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Final Evaluation of the Project “Strengthening the Criminal Justice System and the Capacity of Justice Professionals on Prevention of the European Convention on Human Rights Violations in Turkey”

FINAL REPORT
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Contents

1. Executive summary	7
1.1 Introduction	7
1.2 Main Findings	7
1.3 Main Conclusions	8
1.4 Main Recommendations	9
2. Introduction	10
2.1 Context	10
2.2 About the CAS II Project	10
3. About the Evaluation	11
3.1 Evaluation Purpose and Objectives	11
3.2 Evaluation Users	11
3.3 Evaluation Scope	12
4. Evaluation Matrix	12
5. Evaluation Methodology	12
5.1 Evaluation Structure	12
5.2 Evaluation Interlocutors	13
5.3 Limitations and constraints	13
6. Findings	14
6.1 Relevance	14
6.1.1 Alignment with Council of Europe mandate and institutions	14
6.1.2 Alignment with EU policy objectives	14
6.1.3 Alignment with national policy objectives	14
6.1.4 Alignment with needs, priorities & constraints at institutional, sector, country level	15
6.2 Coherence	16
6.2.1 CoE and EU cooperation	16
6.2.2 Internal synergies	17

6.3 Effectiveness	17
6.3.1 Result framework	17
6.3.2 Reported results	18
5.3.4 Result analysis	19
5.3.4.1 Project deliverables	19
5.3.4.2 Project events	20
5.3.4.3 Training	21
5.3.4.4 Professional exchanges	22
5.3.4.5 E-Library	22
5.3.5 Factors contributing to Effectiveness	22
5.3.6 Factors reducing Effectiveness	24
5.4 Efficiency	26
5.5 Impact	26
5.6 Added Value	28
5.7 Sustainability	29
5.7 Visibility	31
5.8 Cross-Cutting Issues	31
5.8.1 Gender equality	31
5.8.2 Human Rights	31
6 Conclusions	32
6.1 Relevance	32
6.2 Coherence	33
6.3 Effectiveness	33
6.4 Efficiency	34
6.5 Impact	34
6.6 Added Value	34
6.7 Sustainability	35

6.7	Visibility	35
6.8	Cross-Cutting Issues	35
7	Recommendations	35
8	Annex 1: Evaluation Matrix	42
9	Annex 2: List of documents consulted	46
10	Annex 3: List of stakeholders consulted	47
11	Annex 4: Survey questionnaire	48
12	Annex 5: Terms of Reference	54

List of acronyms and abbreviations

CAS II	Joint Project ' <i>Strengthening the Criminal Justice System and the Capacity of Justice Professionals on Prevention of the European Convention on Human Rights Violations in Turkey</i> '
CFCU	Central Finance and Contracts Unit, Ministry of Treasury and Finance (Türkiye)
CoE	Council of Europe
CSO	Civil Society Organisation
DGCA	Directorate General for Criminal Affairs
EC	European Commission
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights (ECtHR)
EQ	Evaluation Question
EU	European Union
EUD	Delegation of the European Union to Türkiye
HRBA	Human Rights-Based Approach
JAT	Justice Academy of Türkiye
MASAK	Financial Crimes Investigation Board
MoJ	Ministry of Justice of Türkiye

1. Executive summary

1.1 Introduction

The Council of Europe (CoE) Joint Project with the European Union (EU) on “*Strengthening the Criminal Justice System and the Capacity of Justice Professionals on Prevention of the European Convention on Human Rights Violations in Turkey*,” (CAS II) commenced in March 2019 and ended in December 2023 (budget 5 mill. Euros).

The **overall objective** of the Project was to further strengthen and render the Turkish judiciary more efficient, effective, and visible, by ensuring its compliance with international and European standards in the field of criminal justice.

The purpose of the Final Evaluation is to review the Project’s performance and to identify lessons for future similar projects. The evaluation comprised an **inception phase** which aimed to structure the evaluation methodology, a **data-collection/field phase** comprised of documentary analysis, an online survey of approximately 3000 persons, and in-person and online meetings; and a **synthesis phase**, devoted to the preparation of the Draft and Final Evaluation Report and associated executive summary. Evaluation interlocutors included those most closely involved in the design and implementation of the Project.

1.2 Main Findings

Relevance: The Project demonstrated strong alignment with the core mandate and operational institutions of the CoE, and was also in strong alignment with EU strategy and policy objectives, notably those relating to Türkiye’s accession to the EU. The Project directly supported the implementation of key national strategies and action plans, and was also in alignment with Türkiye’s obligations as a Member State of the CoE. However, Project design did not address the interrelationships of stakeholders, including partner institutions existing at that time, and there was no initial needs analysis conducted at the time of project development; however, subsequent needs assessment missions provided the foundation for the development of activities. The Project’s flexibility, and degree of institutional ownership, were important factors of relevance.

Coherence: The Project was strongly coherent with CoE cooperation in Türkiye, and initiatives by other cooperation partners, and built on the results of the previous CoE criminal justice programme. The project also showed strong internal synergies between the results pillars; however, partners could have had more integrated approaches.

Effectiveness: The Project achieved a high rate of execution, and activities are on track for completion; however, implementation was initially hampered by numerous constraints, notably the Covid-19 pandemic. The Project developed a large number of guidelines and other deliverables, and conducted numerous events, which contributed to policy development and capacity-building. These in turn improved institutional cooperation, raised awareness, and contributed to policy and legislative change. The Project provided a vast programme of training, which has already contributed substantially to professional capacities of over 5,000 judges and prosecutors, with twelve training modules and a pool of trainers now in place. The highly interactive methodologies were particularly appreciated, and study visits and other exchanges were considered highly beneficial. Some concerns exist concerning the E-Library’s cost-effectiveness and sustainability.

Factors that increased the Project’s effectiveness, included: flexibility in project design and implementation; the decentralised nature of events; participatory approaches; a mixture of international and national expertise; and strong institutional ownership. Factors that reduced the Project’s effectiveness, including: high turnover rates of Project staff in Türkiye; a focus on output-oriented monitoring, rather than on project results; opportunities for policy dialogue were not fully leveraged; and public outreach and awareness-raising was limited.

Efficiency: Despite initial challenges, the Project delivered in a highly efficient, professional and collaborative manner. Elements of efficiency included online modalities, adaptation of existing modules, and a clear division of tasks between partners, with two no-cost extensions allowing the completion of activities. Nevertheless, staff turnover, and the absence of a Head of Office at several periods, hampered the efficiency of the Project's implementation.

Impact Significant change could not occur in the project timeframe, which underscores the need for long-term sector engagement. The Project was not designed to address root causes of sector challenges, notably related to the legislative framework, and the impact of support to judicial reasoning will require greater qualitative analysis. Nevertheless, the Project likely contributed to enhancing cooperation between institutions; improving Türkiye's international cooperation processes; improved training capacities; improved jurisprudence; improved institutional capacities to deal with cybercrime and terrorism-related offences, through the establishment of specialised bureaux; and increased application of human rights principles.

Added Value: The added value of CoE support was their history of cooperation in Türkiye, the international weight of CoE conventions and tools, and the CoE's neutrality and transparency.

Sustainability: The Project has some elements of sustainability, for example European standards being applied by the judiciary; processes and cooperation mechanisms; integration and continuation of training; the creation and ongoing use of the E-library within the JAT; and the ongoing use of manuals and guidelines. However, there is little evidence of contributions to policy-level change, and MoJ engagement to leverage project outcomes requires confirmation.

Visibility: Communication and visibility requirements were fulfilled, however there is only limited data regarding the reach and degree of public access to information generated by the Project.

Cross-Cutting Issues: The Project paid attention to gender equality, and was anchored in the promotion of human rights principles; however, there were no formalised human rights-based and gender strategies or approaches developed.

1.3 Main Conclusions

Relevance: The project demonstrates strong alignment with both international and national priorities, and should continue to prioritise stakeholder consultation and needs assessment.

Coherence: The project shows strong coherence with other initiatives, but a more integrated approach between project activities is necessary.

Effectiveness: Despite initial challenges, the Project has shown considerable effectiveness relative to capacity building, and institutional cooperation; however, addressing staff turnover, adopting outcome-oriented monitoring, and improving public outreach and the visibility of project results are required.

Efficiency: The project managed its ambitious scope efficiently; however, addressing staff turnover, and maintaining consistent and visible leadership on the ground, are necessary to ensure strategic direction and efficiency.

Impact: While the project's long-term impact is yet to be determined, it has already contributed to enhanced cooperation, training capacities, institutional strengthening, the establishment of specialised prosecution bureaux, and the application of human rights principles.

Added Value: The CoE's support in Türkiye is valuable due to its historical cooperation, and high-level expertise.

Sustainability: The project has elements of sustainability; however, more efforts are needed to ensure sustainability at the policy level and continued engagement from MoJ.

Visibility: Communication and visibility requirements were met, however data on the reach and public access to Project information should be collected and analysed to gauge its effectiveness.

Cross-Cutting Issues: While the Project addressed gender equality and human rights principles, it should consider adopting more structured approaches in this regard.

1.4 Main Recommendations

Recommendation 1: Results-oriented reporting and monitoring should be strengthened.
Recommendation 2: Projects should ensure the inclusion and participation of a range of relevant sector stakeholders at all stages of project design and implementation.
Recommendation 3: CoE should ensure stable project management in Türkiye, and the allocation of adequate salary levels for national staff, in line with the local economic context, and with salaries paid by comparable international organisations.
Recommendation 4: The financial sustainability of the Project results should be clarified.
Recommendation 5: Policy dialogue should be strengthened.
Recommendation 6: Gender and human rights issues should be more directly and strategically addressed.
Recommendation 7: Sector and context analysis should be strengthened, both in project design and throughout implementation.
Recommendation 8: External and internal synergies should be strengthened.
Recommendation 9: Project training and study visits should ensure balance and complementarity, and continue to maintain their responsiveness to the Turkish context.

2. Introduction

2.1 Context

Türkiye has been a member of the Council of Europe (CoE) since 1949 and a candidate for full membership of the EU since 1999. At the time of Project design, Türkiye was continuing reforms relative to the judiciary, and the Annual Action Programme for Türkiye for the year 2015¹ indicated that one expected result was an improved criminal justice system, in line with European standards, in particular concerning procedural safeguards in criminal proceedings. While positive results had been achieved through the previous EU/CoE joint programme related to the criminal justice system, shortcomings included detention, procedural safeguards in criminal proceedings, financing of terrorism, legislation on cybercrime.

As of 2018, Türkiye ranked 4th out of 47 CoE Member States relative to pending applications with the European Court of Human Rights (ECtHR)², mostly related to procedural fairness, and the right to liberty and security³. A number of emergency decrees adopted in response to the attempted coup d'état in July 2016, brought in important changes to Turkish criminal procedure⁴, which resulted in concerns raised by the Council of Europe's Human Rights Commissioner and the Venice Commission. When the state of emergency was lifted in July 2018, Türkiye undertook to protect fundamental rights and freedoms.

As of end-2022, Türkiye ranked first out of the 46 Council of Europe (CoE) Member States relative to pending applications before the ECtHR⁵. Further, in 2022, there were 73 ECtHR judgments against Türkiye, primarily concerning the right to liberty and security, and the right to a fair trial⁶. The ECtHR has identified in recent years many issues in Türkiye requiring improvement in relation to procedural guarantees in criminal proceedings and, more generally, ensuring a better functioning of the justice system. From the policy perspective, the Turkish Government adopted a Judicial Reform Strategy (2019-2023)⁷, including an Action Plan to enhance the efficiency of the criminal justice system (Aim 7) and to increase the quality and efficiency of human resources (Aim 3) forming part of the criminal justice system in Türkiye. The Turkish Government also adopted in 2021 an Action Plan for Human Rights, which seeks to address challenges pertaining to, *inter alia*, pre-trial detention and judicial reasoning.

2.2 About the CAS II Project

In response to the challenges and initiatives outlined above, the Council of Europe (CoE) developed a Joint Project with the European Union (EU) on “*Strengthening the Criminal Justice System and the Capacity of Justice Professionals on Prevention of the European Convention on Human Rights Violations in Turkey*,” (CAS II) which commenced in March 2019 and is due to end 14th December 2023 (budget 5 mill. euros).

The **overall objective** of the Action was to further strengthen and render the Turkish judiciary more efficient, effective, and visible, by ensuring its compliance with international and European standards in the field of criminal justice. The **specific objectives** of the Action were:

- To contribute to the improvement of the criminal justice system in Türkiye in applying European Convention on Human Rights (ECHR).
- To enhance the capacity of criminal justice institutions and legal professionals in applying

¹European Commission, *Decision on Adopting a Country Action Programme for Turkey for the Year 2015*, C(2015) 8773 final, Brussels, 07.12.2015.

²https://www.echr.coe.int/Documents/Stats_pending_month_2018_BIL.pdf

³https://www.echr.coe.int/Documents/Overview_19592017_ENG.pdf

⁴The most relevant emergency decree laws include the following indicated in numbers: 667, 668 and 684.

⁵ https://www.echr.coe.int/Documents/Annual_report_2022_ENG.PDF (p. 140)

⁶ https://www.echr.coe.int/Documents/Annual_report_2021_ENG.pdf (p. 147)

⁷ <https://rm.coe.int/judicial-reform-stratetegy-2019-2023/16809f008e>

ECHR provisions and European Court of Human Rights (ECtHR) case law, and to strengthen their co-operation and awareness in the field of human rights law.

The Project therefore aimed to achieve the following results:

- The institutional capacity of the Turkish judiciary and other authorities to deliver criminal justice in line with the ECHR standards is strengthened.
- The knowledge and skills of Turkish legal professionals to apply European human rights in the field of criminal justice is enhanced.
- Co-operation and awareness among relevant national institutions and enabling access to criminal justice for all citizens is improved.

To achieve these results, the Project's core activities were structured as a combination of:

- Needs assessment missions;
- Launching and closing conferences to raise awareness of the Project, and to inform the public of its achievements.
- Working group meetings bringing together CoE experts with Turkish stakeholders;
- Training activities in the fields of procedural safeguards, cybercrime and the financing of terrorism;
- Placements to allow Turkish judges, prosecutors and Justice Academy trainers to deepen their professional knowledge;
- Study visits to EU Member States;
- Seminars and other events, including: international and regional roundtable meetings; co-ordination meetings and open court day events;
- An E-Library, using automation and databases/ e-books for the Justice Academy of Türkiye, and the dissemination of a range of publications in Turkish.

3. About the Evaluation

3.1 Evaluation Purpose and Objectives

The current Evaluation is in line with the CoE Evaluation Guidelines⁸.

Purpose: The purpose of the Final Evaluation is to review progress and to identify lessons for future similar projects, in accordance with the funding agreement signed with the EU.

Objectives: Accordingly, the objectives of the final evaluation as stated in the Evaluation ToR are:

- To provide a detailed assessment of progress with regards to the Project's objectives and indicators of achievement.
- To reflect on strengths and weaknesses in the Action's design which may have affected the measurement of success.
- To assess the relevance and added value of the CoE with regards to the implementation of the Action.
- To assess the effectiveness, efficiency, results, and sustainability of the Action.
- To formulate recommendations to all partners for sustaining the results achieved by the Action, including through follow-up interventions.

3.2 Evaluation Users

The intended users of the evaluation are:

- The European Union, including the Delegation of the European Union to Türkiye (EUD);
- CoE management in general, and the DGI Co-operation Programmes Division in particular;
- The Directorate General for International Relations and European Union Affairs of the Turkish Ministry of Justice (MoJ);

⁸ <https://rm.coe.int/coe-evaluation-guidelines-october-2020-pdf/1680a147d1>

- The Directorate General for Criminal Affairs of the Turkish Ministry of Justice (MoJ);
- The Justice Academy of Türkiye (JAT);
- The Central Finance and Contracts Unit (CFCU).

3.3 Evaluation Scope

Substantive scope: The Evaluation assesses the performance of the Project in accordance with the evaluation criteria outlined below, namely: relevance, coherence, effectiveness, efficiency, sustainability and impact; and the Evaluation-specific criteria, namely CoE added value. The evaluation also assesses the integration and impact of cross-cutting issues in the Project, notably relative to human rights and gender.

The Evaluation therefore provides responses to the evaluation questions (EQs) set out in the Evaluation Matrix (see *Annex 1* below), and formulate conclusions and recommendations in line with the evaluation purpose outlined above.

Geographical scope: The Evaluation encompasses the Project implemented in the Republic of Türkiye, and includes an examination of activities conducted in regional areas of the country, as well as those conducted in other countries (study visits and placements, as outlined above).

Temporal Scope: The evaluation encompasses all activities carried out under the Project from the beginning until its end.

4. Evaluation Matrix

This section outlines the Evaluation Matrix, including the Evaluation Criteria, the Evaluation Questions, and a set of Judgement Criteria and Indicators. The full Evaluation Matrix is provided in *Annex 1*. The evaluation criteria were developed in line with the Evaluation's Terms of Reference (ToR), and based on the standard OECD DAC evaluation criteria⁹, namely relevance, coherence, effectiveness, efficiency, sustainability and impact. Additional criteria CoE Added Value and Cross-cutting issues (Gender and Human Rights) were also included.

5. Evaluation Methodology

5.1 Evaluation Structure

The evaluation comprised an inception phase, a data-collection/field phase, and a synthesis phase.

Desk phase: This phase included an initial kick-off meeting with the CoE, followed by the collection and review of relevant documents and material provided by CoE staff. The key deliverable for this phase was the Inception Report.

Data collection phase: This phase comprised the main information-gathering activities, including the development and launch of an online survey, face-to-face and online interviews, and further documentary review. Given the large number of individual activities, not all deliverables and outputs were individually assessed, but provided the evidence base for the overarching findings.

An online survey was developed in line with the Evaluation Matrix, and was launched for a period of approximately one calendar month (see *Annex 2*). A total of 3,000 surveys were issued to a range of stakeholders who had participated in the Project's activities, including trainee and serving judges and prosecutors, Project experts, MoJ, JAT and other institutional personnel, etc. A total of 300 responses were received, which provided detailed and nuanced feedback concerning the projects benefits, in particular the extent to which they were relevant, effective and continue to be used in the beneficiaries' professional work.

A single one-week in-country field mission was conducted in mid-June 2023 by the Evaluator, who met with the projects' main stakeholders and beneficiaries. These meetings were centred in Ankara;

⁹ <https://www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm>

however, some telephone/ online meetings were also conducted during and immediately after the field mission. The Evaluator also attended a cascade training session in Istanbul on 16 June. The key deliverable for this phase was a PowerPoint of preliminary findings, conclusions and recommendations, presented in an online meeting with the CoE.

Synthesis phase: This phase was devoted to the preparation of the Draft and Final Evaluation Report and associated executive summary. The key deliverable for this phase was the Draft Final Report, which was presented to, and commented upon by the CoE, the Justice Academy of Türkiye and the Directorate General for Criminal Affairs of the Ministry of Justice of Türkiye. The Final Evaluation Report was then prepared, in line with comments received.

5.2 Evaluation Interlocutors

Evaluation interlocutors were identified as being those most closely involved in the design and implementation of the Project. Given time and other constraints, interviews did not take place with a full spectrum of actors, but comprised a smaller sample, selected on the basis of the quality of their relationships with the Project, and their availability for interview. In addition, and as indicated above, the online survey reached 3,000 stakeholders who had participated in the Project's activities.

Extensive measures were taken to ensure data quality, including the prioritisation of interviews with persons having significant knowledge of the project and the Council of Europe, the development of an interview protocol, which was adapted for each individual and institution, and triangulation of data across institutions, in particular relative to more sensitive issues, or relating to difficulties that had been experienced in project implementation.

Key evaluation interlocutors interviewed therefore included:

- The CoE project team in Ankara and in Strasbourg;
- Representatives of the European Union Delegation to Türkiye;
- Consultants and experts who worked on the project;
- Representatives of the Directorate General for Criminal Affairs of the Turkish Ministry of Justice (MoJ);
- Representatives of the Directorate General for International Relations and European Union Affairs of the Turkish Ministry of Justice (MoJ);
- Representatives of the Human Rights Department of the Turkish Ministry of Justice (MoJ);
- Representatives of the Justice Academy of Türkiye (JAT);
- Representatives of the Central Finance and Contracts Unit (CFCU);
- Prosecutors working within Cybercrime Bureaus;
- Experts working within the Financial Crimes Investigation Board (MASAK);
- Lawyers from the Union of Turkish Bar Association (UTBA) Human Rights Centers;
- Lawyers from local bar associations; and
- Representatives of relevant non-governmental organisations (NGOs).

5.3 Limitations and constraints

No particular constraints were experienced in the conduct of the evaluation. Council of Europe staff both in Strasbourg and Ankara were highly responsive to requests for information, and a full range of meetings were organised in-country, which allowed for the highly efficient use of relatively limited mission time. The online survey had a very satisfactory level of uptake by those contacted (10%), compared with general response rates for surveys of this kind. This is a testament to the level of organisation and engagement by both CoE staff and national institutions in the evaluation processes, and the choice of survey participants. The survey data, which allowed for narrative responses to all questions, not only gave a strong statistical basis for the findings, but also more qualitative information, that confirmed or nuanced that obtained through the in-person interviews.

6. Findings

6.1 Relevance

6.1.1 *Alignment with Council of Europe mandate and institutions*

The Project demonstrated strong alignment with the core mandate and operational institutions of the Council of Europe. This includes the CoE's advisory body for Member State judges, the Consultative Council of European Judges (CCJE)¹⁰, its homologue the Consultative Council of European Prosecutors (CCPE)¹¹, the European Committee on Legal Co-operation (CDCJ)¹², the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC)¹³, the Committee on Counter-Terrorism (CDCT)¹⁴, the Cybercrime Convention Committee¹⁵, and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)¹⁶.

The Project was also strongly aligned with the CoE's mandate relative to human rights, including *inter alia* the its work on human rights national implementation¹⁷, and human rights intergovernmental co-operation¹⁸.

6.1.2 *Alignment with EU policy objectives*

The Project was also in strong alignment with EU strategy and policy objectives, notably those relating to Türkiye's accession to the EU, including the Turkish Accession Partnership¹⁹ (see also National Policy Objectives below), but also the European Indicative Strategy Paper for Turkey²⁰ and the Enlargement Strategy Papers (2016 to date)²¹. It was also In line with EU strategic priorities on cybercrime, anti-terrorism financing and human rights.

6.1.3 *Alignment with national policy objectives*

The Project directly supported the implementation of key national strategic documents and action plans. From the development perspective, the Project was in line with Türkiye's Tenth and Eleventh²² Development Plans, in particular relative to Justice Services.

From the EU accession perspective, which was not directly targeted, the Project is nevertheless strongly aligned with the National Programmes for the Adoption of the Acquis (NPAA)²³ applicable both before and during the Project implementation, the 2016-2019 Türkiye's National Action Plan for EU Accession²⁴, and the 2021-2023 Türkiye's National Action Plan for EU Accession²⁵

At the sector level, the Project responded to Turkey's Judicial Reform Strategy²⁶, as well Action Plan on Prevention of European Convention on Human Rights Violations in Turkey, which applied from

¹⁰ <https://www.coe.int/en/web/ccje/home>

¹¹ <https://www.coe.int/en/web/ccpe/home>

¹² <https://www.coe.int/en/web/cdcj/home>

¹³ <https://www.coe.int/en/web/transnational-criminal-justice-pcoc/home>

¹⁴ <https://www.coe.int/en/web/counter-terrorism/cdct>

¹⁵ <https://www.coe.int/en/web/cybercrime/home>

¹⁶ <https://www.coe.int/en/web/moneyva>

¹⁷ <https://www.coe.int/en/web/national-implementation>

¹⁸ <https://www.coe.int/cddh>

¹⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008D0157>

²⁰ <https://neighbourhood-enlargement.ec.europa.eu/system/files/2018-12/20180817-revised-indicative-strategy-paper-2014-2020-for-turkey.pdf>

²¹ https://www.ab.gov.tr/49348_en.html

²² https://www.sbb.gov.tr/wp-content/uploads/2022/07/Eleventh_Development_Plan_2019-2023.pdf

²³ https://www.ab.gov.tr/national-programmes-for-the-adoption-of-the-acquis-npaa-46225_en.html

²⁴ https://www.ab.gov.tr/files/5%20Ekim/eylem_plani_ing_ic_sirali_internet_icin_tarandi.pdf

²⁵ https://www.ab.gov.tr/siteimages/birimler/kpb/uep/21_23_UEP_EN.pdf

²⁶ <https://rm.coe.int/judicial-reform-strategy-2019-2023/16809f008e>

2021²⁷. In addition, it supported the National Strategy on Organised Crime (2010-15) and its updated Action Plan (adopted in September 2013)²⁸, as well as the Strategy and Action Plan on Cyber Security (2013-14)²⁹

Furthermore, the Project was in direct alignment with Türkiye's obligations as a Member State of the Council of Europe. This in particular includes related to the European Convention on Human Rights (ratified 1954), and hence the application of ECtHR standards, as well as the Budapest Convention on Cybercrime (ratified 2014). The Project was also aligned with Türkiye's international human rights commitments, pursuant to *inter alia* the International Covenant on Civil and Political Rights (ratified 2003).

6.1.4 Alignment with needs, priorities & constraints at institutional, sector, country level

Programme design was based on a clear analysis of existing sector needs and priorities, with the Description of the Action (DoA) identifying the key outstanding areas of need, including limited judicial reasoning in decisions related to detention; limited procedural safeguards in criminal proceedings; and laws and their interpretation relative to financing of terrorism and cybercrime. The DoA also referred to the 2018 ranking of Türkiye relative to pending applications before the ECtHR³⁰, notably those concerning the right to a fair trial and the right to liberty and security³¹, providing a sound analysis of related issues, including the role of criminal peace judgeships, and the impact of ongoing emergency decrees passed in the aftermath of the 2016 crisis.

The DoA however did not directly address the very clear challenges related to the official removal of thousands of judges and prosecutors in the wake of the attempted coup, which threw the legal sector itself into crisis, and to which the Project was clearly intended to respond.

The relevance of the action to the implementation of the Judicial Reform Strategy and the Human Rights Action Plan, as outlined above, was also assessed in project design, together with a stakeholder mapping. This outlined the roles of each relevant institution or group, but did not provide an indication of their complex relationships, for example between the main beneficiaries and bar associations and civil society. Nevertheless, Civil Society Organisations (CSOs) and Bar Associations were included in consultative activities, which contributed substantially to the Project's, as well as its overall effectiveness (see *Effectiveness* below).

The six-month inception phase centred principally on preparatory measures, including the selection of experts to conduct the activities, the identification of countries to be visited, clarification of the roles of the respective parties, etc. The context analysis remained largely identical to that provided in the DoA, and while the approach of this phase was clearly consultative, there was no preliminary needs analysis as part of the inception phase – with a comprehensive needs assessment missions earmarked as a key activity of the project proper – despite significant changes to the Project structure, in particular with the reinstatement of the JAT in May 2019 and its inclusion as a Project partner.

Nevertheless, the foreseen missions were conducted shortly after the inception period, which included a broad spectrum of stakeholders, and which provided the foundation for the development of the Project activities. These were considered by interlocutors to have been one of the most significant achievements of the Project, in particular since they allowed for free and frank exchanges on sector constraints, including highly sensitive human rights issues, and the development of concrete solutions that contributed to higher-level policy and institutional changes. While it is observed that the Project was not designed to directly address the issue of legislative reform, which remains the root cause of many Turkish cases before the ECtHR, these issues were discussed to some extent in the context of the needs assessment missions and project events, and contained in the resulting

²⁷ <https://www.coe.int/t/commissioner/source/NAP/Turkey-National-Action-Plan-on-Human-Rights.pdf>

²⁸ https://www.mfa.gov.tr/turkiye_s-efforts-in-combating-organized-crime.en.mfa

²⁹ <https://www.btk.gov.tr/uploads/pages/2-0-1-cyber-security-strategy-and-action-plan-2013-2014-5a3412df707ab.pdf>

³⁰ https://www.echr.coe.int/Documents/Stats_pending_month_2018_BIL.pdf

³¹ https://www.echr.coe.int/Documents/Overview_19592017_ENG.pdf

recommendations (see *Effectiveness* below), with several legal amendments also passed in 2021 in the field of criminal law.³²

The Project's flexibility was an important factor of relevance, with the activities changing in line with shifting needs, for example relative to the inclusion of a cybercrime training module, which was removed from the DoA and then reinserted in response to requests from institutional partners, as well as the inclusion of pre-service training (see also *Effectiveness* below). A further factor of relevance was the openness and ownership of institutions in the needs assessment process, which ensured that the Project was aligned with generally agreed sector priorities.

6.2 Coherence

The Project was strongly coherent with current and previous CoE cooperation in Türkiye, including regional initiatives, as well as initiatives by other cooperation partners. The project also showed strong internal synergies between the results pillars.

6.2.1 CoE and EU cooperation

The CoE and the EU have provided consistent and extensive support to Türkiye in the justice sector, and in particular relative to human rights. The Project demonstrates strong coherence and complementarity with other current CoE initiatives in the sector, including inter alia the following:

- EU/ CoE Joint Project on Strengthening the Institutional Capacity of Court of Cassation
- Improving International Judicial Cooperation in Criminal Matters in Turkey
- Supporting the Effective Implementation of Turkish Constitutional Court Judgments in the Field of Fundamental Rights
- EU/ CoE Joint Project Targeting crime proceeds on the internet in South Eastern Europe and Turkey (iPROCEEDS)

The Project was designed to build on the positive results of previous CoE cooperation, and in particular those of the EU/CoE Joint Programme in Türkiye: Enhancing the Efficiency of the Turkish Criminal Justice System (March 2012 – December 2014). The Project also shows coherence with other past CoE cooperation, including:

- (EU/ CoE) Joint Project on Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of Council of State
- (EU/ CoE) Joint Project on Strengthening the Capacity of Bar Associations and Lawyers on European Human Rights Standards
- Supporting the Implementation and Reporting on the Action Plan on Human Rights in Turkey
- Enhancing the Role of the Supreme Judicial Authorities in respect of European Standards

In addition, the Project has shown strong complementarity with projects supported by the Council of Europe Horizontal Facility for the Western Balkans and Türkiye (HF), including for example (EU/ HF) Action against Money Laundering in Türkiye, and (EU/HF) Fostering Women's Access to Justice in Turkey, amongst several others.

Related to the joint initiatives outlined above, the European Union allocated over €132 million for the period 2014-2020 to projects addressing fundamental rights and the judiciary, and supporting key institutions including the Ministry of Justice and courts, the Justice Academy, and Bar Associations and Union of Turkish Bar Associations. The Project therefore demonstrated some coherence with current and previous EU cooperation in Türkiye, however there is little evidence of synergy with these initiatives.

³² Law on Amendments to the Code of Criminal Procedure and Certain Laws adopted at the General Assembly of the Parliament on 08/07/2021, and Law No. 7328 dated 25 June 2021 on the Amendment of the Law on the Execution of Criminal and Security Measures and Certain Laws

6.2.2 Internal synergies

There is some evidence of synergies occurring between the Project components, for example the sector assessment process and associated workshops that fed directly into the identification, prioritisation, and development of other activities. However, some interlocutors consider that the main partners could have demonstrated more integrated approaches despite their different roles and functions, and a greater focus on common activities and approaches.

'There are two beneficiaries, who come together in the Steering Committee meetings every six months, and sometimes Management Meetings every three, four months. But I think both sides should be more integrated. They were really approaching this project in an isolated manner from each other, when they should try to know what the others doing, and how they can do better together.'

6.3 Effectiveness

6.3.1 Result framework

The CAS II Project achieved a 100% execution rate upon completion, in line with the original log-frame, the objectives of which remained substantively unaltered. Indeed, the project significantly surpassed its targets, reaching over 5,000 training recipients.

The Project's overarching objective was *'to further strengthen and make the Turkish judiciary more efficient, effective and visible by ensuring its compliance with the international and European standards in the field of criminal justice'*. The Project's specific objectives (Outcomes) are:

- To contribute to the improvement of criminal justice system in Türkiye in applying ECHR; and
- To enhance the capacity of criminal justice institutions and legal professionals in applying ECHR provisions and ECtHR case law and strengthen their co-operation and awareness in the field of human rights law.

The Outcomes are structured around the following three result pillars; however, it is emphasised that all components of the project were interrelated in their design and implementation, and hence individual results must be considered from this perspective (see also the discussion on internal synergies, discussed at *Coherence* below).

The anticipated Results were:

Result 1. *Institutional capacity of Turkish judiciary and other authorities to deliver criminal justice in line with the ECHR standards is strengthened.*

The Objectively Verifiable Indicators (OVI) for this result were:

- OVI 1: Trainers (both men and women) available for pre-service and in-service courses increased at least by 50%;
- OVI 2: Gender-sensitive training modules/material, guides and checklists available for the works of target groups;
- OVI 3: Increased number of HELP/online courses related to the criminal justice system available in Turkish;
- OVI 4: Gender-sensitive monitoring and evaluation methodology for training available for Justice Academy of Turkey; and
- OVI 5: Number of soft recommendations accepted by the project partners and implemented.

Result 2. *Knowledge and skills of the Turkish legal professionals to apply European human rights in the field of criminal justice is enhanced.*

The OVI for this result were:

- OVI 1: Legal professionals have a better understanding of European human rights standards in related areas of criminal justice;

- OVI 2: Judicial professionals can deal with problems related to cybercrime and terrorism financing cases more effectively; and
- OVI 3: Quality of reasoning in decisions of prosecutors and judges are improved in line with human rights standards.

Result 3. *Co-operation and awareness among relevant national institutions and enabling access to all citizens to criminal justice is improved.*

The OVI for this result were:

- OVI 1: Frequency of official co-operation through the establishment of regular cooperation meetings; and
- OVI 2: Access to criminal justice for all citizens.

6.3.2 Reported results

Annual and other narrative reporting contained exhaustive information concerning all activities performed. Implementation of the initial phase of the Project was hampered by numerous constraints, with delivery significantly behind the planned outputs in the initial work plan. Nevertheless, implementation increased speed considerably in the subsequent period, having successfully pivoted during and following the Covid-19 pandemic, which can be observed in the dramatic upswing of activities for the two-year reporting period to March 2023, and continuing through to the project's completion in December 2023.

For the first reporting period ending March 2020, the key achievements included:

- **Result 1:** An assessment of legislation and policies relative to criminal justice was completed, which identified shortcomings, and proposed a set of recommendations, and which served as the basis for designing and planning subsequent activities. Further, an agreement was reached between the EUD and the CoE, and the reinstated JAT, to adjust and expand the latter's pre-service curricula to create a human rights-based approach to all training courses.
- **Result 2:** Progress towards the achievement of this result was dependent upon the implementation of several activities, notably the development of training modules, guidelines and checklists.
- **Result 3:** Progress was achieved to some extent by bringing together stakeholders where possible, both at the technical (PSC and management meetings), and higher level (Opening Conference)

For the second reporting period ending March 2021, the key achievements included:

- **Result 1:** A number of recommendations of the Assessment Report were integrated, and practical guides for judges and prosecutors on pre-trial detention and admissibility of evidence were prepared. Other key outputs included strengthening the JAT criminal curricula for candidate judges and prosecutors; the adaptation of three CoE HELP courses to the national context; the development of a Training Methodology Handbook and assessment tool; and Initiating work for the creation of an e-library for the JAT.
- **Result 2:** A number of webinars were organised, which enabled the participation of a large number of judges, prosecutors and other stakeholders, including representatives of civil society, lawyers and academics.
- **Result 3:** Relevant materials were developed and uploaded on the project website created by the MoJ <https://cas2.adalet.gov.tr/>.

For the reporting period ending March 2022, the key achievements included:

- **Result 1:** The recommendations of the Assessment Report were further integrated, for example through the development of practical guides for judges and prosecutors and the JAT's pre-service and in-service criminal curricula.
- **Result 2:** Capacity building activities were significantly affected by the pandemic, but nevertheless online international workshops and seminars were implemented, allowing over

480 judges and prosecutors to be trained on procedural safeguards, reasoning of criminal judgments and alternatives to pre-trial detention.

- *Result 3:* Collaboration and exchanges between national institutions were promoted through co-ordination meetings on cybercrime, focused on mutual challenges. Awareness and knowledge of law faculty students regarding the criminal justice system and the ECtHR was increased through ‘open court days’; and project information and outputs were disseminated (website, brochures, etc.).

For the reporting period ending March 2023, the key achievements included:

- *Result 1:* Various guides, training modules and tools were developed, including relative to the admissibility of evidence, financing of terrorism, combating cybercrime. Peer to peer study visits were conducted in France (cybercrime) and Belgium (financing of terrorism), which allowed the exchange of experiences and good practices. Two- to three-month placements were provided to gain exposure to the work of the ECtHR and the CoE related to of human rights, judicial training, co-operation, and cybercrime.
- *Result 2:* A number of new courses were piloted to ensure that training materials met expected goals. Over 4,000 pre-service and in-service judges and prosecutors were trained on prosecutorial skills, judicial reasoning, criminal court procedures, the right to liberty and security, and peace judgeship. A roundtable meeting of 145 judges and prosecutors harmonised judicial practices regarding fair trial safeguards. An international workshop of 40 justice sector actors compared international good practices relative to human rights and the fight against terrorism.
- *Result 3:* Co-ordination meetings related to cybercrime, terrorism financing, and procedural safeguards brought together over 200 judges, prosecutors, judicial police, experts, and lawyers to discuss ongoing challenges and potential solutions, best practices, and develop recommendations. Student lawyers visited courthouses and exchanged with justice practitioners during open court days. Brochures were also prepared addressing fair trial and detainee rights.

In the final stages of the Project, the following activities were completed:

- *Result 1:* Finalisation of outstanding manuals and guidelines, adaptation of the HELP cybercrime module and organisation of a course kick-off event; adaptation of In-service specialised course on electronic evidence; final publishing and dissemination of an assessment toolbox and handbook; development of Training of Trainers module and materials on combatting cybercrime; and installation of the automation system for the E-Library and purchase of electronic databases; organisation of two placements to CoE institutions in Strasbourg.
- *Result 2:* Organisation of six in-service cascade training seminars, as well as an international training workshop on cybercrime; a regional roundtable meeting on the length of proceedings, a regional roundtable meeting on combatting cybercrime, a regional roundtable meeting on combatting the financing of terrorism, and an international workshop on counter-terrorism.
- *Result 3:* Organisation of two Coordination Meetings on Procedural Safeguards, one Coordination Meeting on Combatting the Financing of Terrorism, and one Final Coordination Meeting; drafting and delivery of three policy recommendation reports addressing the project’s three thematic areas; organisation of two Open Court Days, production of videos, publication of brochures, and Closing Conference with high-level representation and over 350 participants.

5.3.4 Result analysis

5.3.4.1 Project deliverables

The Project clearly contributed to the development of a large number of guidelines, manuals, handbooks, training modules and other deliverables, aimed at supporting the implementation of the

project itself, and as an ongoing utility as a contribution to policy development, professional resources, and the basis of continued training and capacity-building of legal professionals (see *Sustainability* below).

Stakeholders confirmed the relevance and effectiveness of these resources and tools in their daily work, with one national expert highlighting that they were *'well prepared and well documented because in order to prepare [the reports], we conducted a number of meetings [...] with high-ranking judges and public officials'*.

5.3.4.2 Project events

A key feature of the Project was the conduct of numerous events and processes, including round-tables, conferences, working group meetings, etc., in order to analyse sector and sub-sector problems and priorities, refine project activities and approaches, and develop deliverables. These significantly improved cooperation between institutions, provided visibility and a 'voice' to often-marginalised stakeholders including bar associations and civil society, and created a platform to propose solutions to common challenges. They also ensured inclusive awareness-raising opportunities, and significantly enhance internal and cross-institutional co-ordination and co-operation.

It also served to enhance both horizontal and vertical communication, with a JAT representative stating that *'I have been working in academy for [a number of] years, and so these events re-established our contact with the first instance courts'*; and a prosecutor stating that the Project *'allows us to come together with different stakeholders that we would not normally be able meet'*.

These events also ensured that the project components were mutually reinforcing, in particular through the processes and outputs of the various Working Groups (see also *Coherence* below).

Enhanced cooperation and coordination resulted in tangible improvements in institutional effectiveness, increasing the pace of internal and inter-institutional requests, with one prosecutor stating that *'the project helped us to work in better interaction with other institutions, and the working speed of the prosecution has been improved significantly'*.

'We learnt that we need team-work to tackle IT crimes; this was one of the most important benefits of this programme, because it helped us to work in better interaction with other institutions. People were working hard, but were working alone.' Prosecutor

Issues raised in coordination meetings also resulted in significant institutional changes, with one prosecutor stating that *'the meeting in Ankara was useful since we already knew about our own problems, but when the institutions came together, we could exchange about, for example, the need for specialist IT courts or bureaux... and then those courts and bureaux were actually established'*, with a corresponding increase in the number of specialist prosecutors, resulting in a 50% increase in the speed of resolving cybercrime court-cases. Indeed, the number of cybercrime prosecution bureaux was increased from 8 to 149 during the Project period, and specialised investigation/ prosecution bureaux for terrorism-related offences were established in all 81 provinces.

The Project events also ensured increased public-private cooperation, notably relative to cybercrimes, with the MoJ having conducted joint analysis and discussions with the banking sector, resulting in video and other recordings now being retained for six months in order to preserve evidence and thus facilitate prosecution.

Improved communication also provided unprecedented opportunities to influence policy and legislation, with one prosecutor stating that *'we work in the field, and have difficulty channelling problems to the Ministry. The meetings allowed us to come into contact with decision-makers and to communicate our ideas for solutions, for example regarding new legislation'*.

5.3.4.3 Training

As indicated above, the Project provided a vast programme of training, with exceptional reach and substantive scope, reaching well over 5,000 beneficiaries to date. This training was universally appreciated, being considered highly relevant, timely, and having contributed substantially to professional knowledge and working practices.

Training content was developed in a highly collaborative manner, entirely *ab initio* in the case of at least four pre-service training modules, using both international and national expertise in an appropriate manner, and was considered to have been of high quality, and largely adapted to the Turkish context. Nevertheless, it was considered that greater contextualisation would have increased the effectiveness of one module on fighting the financing of terrorism, with an interlocutor stating that *'maybe it would have been better to prepare a module just for Turkish problems [...] We had one that had been used for Georgia, and was modified for Türkiye, and the judges and prosecutors said the content of the training was not that useful'*.

Nevertheless, the training programme built on existing national training modules where possible, and directly adapted those of the Council of Europe Programme for Human Rights Education for Legal Professionals (HELP).

Training contributed significantly to the specialisation of judges and prosecutors, including for example the development of an established corps of specialist cybercrime prosecutors, now assigned to IT bureaux. The training of trainers is also considered to have been a vital contribution of the Project, with a pool of trainers in place, and a broad spectrum of modules developed that continue to be used as part of the JAT pre-service and in-service curricula.

Trainees praised the highly interactive methodologies utilised in the training programme, and particularly appreciated the provision not only of foundational theory, but also the opportunity to engage in practical exercises, for example the drafting of reasoned judgements. Group-work and other adult training approaches were considered relatively novel, and helped to foster communication and the exchange of ideas, thus allowing for the absorption of different approaches and perspectives. Most importantly, these approaches have in turn been integrated into those being applied within the JAT more generally.

'In different countries there are different institutions working on these issues. Experts had different had different structures, and so brought this perspective to their workshops. Cybercrime is one of the most frequently seen transborder crimes, and hence the practices of another country will have an impact on our own practices, and vice versa.' MASAK

The training also served to soften to some extent existing hierarchies within the judicial structure, with trainees having access to senior judges and prosecutors providing training, who in turn were able to hear about the needs of more junior professionals working on the ground. The training therefore provided scope for significant mutual benefits, with one trainer stating that *'we trainers learnt too'*.

The relevance, quality and usefulness of the training also significantly increased interest and demand for pre-service and in-service training, with one JAT interlocutor stating that *'we now receive many calls from people wanting to participate'*.

Concerns were raised however about the balance of in-service and pre-service training, and specifically that in-service training should take precedence, since this is where difficulties in, for example, applying human rights principles are arising in real time. It is observed however, that the decision to extend training to both candidate and existing judges and prosecutors was based on a careful assessment and balancing of current needs, and was agreed by the Project partners and the EU Delegation. The evaluator considers that the situation that emerged in the aftermath of the 2016 crisis, whereby a large number of judges and prosecutors were recruited, after a relatively basic level of training, meant that the Project should address crucial knowledge gaps in practising professionals. However, in parallel, it was also essential to ensure that the next generation of young professionals

built key knowledge and skills from the earliest stages of their education. Moving forward, however, it will be necessary for legal institutions and other stakeholders to carefully monitor that the balance between in-service and pre-service training remains relevant to legal sector needs.

5.3.4.4 Professional exchanges

The study visits and other professional exchanges supported by the Project were considered highly beneficial, and provided practical, first-hand experiences that complemented the theoretical knowledge provided in training and other Project activities, as well as opportunities for comparative analysis of different contexts.

'The France study was very useful. We were able to talk to cybercrime prosecutors in Paris, and see their best practices. For example, we examined their National Plan to respond to cyber-attack, and as a result of this, their Ministry talked to our Ministry. We talked to police dealing with cybercrime, and visited their cybercrime lab and observed their practices. With this programme we are now progressing on the same path.' Prosecutor

Participants reported that these visits facilitated exchanges of ideas between peers, indicating that such activities provide genuine mutual benefits for all parties. Participants were gratified to discover, for example, that, unlike Türkiye, in-service training is not compulsory in Spain, and hence that their own system is considerably in advance in certain respects. Indeed, one interlocutor suggested that future visits could entail European experts coming to Türkiye *'to see how WE do things. It should be bilateral.'* This call for dual flows of expertise was echoed by a bar association representative, who added that *'to fight against cybercrime EU and other countries around the globe need to work together'*. The importance of such international cooperation was reflected in other key project activities, for example with the support of British international experts on cybercrime, and an international Training Workshop on Cybercrime where representatives from other countries were invited.

It was also suggested that the linkages between country visits and training could be strengthened, with such visits being complemented by training focused on concrete case-studies based on the chosen country. Other participants suggested that visits include direct exchanges with the judiciary, including exchanges on the evaluation of evidence and judicial reasoning in practice.

5.3.4.5 E-Library

The establishment of an E-Library for use within the JAT was conceived as an important contribution to the effectiveness, efficiency and knowledge base of judges and prosecutors, and to their overall e-literacy. The effectiveness of this aspect of the Project could not be evaluated, since at the time of writing, the library was only just operational at the Project's completion. This component comprised the development of the E-Library's technical infrastructure, and the inclusion of three legal databases provided on a subscription basis.

Despite the evident potential of this Project component, considerable concerns exist relative to the library's long-term cost-effectiveness and sustainability, which are addressed at *Sustainability* below.

5.3.5 Factors contributing to Effectiveness

A number of interrelated factors contributed to increasing the Project's overall effectiveness, which included the following:

Flexibility: The Project's initial activities were intended to inform subsequent activities and approaches, as indicated above. Flexibility was therefore an inherent aspect of project design, and ensured that the Project was able to respond to mutually agreed areas of need, capitalise on opportunities, and minimise threats. The Project team and partner institutions also demonstrated

considerable agility in their response to significant contextual changes, including through the inclusion of the renewed Justice Academy, and arrival of the Covid-19 pandemic. The latter was facilitated by the availability of IT tools to conduct online meetings, and the development of online training methodologies, all of which ensured that the Project did not lose momentum.

Decentralised approach: The decentralised nature of events is also considered to have contributed to the Project's overall effectiveness, since it allowed an assessment and associated responses to specific local needs. For example, cascade training seminars and eight Coordination Meetings on Cybercrime were held in various regions of Türkiye.

Inter-institutional approach: As indicated above, the Project's inter-institutional approaches significantly enhanced cooperation and communication between core legal system stakeholders, which in turn contributed to the Project's overall results.

Inclusion and participation: A hallmark of the Project was its participatory and multi-stakeholder approaches that were integrated within all activities, including workshops, needs assessment missions, and the development of materials, which contributed to a greater understanding of sector challenges, and to the development of collaborative responses. This increased openness to consultative approaches with a broad range of stakeholders was also complemented, and probably facilitated by, an increased openness to European and international principles and best practices.

Bar Associations expressed their concerns that they are often 'otherised' and cannot often be active in reform processes. While they considered that they should have been involved in Programme activities at an earlier stage, they nevertheless greatly appreciated working meetings and other consultative events, which '*strengthened our position [and] gave us a chance to communicate*', which in turn enhanced their overall credibility and standing. For their part, partner institutions welcomed the involvement of the Bar Associations, clearly recognising their role as they guardians of human rights in the criminal justice sector, but suggested that the Bar could involve them more strongly in their own activities.

Civil society organisations were included in the Project Steering Committee and in a range of consultative activities, however this was after some initial difficulties ensuring their inclusion. Further, CSOs consider that they could have benefited from greater involvement in the Project, notably through an additional structure having a direct relation with civil society actors.

'We had quite a range of stakeholders participating in the activities and who benefited from this, because normally they cannot come together easily. The problems are there. And those problems can only be presented by the people who are facing these. They gave really good ideas, and sometimes had really hard discussions on some subjects. I think this will add value to the reform.' Council of Europe

National and international expertise: A significant factor contributing to the Project's effectiveness, and indeed to the Council of Europe's added value (*see Added Value below*), was a balanced blend of international and national expertise, which leveraged theoretical underpinnings and their practical application in professional exchanges, training and other activities.

Institutional ownership: The Project institutions clearly perceive great intrinsic value in their partnership with the Council of Europe and European Union, and in the integration of Project results, and not simply in the context of potential EU accession. This has been further demonstrated by their willingness to address highly sensitive issues, such as pre-trial detention and financing of terrorism.

However, some stakeholders raised concerns that there had been a degree of 'drift', whereby the Project veered away from its original objectives and agreed activities at the insistence of certain institutions. This perception was strongly rejected by the majority of interlocutors, with the Council of Europe emphasising that '*we are partners, and they were involved in every and each stage of the development process. It was really a collaboration. There are certain sensitive cases that we insist on*

being included [and] there is always a kind of negotiation, but ultimately, I think they were open to including them.'

5.3.6 Factors reducing Effectiveness

A number of interrelated factors contributed to reducing the Project's overall effectiveness, which included the following:

Staff turnover: There was significant concern expressed by stakeholders, without exception, regarding the extremely high turnover rates of Project staff in Türkiye. This led to confusion within partner institutions, and a loss of hard-won momentum and confidence that had been established. This was mitigated to some extent by the Project Coordinator having remained in her position from 2019 and 2023, which helped to maintain the project's strategic direction and institutional memory, and ensure the smooth onboarding of new staff, etc. nevertheless, staff turnover had an undoubted impact on the Project's implementation, and its qualitative results, notably those dependent on the relationships built with the Council of Europe.

The reasons for this lack of continuity can be squarely found in the working conditions and salaries of Project staff in Ankara. Project salaries have become increasingly uncompetitive in the Turkish context, in particular relative to other comparable international organisations, and exacerbated by an extremely high rate of inflation, which peaked at 85% end-2022, and continues at an alarming rate³³. Rapidly-rising housing costs in Türkiye, and Ankara in particular, mean that some staff are struggling with basic living expenses³⁴.

In addition to reportedly low salaries, and as a result of the demands of this activity-dense and challenging Project, staff are required work exceptionally long hours, with very short turn-around times between activities, and little room to manoeuvre in the event of any contingencies. Further, it is observed that certain staff are not provided with adequate (if any) opportunities to utilise their very considerable justice sector technical expertise, being confined to largely administrative roles. Morale and motivation have been significantly affected.

As a direct result of these conditions, the Ankara staff undertook industrial action in May 2023, and exercised their right to strike, ceasing all work for a period of three weeks. The evaluator is not aware of any international organisation where similar industrial action has occurred, and is particularly concerned given the CoE's eminent role in the international protection and promotion of human rights. A high-level meeting was held with CoE Headquarters, who provided undertakings to review salary scales at the organisational level; however, this provides no recourse to Project staff, given that this cannot occur until early 2024, after the Project's closure.

Whilst it is not technically within the scope of the current evaluation to comment on broader systemic and policy issues within the Council of Europe, the evident impact of staff turnover on the Project itself, and on the reputation and credibility of the Council – and hence its added value – in a highly sensitive context, in a country of considerable strategic importance to the European Union, compels these findings and accompanying recommendation. In short, a successful project should not come at a human cost to the professionals who are delivering it.

Results monitoring: The Project provided very detailed information on activities, through both interim reports and in the context of steering committee and management meetings, however this output-oriented approach resulted in a level of 'box-ticking' in project implementation, particularly after the challenges created by the Covid-19 crisis. In addition, indicators shifted repeatedly throughout the project, and, despite the highly nuanced and sensitive nature of human rights-related issues in the legal sector, qualitative result and/or impact indicators were not developed.

This is compounded by the unavailability of quantitative sector statistics and other data – a situation which is becoming increasingly problematic – and the absence of baselines and endlines linked to

³³ <https://www.tcmb.gov.tr/wps/wcm/connect/EN/TCMB+EN/Main+Menu/Statistics/Inflation+Data/Consumer+Prices>

³⁴ <https://www.hurriyetdailynews.com/rent-prices-rise-159-percent-in-october-179066>

result and impact indicators. This has restricted monitoring and evaluation capabilities, and hence limited project accountability. It further dramatically reduced the project's scope to increase effectiveness, by allowing strategic analysis of outcomes, building on results and lessons learnt in 'real time'.

There was therefore no tracking of progress towards the project's overarching objectives, and it is further observed that Steering Committee did not exercise its oversight role in this regard. Indeed, stakeholders had difficulty assessing the extent to which project targets were objectively achieved, and these weaknesses have somewhat hindered the current evaluation, with increased reliance placed on anecdotal confirmation of achievements.

Policy dialogue: The Steering Committee presented an excellent opportunity to ensure high-level representation and discussion of Project-related issues, including not only achievement of its objectives, but also providing a channel for policy dialogue and institutional level change. While initially the representation at meetings was relatively senior, this essential conduit and its possibilities were somewhat diluted over the course of project implementation.

Related to this, the assessment and other meetings provided evidence of the importance of collaborative approaches, as indicated above, including their scope for bringing practical constraints and their solutions up to the policy level.

Project events attracted some high-level institutional representation, for example, the Minister of Justice was present at both the opening and the closing events, where he reflected in detail about project results, and reaffirmed the Ministry's commitment to strengthening the criminal justice system. The Deputy Minister of Justice also attended the study visit to France and a pilot training session, while three Members of the Court of Cassation participated in conferences on the fight against terrorism. However it is considered however that the Project could have had more higher-level events, including Ministerial, Parliamentary and other policy-making actors, together with associated media coverage, in order to bring greater weight and credibility to the Project and its role in sector reform, as well as increased visibility to the underlying issues addressed; this in turn could have contributed to higher-level policy dialogue focused on sector and human rights reform, through relevant stakeholders, including civil society organisations, and cooperation partners, including the EU (see also *Public Participation* below).

'I think we should inform their awareness at the very top, and [...] organise sessions for Deputy Ministers so they can attend some of our activities; we could organise big, high-level events. The Ministers and Deputy Ministers should be more aware of the logic behind the Project, and then see what future reforms can they can develop.' Council of Europe staff member

Public participation and awareness-raising: The Project clearly contributed to increased awareness of justice sector actors of best practices, as well as prevailing concerns and their potential solutions, and of the roles of other relevant institutions and stakeholders. The Project has contributed significantly to awareness-raising of law faculty students, for example through Open Court Days, notably in more remote regions, which were highly successful in stimulating interest.

It is observed however that only very limited public outreach was included in the Project design and implementation, despite an evident need to change community perceptions of justice and increase public confidence in the justice system³⁵, which are necessary for sustainable change. Open Court Day events were organised in Eskişehir on 9 June 2023 and in Sivas on 9 November 2023, in cooperation with civil society organisations, and open to the public, which received some media attention.

'We have to find ways of focusing on people who are the beneficiaries of the justice system, on their awareness: how they can demand certain things, how they can raise their voice, and what channels they can use for justice-related matters.' Council of Europe

³⁵ For example: <https://rm.coe.int/168067234c> (p.96)

5.4 Efficiency

The Project was clearly highly ambitious in its scope, and in the sheer number of activities to be implemented. Despite considerable challenges posed by initial delays and notably the arrival of the Covid-19 pandemic, the Project pivoted extremely effectively, as described above, and activities have been subsequently delivered in a highly efficient, professional and collaborative manner, with the Ankara Project team universally praised by stakeholders for their dedication. The final execution rate was 100%, as clarified above.

Elements of efficiency in this regard included the development of online meeting and training modalities, and the continued delivery of guidelines and other products, and of online training modules. As indicated above, the Project made highly effective use of HELP expertise, thus showing considerable cost and time efficiency in the adaptation of existing modules, while building on its existing catalogue of courses.

Other elements related to efficiency included an effective and appropriate division of tasks between the CoE Headquarters in Strasbourg, the CoE Office in Ankara, and partner institutions; and the use of existing partner premises where possible. The Institutions also provided considerable support to the Project team in the cost- and time-efficient selection of participants, dates and venues for events.

Furthermore, the initial three-year Project period was extended on two occasions, firstly for one year and then for a further nine months, without which its execution rate would have been significantly reduced. It is observed however that these extensions resulted in further activities being added to the already-challenging workplan, and hence it is considered that it was only through the dedication, competence and efficiency of staff that the Project was able to complete 100% of activities.

The response to external monitoring processes was highly satisfactory. Two EU Results-Oriented Monitoring missions were conducted, the first in late 2020, and the second in mid-2021, with the latter observing a marked improvement in delivery, with all previous recommendations found to have been addressed.

Nevertheless, the constant turnover of Project staff, as described above, clearly impacted on these efficiencies, with replacement staff having to retrieve any momentum that had been lost. In addition, the absence of a Head of Office in Ankara during several critical periods of the Project, notably during the Covid-19 crisis, necessarily impacted practical implementation.

5.5 Impact

The intended impact relative to the judiciary, as outlined at *Effectiveness* above, cannot be reliably ascertained at this time, not only because the Project is still ongoing, but importantly because impact can clearly not be guaranteed by delivery alone, since it depends on the longer-term responses of individual institutions and legal sector actors, which are themselves subject to the complex political context and its receptiveness to change. Justice sector initiatives, in particular those addressing sensitive or contentious human rights issues, require long-term stakeholder engagement and assiduous advocacy, in order to change institutional, political and social attitudes, and support policy, legislative and other reform and, equally important, their implementation.

These reform challenges are therefore time-anchored, which a 3-to-5-year project cannot realistically address, and underscore the importance of consistency of approaches, and continuous, long-term sector engagement. Clearly, the previous CoE support provided the cornerstone for the achievements of the current iteration, and which should be leveraged in any subsequent programmes.

The current Project, despite its ambitious objectives, was not designed to address some potential root causes of the challenges it targeted, notably those flowing from the current legislative framework, although concrete recommendations for legal amendments emerged from some project events and

few legal amendments were passed at the time of project implementation.³⁶ Hence its legacy will remain limited in the longer term. Whilst advocacy of this kind was not envisaged, certain stakeholders nevertheless consider that the planned consultative activities could have nevertheless been significantly enhanced through the inclusion of the Parliamentary Assembly, or relevant parliamentary committees. This has been successfully initiated in several CoE projects in the country, including in the context of support provided to the Constitutional Court, and to the Turkish criminal justice system.

Despite the absence of a clear policy and legislative focus, stakeholders nevertheless consider that the Project has made some higher-level informal and indirect contributions in this regard, as indicated above, including anticipated regulatory changes related to cybercrime.

Furthermore, linked to the poor monitoring approaches outlined above, the Project did not provide for a mechanism to assess impact, and clearly cannot assure this level of follow-up beyond the Project's duration. It is considered that a mid-term sector impact assessment, to be conducted by MoJ, would provide an important measurement of achievements against the original Assessment supported by the Project.

An important element of support provided by the Project was to the strengthening of judicial reasoning, in line with international standards, as described above. Ascertaining the impact of this would require a qualitative analysis of judgements, access to which has not been accorded by the MoJ to date. Indeed, and future support to the judicial sector would require the development of qualitative impact indicators relative to such higher-level changes, including changes in attitudes, degree of application of international human rights principles, etc.

The Project was clearly well-placed to complement and contribute to the implementation of the April 2021 Turkish Action Plan on Human Rights, as indicated above. After its adoption, the Project conducted a comparative assessment alongside its existing sector needs assessment. While many measures of the Action Plan pertain to legislative and institutional reform, which as indicated above were not the Project's primary objective, it nevertheless provided complementary support to a number of relevant Action Plan measures, including *inter alia*:

- 1.3d Cooperation and coordination between relevant institutions relative to support to victims of crime;
- 2.1.g The promotion system of judges and prosecutors subject to performance criteria, including time-limits, judicial reasoning, and sensitivity to human rights;
- 2.2.a Pre-service and in-service training to ensure that the decisions are sufficient, convincing and comprehensible and comply with constitutional Court and ECtHR standards;
- 5.1.h Regular training with regard to detention and judicial supervision measures;
- 9.2.a Regular training on human rights;
- 9.2.c Increased opportunities for judges, prosecutors and lawyers to attend traineeships and study visits at the ECtHR, the Council of Europe and other international human rights mechanisms; and
- 9.2.d Promotion of "Human Rights Education for Legal Professionals" (HELP) training modules.

It is also apparent that the Project is likely to have contributed to important direct and indirect impacts on the judicial sector in Türkiye. These include the following:

- Significantly enhanced cooperation between institutions, as described above, and which continues to provide tangible benefits in the functioning of the partner institutions;
- Contributions to participative and inclusive approaches, which partner institutions confirm have significantly changed fundamental attitudes, and their degree of outreach to other stakeholders, and which will potentially have impacts on policy dialogue and higher-level policy change;

³⁶ Law on Amendments to the Code of Criminal Procedure and Certain Laws adopted at the General Assembly of the Parliament on 08/07/2021, and Law No. 7328 dated 25 June 2021 on the Amendment of the Law on the Execution of Criminal and Security Measures and Certain Laws

- Contributions to the development of institutions and policies in the field of cybercrime, through the establishment of specialised cybercrime bureaux, and the policy recommendations of the Report on Cybercrime;
- Considerably improved Türkiye’s international cooperation processes, for example MASAK indicated that international agreements relative to transborder requests have been integrated into legislative framework, stating that *‘new financial technologies are also on the rise in cybercrime, so it’s very satisfying that we are now standing at the same level as other countries’*;
- Contributions to the JAT’s training capacities and methodologies, which are having flow-on effects in other areas of training beyond the topics directly addressed by the Project.
- While the Project was not designed to directly address issues of judicial independence, stakeholders have observed a significantly enhanced confidence and independence of the Judicial Academy, and a substantial reaffirmation of the vital roles played by judges, prosecutors and lawyers;
- A significant potential for gradually improved jurisprudence in line with ECtHR and international standards, through the provision of training on human rights standards, and their incorporation in judicial reasoning. This was further enhanced through the participation of higher-level judges in consultative meetings and training, through their enormous professional gravitas, and their inherent precedent-making role. At the other end of the spectrum, initiatives to sensitise law students through Open Court Day events and large-scale training of young judges and prosecutors will provide considerable future impacts, since they will themselves, in the words of one stakeholder, *‘be jurisprudence-makers one day’*;
- Increased application of human rights principles relative to pre-trial detentions, with one judge indicating that *‘prosecutors and peace judges now have a broader perspective to apply alternatives to detention, and a greater awareness of their application’*.

5.6 Added Value

The considerable added value of the Council of Europe’s support was linked to their long history of cooperation in Türkiye in the justice and related sectors, notably the previous projects outlined at *Coherence* above. The Project was therefore able to build upon the CoE’s expert understanding of the sector context and challenges, and the level of mutual trust and respect that has been established over the years. This was particularly important given the sensitivity of many of the issues being addressed, regarding which institutions clearly felt that they were able to discuss in an impartial and constructive manner.

This history of cooperation also translated concretely into the availability of an already-established pool of European and international experts, with a deep understanding of the complexities of the Turkish legal context, and strong working connections with key actors.

The adaptation of the CoE HELP programme was a related element of added value, drawing on HELP’s vast experience not only in developing general ‘international’ modules, but also in providing tailored support at the country level, for example in North Macedonia, where its modules now form an integral part of the legal profession’s in-service training.

The Project demonstrated many elements of general Council of Europe added value that are observed in their support to the justice sector and human rights in other contexts. The most significant of these is the high-level expertise that the CoE has contributed to key Project activities, through its network of highest-level experts, sourced from each of its Member States. Stakeholders unanimously praised the quality of this expertise. Importantly, as indicated above, experts are for the most part already familiar with the Turkish context, or otherwise well-prepared prior to arriving *in situ*. The strong level of CoE expertise also results in a high degree of respect and uptake of the support provided, thereby increasing their specific impacts.

'It is important to transfer human rights experiences and practices on a global scale to local practice. This is what the Council of Europe does. So, it goes beyond information-sharing, and provides a roadmap for practitioners, and so leads to results.'

Additionally, CoE conventions and instruments are highly respected within the Turkish justice sector, including *inter alia* the ECHR and the Budapest Convention. Indeed, Türkiye's ratification of CoE conventions is a sign of its willingness to adhere to European standards, including relative to human rights, international legal cooperation, and judicial effectiveness. A particular added value of CoE instruments, observed for example relative to the impacts of the Project in countering cybercrime, is that they provide an opportunity to reinforce Türkiye's membership of a common legal space.

'The close link between the Council of Europe and the European Court of Human Rights puts them ahead of other agencies. In addition, their knowledge of the domestic legislation of their 46 Member States is a positive contribution, since we can benefit from all these different contexts.'

An additional element of added value is the COE's neutrality and transparency, which allows them to work openly with a very broad spectrum of stakeholders. Importantly, the respect conferred upon the CoE is transferred by implication to the local partners with which they work; this undoubtedly contributed to the increasing the credibility and decreasing the 'otherization' of Bar Associations, for example, as referred to above. This also allowed greater scope and transparency in the selection of national experts, with one stating that *'I am not someone who would have [otherwise] been selected by the national authorities'*.

Finally, this element of added value provided a neutral atmosphere and forum where institutions have been able to work directly together, often for the first time. The neutrality and transparency of the CoE also provides considerable 'soft' diplomatic leverage and influence, and provides an entry point for cooperation that other entities – including the EU and its Member States – do not always share. Partner institutions clearly consider the CoE as a privileged and irreplaceable partner, which confers considerable 'cachet' to the activities it supports. This adds weight to the assertion that the CoE could have supported more concrete avenues for sector dialogue, as outlined above.

It is considered that CoE should endeavour to build directly on these specific elements of added value to the extent possible for any future iterations of support to the sector. While the CoE has already established a specific place in the justice sector reform in Türkiye, additional efforts could be employed, *inter alia* to develop stronger strategic relationships with civil society, to utilise its 'soft' approaches to support and consolidate the commitment of Turkish authorities to on-going reform efforts; and to encourage and monitor follow-up and implementation of the ECHR and the national Human Rights Action Plan.

The added value of the EU, for its part, is generally rooted in its political and economic weight, and in the Turkish context the prospect of EU accession, which has driven many reform efforts since its recognition as a candidate for accession in 1999. Accession negotiations further stalled however in the aftermath of the 2016 crisis, and then froze in 2018. The neutrality and impartiality of the CoE therefore provided a 'double' added value, since it allowed constructive reform efforts to continue separately from the fraught political context, with one stakeholder stating that *'the EU now has a second place, because it has a more political and economic role, whereas the CoE has a speciality field and is more constructive. The CoE puts a distance between itself and political discussions.'*

5.7 Sustainability

Project design focussed strongly on sustainability aspects, notably through strengthening the institutional capacity of the MoJ and the JAT to *'ensure enhanced procedural guarantees leading to [a] more effective criminal justice system [...] in line with the European standards,'* and placed a strong

emphasis on the inclusiveness and ownership of project activities and results, which were largely achieved, as described above to ensure such sustainability.

However, certain stakeholders expressed concerns about Project sustainability, based in large part on the outcomes of previous support to the sector, notably following the 2016 crisis, where the curricula and pool of trainers that had been developed with CoE support quite literally vanished, with one stakeholder exclaiming *'how can [donors] continue supporting these institutions? The environment is not stable.'* While such concerns are undoubtedly justified, there are however many elements of sustainability that will be maintained in the absence of further political upheaval.

Institutional sustainability: There has been widespread acceptance and application of European standards and practices in the daily work of judges and prosecutors, and there is strong evidence that this will continue. In addition, the processes and institutional cooperation that have been improved, as indicated at *Effectiveness* above, are continuing independently of the Project activities, for example, coordination activities related to cybercrime, which have led to formal and informal networks of actors, including CSOs, police, judges, prosecutors, the Banks Association of Türkiye etc., with one stakeholder stating that *'you cannot show it as a deliverable or output of a project, but I think this platform allowed people to have that connection.'*

A strong integration of the Project's training outputs is also observed within the partner institutions, including training modules, interactive training methodologies, and a training impact assessment tool, which JAT has incorporated into its own training curriculum. As indicated at *Effectiveness* above, JAT now has an official pool of 42 trainers from different partner institutions, including higher-level courts, that are utilised for ongoing pre-service and in-service training.

The HELP courses have considerably contributed to the Project's sustainability, with 4 online courses adapted to the Turkish context, with Turkish examples, with the CoE stating that *'We're trying to proceed with more and more HELP courses. We're also trying to organise as many HELP courses as possible with universities, and we have a set objective to promote it further.'*

Project products, such as manuals and guidelines, continue to be actively used by beneficiaries, and will be widely disseminated and are already readily accessible online. It is unknown however if reprints of published materials are anticipated after the Project's end.

While there is always the risk of attrition of trained staff in any project focused on capacity building, this is considerably reduced in the sector context, where, for example, the majority of JAT trainers are permanent members of staff, and in any event will remain within the sector as prosecutors and judges, where they can continue to be called upon for training purposes.

In addition, there is strong evidence that institutions are already actively leveraging Project results. For example, following from capacity building related to judicial reasoning, the Justice Academy has expanded training modules to private law, including in the family courts. Further, the MoJ has indicated that they are already planning for a further sector needs assessment.

Policy sustainability: As described at *Relevance* above, the Project aimed to contribute to the implementation of the Turkish Accession Partnership and the NPAA, as well as the implementation of national strategic documents and action plans. There is little evidence however to indicate that the Project has made more than *ad hoc* contributions to policy-level change, nor whether momentum has been built to foster policy change in future. However, the high level of ownership, and institutional commitment to the human rights and rule of law principles supported by the Project, will likely ensure some level of policy engagement after completion of the Project.

Financial sustainability: JAT has provided assurances that training and other benefits will continue to be financially supported, and in particular, undertakings have been provided to ensure the continued maintenance and subscription access for the JAT E-Library. The CoE has strongly recommended that the MoJ develop memoranda of understanding with other institutions, in particular to formalise and ensure the continuity of coordination mechanisms, and has offered to help develop the terms of reference, however there are no firm guarantees by MoJ to date that these activities will continue.

5.7 Visibility

A Communication and Visibility Plan was approved during the Project's inception phase, in agreement with DGCA, JAT, EUD and CFCU. Standardised visibility rules were used in all Project materials. Logos and designs of all hard copy and electronic publications and print outs agreed during the inception period were used for each activity to ensure the visibility of the financial contribution of the EU, CFCU and beneficiary institutions, and EU funding was acknowledged in all online and printed materials. In addition, several visibility tools were distributed during activities, including banners, brochures and posters, bags, stationery (folders, notebooks, pens).

Communication about project updates was ensured through the following CoE websites:

<https://www.coe.int/en/web/national-implementation/turkey-strengthening-the-criminal-justice-system-and-the-capacity-of-justice-professionals-on-prevention-of-the-european-convention-on-human-rights-violations-in-turkey>

<https://www.coe.int/en/web/ankara/strengthening-the-criminal-justice-system-in-turkey>

Websites of project partners and end beneficiaries were also used to inform the public about activities and outputs. In particular, the MoJ has launched a website where project materials have been regularly uploaded <https://cas2.adalet.gov.tr/> and project-related news have also been published on the website of the DGCA and website taa.gov.tr and the official twitter account ([@Türkiye Adalet Akademisi \(@AdaletAkademisi\) / Twitter](https://twitter.com/AdaletAkademisi)) of JAT. Further, dedicated social media accounts were used to announce activities and disseminate information about the project and its outputs.

Nevertheless, there is only limited data available regarding the degree of reach and access of members of the public to this information, and the qualitative level of interaction in this regard. This is linked to the observation above regarding the Project's limited public awareness-raising objectives.

These visibility elements were confirmed during the Evaluator's visit to cascade training in Istanbul in June 2023. Furthermore, all persons interviewed in the context of this evaluation had a clear understanding that the project has been funded by the European Union.

5.8 Cross-Cutting Issues

5.8.1 Gender equality

The Project paid specific attention to gender equality, in line with the CoE *Gender Equality Strategy 2018-2023*³⁷, working with experts and trainers to include gender perspectives and to use gender-sensitive language in project events, including round tables and training. For example, the in-service training module on the right to liberty and security examines the gendered impact of detention, and advocates for the use of alternative measures to detention whenever possible. Women's access to justice was also analysed during activities related to procedural safeguards.

Partner institutions ensured that the percentage of professional women participating in project activities corresponded to at least their percentage in the respective institutions, with their representation around 45%. Barriers to women's participation in study visits were discussed in Management Meetings, with their participation consequently increased from 12% to 40%.

However, there was no specific approach developed by the Project in line with the CoE Gender Strategy, notably in relation to Objective 3 (Women's Access to Justice), which sets out a number of initiatives that can be potentially undertaken in this regard (para. 56).

5.8.2 Human Rights

The Project was clearly anchored in the promotion of human rights principles in Türkiye, and has clearly made significant contributions to their application by judges, prosecutors, and other legal professionals, as well as the streamlining of these principles in legal professional training, as indicated

³⁷ <https://rm.coe.int/prems-093618-qbr-gender-equality-strategy-2023-web-a5/16808b47e1>

at *Effectiveness* above, with the Project team taking a cross-cutting approach to its inclusion in activities.

'The Turkish Constitutional Court evaluates individual applications in the light of the judgments of the European Court of Human Rights. Therefore, Turkish judges now have the understanding to actually execute, implement, or apply the principles developed by the European Court of Human Rights. This is an important development.' National Expert

'We are always trying to include procedural safeguards aspects in the cybercrime and financing of terrorism activities' Council of Europe

'In Strasbourg, we went to the European Court of Human Rights, and discussed human rights reasoning with a judge. During training, they really emphasised the human rights dimension, and we asked a lot of questions about why so many people are in custody. The Project has created awareness for us regarding these issues.' Prosecutor

Furthermore, representatives of Turkish civil society (Human Rights Joint Platform) were members of the Project Steering Committee, as well as project activities whenever necessary, to share their opinions concerning the functioning of the criminal justice system, including the respect of human rights, as described at *Effectiveness* above.

As indicated above, the Project's complementarity with the National Human Rights Action Plan is evident; however, availability of data and statistics may sometimes be a challenge.

Nevertheless, a specific Human Rights Based Approach (HRBA) concept was not developed, despite this being a requirement of all EU cooperation projects, including in accession contexts. In this respect, the Project was not implemented in line with a key principle of the HRBA, which requires the full participation of relevant stakeholders, and notably of citizens, as discussed at *Effectiveness* above.

6 Conclusions

6.1 Relevance

The Project demonstrated strong alignment with the core mandate and operational institutions of the CoE, including those related to judges, prosecutors, legal co-operation, cybercrime and financing of terrorism, as well as human rights. The Project was also in strong alignment with EU strategy and policy objectives, notably those relating to Türkiye's accession to the EU.

The Project directly supported the implementation of key national strategies and action plans, including the development and accession plans, the action plan on human rights, as well as the judicial reform, organised crime and cybersecurity strategies. The Project was also in alignment with Türkiye's obligations as a Member State of the CoE.

Programme design was based on a clear analysis of needs and priorities, but did not address the interrelationships of stakeholders, and notably between the main institutions existing at the time of Project development. CSOs and Bar Associations were nevertheless included in consultative activities. While there was no needs analysis conducted during the Inception Phase, the highly consultative needs assessment missions subsequently provided the foundation for the development of Project activities.

While the Project did not directly address legislative reform, this was discussed in stakeholder consultation, and integrated in assessment recommendations. The Project's flexibility was an important factor of relevance, as was the openness and ownership of institutions, which aligned the Project with agreed sector priorities.

6.2 Coherence

The Project was strongly coherent with current and previous CoE cooperation in Türkiye, including regional initiatives, as well as initiatives by other cooperation partners. The Project was specifically designed to build on the positive results of the previous CoE programme on the criminal justice system, and has shown strong complementarity with projects under the CoE Horizontal Facility.

The project also showed strong internal synergies between the results pillars; however, partners could have had more integrated approaches.

6.3 Effectiveness

The Project has achieved a 100% execution rate, in line with the original log-frame, with the three result pillars that were interrelated in their design and implementation. Initial implementation was hampered by numerous constraints, however speed increased considerably after the Covid-19 pandemic.

The Project contributed to the development of a large number of guidelines, manuals, handbooks, training modules and other deliverables, which supported project implementation, and contributed to policy development and professional capacity-building.

The Project conducted numerous events, which analysed problems and priorities, refined project activities, and developed deliverables. These improved cooperation between institutions, provided stakeholder visibility and awareness-raising opportunities, and ensured the project components were mutually reinforcing, which resulted in significant institutional improvements, and policy and legislative change.

The Project provided a vast programme of training, which has already contributed substantially to professional capacities of over 5,000 judges and prosecutors. Training content was developed in a collaborative manner, using international and national expertise, however greater contextualisation of some modules was required. Training built on existing training modules where possible, including those of the CoE HELP facility. A pool of trainers is now in place, and modules continue to be used in the JAT curricula. The highly interactive methodologies were particularly appreciated, and have been integrated in JAT training approaches. Concerns were raised however about the balance of in-service and pre-service training, and specifically that in-service training should take precedence, since this is where difficulties in, for example, applying human rights principles are arising in real time. It is observed however, that the decision to extend training to both candidate and existing judges and prosecutors was based on a careful assessment and balancing of current needs, and was agreed by the Project partners and the EU Delegation. The evaluator considers that the situation that emerged in the aftermath of the 2016 crisis, whereby a large number of judges and prosecutors were recruited, after a relatively basic level of training, meant that the Project should address crucial knowledge gaps in practising professionals. However, in parallel, it was also essential to ensure that the next generation of young professionals built key knowledge and skills from the earliest stages of their education. Moving forward, however, it will be necessary for legal institutions and other stakeholders to carefully monitor that the balance between in-service and pre-service training remains relevant to legal sector needs.

Study visits and other exchanges were considered highly beneficial, and provided practical, first-hand experiences and opportunities to learn from different contexts, however their links with training activities could be strengthened.

The E-Library was established towards the end of the project, and will likely provide a contribution to the effectiveness and efficiency of legal professionals; however, concerns exist concerning its cost-effectiveness and sustainability.

A number of factors contributed to increasing the Project's effectiveness, including:

- Flexibility in the project's design and implementation, in particular during the Covid-19 pandemic;

- The decentralised nature of Project events, which responded to local needs;
- Inter-institutional approaches, which enhanced cooperation and communication between stakeholders;
- Participatory and multi-stakeholder approaches, which contributed to understanding of challenges and the development of responses, but which could have had greater involvement of Bar Associations and civil society;
- The balanced mixture of international and national expertise provided;
- Strong institutional ownership, including a willingness to address highly sensitive issues.

However, a number of factors reduced the Project's effectiveness, including:

- Extremely high turnover rates of Project staff, which created confusion with partners, and impacted on Project implementation and results;
- Output-oriented monitoring, which prevented a strategic analysis of outcomes, in order to build on results and lessons learnt;
- The potential of the Steering Committee and project coordination meetings as channels for policy dialogue was not fully leveraged; and
- Public outreach and awareness-raising was limited, despite the need to change perceptions and increase public confidence in the justice system.

6.4 Efficiency

While the Project was highly ambitious in its scope and number of activities, and despite initial challenges, the Project delivered in a highly efficient, professional and collaborative manner. Elements of efficiency included online meeting and training modalities, adaption of existing modules, a clear division of tasks between the CoE and partner institutions, the use of existing partner premises, and practical support by institutions. The two no-cost extensions allowed the completion of the foreseen activities. Nevertheless, turnover of staff, and the absence of a Head of Office at several periods, had an impact on the Project's implementation.

6.5 Impact

The Project's impact cannot be ascertained at this time, given its recent completion, and that significant change cannot realistically occur in the project timeframe, thus underscoring the need for long-term sector engagement.

The Project was not designed to address the root causes of sector challenges, notably those arising from the legislative framework, and hence its legacy in this regard will be limited. Further, the impact of support to judicial reasoning will require the qualitative analysis of judgements, however access to these has not been provided. A mid-term sector impact assessment would help measure any systemic achievements of the Project.

Nevertheless, the Project likely contributed to important direct and indirect impacts, including:

- Significantly enhanced cooperation between institutions;
- Contributions to participative and inclusive approaches, which have changed attitudes that will potentially have impacts on higher-level policy change;
- Considerably improved Türkiye's international cooperation processes;
- Contributions to the JAT's training capacities and methodologies;
- Enhanced confidence and independence of the Judicial Academy and other legal actors;
- Significant potential for improved jurisprudence in line with ECtHR and international standards; and
- Increased application of human rights principles relative to pre-trial detentions.

6.6 Added Value

The added value of the CoE's support was linked to their long history of cooperation in Türkiye, in particular their expert understanding of the national context, the mutual trust that has been

established, the availability of a pool of high-level experts with an understanding of the Turkish legal sector. The Project drew on other elements of CoE added value, including the international weight of CoE conventions and tools, the CoE's neutrality and transparency, with partners viewing the CoE as a privileged and irreplaceable partner.

6.7 Sustainability

The Project demonstrates some significant elements of sustainability, in particular European standards and practices are being applied the daily work of the judges and prosecutors; processes and cooperation mechanisms are continuing independently of Project activities; there is strong integration and continuation of the Project's training benefits, which will continue to be financially supported; and manuals and guidelines continue to be actively used. There is also evidence that institutions are already actively leveraging Project results, and that JAT

However, there is little evidence of contributions to policy-level change, nor whether momentum has been built to foster this in future, nor is there a sufficient engagement from the MoJ to leverage project outcomes.

6.7 Visibility

Communication and visibility requirements were fulfilled, and Project information was provided through CoE and partner websites and social media accounts. However, there is only limited data regarding the reach and degree of public access to this information.

6.8 Cross-Cutting Issues

The Project paid specific attention to gender equality, however, there was no specific approach developed by the Project in line with the CoE Gender Strategy, notably in relation to Objective 3.

The Project was anchored in the promotion of human rights, was highly complementary with the national Human Rights Action Plan, and made significant contributions to the application of human rights principles by legal professionals, and their integration in legal professional training. However, neither a Gender nor a dedicated Human Rights Based Approach (HRBA) concept were developed.

7 Recommendations

Recommendation 1:	
Results-oriented reporting and monitoring should be strengthened.	
<i>Priority: High</i>	
<i>Main implementation responsibility: EUD, CoE, partner institutions</i>	
<i>What should be strengthened?</i>	<i>How should this be done?</i>
Qualitative result and impact indicators need to be developed for all justice sector projects.	<ul style="list-style-type: none"> - LogFrames should be developed during project design that incorporate a range of qualitative result and impact indicators, including <i>inter alia</i> perceptions of change, practical utilisation of benefits, stakeholder attitudes, application of human rights principles, etc. - Tools should be developed to measure/ monitor qualitative results on an ongoing basis.
Project baselines and endlines should be routinely developed.	<ul style="list-style-type: none"> - Baselines and endlines for each project result, and the intended objective(s) should be developed in the framework of the project itself, with the former to be established as part of the inception phase, and the latter as part of the project's exit strategy. - A broader sector impact assessment should also be considered as a specific mid-term and/or final phase

	<p>activity, in addition to the identification of specific results endlines.</p> <ul style="list-style-type: none"> - Partner institutions should provide access to any and all relevant statistics and other data to facilitate these processes, and participate directly in these processes. - Reporting of these outcomes to the public by partner institutions is strongly encouraged. - Access to data should include to recent judgements, in order to facilitate the qualitative analysis of changes in judicial reasoning.
Reporting and monitoring should be results-oriented.	<ul style="list-style-type: none"> - All reporting should incorporate not only a description of activities, but the concrete results and impacts to which they have (or are likely) to contribute, and their projected sustainability. - Reporting frameworks or templates should require express analysis in this regard, together an assessment of any necessary adjustment to project approaches or implementation. - In particular, the project's progress towards its final objectives should be regularly assessed, for example in Steering Committee meetings, and corrective action taken where required.

Recommendation 2:

Projects should ensure the inclusion and participation of a range of relevant sector stakeholders at all stages of project design and implementation.

Priority: High

Main implementation responsibility: EUD, CoE, partner institutions, sector stakeholders

What should be strengthened?

How should this be done?

Sector stakeholders should include a broad range of actors.

- Relevant sector stakeholders should include not only key governmental institutions, but also a range of cooperation partners, civil society representatives, Bar Associations, academics, media representatives, and (to a more limited extent) the broader public.
- Their participation should incorporate specific elements of inclusiveness, including gender, vulnerability etc.
- Special attention should also be given to the inclusion of parliamentary bodies and parliamentarians concerned with sector issues.

Stakeholders should be included in project design processes.

- Stakeholder participation and consultation should be envisaged from the earliest stages of project design, and in particular in the preparation and validation of sector, needs, risk and other analysis, the development of a HRBA, etc.
- Their participation should be expressly incorporated in project activities, to the extent possible, and as a cross-cutting approach. Specific mechanisms of civil society engagement should also be developed within

	and parallel to project activities.
Stakeholders should be included in project implementation.	<ul style="list-style-type: none"> - Relevant stakeholders should be included from the inception phase of project implementation, and their role and participation in project activities clarified at this time. - Relevant stakeholders should be represented as members, rather than observers, of steering committees and other management mechanisms. - Stakeholders should be consulted relative to all monitoring and evaluation processes. - Stakeholders, including civil society organisations and Bar Associations should, conversely, strive to include sector institutions in their own activities, to the extent possible, in order to strengthen cooperation and mutual understanding of sector constraints and possible solutions.
Public participation and awareness should be strengthened.	<ul style="list-style-type: none"> - Projects should be designed to incorporate more public outreach and communication activities, including the use of media (radio, television, print, social), and in the context of high-level events. Such outreach should ideally be at both the national and local level. - Public awareness and direct participation should also be strengthened through events that bring them into direct contact with institutions (for example, Open Court Days) and sector representatives (for example, conferences and round-tables that are open to the public), where they can observe justice processes in real life, and participate in or observe discussion on justice sector issues. - Such events should be designed in strong consultation with civil society organisations, Bar Associations and media representatives, in order to maximise their accessibility, relevance and impact. - Quantitative and qualitative monitoring of such public outreach should also be ensured, to assess the number of persons reached by these initiatives, their degree of engagement, etc. - The outcomes of such public outreach should also be monitored, for example evidence of increased access to justice institutions, etc. - <i>See also Recommendation 1 related to results monitoring.</i>

Recommendation 3:

CoE should ensure stable project management in Türkiye.

Priority: High

Main implementation responsibility: CoE

What should be strengthened?

How should this be done?

<p>The CoE needs to instil confidence in partner institutions, through stable project management in Türkiye, by taking steps to avoid high levels of staff turnover.</p>	<ul style="list-style-type: none"> - Further consultations between CoE upper management and CAS II Project staff should take place <u>as a matter of urgency</u>, to address ongoing concerns about staff working conditions. - Immediate consideration should be given to finding ways to alleviate key areas of concern, for example long working hours, and the absence of payment for overtime. - Immediate consideration should also be given to reviewing salary levels, given that a review is foreseen only after the current project is completed, in line with those provided in other comparable international institutions in Türkiye. - While outside the scope of the current evaluation, the CoE's broader human resources policy also clearly needs to be addressed, including global salary scales, their responsiveness to country contexts and their vulnerability to external economic and other influences, and alignment of 'national' and 'international' salaries; as well as career structures, professional development, and other forms of incentivisation.
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Recommendation 4:

The financial sustainability of the Project results should be clarified.

Priority: High

Main implementation responsibility: EUD, CoE, partner institutions,

<i>What should be strengthened?</i>	<i>How should this be done?</i>
<p>The partner institutions need to provide an indication of how they intend to ensure sustainability.</p>	<ul style="list-style-type: none"> - The partner institutions and CoE should engage in <u>urgent discussions</u> about how they intend to continue and/or leverage the Project results. - Each partner should in turn develop an individual exit strategy, taking into account sustainability issues. - Where necessary, partner institutions should develop memoranda of understanding with other justice institutions, in order to ensure the continuity of coordination and communication, and develop more formalised cooperation mechanisms. - Clear undertakings should also be provided relative to the continued financial support of other project-supported activities, for example training, and the functioning of the new E-Library.

Recommendation 5:

Policy dialogue should be strengthened.

Priority: Medium – High

Main implementation responsibility: EUD, CoE, partner institutions, sector stakeholders

<i>What should be strengthened?</i>	<i>How should this be done?</i>
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<p>Policy dialogue in the justice sector needs to be improved.</p>	<ul style="list-style-type: none"> - Opportunities for policy dialogue should be explored from the earliest stages of project design. - This should be embedded in the structure and composition of Steering Committees, ensuring the representation of civil society and other stakeholders, and that regular higher-level SC meetings are foreseen. - Consultation and coordination meetings and events should also be conceived with a view to not only discussing sector challenges and solutions, and associated recommendations, but also integrating formal follow-up mechanisms regarding the status of such recommendations. - In this regard, regular high-level representation of all institutions, the CoE and EUD should be prioritised, which, for example, could be in the context of public consultation/ outreach events, as described at <i>Recommendation 2</i>. - Such events should be accompanied by relevant communication and visibility activities.
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<p>Recommendation 6: Gender and human rights issues should be more directly and strategically addressed</p>	
<p><i>Priority: Medium – High</i></p>	
<p><i>Main implementation responsibility: EUD, CoE, partner institutions, sector stakeholders</i></p>	
<p><i>What should be strengthened?</i></p>	<p><i>How should this be done?</i></p>
<p>Gender equality, sensitivity and mainstreaming should be strengthened.</p>	<ul style="list-style-type: none"> - Gender equality, sensitivity and mainstreaming strategies should be developed, ideally in consultation with CoE and national experts. - Such strategies should be diligently implemented, and regularly monitored and adjusted. - Special attention should be given to their alignment with Objective 3 of the CoE Gender Strategy (Women’s Access to Justice).
<p>Human rights-based approaches (HRBA) should be developed and implemented for all projects.</p>	<ul style="list-style-type: none"> - A specific HRBA should be developed for each project, ideally in consultation with the EU, CoE and national experts. - This approach should be diligently implemented, and regularly monitored and adjusted. - Special attention should be given to its alignment with the Council of Europe Human Rights approach, and the EU HRBA and related Toolkit.

<p>Recommendation 7: Sector and context analysis should be strengthened, both in project design and throughout implementation</p>	
<p><i>Priority: Medium</i></p>	
<p><i>Main implementation responsibility: EUD, CoE</i></p>	

<i>What should be strengthened?</i>	<i>How should this be done?</i>
Sector context analysis needs to be qualitatively improved, and regularly updated.	<ul style="list-style-type: none"> - In-depth context analysis should be conducted in project design, through for example Political Economy Analysis. - A sector needs analysis should be included, even where a needs assessment is foreseen as a project activity. - Where such an analysis is not feasible in project design, it should be incorporated in the Inception Phase. - Any analysis conducted in project design should be updated during the Inception Phase, and thereafter in response to any significant sector changes. - Areas of particular focus on the Turkish context would include: degree of institutional and political will, inter-relationships of institutions and stakeholders including the role of bar associations, civil society and media, political and economic risk, gender and human rights. - <i>See also Recommendation 1 related to establishing baselines and endlines, and Recommendation 6 related to gender and human rights.</i>

Recommendation 8:

External and internal synergies should be strengthened

Priority: Low – Medium

Main implementation responsibility: EUD, CoE, Partner institutions, Cooperation partners/ donors

<i>What should be strengthened?</i>	<i>How should this be done?</i>
Synergies with other donor-supported initiatives should be increased and leveraged.	<ul style="list-style-type: none"> - Coordination activities should be strengthened at the sector level. - Project design should incorporate a more exhaustive analysis of how the action will complement and work with existing sector projects in the sector, and responses planned accordingly (meetings, potential joint activities, etc.), and the outcomes documented and analysed. - <i>See also Recommendation 1 related to results monitoring.</i>
Project partners should ensure that their approaches are more strongly integrated.	<ul style="list-style-type: none"> - A stronger, practical and permanent partner coordination structure should be established, focusing not only on project implementation, but also more generally on the continuation of sector coordination, and the development of common activities and approaches.

Recommendation 9:

Project training and study visits should ensure balance and complementarity, and maintain their responsiveness to the Turkish context

Priority: Low – Medium

Main implementation responsibility: EUD, CoE, Partner institutions

What should be strengthened?

How should this be done?

The balance between in-service and pre-service training should be monitored.

- While the current balance of in-service and pre-service training is considered appropriate, this should continue to be monitored carefully to ensure that it continues to respond to sector needs.

Study visits should be strengthened, through inter alia bilateral visits, peer to peer exchanges, and greater complementarity with training.

- Study visits should not be confined to Turkish professionals visiting their counterparts in Europe, but should also envisage visits by European experts into Turkish institutions, where their support can be directly integrated into real-life practice.
- The focus of visits should be on achieving mutual benefits for both visiting and hosting participants.
- Practical peer-to-peer exchanges should be prioritised, with a focus on practical application of, for example, judicial reasoning and elements of capacity building.
- Related to this, the outcomes and observations of study visits should be directly integrated into training and modules, with a focus on concrete comparisons, case-studies and best practices from the visited (or visiting) country.

The contextualisation of training should be ensured at all times.

- While most training modules have been entirely developed through the Project, or otherwise successfully adapted from other countries and contexts, with relevant international and national examples, it is essential to ensure that training consistently focuses on problems arising in the Turkish concerns and responses.

Evaluation Questions	Judgement Criteria	Indicators
Relevance		
EQ 1: To what extent did the Project's objectives and design respond to CoE and EU policy objectives, and to the needs, policies, priorities and constraints relative to the criminal justice system and related human rights in Türkiye?	1.1 The Project was aligned with CoE and EU external action policy and strategy frameworks relative to criminal justice and related human rights, at the international, regional and national level.	1.1.1 The Project design refers to relevant CoE and EU policy and strategy frameworks.
	1.2 The Project was based on context-sensitive analysis of the national and sector contexts, and addressed needs, policies, priorities and constraints relative to the criminal justice system and related human rights in a realistic manner.	1.2.1 The Project design and implementation included stakeholder consultation, data-collection and analysis of the national context, and policies, strategies, needs and constraints relative to the criminal justice system and related human rights.
		1.2.2 Stakeholders consider that the Project adequately addressed needs, policies, priorities and constraints relative to the criminal justice system and related human rights.
Coherence		
EQ 2: To what extent was the Project coherent with and complementary to other initiatives by the CoE and EU and their Member States, national authorities and institutions, and other relevant cooperation partners?	2.1 The design of the Projects took into account and ensured complementarity with past, existing and planned initiatives by CoE, EU and their Member States and relevant cooperation partners.	2.1.1 The Project design included stakeholder consultation, data-collection and analysis of other initiatives by CoE, EU and their Member States, and cooperation partners.
		2.1.2 Stakeholders consider that the Project ensured complementarity with other cooperation initiatives.
	2.2 The Project was implemented in coordination with other relevant CoE and EU programmes, and with their Member States and relevant cooperation partners.	2.2.1 The Project initiated or engaged with relevant cooperation and coordination mechanisms at the national level.
		2.2.2 Stakeholders consider that the Project initiated or engaged with cooperation and

		coordination mechanisms at the national level in an effective manner.
Effectiveness		
EQ 3: To what extent did the Project achieve its objectives and results, including any unintended positive or negative results.	3.1 The Project achieved its intended objectives and contributed to intended and unintended positive and negative results relative to the criminal justice system and related human rights in Türkiye.	3.1.1 Number of relevant policies, strategies laws, guidelines, and protocols adopted, in line with international standards.
		3.1.2 Number of persons reached by the Project, disaggregated by gender
		3.1.3 Project results are aligned with key CoE and EU justice sector indicators.
		3.1.4 Stakeholders consider that the Project has achieved its intended objectives, and contributed to intended/unintended results.
		3.1.5 Factors positively or negatively contributing to Project results, including <i>inter alia</i> adjustments to project implementation, and responses to the Covid-19 pandemic.
	3.2 The Project contributed to national stakeholders' capacities to prevent and address human rights violations in Türkiye.	3.2.1 Number and type of capacity-building activities supported by the Project.
		3.2.2 Stakeholders consider that the Project enhanced institutional and professional capacities.
Efficiency		
EQ 4: To what extent did the Project deliver the results in a timely and cost-effective manner?	4.1 Working methods led to the achievement of more qualitative and cost-effective results.	4.1.1 Project stakeholders consider that working methods contributed to qualitative and cost-effective results.
	4.2 CoE organisational structure, managerial support and coordination mechanisms supported the delivery of outputs in a timely and cost-effective manner.	4.2.1 Project stakeholders consider that CoE structure, support and coordination contributed to timely and cost-effective outputs.
Impact		
EQ 5: To what extent did the Project achieve significant	5.1 The Project contributed to strengthening the Turkish justice system, and rendering it	5.1.1 National and international reports and analyses indicate changes in the quality,

higher-level change, or other effects?	more efficient, effective, and visible.	effectiveness and efficiency of the justice system and legal professionals, in line with CoE standards.
		5.1.2 Stakeholders consider that the Project has contributed to changes in the quality, effectiveness and efficiency of the legal system, and legal professionals.
	5.2 The Project contributed to preventing and addressing human rights violations relative to the justice system in Türkiye, or to other higher-level changes and effects of both a positive or negative nature.	5.2.1 National and international reports and analyses indicate changes in the rate and/or patterns of human rights violations relative to the justice system.
		5.2.2 Stakeholders consider that the Project has contributed to changes in the rate and/or patterns of human rights violations relative to the justice system.
Sustainability		
EQ 6: To what extent are the results and net benefits of the Project continuing, or are likely to continue.	6.1 The Project and its results have been supported and owned by project partners and stakeholders.	6.1.1 Stakeholders consider that the Project has been supported and owned by partners and stakeholders.
	6.2 The Project results are likely to be maintained in the mid-term at the conclusion of the Project.	6.2.1 Project, CoE, EU and external reports indicate that Project results and net benefits are continuing, and are likely to continue for a period of 3-5 years.
		6.2.2 Stakeholders consider that Project results and net benefits are continuing, and are likely to continue for a period of 3-5 years.
Cross-cutting issues		
EQ 7: To what extent did the design and implementation of the Project apply Human Rights- and Gender-Sensitive approaches, and to what extent did the Project contribute to these issues?	7.1 Human rights and gender were taken into account in the design and implementation of the Project.	7.1.1 Project design included analysis of human rights and gender issues relative to the justice system, and how the Project would address these.
		7.1.2 The Project incorporated approaches and/ or activities relative to human rights and gender.

	7.2 The Projects contributed to sustainable effects on human rights and gender equality.	7.2.1 Project, CoE, EU and external reports indicate that the Project contributed to sustainable effects on human rights and gender equality. 7.2.2 Stakeholders consider that the Project contributed to sustainable effects on human rights and gender equality.
Added value		
EQ 8: To what extent did CoE support provide additional benefits to those that would have resulted from initiatives by other cooperation partners.	8.1 CoE support provided substantial added value when compared with activities carried out by other cooperation partners, and compared to non-intervention.	8.1.1 Project, CoE, EU and external reports indicate that CoE support provided substantial added value. 8.1.2 Stakeholders consider that the CoE support provided substantial added value.
Best practices & Lessons Learnt		
EQ 9: What are the best practices and key lessons learnt from the Project, and to what extent are they likely to be integrated into ongoing or subsequent initiatives by the CoE, the EU and other cooperation partners?	9.1 The Project contributed to best practices and key lessons learnt.	9.1.1 Stakeholders consider that the Projects contributed to best practices and lessons learnt.
	9.2 The best practices and key lessons learnt have been, or are likely to be, integrated into subsequent initiatives by the CoE, the EU and other cooperation partners	9.2.1 Stakeholders consider that the Project's best practices and lessons learnt have been or are likely to be, integrated into other relevant initiatives.

9 Annex 2: List of documents consulted

- Description of the Action (Original and Amended Versions)
- Addendum No 2 to PA Grant Agreement
- Annex I – Criminal Justice Addendum Budget 13.03.23
- Report on a Needs Assessment for Legislation and Policy Relating to the Criminal Justice System in Turkey, December 2021
- Report on Training Needs Assessment in the Field of Criminal Justice within Turkey, March 2020
- ROM Report, August 2021
- ROM Report, January 2021
- In-Service Cascade Training Evaluation Report (June 2022 – March 2023)
- Inception Report, 30 September 2019
- Interim Reports 2020, 2021, 2022, 2023
- Activity Reports, various
- Minutes, Steering Committee Meetings
- Minutes, various Project Meetings
- Agenda, Working Group I – Guideline on Admissibility of Evidence, 28 September 2022
- Agenda, Sixth Project Steering Committee Meeting, 6 June 2023
- Agenda, Meeting of the Ministers' Deputies (Strasbourg, 30 (10 a.m.) June 2020)
- Activity Plan 5 June – 14 December 2023

10 Annex 3: List of stakeholders consulted

- Council of Europe staff: 12, including 10 women
- EU Delegation staff: 1 woman
- Ministry of Justice staff: 7, including 2 women
- Public prosecutors specialising in the field of cybercrime: 3 men
- Justice Academy management or support staff: 8, including 4 women
- Justice Academy trainer judges: 5, including 1 woman
- Lawyers from various provinces: 3 men
- Civil society representatives: 2, including 1 woman
- Directors and experts of the Financial Crimes Investigation Board (MASAK)
- National experts (academics / lawyers): 4, including 2 women
- Various trainers and judges and prosecutors taking part in the cascade training seminar held in Istanbul on 16 June 2023



This Project is co-funded by the European Union and the Council of Europe.

Final Evaluation of the Project “Strengthening the Criminal Justice System and the Capacity of Justice Professionals on Prevention of the European Convention on Human Rights Violations in Turkey”

ONLINE SURVEY

May 2023

Prepared by Abigail HANSEN

Survey Introduction

Welcome to the online survey for the final evaluation of the Council of Europe project "*Strengthening the Criminal Justice System and the Capacity of Justice Professionals on Prevention of the European Convention on Human Rights Violations in Turkey.*" We greatly appreciate your participation in this important evaluation, which will help us to assess the impact and effectiveness of the project, and inform recommendations for future support.

The Council of Europe wishes to assure you that your responses will be completely anonymous and confidential. Your privacy is of utmost importance to us, and we will only use the data we collect for the purposes of this evaluation, which is carried out by an independent international expert. Your honest and thoughtful feedback is essential to the success of this evaluation, and we encourage you to be as candid as possible.

Thank you for taking the time to participate in this evaluation. Your contribution will help us to make a difference relative to the justice system in Türkiye, and promote respect for human rights.

Participant profile

1. What is your gender?

Female

Male

Prefer not to say

2. What is your age?

18-25

26-35

36-45

46-55

56-65

>65

Prefer not to say

3. What is your occupation?

Judge

Prosecutor

Other court official

Lawyer

Law enforcement officer or assimilated

Other category of Turkish civil servant

Civil society representative

Self-employed

Other

Prefer not to say

Specify (optional) [TEXT SPACE]

4. Who is your employer?
 Court in Türkiye
 Ministry
 Justice Academy of Türkiye
 Other Governmental Institution
 Civil society organisation
 Delegation of the EU to Türkiye / Donor organisation
 Self employed
 Other
 Prefer not to say
 Specify (optional) [TEXT SPACE]
5. What has been your Involvement with the project?
 Participant in project activities
 Speaker / Facilitator / Trainer
 Focal point on behalf of a partner/ beneficiary institution
 Observer
 Other
 Specify (optional) [TEXT SPACE]

Relevance

6. In your opinion, what are three priority topics related to criminal justice and human rights in Türkiye? (Please list in priority order)
 (1)
 (2)
 (3)
7. To what extent has the project responded to the needs, priorities and policies relative to justice and human rights in Türkiye?
 Strategic needs and priorities were not addressed by the project at all
 Strategic needs and priorities were somewhat addressed by the project
 Strategic needs and priorities were addressed by the project
 Strategic needs and priorities were very well addressed by the project
 Not applicable
 In what way? Could you provide a concrete example? (optional) TEXT SPACE
8. To what extent has the project responded to your individual needs and priorities?
 My needs and priorities were not addressed by the project at all
 My needs and priorities were somewhat addressed by the project
 My needs and priorities were addressed by the project
 My needs and priorities were very well addressed by the project
 Not applicable
 In what way? (optional) TEXT SPACE
9. To what extent has the project responded to your institution's needs and priorities?
 My institution's needs and priorities were not addressed by the project at all
 My institution's needs and priorities were somewhat addressed by the project
 My institution's needs and priorities were addressed by the project

My institution's needs and priorities were very well addressed by the project
 Not applicable
 In what way? (optional) TEXT SPACE

Effectiveness

10. How much aware of international and European standards relevant to your field of work were you before the project?

- Not aware at all
- Somewhat aware
- Aware
- Very much aware
- I do not know / Not applicable

11. How much aware about international and European standards relevant to your field of work would you say you are now?

- Not aware at all
- Somewhat aware
- Aware
- Very much aware
- I do not know / Not applicable

12. Overall, how satisfied were you with the following elements of this project?

	Not satisfied at all	Somewhat satisfied	Satisfied	Very satisfied	Not applicable / I do not know
The topics covered					
The type of activities offered to me					
The balance between theoretical knowledge and practical know-how					
The quality of the CoE experts					
The quality of reference materials received (publications, training materials, assessments by CoE experts)					

13. How often did you make reference to the European Convention on Human Rights and related case-law before taking part in project activities?
- Never
 - Once every few years
 - Once a year
 - More than once a year
 - Frequently
 - Not applicable to my functions
14. How often do you make reference to the European Convention on Human Rights and related case law after taking part in project activities?
- Never
 - Once every few years
 - Once a year
 - More than once a year
 - Frequently
 - Not applicable to my functions
15. In your opinion, what should be done to ensure better alignment of the criminal justice system with Turkish constitutional and international human rights standards? (Please list three recommendations in priority order)
- (1)
 - (2)
 - (3)
16. To what extent has the Project contributed positive or negative effects in your organisation?
In what way? TEXT SPACE

Impact

17. To what extent has the Project contributed to strengthening the Turkish justice system and rendering it more efficient, effective, and visible, particularly in the fields of the fight against cybercrime and the financing of terrorism?
- The project did not strengthen the Turkish justice system at all
 - The project contributed somewhat to strengthening the Turkish justice system
 - The project contributed to strengthening the Turkish justice system in a satisfactory manner
 - The project contributed to strengthening the Turkish justice system in an outstanding manner
 - Not applicable
- In what way? Could you provide a concrete example? (optional) TEXT SPACE
18. To what extent has the Project contributed to preventing and addressing human rights violations in Türkiye, particularly in the field of fair proceedings and right to liberty?
- The project did not address human rights violations in Türkiye
 - The project somewhat contributed to addressing human rights violations in Türkiye
 - The project contributed to addressing human rights violations in Türkiye in a satisfactory manner
 - The project contributed to addressing human rights violations in Türkiye in an outstanding manner
 - Not applicable

In what way? Could you provide a concrete example? (optional) TEXT SPACE

Coherence

19. How coherent has the Project's activities been with other initiatives or activities in relative to justice and human rights in Türkiye?

There has been no coherence with other initiatives relative to justice and human rights in Türkiye

There has been little coherence with other initiatives relative to justice and human rights in Türkiye

The project has been generally coherent with other initiatives relative to justice and human rights in Türkiye

The project has been fully coherent with other initiatives relative to justice and human rights in Türkiye

Not applicable

In what way? (optional) TEXT SPACE

Added value

20. In your view, what was the added value of the Council of Europe's support, compared to other initiatives that have addressed justice and human rights in Türkiye?

TEXT SPACE

Best practices

21. Were there any aspects of the Project that you particularly appreciated?

TEXT SPACE

Suggestions

22. In your view, how could the Council of Europe's support be improved in future?

TEXT SPACE

Other

23. Do you have any other comments?

TEXT SPACE

Final Evaluation of the Project “Strengthening the Criminal Justice System and the Capacity of Justice Professionals on Prevention of the European Convention on Human Rights Violations in Turkey”

TERMS OF REFERENCE

The Council of Europe (CoE) is currently implementing a Joint Project with the European Union on “Strengthening the Criminal Justice System and the Capacity of Justice Professionals on Prevention of the European Convention on Human Rights Violations in Turkey,” which started on 15th March 2019 and will end on 14th March 2023, with a total budget of 5 million euros. The feasibility of a project extension of approximately six months is currently being examined.

The overall objective of the Action is to further strengthen and render the Turkish judiciary more efficient, effective, and visible, by ensuring its compliance with international and European standards in the field of criminal justice.

The specific objectives of the Action are:

- To contribute to the improvement of the criminal justice system in Türkiye in applying European Convention on Human Rights (ECHR).
- To enhance the capacity of criminal justice institutions and legal professionals in applying ECHR provisions and European Court of Human Rights (ECtHR) case law, and to strengthen their co-operation and awareness in the field of human rights law.

Indeed, as of 31.12.2021, Türkiye ranked 2nd out of 47 CoE Member States with respect to pending applications allocated to a judicial formation at the European Court of Human Rights (ECtHR), coming 2nd only after Russia, and representing a total 15,250 pending applications. In 2021, there were also 76 ECtHR judgments which found a violation of the European Convention on Human Rights in Türkiye, most often concerning freedom of expression (31 cases), the right to liberty and security (29 cases) and the right to a fair trial (22 cases).

Over the past years, the ECtHR has identified many issues requiring improvement in relation to procedural guarantees in criminal proceedings and, more generally, ensuring a better functioning of the justice system, which the present project had been aiming to address. From a policy perspective, the Turkish Government adopted a Judicial Reform Strategy (2019-2023), including an Action Plan to enhance the efficiency of the criminal justice system (aim 7) and to increase the quality and the quantity of human resources (aim 3) forming part of the criminal justice system in Türkiye. The Turkish Government also adopted an Action Plan for Human Rights, which seeks to address challenges pertaining to, *inter alia*, pre-trial detention and the reasoning of judgements.

Within this context, the CoE is looking for a Provider to deliver a final evaluation of the Project’s concrete results, summarised as follows:

- The institutional capacity of the Turkish judiciary and other authorities to deliver criminal justice in line with the ECHR standards is strengthened.

- The knowledge and skills of Turkish legal professionals to apply European human rights in the field of criminal justice is enhanced.
- Co-operation and awareness among relevant national institutions and enabling access to criminal justice for all citizens is improved.

To achieve these results, the Project's core activities were structured as a combination of:

- A needs assessment mission to identify the training needs and main challenges that the Turkish judiciary has been facing in implementing laws, strategies, and action plans to prevent ECHR violations in the field of criminal law.
- A launching conference to raise awareness about the Action, its expected results, and planned activities. A closing conference to inform the public about Project achievements.
- Working group meetings bringing together CoE experts with Turkish stakeholders to ensure ownership and oversee the development of project outputs such as manuals, guidelines, training modules and tools to assess the impact of pre-service and in-service training seminars.
- Training activities in the fields of procedural safeguards, cybercrime and the financing of terrorism to transfer knowledge and skills to Turkish judges and prosecutors, through training-of-trainers (ToT) seminars and the establishment of a pool of trainers, followed by 'cascade training' seminars and the implementation of online courses using the CoE Human Rights Education for Legal Professionals (HELP) platform.
- Placements to allow Turkish judges and prosecutors as well as trainers of the Justice Academy of Türkiye to deepen their knowledge of the work of relevant CoE Departments and to get acquainted with best practices used in EU countries' criminal justice systems.
- Study visits to EU member States and CoE Headquarters including the ECtHR, in order to provide Turkish trainers, judges and prosecutors with an opportunity to acquire practical knowledge of investigation techniques for specific offences, and to establish interpersonal connections with counterparts in other countries.
- Seminars and other events to raise awareness, to ensure better coordination, and to facilitate a discussion of challenges and possible improvements concerning specific aspects of the functioning of the Turkish criminal justice system, including:
 - Regional roundtable meetings to exchange views on the effective implementation of European human rights standards in relation to procedural safeguards, cybercrime and the financing of terrorism.
 - International roundtable meetings to share examples of good practices used in Türkiye and other CoE member States with regards to the implementation of European human rights standards in the fields of procedural safeguards, cybercrime and the financing of terrorism.
 - Co-ordination meetings to strengthen cooperation and awareness among relevant national institutions on issues pertaining to cybercrime, terrorism, and procedural safeguards in criminal matters.
 - Open court day events to inform citizens about their rights in relation to the functioning of the criminal justice system.

- An e-library, using automation and databases/ e-books for the Justice Academy of Türkiye, and the dissemination of a range of publications in Turkish, in order to provide broad access to materials developed under the project and to inform Turkish citizens about their rights as protected by the ECtHR and Turkish high courts within the scope of criminal justice.

Since March 2020, the global COVID-19 pandemic has been affecting the project's implementation, causing delays in the initial timeline. The project's end beneficiaries, the Ministry of Justice Directorate General for Criminal Affairs and the Justice Academy of Türkiye, took various restrictive measures and most of the planned in-person activities were postponed. Nevertheless, the project team was able to quickly adapt and manage risks by adjusting its methodology and concentrating on assessments, reviews, and support through desk work and video-conferencing whenever possible.

Purpose, Scope and Objectives

As the project is nearing its end, the purpose of this final end-of-project evaluation is to review progress and to identify lessons for future similar projects, in accordance with the funding agreement signed with the EU. Accordingly, the objectives of the final evaluation are:

- To provide a detailed assessment of progress with regards to the Project's objectives and indicators of achievement.
- To reflect on strengths and weaknesses in the Action's design which may have affected the measurement of success.
- To assess the relevance and added value of the CoE with regards to the implementation of the Action.
- To assess the effectiveness, efficiency, results, and sustainability of the Action.
- To formulate recommendations to all partners for sustaining the results achieved by the Action, including through follow-up interventions.

Intended users of the evaluation are:

- The European Union, including the Delegation of the European Union to Turkey (EUD)
- CoE management in general, and the DGI Co-operation Programmes Division in particular
- The Directorate General for International Relations and European Union Affairs of the Turkish Ministry of Justice (MoJ)
- The Directorate General for Criminal Affairs of the Turkish Ministry of Justice (MoJ)
- The Justice Academy of Türkiye (JAT)
- The Central Finance and Contracts Unit (CFCU).

The evaluation shall cover all activities carried out under the Action from the beginning until its end. It should adopt a human rights-based approach and a gender-responsive methodology and comply with the CoE Evaluation Guidelines.

Proposed evaluation questions

The evaluation should provide answers to the following questions:

Relevance

- ✓ To what extent has the Action addressed needs of target groups in relation to the projects' thematic areas?

Added Value

- ✓ Has there been a substantial added value in the CoE implementing this Project when compared with activities carried out by other international organisations in this field or compared to non-intervention?

Effectiveness

- ✓ To what extent has the Action achieved its expected results? What have been the reasons for achievement or lack thereof?
- ✓ To what extent have adjustments during the implementation phase contributed to reaching better results, especially considering the COVID 19 pandemic?
- ✓ To what extent has the Project contributed to gender equality?

Efficiency

- ✓ To what extent could alternative working methods have led to the achievement of more qualitative or cost-effective results?
- ✓ To what extent has the Council of Europe's organisational structure, managerial support and coordination mechanisms effectively supported the delivery of the outputs?

Potential Impact and Sustainability

- ✓ To what extent has the Action contributed to strengthen the Turkish judiciary and to render it more efficient, effective, and visible?
- ✓ What changes have occurred among target groups as a result of the Project's activities, particularly in connection with the Council of Europe's standards? Has there been any negative or unintended effect of the Action?
- ✓ To what extent has the Action been supported and owned by institutional project partners and stakeholders?
- ✓ What is the likelihood that the benefits from the intervention will be maintained in the mid-term (3-5 years) after the project ends? What would be required to increase the sustainability of results?

Proposed methodology

To answer the above evaluation questions, a mixed-methods approach will be used, entailing:

- Desk research and review of project documentation, including the Project's inception report,

progress reports, Results Oriented Monitoring (ROM) reports, expert or meeting reports, activity reports, any training assessment report, guides, training modules and material.

- An online survey completed by Turkish judges, prosecutors, lawyers, trainers of the Justice Academy of Türkiye and individual experts who took part in the project's activities (target: 250-300 survey recipients), as well as relevant NGO representatives.
- In-depth semi-structured interviews (involving a minimum of 30 interviewees in total, with a possibility to hold such interviews in small groups of approximately 4 persons), involving the following:
 - The CoE project team in Ankara and in Strasbourg
 - Consultants and experts who worked on the project
 - Representatives of the Directorate General for Criminal Affairs of the Turkish Ministry of Justice (MoJ)
 - Representatives of the Directorate General for International Relations and European Union Affairs of the Turkish Ministry of Justice (MoJ)
 - Representatives of the Human Rights Department of the Turkish Ministry of Justice (MoJ)
 - Representatives of the Justice Academy of Türkiye (JAT)
 - Representatives of the Central Finance and Contracts Unit (CFCU)
 - Prosecutors working within Cybercrime Bureaus
 - Experts working within the Financial Crimes Investigation Board (MASAK)
 - Representatives of the Information Technology and Communication Authority (BTK)
 - Representatives of the Turkish National Police (TNP)
 - Lawyers from the Union of Turkish Bar Association (UTBA) Human Rights Centers
 - Lawyers from selected local bar associations
 - Representatives of relevant non-governmental organisations (NGOs).

The precise evaluation approach is to be defined by the Service Provider in a methodological brief (max. 5 pages), which may reformulate or propose additional evaluation questions as necessary. The evaluation should use a gender-responsive methodology and comply with the CoE Evaluation Guidelines.

The Draft and Final Evaluation Reports shall include:

- An executive summary (max. 2 pages)
- An introduction, including the purpose and scope of the evaluation; a description of the intervention; a presentation of the evaluation methodology including its limitations; a description of difficulties encountered during the evaluation if any
- Analysis and main findings of the evaluation, including good practices
- A summary of lessons learned
- Conclusions and recommendations
- Annexes, including the list of people interviewed, data collection instruments, the list of documents reviewed, etc.

The Final Evaluation Report shall be produced in a reader-friendly format illustrating the correlation between findings, conclusions, and recommendations. It shall also fulfil the Quality Assurance Checklist provided in Annex 15 of the CoE Evaluation Guidelines.

Timeline and submission of methodological briefs and financial proposals

By 16th December 2022, the Service Provider shall confirm his/her interest and submit:

- A financial proposal, where prices are stated in Euros, and the amount of VAT is indicated separately. The proposed budget shall include a breakdown of the costs per deliverable, including travel costs.
- A methodological brief (max. 5 pages) outlining how s/he will approach this evaluation and proposing a work plan and calendar.

The actual evaluation may take place from 2nd January to 10th March 2023. Possible changes in dates might occur if a project extension is confirmed.

Logistical arrangements

The consultant(s) will be responsible for the dissemination of any questionnaires and surveys, the organisation of his/ her travels, and for covering any costs related to office space, administrative support, telecommunications, or printing of documents for the entire duration of the evaluation process.

The evaluation will be facilitated by the CoE Co-operation Programmes Division (DGI), which will provide the consultant(s) with all documentation related to the project, assist with the scheduling of online interviews or meetings, and organise and bear costs related to the translation of documents and interpretation during official meetings.