluation will be conducted at the end of the Project period by external evaluators (local and international consultants) with assistance from the Project team. The beneficiary will take part in planning, preparation and review of evaluation process to develop its own sustainability plan for the future.

The CoE Project team will prepare annual progress reports and submit to the SIDA and the MoJ in accordance with the implementation plan and monitoring of the project outcomes. UYAP data, expert reports and outcome indicators will be used for reporting the progress and achieved results.

## Sustainability

The project's sustainability focuses on ensuring that the desired outcomes continue beyond the end of the implementation of the project through several strategies.

The Project will further improve effective implementation of mediation practices and services by

- *The adoption of the required legislation will last beyond the end of the implementation of the project;*
- *The increase use of mediation in mediation pilots will develop and expand to more courts throughout the country;*
- *Standardized training materials in line with CEPEJ guidelines will be the basis of training of mediators throughout the country;*
- *The support of the Mediation Department to this project will provide acceptance, monitoring, and continuance of the project's outcomes;*
- *The information campaigns and the awareness raising tools will ensure a wide-awareness of the functioning of mediation in all members of the public, civil society, and judicial professions.*

The Project benefits from a strong feeling of ownership, advocacy and leadership by the MoJ, in particular its Mediation Department. The MoJ has made a partial financial contribution to the Project, which is a promising commitment for the future sustainability of the Project. In addition, the existing constructive cooperation between the MoJ, the Chambers and civil society organisations will further support the successful implementation of mediation practices. The involvement of the various stakeholders will help develop broad-based relationships and partnerships that will foster collaboration and nurture the sustainability of the project.

The use of a research-based approach such as the establishment of monitoring and evaluation methods, application of baseline and follow-up studies and assessment of the pilot practices will be used to, based on the data collected, determine the specific activities that can and should be continued or modified. The introduction and use of tools and the know-how brought by the CoE will increase the institutional capacity of the MoJ: through the newly-gained experience, higher quality mediation will be provided.

The new mediation training programme is also expected to have a multiplier effect so that the new trainers joining the established pool of trainers will become a constant base for the continuity of mediation training and practices.

Moreover, the effectiveness of mediation practices will be tested in the selected courts in terms of courts performance, backlog, and access to justice. The judges, court staff and information officers will receive professional training for the actual implementation of the mediation services and practices. These trainings will be set up as practice- based training involving judges, court staff and information officers who will be the main catalysts of change, along with mediators for further implementation and dissemination of mediation practices beyond the project period. This will hopefully result in performance based-assessment criteria which will be considered and adopted by the HCoJPs for Judges and by the MoJ for court staff.

## Budget and Financing Plan

### Financial Resources – Eligible Expenses Funding (In EUR)

<b><u>Full Project Name:</u></b>		<b><i>Turkey: Developing Mediation Practices in Civil Disputes</i></b>
<b>Expected sources of funding</b>		
	<b>Amount (EUR)</b>	<b>Percentage of total</b>
Turkish Government Contribution (*) <i>Turkish contribution is USD 500,000 (860,000 TL) -equivalent of 243,000 Euros in October 2014</i>	243,000	18.10%
SIDA Contribution	1,099,760.12	81.90%
<b>OVERALL TOTAL</b>	<b>1,342,760.12</b>	<b>100%</b>

## Appendices

Appendix 1: Project Logical Framework

Appendix 2: Detailed Description of Activities

Appendix 3: Work Plan

Appendix 4: Job descriptions

## APPENDIX 1. LOGICAL FRAMEWORK OF THE PROJECT

### Project “Developing mediation practices in civil disputes in Turkey”

<b>Hierarchy of Objectives</b> <b>Strategy of Intervention</b>				
<b>Overall Objective</b> The overall objective of the project is to improve the efficiency of justice by reducing the cost and time needed to resolve civil disputes through an effective implementation of mediation practices.				
<b>Project Outcomes</b>	<b>Objectively Verifiable Indicators (Performance Indicators)</b>	<b>Data Sources Means of Verification</b>	<b>Assumptions</b>	<b>Responsibility</b>
<b>Expected Result 1: The legal framework is strengthened for an effective implementation of mediation in civil disputes in Turkey</b>  <b>Outcome 1.1:</b> Amendments to legislation on mediation drafted with the Project support  <b>Outcome 1.2:</b> Increased alignment of draft mediation legislation with European standards and CEPEJ Guidelines, with Project support	<i>The MoJ amends the required legislation in reasonable time in line with CEPEJ Guidelines and international standards</i>	WG meeting results, draft amended legislation and records of the Official Gazette of Turkey.  Reports and documents by the experts and relevant bodies of the CoE.	The time-frame of the project is sufficient to finalise the necessary changes in legislation.  The Turkish authorities amend legislation in light of CEPEJ experts' recommendations	The MoJ
<b>Expected Result 2 : The necessary models, tools and structures are available for the use of mediation in civil disputes in Turkey</b>  <b>Outcome 2.1:</b> Models of Mediation practices are implemented in selected pilot courts and results are evaluated and fine-tuned for further	<i>Number of judges engaged in mediation practices, references made to mediators in judges' decisions, and number of civil disputes settled by mediation is increased</i>	UYAP Data, Judges' files, Judges' decisions	The relevant stakeholders participate in	

dissemination				
<p><b>Outcome 2.2:</b> Confidence of the judiciary in the mediation referral process is increased</p>	<p><i>by 5% in pilot courts in two years compared to the baseline data.</i></p>	<p>Evaluation Reports, Progress Reports, Baseline data and follow up survey results</p>	<p>mediation pilots activities</p>	
<p><b>Outcome 2.3:</b> Information on the success of mediation in mediation pilots is collected by the MoJ and replication and/or modification of pilots is planned.</p>	<p><i>Number of judges who have settled cases through mediation practices having received a promotion by the HCoJPs (which considered mediation as performance assessment criteria or reference point) is increased by 5% by end of the Project period.</i></p>	<p>Personal files of judges include the numbers of cases settled through mediation practices.</p>	<p>Group of courts data is comparable</p>	
<p><b>Expected Result 3: - Mediation Department utilizes clear, adequate and standardised training curricula in line with CEPEJ Guidelines; - Continuous training is set up; - Justice professionals designated as mediators have the skills and competences necessary to fulfil this role.</b></p>	<p><i>The MoJ developed a road map as a result of the successful implementation of pilot practices. New non-pilot courts are applying to be mediation pilot courts.</i></p>	<p>Number of applications from the non-pilot courts, UYAP data, Evaluation Reports, Progress Reports, Expert Reports, the Road Map.</p>	<p>HCoJP support pilot practices in courts</p>	
<p><b>Outcome 3.1:</b> curricula in conformity with the CEPEJ guidelines are used in institutions authorized to provide training activities</p>	<p><i>Training Centres for Mediators provide periodical feedback to the questionnaires to record their comments and observations about standardised training programs and training materials in line with European guidelines.</i></p>	<p>Standardized guidebooks training materials and modules in the Training Centres</p>	<p>The MoJ and other stakeholders are willing to continue replicating the model.</p>	
<p><b>Outcome 3.2:</b> a qualified pool of trainers capable of sustaining mediation training nation-wide is created</p>	<p><i>The newly-designed curricula are tested for a determined period of time in training centres. New modules receive 30-50% of positive feedback. Based on positive feedback, new curricula are then standardized.</i></p> <p><i>CEPEJ Guidelines on mediation in civil and family matters are introduced in earnest and in full to the MoJ, Department of Mediation, trainers of trainers, as well as already-registered mediators</i></p> <p><i>The quality of mediation training is in line with CEPEJ Guidelines as assessed by the CEPEJ Experts</i></p>	<p>CEPEJ Guidelines. Methodologies of training</p>	<p>TJA actively participates in the development of training curriculum and materials</p>	
			Mediation Training	

<p><b>Outcome 3.3:</b> a system of assessment of training centres by Inspectors (Judicial Services Assistants) based on performance assessment criteria for the training centres to be effectively used by the Inspectors is in place</p>	<p><i>By the end of the first year of the Project, up to 60 qualified mediators are accredited</i></p> <p><i>By the end of the second year of the Project, up to 30 more mediators are accredited</i></p> <p><i>The MoJ establishes and uses a tracking/follow-up system in order to verify the use of the newly-accredited mediators</i></p> <p><i>The Inspectors (Judicial Services Assistants) dispose of performance assessment criteria</i></p>	<p>programmes for mediators are harmonized</p> <p>Training Evaluation Reports, Seminars and workshops on training of mediator trainers, CEPEJ Expert Reports</p> <p>Performance Assessment Guidelines, Self-Assessment Reports by the Training Centres</p>	<p>Institutions provide for lead academicians and instructors to join ToT</p> <p>All stakeholders actively participate in the WGs.</p> <p>The Guidelines are accepted by the MoJ and widely used by the inspectors</p>	
<p><b>Expected result 4 : Mediation in civil disputes, its use, cost, advantages and legal implications are known among the general public and the judiciary, the legal profession and the users of the justice system</b></p> <p><b>Outcome 4.1:</b> the Turkish society is informed on mediation practices, their scope and advantages</p> <p><b>Outcome 4.2:</b> an increasing number of judges is involved in encouraging settling civil disputes through mediation and recommend this solution to parties.</p> <p><b>Outcome 4.3:</b> relevant professions have a clear understanding of mediation</p>	<p><i>Number of community members reached on-line through website hits, TV spots and news and through courts and other relevant institutions by distributing number of brochures, leaflets exceeds 1.000.000 people (includes the general public, national authorities, and other relevant actors, who have a higher degree of acquaintance with the meaning, role and advantages of civil mediation).</i></p> <p><i>Application for mediation in the pilot courts is increased by up to 5% until the end of the Project. Pilot courts see their workload in mediation cases increase.</i></p> <p><i>The number of Professional Organisations and private parties applying to use mediation increases by 10%.</i></p>	<p>The website on Mediation reaches more than 1.000.000 hits towards the end of the Project.</p> <p>Communication (PR) Reports on number of news, press releases, TV/radio Spots on mediation</p> <p>UYAP monitoring data, number of applications for mediation in pilot courts is increased</p>	<p>The Mediation Website has a numbering record system</p> <p>News is followed through a media tracking system</p> <p>Social media tools are widely used to disseminate information to the general public</p> <p>Mediation associations are active in reaching the public and</p>	



		<p>MoJ records, judicial statistics from mediation associations.</p> <p>Survey results, UYAP data, MoJ records, Mediation Associations records.</p>	<p>disseminating success stories on their web sites</p> <p>UYAP effectively monitors the cases settled in civil disputes. Judges, lawyers and parties are willing to use the mediation scheme.</p> <p>Professional organisations are regularly informed and updated.</p> <p>Judges, parties and mediators have positive comments.</p>	
Project Activities per Outcome		Outputs	Assumptions	

<p><b>Activities to Outcome 1.1. Amendments to legislation on mediation drafted with the Project support</b></p> <ol style="list-style-type: none"> <li><b>Three WG Meetings (two-days) if deemed necessary:</b> discussions with relevant stakeholders and the judicial community (including judges and lawyers from maximum 5 mediation pilots) to be held to receive feedback on deficiencies of the existing legislations with implementation practices so far.</li> <li><b>One International Workshop (one day)</b> analysis of best practices (Translation of selected legislations provided by the CoE Project team).</li> </ol>	<p>Amended legislation following recommendations</p>	<p>Key stakeholders of the project remain committed to their close cooperation with the CoE and its institutions</p> <p>European expertise is available, welcomed by project stakeholders and provides adequate support to project stakeholders</p>	
<p><b>Activities to Outcome 1.2. Increased alignment of draft mediation legislation with European standards and CEPEJ Guidelines, with Project support</b></p> <ol style="list-style-type: none"> <li><b>One Final Review Workshop (two days):</b> finalisation of draft legislations and discussion on the final draft with internal and external stakeholders to receive feedback before submission to the Council of Mediation and the relevant review commissions at the CoE</li> </ol>		<p>The capacity of the project partner, including skills, competencies, managerial, leadership and training capabilities is sufficient to accept the international project support</p> <p>The time-frame of the project will be sufficient to finalise the activities, especially those linked to changes in legislation</p>	
<p><b>Activities to outcome 2.1. Models of Mediation practices are implemented in selected pilot courts and results are evaluated and fine-tuned for further dissemination</b></p> <ol style="list-style-type: none"> <li>An implementation plan for each courthouse is designed; Definition of the scope of the mediation scheme. (1 workshop)</li> <li>Selection and training of judges and court staff for the new functions of the mediation model, including their number and qualifications. (2 training)</li> <li>Employment of mediation clerk/officer, who will be trained and sufficiently informed on mediation in order to answer questions from the general public. (1 training)</li> </ol>	<p>Mediation procedures are developed, implemented and evaluated in mediation pilots</p> <p>A maximum of 30 pilot courts within 5 Court Houses participate in the mediation scheme</p>		
<p><b>Activities to outcome 2.2. Confidence of the judiciary in the mediation referral process in increased</b></p> <ol style="list-style-type: none"> <li>Consultation meetings with the High Council of Judges and Prosecutors (HCoJP) were organised for selection of types of cases or case values for an example mediation (1 workshop)</li> </ol>	<p>Relevant performance assessment criteria for judges are developed.</p> <p>Development of monitoring and assessment screens (System) by UYAP for the civil cases resulted in mediation.</p>		
<p><b>Activities to Outcome 2.3: information on the success of mediation in mediation pilots is</b></p>			

<p><b>collected by the MoJ and replication and/or modification of mediation pilots is planned</b></p> <ol style="list-style-type: none"> <li>1. Development of monitoring and assessment screens (System) by UYAP for the civil cases resulted in mediation (1 workshop)</li> <li>2. Conducting Baseline Study data collection and Follow up Study at the beginning and end of the project phases. (2 meetings- 2 studies)</li> </ol> <p><b>Activities to Outcome 3.1. existing curricula are assessed, reviewed and re-designed and standardized guidebooks, training materials and modules are developed and disseminated to the relevant stakeholders</b></p> <ol style="list-style-type: none"> <li>1. Review of existing curricula and training modules in light of CEPEJ Guidelines, (2 workshops)</li> <li>2. Re-design, assessment and standardisation of guidebooks and leaflets based on CEPEJ guidelines 1 workshop)</li> </ol> <p><b>Activities to Outcome 3.2: a qualified pool of trainers capable of sustaining mediation training nation-wide is created</b></p> <ol style="list-style-type: none"> <li>1. Training of trainers and creation of a pool of trainers. (1 ToT workshop, 1 refresher course)</li> </ol> <p><b>Activities to Outcome 3.3: performance assessment criteria for the training centres to be effectively used by the Inspectors (Judicial Services Assistants) are developed</b></p> <ol style="list-style-type: none"> <li>1. Development of performance assessment criteria for training centres (1 WG Meeting)</li> </ol> <p><b>Activities to Outcome 4.1: the Turkish society is informed on mediation practices,</b></p>	<p>Baseline and Follow-up data results available</p> <p>A modified and standardized training module is ready</p> <p>Clear adequate training modules and tools are part of the curricula of training of mediators</p> <p>Pool of trainers are available</p> <p>Performance assessment criteria for training centres exist.</p> <p>Conferences and workshops on mediation for the attention of the judiciary and the legal profession</p> <p>The general public, the judiciary, the legal profession are becoming more acquainted with the notion and benefits of</p>			
--	---	--	--	--

<p><b>their scope and advantages.</b></p> <ol style="list-style-type: none"> <li>1. Media advertisement/TV campaign on mediation targeting a large audience (1 workshop)</li> <li>2. Campaign on social media and other relevant web sites (virtual)</li> <li>3. Development and distribution of public awareness materials such as brochures and leaflets in relevant key places.</li> </ol> <p><b>Activities to Outcome 4.2:</b> an increasing number of judges is involved in encouraging settling civil disputes through mediation and recommend this solution to parties.</p> <ol style="list-style-type: none"> <li>1. Organisation of informative conferences, meetings and workshops on mediation for the judiciary and the legal profession. (5 Regional Meetings)</li> </ol> <p><b>Activities to Outcome 4.3: relevant professions have a clear understanding of mediation</b></p> <ol style="list-style-type: none"> <li>1. International study visits (2) for the members of the Mediation Board and WGs to observe mediation practices in European States</li> </ol>	<p>mediation</p> <p>2 Audio/Visual Media materials and campaign strategy;</p> <p>e-surveys for measuring and analysing public attitudes</p> <p>Brochures, leaflet, posters</p> <p>Reaching wider key public audience about mediation with networking relationships.</p> <p>A clear understanding was developed within the Mediation Board and WG members about mediation in European States as regards its work and those responsible are acknowledged for further developing mediation scheme.</p>		
---	---	--	--

## APPENDIX 2. DETAILED DESCRIPTION OF ACTIVITIES

<i>Expected Results - Outcomes -Activities</i>	<i>Description of activity</i>	<i>Input by</i>	<i>Proposed dates</i>
<b>Inception Phase</b> (December 2014-February2015):  <i>Project meetings, Project set up and initial activities</i>	<p>The work plan and the design of the performance indicators will be finalised.</p> <p>The CoE will also set up the Project teams in Ankara and Strasbourg.</p> <p>Immediate Project activities such as re-design of the mediation training curriculum and start up initiatives for baseline data collection may start during this period as well.</p>	<p>International CEPEJ Experts</p> <p>National Experts</p> <p>CoE Project Team</p> <p>The MoJ</p> <p>National Stakeholders</p> <p>Up to 20 w/days of Experts (int)</p> <p>Up to 6 w/days of Experts (local)</p>	
<b>Implementation Phase</b> (March 2015- November 2016)	<p>Based on the final work plan and indicators, the project implementation will be carried out, including mediation practices in courts.</p>	<p>International Experts</p> <p>National Experts</p> <p>CoE Project Team</p> <p>The MoJ</p> <p>All Stakeholders</p>	

<b>Expected Result 1</b> <b>The legal framework is strengthened for an effective implementation of mediation in civil disputes in Turkey</b>			
<b>Outcome 1.1: Amendments to legislation on mediation drafted with the Project support.</b>			
<b>Activity 1.1.1</b> <b>Legislation WG Meetings</b> <b>(3 WG Meetings)</b>	<p>Three (3) WG Meetings (each for two-days) if deemed necessary: discussions with relevant stakeholders and the judicial community (including judges and lawyers from up to 5 mediation pilot structures) to be held to receive feedback on the deficiencies in implementation practices so far, as a result of the existing legislation.</p> <p>Setting-up of working groups composed of judges, lawyers, mediators, academicians, public officials and other experts to initiate the review of the national legislative framework regulating the mediation and relevant practices, deficiencies and procedures and coordination of information share. Analysis of legislative and organizational framework and the implementation of the framework and drafting of legislative proposals.</p>	<p>Up to 14 w/days of Experts (int)</p> <p>Up to 6 w/days of Experts (local)</p>	
<b>Activity 1.1.2</b> <b>(1 International Workshop)</b>	<p><b>One International Workshop (one day)</b> analysis of best practices (Translation of selected legislations provided by the CoE Project team). The findings of the proposals are discussed in an international conference with a larger participation of officials from all relevant partners and institutions and especially those of relevance to any possible legislative proposal.</p>	<p>Up to 8 w/days of experts (int)</p> <p>Up to 3 w/days of experts (local)</p>	

<b>Outcome 1.2 : Increased alignment of draft mediation legislation with European standards and CEPEJ Guidelines, with Project support</b>			
<b>Activity 1.2.1</b> <b>(1 Final Review Workshop)</b>	<b>One Final Review Workshop (two days):</b> finalisation of draft legislations and discussions on the final draft with internal and external stakeholders to receive feedback before submission to the Council of Mediation and the relevant review commissions at the CoE. The final analysis of the report and the draft legislation is prepared by the team of national and international experts as well as relevant stakeholders.	Up to 6 w/days of Experts (int) Up to 6 w/days of Experts (local) All stakeholders	
<b>Expected Result 2</b> <b><i>The necessary models, tools and structures are available for the use of mediation in civil disputes in Turkey.</i></b>			
<b>Outcome 2.1: Models of Mediation practices are implemented in selected pilot courts and results are evaluated and fine-tuned for further dissemination</b>			
<b>Activity 2.1.1</b>  <b>Model Development WG Workshop for Implementation Plan</b>  <b>1 Workshop (3 day )</b>	<b>An implementation plan for each courthouse is designed: Definition of the scope of the mediation scheme.</b>  Up to 30 Pilot courts within a maximum of 5 pilot courthouses are selected for the design of model mediation practices.  A WG for model development will be established  This WG along with the Legislation WG will develop model proposals to be discussed with the MoJ and	Up to 12 w/days Experts (int) Up to 8 w/days Experts (local)	

	<p>pilot courts and the model to be applied in 5 selected pilot courthouses.</p> <p>The WG will have a workshop for the following purposes :</p> <p>First, initial brainstorming on the present situation and preparation of the Model Development with participation of national experts, mediators, judges, court staff, representatives from the UTBA and local bar associations, relevant NGOs and the MoJ for the new functions of the mediation model, including their number and qualifications. Secondly, finalising the Implementation Plan for each courthouse by defining the scope of the mediation scheme, including selection of types of cases or case value.</p>		
<p><b>Activity 2.1.2</b></p> <p><b><i>Training of Judges and court Staff</i></b></p> <p><b><i>1 Training of judges (2 day)</i></b></p>	<p><b>Selection and training of judges and court staff for the new functions of the mediation model, including their number and qualifications</b></p> <p>Organisation of 2 training/information seminars; one for the judges and one for the court staff</p> <p>First training (2 day) on the mediation legal framework, recommendations, monitoring and reporting of cases and possible cooperation and coordination with each relevant parties or involving stakeholders will be organized for up to 30 judges involved in mediation pilots. Each pilot courthouse will designate a point of contact that will be responsible to monitor and coordinate among other judges and court staff on the subject. The Head of Justice Commissions and Chief Public Prosecutors in each pilot court will also be informed and oriented about the mediation pilots</p>	<p>Up to 6w/days Experts (int)</p> <p>Up to 6 w/days Experts (local)</p>	



<p><b>1 Training of Court staff ( 2 day)</b></p>	<p>programme.</p> <p>Second training (2 day) will be organised for court staff who will closely work with the selected judges at the pilot courts to assist in following up and reporting in mediation cases.</p> <p><i>The decision on the composition, content and period of the training/information seminar package will be finalized by the MoJ and the CoE.</i></p>	<p>Up to 4 w/days Experts (local)</p>	
<p><b>Activity 2.1.3</b></p> <p><b>Employment and Training of Mediation clerk/information Officer</b></p> <p><b>1 Training of mediation clerk/information officer (1 day)</b></p>	<p><b>Employment of mediation clerk/officer, who will be trained and sufficiently informed on mediation in order to answer questions from the general public.</b></p> <p>The training seminar (1 day) for an orientation course for the mediation information officers who will inform the parties and general public at the offices of the pilot courts, local bars, mediation associations, local and national NGOs offices or chambers, etc. The information units will employ new staff or assign their own staff to inform the general public about mediation.</p> <p><i>The decision on the composition, content and period of the training orientation package will be finalized by the MoJ and the CoE.</i></p>	<p>Up to 2 w/days Experts (local)</p>	

<b>Outcome 2.2 Confidence of the judiciary in the mediation referral process is increased</b>			
<b>Activity 2.2.1</b>  <b>1 Workshop (1 day)</b>	<b>Consultation meetings with the High Council of Judges and Prosecutors (HCoJP)</b>  Regular Information and consultation meetings with the High Council of Judges and Prosecutors (HCoJP) for the introduction and application of the mediation scheme with a selection of types of cases or case values for an example mediation scheme as part of the judges' performance assessment process.  There will be one joint workshop organised with the HCoJP and other relevant stakeholders for the review of the selection of the types of cases or case values for an example mediation scheme and roles and responsibilities of the judges in mediation scheme for their future performance assessment.  Modification of pilot court forms-mediation case files to introduce mediation in a positive light, thus indicating that the judiciary are keen to promoting mediation practices.	Up to 6 w/days Experts (int) Up to 2w/days Experts (local)	
<b>Outcome 2.3 Information on the success of mediation in mediation pilots is collected by the MoJ and replication and/or modification of pilots is planned.</b>			
<b>Activity 2.3.1</b>  <b>Monitoring and Assessment of Mediation cases</b>	<b>Development of monitoring and assessment screens (System) by UYAP for the civil cases resulted in mediation</b>	Up to 3 w/days Experts (int) Up to 4 w/days Experts (local)	

<p><b>1 Workshop (2 day)</b></p>	<p>The UYAP is going to develop monitoring and assessment screen to record and evaluate the mediation cases in particular for pilot courts. (Development of monitoring and assessment screens (System) by UYAP for the civil cases resulted in mediation.)</p> <p>Organisation of a workshop on the monitoring and progress review on mediation pilot courts (20 participants from the MoJ, UYAP, Judicial Statistics, UTBA, mediators, judicial and non-judicial staff from relevant stakeholders and representatives of other stakeholders)</p>		
<p><b>Activity 2.3.2</b> <b>Baseline and Follow up Studies</b></p> <p><b>Baseline Study Data Collection Meeting (1 day)</b></p> <p><b>Baseline data is collected and analysed</b></p>	<p><b>Conducting Baseline Study data collection and Follow up Study at the beginning and end of the project phases.</b></p> <p>Areas of baseline data, methodology, context and required procedures for data collection (with help of UYAP and other relevant stakeholders) for baseline data and final follow up data will be discussed and identified in the meeting.</p> <p><i>Design the data collection tools</i> <i>Application of the tools</i> <i>Collection of Data</i> <i>Comparative data (Selection of Mediators and Non-Mediators whom will be used as a control group to compare the results at the end.)</i> <i>Analysing of Data</i></p> <p>Similar data and tools will be applied to have final</p>	<p>Up to 6 w/days Experts (int) Up to 4 w/days Experts (local)</p> <p>UYAP, Judicial Records Independent Professional Entity/Consultancy for evaluation of the collected data</p>	

<p><b>Follow-Up Study Meeting (1day)</b></p> <p><b>Follow up data is collected and analysed</b></p>	<p>results before end of the Project.</p> <p>Both results of the baseline and follow-up studies will be coordinated and conducted with public information campaigns strategy and follow up results.</p>	<p>Up to 6 w/days Experts (int) Up to 6 w/days Experts (local)</p> <p>Independent Professional Entity/Consultancy for evaluation of the collected data</p>	
<p><b>Expected Result 3</b></p> <p><b>Mediation Department utilizes clear, adequate and standardised training curricula in line with CEPEJ Guidelines; - Continuous training is set up; - Justice professionals designated as mediators have the skills and competences necessary to fulfil this role.</b></p>			
<p><b>Outcome 3.1:curricula in conformity with the CEPEJ guidelines are used in institutions authorized to provide training activities</b></p>			
<p><b>Activity 3.1.1</b></p> <p><b>2 Workshops (4 day)</b></p>	<p><b>Review of existing curricula and training modules in light of CEPEJ Guidelines</b></p> <p>1st Workshop for 2 days for analysing and modifying existing modules in general Mediation training programs already delivered in mediation training centres.</p> <p>2<sup>nd</sup> workshop for 2 days (different WGs will be set up to work on identifying specific mediation training modules on mediation by specialty. (family, trade, etc)</p>	<p>Up to 18 w/days Experts (int) Up to 10 w/days Experts (local)</p> <p>Selected trainers from training centres, mediators, etc.</p>	

<p><b>Activity 3.1.2</b> <b>1 Workshop (2 day)</b></p>	<p><b>Re-design, assessment and standardisation of guidebooks and leaflets based on the CEPEJ guidelines; Development of training materials and modules and dissemination to the relevant stakeholders</b></p> <p>A 2 day workshop for the integration and standardization of training modules, finalization of guidebooks and relevant leaflets.</p> <p>Different WGs will be set up with relevant stakeholders.</p>	<p>Up to 17 w/days Experts (int) Up to 6w/days Experts (local)</p>	
<p><b>Outcome 3.2: a qualified pool of trainers capable of sustaining mediation training nation-wide is created</b></p>			
<p><b>Activity 3.2.1</b> <b>1 workshop (3 day)</b></p> <p><b>1 final refresher course (2 day)</b></p>	<p><b>Training of trainers and creation of a pool of trainers.</b></p> <p>1 workshop for 3 days for up to 60 trainers with different WGs as per modules of the mediation curriculum to train the trainers and create standardized training guidelines including review of methodology of mediation training techniques.</p> <p>(1 day joint session and 2 day for subject specific sessions)</p> <p><b>Refresher Course</b></p> <p>Training of new trainers from possibly new trainer centres (up to 30 trainers) and refresher training of old trainers for the new modifications introduced or revised during the project period and receiving their feedback. This will be shorter version of the trainers module (up to 60 trainers)</p>	<p>Up to 20 w/days Experts (int) Up to 12 w/days Experts (local)</p> <p>Up to 2 w/days Experts (int) Up to 6 w/days Experts (local)</p>	

<b>Outcome 3.3: a system of assessment of training centres by Inspectors (Judicial Services Assistants) is in place are developed</b>			
<p><i>Activity 3.3.1</i></p> <p><i>1 WG Meeting ( 3 days)</i></p>	<p><b>Development of performance assessment criteria for training centres.</b></p> <p>A WG Meeting will be organised to develop the criteria and identify the tools to measure the performance of the training centres with regard to their accreditation; continuity of delivering training programme and certification process for mediators; application of the mediator training programme; trainers; capacities and service delivery standards etc.</p> <p>WG participants will also analyse the results of the baseline survey with regard to deficiencies of the current assessment system and focus on developing assessment criteria and assessment tools.</p> <p>Testing and analysing of the new curricula for standardisation through the collection of feedback will also be incorporated into assessment criteria. Inspectors (Judicial Services Assistants), National and international experts, mediators, academicians, judicial staff and relevant stakeholders will join WG meetings.</p>	<p>Up to 8 w/days Experts (int)</p> <p>Up to 6 w/days Experts (local)</p>	

		<b>Expected Result 4.</b>	
<b>Mediation in civil disputes, its use, cost, advantages and legal implications are known among the general public and the judiciary, the legal profession and the users of the justice system</b>			
<b>Outcome 4.1: the Turkish society as a whole is informed on mediation practices, their scope and advantages</b>			
<b>Activity 4.1.1</b>  <b>1 Workshop (2 day)</b>	<b>Media advertisement/TV campaign on mediation targeting a large audience.</b>  In order to develop a campaign strategy particularly in media and support the capacity of the Mediation Department in planning and delivering awareness campaigns through advice and recommendations on how to conceptualise, plan and deliver public information and awareness campaigns, a workshop will be organised with media representatives, NGOs, mediators, the judiciary and all relevant stakeholders.  The production and the effects of the audio-visual materials to be used as a tool in the public awareness and information campaigns will be analysed.	Up to 4 w/days Experts (int) Up to 6 w/days Experts (local)	
<b>Activity 4.1.2</b>	<b>Public Information Campaign on social media and other relevant websites.</b>  Apply e-surveys to assess the public opinion on mediation and measure the effects of the campaign.	Up to 10 w/days Experts (int) Up to 9 w/days Experts (local)	
<b>Activity 4.1.3</b>	<b>Development and distribution of public awareness materials such as brochures and leaflets in relevant key places.</b>  <i>100.000 brochures and leaflets, 10.000 posters and</i>	Up to 3 w/day Experts (local)	

	<i>short films/slideshows will be designed, produced and disseminated in pilot courthouses jurisdictions (in addition to mediation information units, mediation associations, relevant NGOs, public and private institutions etc )</i>		
<b>Outcome 4.2: an increasing number of judges is involved in encouraging settling civil disputes through mediation and recommending this solution to parties</b>			
<b>Activity 4.2.1</b>  <b>5 Regional Meetings</b>	<b>Organisation of informative conferences, meetings and workshops provide in-depth knowledge on mediation to the judiciary and the legal profession.</b> The Project team and a representative of the Working Groups will be visiting a cluster of regions in 5 different cities gathering participants from neighbouring cities to meet and inform relevant stakeholders, answer questions and networking with mediators and judiciary)	Up to 15 w/days Experts (local)	
<b>Outcome 4.3 Relevant professions have a clear understanding of mediation</b>			
<b>Activity 4.2.2</b> <b>2 International Study Visits</b>	<b>International study visits (2) for the members of the Mediation Board and WGs to observe mediation practices in European states</b> Each group will consist of 10 persons. Interpreters and one or two project team members will join the SV group in addition to SV participants.		
<b>Steering Committee Meetings (6)</b>	Every four months a SCM will be organised.	Up to 12 w/days Experts (int) Up to 2 w/days Experts (local)	



<b>Wrap up – Closing Activity (1)</b>	A closing event of up to 100 participants will be organized. Results of the final evaluation of the Project and final results of the information campaign and follow –up study will be shared with the audience. The Closing event will provide an opportunity for all stakeholders to discuss future cooperation and sustainability of the project outcomes within the framework of the mediation scheme in accordance with European standards.	Up to 8 w/days Experts (int) Up to 6 w/days Experts (local)	
<b>TOTAL</b>	34 Activities	Total Experts: International : 186 w/days Total Experts: National : 138 w/days	
<b>OTHER PROJECT INTERVENTIONS</b>			
<b>Mid-Term Evaluation</b>	Mid-Term review by international expert(s) up to 2 weeks	2015	
<b>Final Evaluation</b>	Final Evaluation by international expert(s) up to two weeks	2016	
<b>Final Report</b>	<i>(Final Report will be submitted within 3 months after the completion of the Project)</i>	2017	

*National experts/consultants that are entitled to be receiving fee for their services and that will be engaged throughout this project shall not be subject to any conflict of interests with their duties. Experts involved in the implementation of this project can be officials from the public sector, the private business sector, free professions sector (e.g., private lawyers) or/and academia. During the inception phase of the project and throughout the implementation period, the project team will establish (and can update/revise) the list of identified experts (including qualifications and CVs) to be engaged for the project activities.*

## APPENDIX 3. WORK PLAN

The duration of the action will be 24 months (implementation). It will be preceded by an inception phase of three months during which a detailed work plan along with a confirmed calendar will be finalised, staff recruited and the office established, and priority activities such as curriculum development and baseline data collection will be initiated in line with a wrap up/reporting phase.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

## APPENDIX 4: JOB DESCRIPTIONS

### **Vacancy notice - Project on Developing mediation practices in civil disputes in Turkey**

#### **International Senior Project Officer, Strasbourg**

Under the authority of the Directorate General of Human Rights and Rule of Law and in particular the European Commission for the Efficiency of Justice, the International Senior Project Officer (ISPO) will be responsible for the overall management of the Project.

Supervision and co-ordination by the CoE Headquarters is essential for a number of reasons:

The project focuses on complex issues concerning the introduction of Alternative Dispute Resolution (ADR) methods in civil matters, which will have a strong impact on the efficiency of the Turkish judiciary. The ISPO will ensure that the Project is well-anchored to CEPEJ work and experts in order to help align Turkish mediation practices with CEPEJ standards. This ISPO will therefore check the quality of experts' outputs and intervene in case of problems. The ISPO will make sure that European standards and expertise are brought in during project implementation as important elements to be considered in the shaping of the Turkish mediation practices.

The project comprises a high number of various types of activities to be implemented in a condensed period of time. The ISPO will offer extra guarantees that activities are implemented on time and to the required standards; to this purpose, s/he will supervise the local project team and maintain a continuous dialogue with the Ministry of Justice and key international and local players to ensure effective project implementation. The ISPO will take regular journeys to Turkey to take stock of the project implementation, ensure project efficiency and provide a possibility for reactivity from project partners.

The CoE attaches particular importance to the quality of the narrative and financial reports, and the ISPO will make sure that these reports are drawn up in accordance with CoE and donors' requirements. The ISPO will also ensure the good fulfilment of all other obligations to the donor.

The ISPO will be the link between the local project team and the centralised project organisation in Strasbourg, which deals with various aspects related to project visibility, financial and administrative follow-up of project activities, budget preparation, and human resources.

Moreover, the Strasbourg ISPO will follow up the recommendations made by external evaluators during the project implementation period. This work cannot be performed by the local team which will be focusing on the operational details of project implementation.

The ISPO will play an indispensable role in the overall programme management and substantive project related issues.



The Strasbourg ISPO will be in particular tasked to:

- Ensure coherence and continuity of the Project in accordance with the Project Work Plan and the Project Description of the Action; co-ordinate closely with the CoE Consultants and the local team on project direction and priorities;
- Oversee the planning, budgeting, organisation and reporting for the Project as a whole, and on individual activities; contribute to the project work plan and its updating, in cooperation with the main beneficiary institutions and the project team;
- Coordinate the experts' work with a view to help including CEPEJ standards into Project's activities; frame and define (including from a contractual point of view) the contributions of the CEPEJ experts with a view to ensuring synergy and coherence of their contributions with the Project objectives. Ensure a quality-check of outputs provided by the experts;
- Establish and develop effective contacts with the relevant national authorities and project key players (the Ministry of Justice, the Union of the Turkish Bar Association) for the implementation of the Project and its activities, in accordance with the Project Work Plan; travel to Turkey once a month to meet project partners, staff and experts and take stock of project implementation;
- Analyse the information and data coming from the mediation pilots regarding the implementation of proposed practices in line with European standards, in close co-operation with the CoE Consultants and project co-ordinator;
- Critically assess the progress being made under the project, any obstacles encountered and new opportunities; contribute to identifying solutions to any problem encountered during project implementation;
- Follow up the recommendations made by external evaluators on project implementation;
- Coordinate and finalise all reports due under the Project for the donors and the Steering Committee; in particular ensure a qualitative assessment of the project's activities and results in the reports;
- Liaise regularly with the relevant local and international partners and donors concerning the substantive and financial aspects of the Project;
- Contribute to the fulfilment of the financial and administrative tasks required at the central level for the implementation of project activities.
- Supervise the local project team.

Qualifications

- University degree, preferably in law, international relations or related fields;
- Experience of Project management and implementation at European/international level;

- In-depth knowledge of European human rights standards and the work of the CoE in this field;
- Knowledge of the judiciary situation in Turkey;
- Ability to take initiative and be responsible for managing complex activities; order and method in work, as well as discretion;
- Ability to work under pressure; ability to deal with multiple tasks and respect deadlines;
- Very good command of English, oral and written, good communication skills; some knowledge of French desirable;
- Availability to travel regularly.

**Vacancy notice - Project on Developing mediation practices in civil disputes in Turkey****Position of Local Senior Project Officer, Ankara**

Under the authority of the Directorate General of Human Rights and Rule of Law and in particular the European Commission for the Efficiency of Justice, the Local Senior Project Officer (LSPO) will be responsible for the implementation of the Project “Developing mediation practices in civil disputes in Turkey”.

**Main responsibilities**

- Plan, organise and follow-up the operational activities under the Project, in accordance with the Project Work Plan and in close cooperation with the national partners and stakeholders;
- Coordinate the organisation of the activities carried out under the Project with all international and national stakeholders, national, international and long-term consultants;
- Coordinate the work of local consultants;
- Contribute to the substantive implementation of the project;
- Liaise between the national partners and stakeholders in Ankara regarding the implementation of the Project’s activities and any problems encountered; suggest priorities and adjustments as necessary;
- Ensure close budgetary follow-up of all activities and expenditures, in accordance with CoE rules;
- Provide input to the preparation of interim and narrative reports; prepare and submit to the CoE any other documentation and reports needed;
- Oversee the preparation of the Steering Committee meetings.

Qualifications

- University degree, preferably in law, public administration, international relations or related fields;
- Experience relating to judiciary management and judiciary administration;
- Knowledge of the administration of justice or in a particular judicial area including experience in policy formulation;
- Experience in Project management and providing technical assistance on judiciary reforms in a country in transition would be an advantage;
- Excellent analytical and drafting skills;
- Ability to take initiative and be responsible for managing complex activities; order and method in work, as well as discretion;
- Ability to work as a member of a team and under pressure;
- Ability to deal with multiple tasks and respect deadlines;
- Very good command of English, oral and written, excellent communication skills; some knowledge of French desirable; knowledge of Turkish would be an advantage;
- Availability to travel.