

Final evaluation report:

Final Evaluation of the project '*Promoting Alternative Dispute Resolution (ADR) in Turkey*'

Prepared for: Department for the Implementation of Human Rights, Justice and Legal Co-operation Standards
DGI - Directorate General of Human Rights and Rule of Law, Council of Europe

Reference: Framework Contract 2021/FC/01 - PO 811211

Date: 28 August 2024

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List of abbreviations

ADR	Alternative Dispute Resolution
CFCU	Central Finance and Contracts Unit
CoE	Council of Europe
DGCA	Directorate General for Criminal Affairs of the Ministry of Justice of Türkiye
DGLA	Directorate General for Legal Affairs of the Ministry of Justice of Türkiye
DoA	Description of the Action
EU	European Union
MoJ	Ministry of Justice of Türkiye
OECD	Organization for Economic Cooperation and Development
SC	Steering Committee
Sida	Swedish International Development Cooperation Agency
ToC	Theory of Change
ToT	Training of trainers
ToR	Terms of Reference

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Executive summary

This summary briefly presents the main **findings, conclusions** and **recommendations**.

- I. The CoE contracted the independent evaluation firm Blomeyer & Sanz on 2 May 2024 to conduct this evaluation throughout the months May to August 2024.
- II. A mostly qualitative question-based evaluation approach was adopted, focusing on the evaluation criteria of the Organisation for Economic Cooperation and Development (OECD), namely, relevance, effectiveness, efficiency, and sustainability. Data collection involved desk research and semi-structured remote and in-person interviews. In total, over 40 stakeholders were consulted (see Annex 2).

Findings

Relevance

- III. The evaluation found the project to be mostly relevant to wider needs in Türkiye in the area of justice, namely, reducing the workload of courts and improving access to justice. The project additionally aligns with needs as identified by the European Union progress reports on accession, especially concerning the need to address backlog in Turkish courts. Moreover, project trainings address capacity development needs, and in some cases, were the first trainings that justice professionals had received in years. Relevance benefitted from the project team's inclusive approach and inclusion of well-qualified national and international experts.

Effectiveness

- IV. The evaluation also found the project to be implemented in a mostly effective manner, with some key challenges hindering effectiveness. Indicator design presented a challenge in assessing the project's effectiveness, with stakeholders interviewed noting problems with the project indicators' clarity and applicability. However, on the basis of interview feedback, the project produced very positive development, primarily in the areas of awareness raising, knowledge production, and capacity building. Project seminars and knowledge production were particularly successful in creating awareness of conciliation and mediation practices. Refresher training activities were also praised by stakeholders as a very useful capacity building activity. Effective communication and high-quality activities enhanced effectiveness, while unexpected events such as the Covid-19 pandemic and natural disasters hindered it.

Efficiency

- V. This evaluation has found that the project is being carried out in an efficient manner. One effort undertaken to ensure efficiency was the implementation of the project in

an intentionally close cooperation with the Ministry of Justice (MoJ) during the first year of the project. Reported budgetary changes have been mostly minor, with some stemming from changes to activity format due to Covid-19. According to project documentation, more resources were dedicated to efforts for publications, working days for local and national consultants, and visibility efforts than was initially budgeted. Considering areas for improvement in efficient project implementation, some stakeholders noted inefficient uses of time and planning in the early months of the project.

Sustainability

- VI. Finally, this evaluation has found considerable evidence for the short-, medium-, and long-term sustainability of project results. Close collaboration with the MoJ was set up in order to support project sustainability through institutional ownership of results. Meetings were also attended by many key stakeholder groups, highlighting their close collaboration on the project. The MoJ's ownership of online training modules promotes their future use, while several third parties have already printed training booklets used by the project. Stakeholders found project trainings, particularly the 'training of trainers' element, valuable in ensuring sustainability of results, and they are also highlighted as a key factor in promoting further sustainability. Broadening the project scope to other regions in Türkiye could be another necessary step toward promoting project sustainability. Legal barriers encountered during implementation could hinder further project sustainability.

Conclusions, lessons learnt and recommendations

- VII. Having noted the main evaluation findings, this evaluation concludes that the project has made important contributions in terms of the short-term and medium-term outcomes. Indeed, there is strong evidence of positive developments in the areas of awareness raising, knowledge production, and capacity building. Effective communication, careful selection of participants/stakeholders, and high levels of stakeholder ownership have supported project progress; while delays have emerged from the Covid-19 pandemic and natural disasters, alongside other systemic barriers. Some stakeholders have also suggested dividing the project into two separate projects respectively focuses on conciliation and mediation. Recommendations on the project's future focus on additional trainings, additional stakeholder groups to include, prioritisation of in-person trainings, budgetary categories, improvements to indicators, and better mainstreaming of gender and human rights perspectives.

1. Introduction

1. This section introduces the evaluation report for the final evaluation of the project **"Promoting Alternative Dispute Resolution (ADR) in Turkey"** (referred to in this report as 'the project'). The project is implemented by the Council of Europe (CoE). The section briefly comments on the evaluation scope and objectives (Section 1.1), the methodology, including constraints experienced in the course of the evaluation (1.2) and the structure of this report (1.3).

1.1. Evaluation scope and objectives

2. The CoE contracted the independent evaluation firm Blomeyer & Sanz on 2 May 2024 to conduct this evaluation throughout the months May to August 2024.¹
3. The project has been implemented over the course of approximately 45 months, from December 2020 until October 2024. The original project duration was 36 months, with an additional nine-month extension added. The total project budget is EUR 4 million, with EUR 3.6 million contributed by the European Union and the remaining EUR 0.4 million contributed by the CoE.
4. The Description of Action (DoA) and Terms of Reference (ToR) present the project's overall objective as follows: *'to improve the effectiveness of the justice system and access to justice by providing a faster dispute resolution for the citizens, businesses, legal persons and other organisations and institutions at large'*. With the aim of achieving this objective, the project comprises of three mutually reinforcing specific objectives:
 - 'To enhance the scope and application of conciliation and to implement it effectively, by ensuring that the rights of minors, victims and offenders are protected, and the skills and professionalism of the Directorate General for Criminal Affairs (DGCA) staff, as well as conciliators, legal professionals and conciliation prosecutors are strengthened.
 - To enlarge the scope of mediation and arbitration as well as to increase the use and scope of mediation and arbitration in civil law by enhancing the capacity and qualifications of the Directorate General for Legal Affairs (DGLA)

¹ The evaluation team comprises two experts, Roland Blomeyer and Firuzan Silahsor.

staff, as well as mediators, legal professionals and judiciary, for a consistent and efficient mediation and commercial dispute resolution.

- To enhance the capacity of the Ministry of Justice and the staff of the relevant Departments in strategic and policy development of ADR mechanisms, including and issues pertinent to the design, management and financing of its services.'
5. The Ministry of Justice of Türkiye (MoJ) is both the primary project partner and beneficiary. The project's end beneficiaries include the DGCA and DGLA within the MoJ. Additional beneficiaries of the project include conciliators, mediators, legal professionals, judiciary, and conciliation prosecutors.
6. The ToR present the objectives of the evaluation as follows:
- *'To assess the progress against the objectives and indicators of achievement at the end of the Project and recommendations to all partners for sustaining the results achieved by the Action and better implementation of future similar projects;*
 - *To assess relevance and added value of the Council of Europe in connection with the implementation of the Action;*
 - *To assess the effectiveness, efficiency, and sustainability of the Project;*
 - *To identify lessons learnt that could be of use for future interventions in the thematic area or the organisation as a whole; and*
 - *To provide directions/recommendations for the further implementation of the Action (i.e., any follow-up project/intervention).'*
7. Considering these evaluation objectives, the evaluation is both 'summative' and 'formative':
- **Summative evaluation:** The summative view aims to assess the performance of the project by reviewing outcomes against expectations. The focus is on understanding what has been achieved and why (facilitating factors / constraints).
 - **Formative evaluation:** The formative perspective aims to enhance performance with a view to the future. Here, the focus is on developing pragmatic recommendations to help stakeholders to improve the design and implementation of future activities.

1.2. Methodology

8. The ToR for this evaluation presents detail on the methodology, a **mostly qualitative question-based evaluation**,² focusing on the evaluation criteria of the Organisation for Economic Cooperation and Development (OECD), namely, relevance, effectiveness, efficiency, and sustainability. Section 2.2.1 presents the Theory of Change (ToC) that guided the evaluation, and Annex 1 notes the corresponding overarching evaluation questions. Data collection involved desk research and semi-structured remote and in-person interviews. In total, over 40 stakeholders were consulted (see Annex 2).
9. The evaluation experienced a few **minor challenges**. Data collection in the form of interviews was constrained by the large majority of interviewees having limited availability in June 2024. This was mitigated by sending multiple reminders / flexibly re-scheduling interviews, but this necessitated allocating substantial additional resources to data collection, with interviews conducted throughout June and July 2024.

1.3. Report structure

10. The evaluation report is organised in three main sections with three additional annexes, namely:
 - this Introduction (section 1), including detail on the evaluation scope and objectives, methodology and report structure;
 - the Findings (section 2), presenting findings per evaluation criterion, i.e., relevance, effectiveness, efficiency and sustainability;
 - the Conclusions, Lessons Learnt and Recommendations (section 3);
 - Finally, Annex 1 includes the evaluation matrix; Annex 2 lists the stakeholder consultations; Annex 3 presents an assessment of the project indicators.

² Stufflebeam, D. (2002) 'Evaluation models' in New Directions for Evaluation, 7-98.

2. Findings

11. This section presents the main evaluation findings. The presentation of findings is organised by evaluation criterion (as defined by the OECD), i.e.:

- **Relevance:** 'The extent to which the intervention objectives and design respond to beneficiaries, global, country, and partner/institution needs, policies, and priorities, and continue to do so if circumstances change' (2.1)
- **Effectiveness:** 'The extent to which the intervention achieved, or is expected to achieve, its objectives, and its results, including any differential results across groups' (2.2)
- **Efficiency:** 'The extent to which the intervention delivers, or is likely to deliver, results in an economic and timely way' (2.3)
- **Sustainability:** 'The extent to which the net benefits of the intervention continue, or are likely to continue'. (2.4)

2.1. Relevance

2.1.1. To what extent did the planned activities reflect the project objectives and the needs of Türkiye?

12. At a higher level, the project activities were clearly relevant to wider country needs in the area of justice, namely, reducing the workload of courts and improving access to justice.

13. The project aligns with needs as identified by the European Union progress reports on accession. Within the European Commission progress reports on accession from 2020-2023³, several needs related to efficiency were identified within the scope of analysis of progress towards Chapter 23 (Judiciary and fundamental rights) of the EU Acquis. Such concerns include:

- Time pressures and human resource constraints: Progress reports from 2020-2023 note that the judiciary in Türkiye faces "severe pressure to handle cases in a timely manner" (Türkiye 2020, 2021, 2022 Reports, p. 25, 24, 27, respectively) due in part to the effects of large-scale dismissals. Human

³ The needs and data presented below are sourced from section 2.2.1 Chapter 23: Judiciary and fundamental rights, sub-section on efficiency (pp. 24-28) from the 2020, 2021, 2022, and 2023 Türkiye Reports prepared by the European Commission.

resources issues were cited a factor in the ongoing issue of backlog of cases. Delays and postponement of cases, especially in criminal cases, were underlined as also violating the rights of arrested defendants who are awaiting trial (Türkiye 2022, 2023 Reports). Therefore, the reports underscore a need to increase both human resource quality and quantity.

- Qualification of court experts: The 2020 report states that there are ongoing concerns in Türkiye regarding the sufficient qualification of court experts, which in turn affects the judges' verdicts that are based on the conclusions of the expert reports. These concerns highlight potential capacity building and knowledge building needs.
- Number of judges and prosecutors: Both the 2020 and 2021 reports find that the number of judges and the number of prosecutors per inhabitants in Türkiye remains below the European average, which could further underscore capacity needs in the judiciary.⁴

14. The 2020 report includes specific mention of efforts to increase and promote alternative dispute resolution (ADR) and conciliation specifically in order to reduce judicial burden. In this light, the report states that there was a slight increase in the number of cases resolved by conciliation in 2019 compared to 2018.

15. The tables below illustrate the development of the backlog of cases in high courts and the regional court of appeals in Türkiye from the reporting period of 2020-2023. Overall, backlog of cases has decreased in all three high courts for which data was presented in the European Commission progress reports⁵, but the number of pending cases remains significant. For the regional court of appeals, the number of cases transferred to the following year was greater in 2021 than 2020, which could indicate an ongoing need to reduce burden for judges in this court.

⁴ The 2020 report states that, as of December 2019, there were 17.4 judges and 8.2 prosecutors per 100,000 inhabitants, while the 2021 report states that this ratio slightly increased as of April 2021 to 19.7 judges and 8.6 prosecutors per 100,000 inhabitants. The European average was cited in both reports as 21 judges and 11 prosecutors per 100,000 inhabitants.

⁵ The data in the tables are based on the 2020, 2021, 2022 and 2023 Reports for Türkiye prepared by the European Commission. Inconsistencies in the reporting of data across each year should be considered in review of the tables, e.g. for cases in the Court of Cassation, the 2020 report does not disaggregate by criminal and administrative cases, and the 2021 report does not report the number of cases transferred at the end of the year for the Council of State nor for the Court of Cassation. The number of cases transferred at the end of the year in the regional court of appeals were only reported in the 2022 and 2023 reports (e.g. number of cases transferred from 2020 and 2021).

Table 1 - Development of backlog cases in Constitutional Court (2020-2023)

Date	Number of pending cases	Source
October 2019	47,022	Turkey 2020 Report
June 2020	36,265	Turkey 2021 Report
June 2021	43,372	Turkey 2021 Report

Table 2 - Development of backlog cases in Council of State (2020-2023)

Date	Number of pending cases / cases transferred to following year	Source
December 2019	146,495	Turkey 2020 Report
December 2020	134,284	Turkey 2022 Report
December 2021	128,961	Türkiye 2022 Report
December 2022	120,773	Türkiye 2023 Report

Table 3 - Development of backlog cases in the Court of Cassation (2020-2023)

Date	Number of pending cases / cases transferred to following year (total, e.g. criminal and administrative cases)	Source
December 2019	397,207	Turkey 2020 Report
December 2020	353,772	Türkiye 2022 Report
December 2021	373,362	Türkiye 2022 Report
December 2022	357,333	Türkiye 2023 Report

Table 4 - Development of backlog cases in the regional court of appeals (2020-2023)

Date	Number cases transferred to following year (total, e.g. criminal and administrative cases)	Source
December 2020	745,416	Türkiye 2022 Report
December 2021	809,989	Türkiye 2023 Report

16. In this context, the project is indeed in alignment with the needs illustrated in the 2020-2023 European Commission reports, specifically as concerns the needs to reduce the backlog in courts and human resource quality constraints by promoting ADR and capacity building initiatives for legal professionals and other actors in the judiciary in Türkiye.
17. Training materials clearly addressed needs, both through the content of training materials and their format. Moreover, the delivery of training sessions addressed needs in terms of capacity development, with some stakeholders noting that they had not participated in any training since 2018, when the CoE had implemented a project on mediation (supported by the Swedish International Development Cooperation Agency, Sida). In more general terms, stakeholders regarded the project as a 'natural' continuation of the Sida project.
18. Relevance benefited from the project team's participatory and inclusive approach to project design and implementation, i.e., taking on board recommendations by project stakeholders on the contents of training materials; organising training events to respond to changes in the wider framework (e.g., seminar on mediation in the context of joint ownership cases).
19. Moreover, relevance benefited from the CoE's systematic approach to preparing for project activities, e.g., conducting training needs analysis prior to developing training contents.
20. Relevance also benefited from the involvement of well qualified national and international experts. For example, national experts brought expertise from previous experience of working with the MoJ to the project team; trainers involved academics and practitioners in their trainings, etc. Relevance also benefited from the quality of the CoE project team.
21. Relevance of capacity development in the area of conciliation could have been further strengthened by also including Conciliation Bureau staff, judges and prosecutors, however, this was beyond the scope of the project.
22. Some stakeholders found that the project had failed to address their needs, namely the Istanbul Arbitration Center. The Center noted that despite their participation in the project's Steering Committee, their views on needs in the area of arbitration were not followed up on by the project. Similarly, stakeholders noted that the project had not addressed the needs of private mediation centers.

2.1.2. To what extent was the Project ownership by institutional project partners ensured?

23. Stakeholders coincided in their view that the MoJ demonstrated strong ownership. MoJ ownership was indicated by the MoJ leading the project steering function

(senior-level participation in the project's Steering Committee) and allocating human resources to work on project activities.

2.2. Effectiveness

2.2.1. Introduction to the assessment of effectiveness

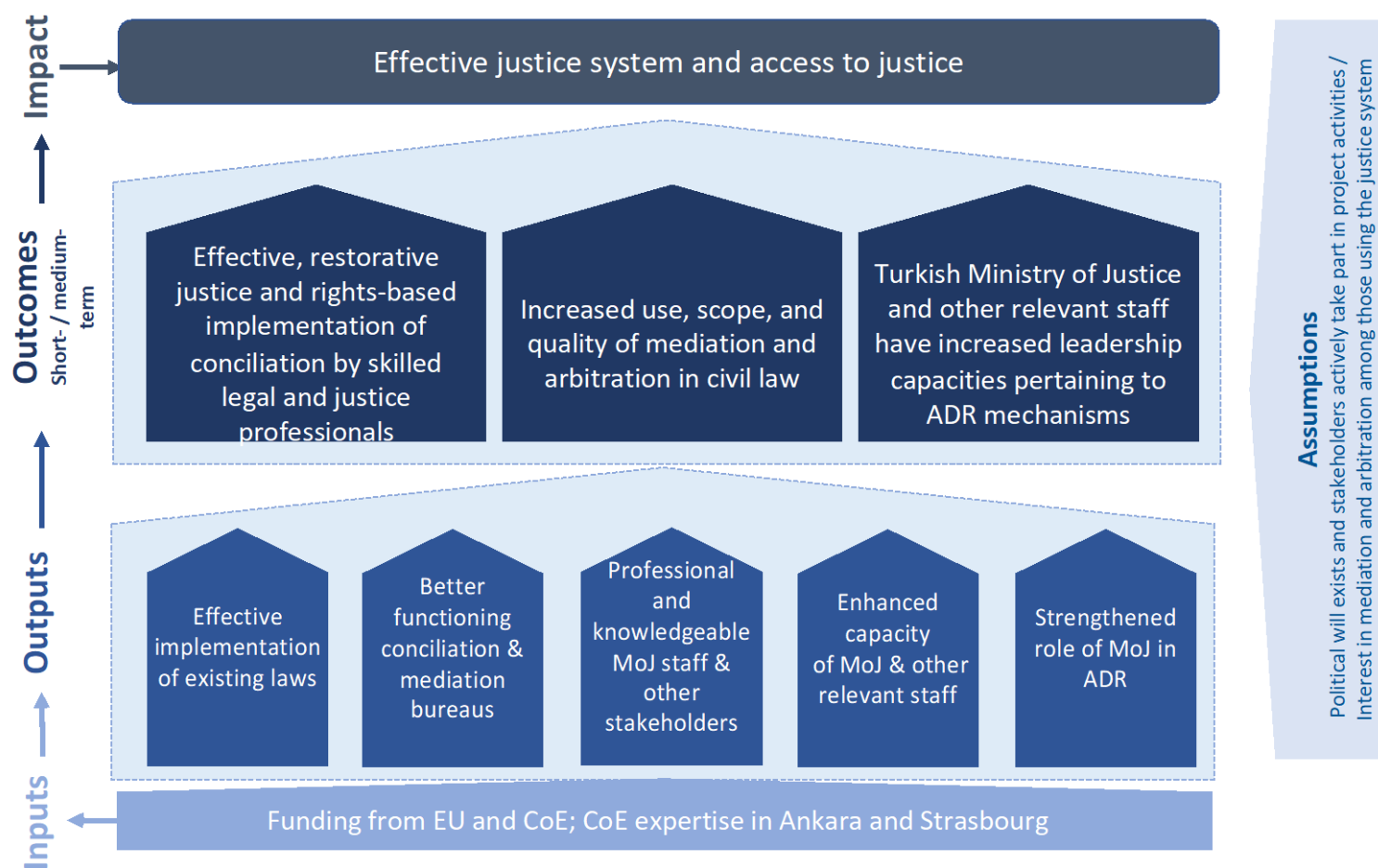
24. This section starts with a brief recapitulation of the ToC of the project, which was discussed in more detail in the concept note for this evaluation. The ToC draws on the project's DoA and the ToR.

25. The DoA and ToR present the overall objective as follows: *'to improve the effectiveness of the justice system and access to justice by providing a faster dispute resolution for the citizens, businesses, legal persons and other organisations and institutions at large'*. With the aim of achieving this objective, the project comprises of three mutually reinforcing specific objectives:

- *'To enhance the scope and application of the conciliation and to implement it effectively, by ensuring that the rights of minors, victims and offenders are protected, and skills and professionalisms of the Directorate General for Criminal Affairs (DGCA) staff, as well as conciliators, legal professionals and conciliation prosecutors are strengthened.'*
- *To enlarge the scope of mediation and arbitration as well as to increase the use and scope of mediation and arbitration in civil law by enhancing the capacity and qualifications of the Directorate General for Legal Affairs (DGLA) staff, as well as mediators, legal professionals and judiciary, for a consistent and efficient mediation and commercial dispute resolution.*
- *To enhance the capacity of the Ministry of Justice and the staff of the relevant Departments in strategic and policy development of ADR mechanisms, including and issues pertinent to the design, management and financing of its services.'*

26. The evaluation fully confirms the validity of the ToC. Figure 1 shows the ToC.

Figure 1 - Theory of change



2.2.2. To what extent has the project achieved its expected results? What have been reasons for achievement and lack thereof?

Achievements

27. Overall, expected results for Specific Outcome 1⁶ appear to have been mostly achieved (particularly in terms of capacity development in conciliation training), although stakeholders discussed some factors enabling and restraining the achievement of these results. There were challenges in indicator design that somewhat limited the clear measurement of progress achieved. In terms of integrating gender and human rights in project design and implementation, some efforts have been made (e.g. some sex-disaggregated data, gender balance in activities), but this area could be strengthened in future interventions.
28. Concerning project indicators for Specific Outcome 1, it appears that the results are mixed. One indicator target is clearly met (a pool of 132 new trainers, including 102 trainers for basic conciliation and 30 trainers for specialised conciliators is now available to deliver conciliation training at the accredited training institutions) while one appears not (targets not met for percentage increase in the number of cases referred to conciliation and number of cases ending with settlement from 2020 to 2023). The four other indicators have unclear measurements and/or data on progress.
29. Turning to Specific Outcome 2,⁷ there are ten indicators aligned with the project's second outcome. Six of the ten are aligned with the outcome itself, while the remaining four are aligned with Output 2.⁸ Of the six indicators aligned with Outcome 2, it is not fully clear whether five of them have been achieved due to the previously discussed design of the logframe. All five indicators are listed in the same cell (table format), and the wording for their associated data does not clearly align with any of the five indicators. Therefore, it is challenging to determine to what extent these indicators have been achieved. The sixth indicator aligned with Outcome 2 (# of certified trainer-mediators, disaggregated by sex) has been achieved in part. The desired endline target of 150 additional trainer-

⁶ To enhance the scope and application of the conciliation and to implement it effectively, by ensuring that the rights of minors, victims and offenders are protected, and skills and professionalisms of the DGCA staff, as well as conciliators, legal professionals and conciliation prosecutors are strengthened

⁷ To enlarge the scope of mediation and arbitration as well as to increase the use and scope of mediation and arbitration in civil law by enhancing the capacity and qualifications of the DGLA staff, as well as mediators, legal professionals and judiciary, for a consistent, efficient mediation and commercial dispute resolution

⁸ Use and quality of mediation and arbitration is enhanced through strengthening capacities of relevant professionals and institutions

mediators has been met (a pool of 300 specialised trainer-mediators, qualified in advanced mediation techniques, has been created), but the most recent data provided in the logframe is not disaggregated by sex. Only once this data is disaggregated by sex can it be determined whether this indicator has been fully achieved.

30. Of the four indicators aligned with Output 2, one⁹ has been achieved, one has been somewhat achieved, and two are not fully clear as to whether they have been achieved. The data for the indicator "New areas of mediation available for the litigants" lists multiple areas of mediation that have become available during the progress period, however the intended target of introducing family mediation is not among them. For this reason, the indicator is categorized as somewhat achieved. Among the two indicators with unclear levels of achievement, one¹⁰ had no data provided for it on the project logframe. The other (# of MoJ staff trained) lacked a clear quantification in its endline targets: while the logframe notes that all key staff "responsible for the ADR and mediation bureaux in pilot regions" will have been trained by the end of the project period, the number of staff that fall into this category is not noted. Therefore, it is impossible to determine whether the number of staff trained in this category at the end of project implementation achieves this indicator.
31. Finally, regarding Specific Outcome 3,¹¹ there are three indicators aligned with the project's third specific outcome; two of which are aligned with the outcome itself and one with Output 3. One of these indicators¹² has not been achieved, while two are not fully clear as to whether they have been achieved. The indicator "Inter-sectoral co-operation institutionalised" is considered unachieved because the most recent data provided states only that discussions about intersectoral cooperation have been held. Although this does represent progress on the indicator, it is considered unachieved because it does not suggest that said cooperation has been institutionalised as intended.
32. As for the two indicators with unclear achievement, one¹³ is categorised as unclear due to a lack of data provided on the logframe. The other indicator¹⁴ is unclear because although there is thorough data on progress provided on the

⁹ Increased demand for mediation

¹⁰ Increased awareness on arbitration

¹¹ To enhance the capacity of the MoJ and the staff of the relevant Departments in strategic and policy development of ADR mechanisms, including and issues pertinent to the design, management and financing of its services

¹² Inter-sectoral co-operation institutionalised

¹³ ADR development strategy and Action Plan, including gender-sensitivity measures. Sustainability of their implementation ensured by secured funding

¹⁴ Increased awareness on targeted ADR issues campaigned

logframe, the indicator itself lacks baseline data. Therefore, it is impossible to measure the indicator's progress without a baseline.

33. Stakeholders interviewed repeatedly discussed issues with the project indicators' clarity and applicability. Some indicators are not clear, and are not regularly updated, nor is progress towards their targets clearly presented in the log-frame. Other stakeholders observing the Steering Committee Meetings acknowledged that indicators are generally problematic, particularly in judiciary sector projects.
34. Moving on to the more qualitative assessment on the basis of interview feedback, the project produced very positive development primarily in the areas of awareness raising, knowledge production, and capacity building, as reflected in both the activity results presented across the three project reporting periods and in feedback provided from stakeholders consulted. Some examples of such developments are detailed in the paragraphs below.
35. In terms of awareness raising, project seminars on conciliation practices contributed to awareness raising for beneficiary groups such as public prosecutors. Additionally, one beneficiary from a university law faculty explained that the project results "contributed well to awareness in conciliation" and to the institutionalization of conciliation in Türkiye. Similarly, activities on mediation were considered effective in terms of enhancing awareness; stakeholders specifically referred to the effectiveness of the training interventions and the study visits on mediation.
36. There were also several examples of awareness raising in the area of knowledge production. Primarily, the Comparative Analysis Report (activity A.1.1) provided a compilation of best conciliation practices in Europe and recommendations to be applied to Türkiye. Also within A.1.1, the Needs Assessment submitted in September 2022 contributed to the definition of new models and mechanisms for strengthening the protection of minors' rights, developing juvenile-specific procedures and determining the types of actions for children in conciliation mechanisms.
37. Similarly, the Monitoring Report submitted in November 2022 presented an overview of the functioning of the conciliation mechanism in Türkiye (A.1.2). Project seminars provided general information on conciliation practices and, according to feedback from public prosecutor participants, led to discussion of issues and exchanging advice on solutions. Participants also shared that discussions were held regarding the pilot conciliation model, which were described as successful in three areas.
38. The examples of capacity building from Component 1, which were numerous, also reflected the project's focus on strengthening conciliators' capacities. Training modules were produced for Training of Trainers (ToT) (eight training modules for basic training of conciliators and four training modules for training of specialised conciliators), a training video was created, and several ToTs were conducted (five

in 2022, and one in April 2023). The second and third project progress reports underscore that there was, overall, a high level of satisfaction among the trainees in all ToTs and that their level of knowledge increased as a result of the training.

39. Refresher conciliation trainings were praised by beneficiaries (lawyers / conciliators) as “very positive”. Some beneficiaries highlighted increased success rates of conciliation and in solving problems faced during implementation (e.g. problems/limitations reported by trainers, including interview rooms, logistical issues, communication problems, bureau staffing problems, UYAP problems, obstacles with lawyers, etc) as key outcomes from these trainings.
40. Within Component 1, the provision of unified trainings in different provinces for the first time was also noted by beneficiaries (lawyers). Capacity building examples were also shared for the beneficiary group of prosecutors, judges, and bureau staff. In this light, beneficiaries shared that the seminars for these groups were helpful and that the feedback received was then implemented for system improvement, for example by making the notification process the responsibility of the bureau staff and by uploading the conciliator report to UYAP. In addition, the second progress report also described how the capacity building seminars for judges and prosecutors resulted in the development of the relevant bodies’ capacity to manage, monitor and increase professionalism in conciliation.
41. Reinforcing project relevance and positive outcomes in the area of conciliation, beneficiaries also felt that “conciliation was neglected when compared to mediation” and that the project helped to establish uniform practices in conciliation. Indeed, the project’s introduction of a specialized conciliator model in Türkiye was highlighted by one beneficiary as a sign of a successful outcome, with the training materials and programme developed through the project becoming standard and having planned implementation in 81 provinces around the country. In general terms, one of the Directorate Generals (Criminal Affairs) Ministry of Justice expressed general satisfaction with the project results and shared that they “highly benefited from the project in line with needs.”
42. Component 2 (training interventions / training of trainers) contributed to networking among mediators.
43. Activities under Component 2, e.g., the study visits to Italy and Spain, were also credited with ‘inspiring’ changes in the legal framework, however, by the time of this evaluation, the proposed legal changes were not in the public domain.
44. No unexpected outcomes were noted among the project progress reports nor among the data from stakeholder interviews.

Facilitating factors and obstacles

45. The inclusion of more beneficiary participants and linguistic assistants in field visits and on-sight monitoring visits (Component 1) was considered effective, with

the Language Assistant's attendance noted as especially necessary in eliminating the language barrier between the consultants and the participants in situations where the professional interpretation service could not be used (First Progress Report, Changes in Project for Component 1, p. 47).

46. Attention to the selection of participants (mediation training of trainers) was considered to have contributed to effectiveness. Moreover, under Component 2, effectiveness was explained with the involvement of lawyers in project activities.
47. The inclusion of video production for the general public (intended to be used as a public service announcement) was also cited as an action facilitating outcome achievements under Component 1; however, it should be noted that the results from the video and exact time of its broadcast are not clearly presented in the progress reports.
48. Other factors, including the quality of modules (e.g., well-designed, well-prepared) and guides for trainings (including refresher conciliation trainings), the careful and appropriate selection of participants (in terms of balancing participation of men and women and regional diversity in project activities and ToTs) and project stakeholders, and the selection of both academics and practitioners as trainers, were noted to have enabled effectiveness for Components 1 and 2. Contributions and clear explanations from international and national experts, as well as the competence and high quality of CoE experts in their fields, were also among supporting factors mentioned by stakeholders and activity participants.
49. Some beneficiaries who worked as public prosecutors noted greater effectiveness of conciliation in rural areas. Additionally, they stated that one key motivation to pursue conciliation is the absence of a criminal record.
50. Effective communication between CoE experts and conciliators and the use of joint work was significant in supporting outcome achievement, as were high levels of stakeholder support and ownership. For example, there was interest and active participation of CSOs, universities, and lawyers/mediators in project workshops and seminars. Specifically, the high level of commitment and cooperation from the MoJ was praised by the CoE project team.
51. Turning to obstacles, delays due to COVID-19 and natural disasters were significant barriers. During the second reporting period, the earthquake that occurred on 6 February 2023 affected activity implementation by causing suspension of all project activities until May 2023. The CoE project team expanded on these delays, explaining that COVID caused 3-5 months delay at the beginning of the project, and then more delays were subsequently caused by elections in Türkiye, the earthquake, striking of CoE staff and the issue of high staff turnover.
52. Differences between regions/provinces regarding implementation were cited as a key challenge by public prosecutors.

53. The low fees/financial constraints of conciliators were consistently shared as a concern from various beneficiary groups. Some also noted significant gaps in fee rates depending on if a settlement is reached or not.
54. The quality of conciliation and qualification of conciliators was also a concern in achieving positive progress in conciliation, with some beneficiaries stating the need for qualified conciliators with a legal background. Indeed, the high number of conciliators (particularly those with limited qualifications/legal knowledge) was considered to be an issue by several beneficiaries, with some explaining that conciliation risks the perception of being a secondary job performed by public staff, rather than legal graduates.
55. Interviewed beneficiaries also described some legal barriers that hinder conciliation work, such as the "Notification Law" in need of revision.
56. Other beneficiaries named technological barriers as a key challenge, with the observation that the current conciliation process is not technology-friendly and different means of correspondence, e.g. emails, WhatsApp, should be valid. Furthermore, some underscored the importance of an eventual integration to e-government in the face of logistical problems.

2.2.3. To what extent have gender and human rights approach been mainstreamed in project design and implementation?

57. Some examples of inclusion of the gender and human rights approach were present in project design; however, these remained somewhat limited. For example, a gender consultant carried out an analysis of the project's design, work plan and logical framework to ensure the appropriate consideration of gender-related issues in the organization of project activities. In the early stages of the project, a gender expert was also included in the development of the needs assessment and comparative analysis reports conducted within Activity 1.1. and the subsequent meetings (held in December 2021) to discuss recommendations developed for Türkiye (Component 1, First Progress Report, pp. 17-18).
58. There were also some examples of integration of these two approaches in project implementation, yet many shortcomings were also present. For instance, there are some examples of sex-disaggregated data collected, but the logical framework shows gaps and inconsistencies in such reporting (e.g., number of active conciliators was not sex-disaggregated, nor was the percentage of women conciliators trained by the end of the project). However, it should be noted that some of the figures were reported in a sex-disaggregated way in the project reports (e.g. the Third Progress Report disaggregates the total number of conciliators by women and men), but not in the logical framework.

59. It appears that the primary way that gender mainstreaming was included in project implementation was through the inclusion of a gender expert among the consultants who developed project materials / outputs.
60. Regarding gender mainstreaming during project development, the First and Second Progress Reports note the inclusion of the gender consultant in the development of the survey for monitoring the conciliation mechanism (A.1.2), as the consultant revised all questions from a gender perspective and gave suggestions for the collection of gender-sensitive data. Given that the survey was then used as the basis for the development of further instruments and the new pilot models for improving the implementation and application of the conciliation mechanisms in Türkiye, the inclusion of the gender consultant in this activity was significant, as it was realized at the outset of the project and affected subsequent activities.
61. Project reports also provide regular updates in each reporting period on equal opportunities and gender mainstreaming, citing the participation of women as project consultants and participants. The final progress report states that over half (60%) of the national and international consultants who have worked on the project to date are women and that the proportion of women participants in project activities and meetings was 60%. (Third Progress Report, p. 40). Indeed, it was noted in stakeholder interviews that the Ministry of Justice took care to balance participation between women and men in activities. A Gender Mainstreaming Strategy was also mentioned in each progress report, with a reference to the CoE's Transversal Programme on Gender Equality and Gender Equality Strategy (2018-2023).
62. The project reports highlight that the use of gender-sensitive language was ensured in visibility materials produced; however, it was clarified by the project's gender equality expert that the MoJ questioned the use of the word 'gender equality'. The CoE project team stated that the MoJ changes the gender equality verb in reports, highlighting ongoing political sensitivity to the topic of gender and challenges in ensuring gender-sensitivity and visibility in language.
63. Several stakeholders also pointed out that there was a special module for gender and human rights aspects in training (titled "Gender Equality, Diversity and Mediation"), but this was cancelled. Nonetheless, gender and human rights emphasis was highlighted as an important component of conciliation by the CoE project team (Component 1), and the team emphasised that the gender perspective is still included even without a specific gender module in the training content.
64. General concerns included lack of a gender equality perspective in the Turkish judicial system (e.g., issue of male domination across the judicial system and in representation as lawyers, judges, and prosecutors) and the challenge of legal professionals in Türkiye viewing gender equality as separate from the legal

discipline. Specific concerns in key areas, such as family court and family mediation were underscored as areas of high need for ensuring human rights and gender equality; in fact, one stakeholder felt that the area of family mediation was not at all appropriate for mediation given that, in a broader national context, Türkiye was not ready for such work in this area.

65. Participation of women CSOs was visible to some extent in project implementation. Women CSOs participated in an online meeting, with the gender consultant noting the discussion of problems and sharing of concerns, as well as the call for further study and formulation of solutions/practices.
66. Indeed, in ensuring the application of the human rights approach during implementation, CSO inclusion during project implementation was an important effort highlighted among each project progress report. Representatives from universities and various civil society groups were regularly invited to participate in field assessment visits, onsite monitoring visits, and roundtable and working group meetings (First, Second and Third Progress Reports, Section 4.2 Cross Cutting Issues). In the four Steering Committee Meetings analysed, an average of 22% participants were from civil society, including the Union of Turkish Bar Associations, universities, and Istanbul Arbitration Centre.¹⁵

2.3. Efficiency

2.3.1. To what extent could alternative working methods have led to the achievement of comparable or better results with fewer resources?

67. First, in terms of outlining the distribution of financial responsibility, the project's DoA outlines the CoE as the institution responsible for the use of the funds, while the Contracting Authority, the Central Finance and Contracts Unit (CFCU), is overall responsible for financial management, including payments of project activities. As such, the ultimate responsibility for correct use of funds is held by the CFCU.
68. Of the total budget provided for the action (EUR 4 million), 90% (EUR 3.6 million) of the financing requested is from the EU, while 10% (EUR 0.4 million) is from the CoE.¹⁶

¹⁵ The percentage was calculated based on information provided for the 3rd-6th project Steering Committee Meeting participations, as the meeting notes for these four meetings were shared for evaluation.

¹⁶ The figures for the total budget are calculated from the interim financial reporting covering the period from 17/12/2020 to 16/12/2023, e.g. all years of project implementation.

69. In examination of the use of financial resources, the amount spent and committed (e.g. not accounted for in CoE expenditure records) across the entire project period is EUR 3,315,587.38, representing 82.89% of the total budget for all years. The amount spent (e.g., accounted for in CoE expenditure records) in project implementation is EUR 3,036,920.53, representing 75.92% of the total budget for all years.¹⁷ Concerning the rate of financial resource expenditure, 77% of the total amount spent and committed was spent and committed in the two-year period of December 2020 – December 2022, while the remaining 23% was spent and committed during the one-year reporting period of December 2022 – December 2023.
70. Across the budget categories, there was underspending in most categories (in terms of the total percentage of the budget for all years that was actually spent and committed), except for the budget category of 'other costs, services', in which a total of 5.83% more was spent and committed. Actual spending and commitment across different budget categories (as a percentage of the total budgeted for each category) in different project periods and overall is shown below:¹⁸

¹⁷ The amounts and percentages are calculated from the interim financial reports covering the period from 17/12/2020 to 16/12/2023, e.g. all years of project implementation, and the period from 17/12/2020 to 16/12/2022. The reports provide the budget allocations (actual expenditure, amount spent and committed) across different expense categories, namely human resources, travel, equipment and supplies, local office, and other costs/services.

¹⁸ The figures for the table below are calculated from the interim financial reports covering the period from 17/12/2020 to 16/12/2023, e.g. all years of project implementation, and the period from 17/12/2020 to 16/12/2022.

Table 5 - Percentages of budget categories expenditure: amount spent and committed in the budget category divided by the total amount budgeted for the category

Budget category	Percentage spent and committed 2020-2022 (total amount spent and committed in the category 2020-2022 / budget all years for the category)	Percentage spent and committed in 2022-2023 (total amount spent and committed for the category in 2022-2023 / budget all years for the category)	Overall percentage spent and committed 2020-2023 (total amount spent and committed for the category 2020-2023 / budget all years for the category)
Human resources	45.48%	18.87%	64.35%
Local office	-	84.99%	84.99%
Other costs, services	77.43%	28.40%	105.83%
Travel	57.68%	12.12%	69.80%

71. In terms of categories in which the greatest proportions of the budget were allocated in the overall period from 2020-2023, over half (56.06%) was spent and committed on 'other costs, services', while a considerable proportion (36.44%) was spent and committed on human resources. Only 2.85% overall was spent and committed on the local office, and 4.65% was spent on travel.

72. Given the broadness of the category 'other costs, services' and that overall half of the total budget was spent and committed on expenses in this category, it could be beneficial to include more financial reporting on sub-allocations within this category, thereby facilitating the evaluation of resource allocations in greater detail. Categorisation of budget allocations by project component could have also been beneficial for analysis, especially since some stakeholders within the MoJ felt that more resources could have been allocated for conciliation, as this was the first such project implemented on this topic (compared to the other project components, e.g., the mediation department of the MoJ had previously implemented a project with the CoE).

73. The percentages spent across different budget categories during the project periods are displayed in the table below:¹⁹

¹⁹ The figures for the table below are calculated from the interim financial reports covering the period from 17/12/2020 to 16/12/2023, e.g. all years of project implementation, and the period from 17/12/2020 to 16/12/2022.

Table 6 - Percentages of budget spent across categories in budget periods (amount spent and committed in the category / total amount spent and committed for the period)

Budget period	Human resources	Local office	Other costs, services	Travel
2020-2022	36.47%	0%	58.09%	5.44%
2022-2023	36.36%	9.70%	51.19%	2.75%
2020-2023	36.44%	2.85%	56.06%	4.65%

74. One effort undertaken to ensure efficiency was the implementation of the project in an intentionally close cooperation with the MoJ (DGCA and DGLA) during the first year of the project. As explained in the first project progress report (covering December 2020 – December 2021), this close cooperation was conducted in order to encourage the most effective and efficient use of project financial and human resources.
75. The changes to the budget that are reported in project documentation appear mostly minor, with most consisting of changes in activity format (e.g., switching to online due to restrictions resulting from the COVID-19 pandemic) and slight alterations in terms of resources and consultant working days to meet the needs of the project, e.g., in terms of greater research, visibility, and interpretation services.
76. Further regarding budgetary changes, while the first progress report does not present any changes, the second progress report (covering December 2021 – December 2022) outlines a total of twelve changes across the lines of the budget. These changes mostly relate to a decrease in the number of units due to change in some activity formats (e.g., online due to the COVID-19 pandemic), an increase in units in some cases due to the emergence of new studies / research needs and huge number of reports and awareness-raising materials drafted, an increase in units to cover simultaneous interpretation needed for international consultants, and an increase in units to align with an increase in the number of visibility actions.
77. Similarly, the third progress report points to a few changes which were presented in the 7th, 8th, and 9th Management Meetings and the 4th, 6th, and 7th Steering Committee Meetings. Most these changes appear to be modifications to the length of events, switches to online formats, and revisions of consultant days. It could be valuable to note that while the number of days for international consultants was decreased (111 envisaged to 81 actual days), the number of days for local consultants and national consultants was increased (150 to 177 and 32 to 34, respectively). This increase could signify a greater value / need for the resources / work provided by the local and national consultants than the international consultants, although there could be other explanatory factors. Indeed, one stakeholder interview highlighted the value of the interaction between local and

international consultants in project activities as an important opportunity for mutual learning, so the inclusion of both consultant groups was validated.

78. Based on the project documentation (namely, the progress reports), it appears that more resources were dedicated to efforts for publications, working days for local and national consultants, and visibility efforts than was initially budgeted. Indeed, in an overview across the years of project implementation, more was spent and committed than what was originally budgeted on publications and visibility materials.²⁰ However, for studies and research, the amount spent and committed was less than the original amount budgeted (a 30% decrease).
79. Concerning areas for improvement in efficiency, some stakeholders pointed to inefficient uses of time and planning in the early months of the project, e.g., repetition of similar presentations to the same audience and need to schedule meetings with more consideration to lawyers-mediators' busy schedules, for example by making them online or held on weekends. In this sense, demonstrating a clear focus on lawyers as the target group was shared by project trainers as an important area for improvement, since capacity building among lawyers is key for efficient improvements to both the mediation and arbitration systems.
80. A repeated consideration among stakeholders concerning efficiency was that, since the project felt like two different projects (e.g. that the separate components of mediation and conciliation did not work together), the project would have been more efficient if it had indeed been implemented as two separate projects.

²⁰ Comparing the amount originally budgeted for all years to the amount spent and committed (in EUR) across all years of the project (calculated from the interim financial report covering the period from 17/12/2020 to 16/12/2023), there was a 30% increase in amount for publications and a 26% increase in amount for visibility materials.

2.4. Sustainability

2.4.1. To what extent can it be expected that the Ministry of Justice of Türkiye, the Council of Judges and Prosecutors, the Justice Academy of Türkiye, the Ankara, Istanbul and Izmir Chambers of Commerce Arbitration, the Istanbul Arbitration Centre, the Union of Chambers and Commodity Exchanges of Türkiye, the Union of Turkish Bar Associations, and the private mediation centres and associations will continue to use outcomes of the project?

81. In terms of arrangements to ensure sustainability (that activities / outcomes will continue beyond the end of the project), a few implementation arrangements were highlighted in the project design. For example, close cooperation with the MoJ in implementation was set up to support medium-/ long-term sustainability in improved access to justice, as well as arranging that the MoJ has ownership over project results and an obligation to ensure roll-out and national application of pilot-tested initiatives (DoA, Annex I, Section 1.6 Sustainability of the Action, p. 71). Multiple stakeholders interviewed also pointed to the ownership of the MoJ over the project results as a positive sign for sustainability prospects. Stakeholders for the MoJ reinforced this perception by adding that they have plans for enlarging the scope of conciliation (Component 1) after the project ends, based on the models learned from project study visits. One example of these plans concerns a conciliation model for children driven to crime in which children would participate in negotiation.
82. Indeed, the project design (as described in the DoA) details the close consultation and involvement of the MoJ and other relevant stakeholders in both the planning and implementation of project activities to ensure a strong ownership of the project's work. To do so, it is outlined that relevant stakeholders were to be "regularly informed and updated about the progress of the implementation of the project" (DoA, Annex I, Section 1.6 Sustainability of the Action, p. 71).
83. This close consultation and involvement of relevant stakeholders was indeed realized, as Management Meetings were held approximately every 2-4 months during project implementation. These meetings were attended by representatives from key stakeholder groups within the MoJ (e.g., DGCA, DGLA, and DG for Foreign Relations and EU Affairs), and the Delegation of the European Union to Türkiye. Indeed, the participant lists of the Management Meetings (MM) and Steering Committee (SC) Meetings demonstrate that a high proportion of representatives from the MoJ were included in each meeting (for which there is data shared for, from 2021-2024), as well as the regular inclusion of stakeholders from other beneficiary groups (e.g., universities, lawyers, arbitration centres) at the SC meetings, based on the notes from four meetings shared from June 2022 to December 2023. Percentage of different groups' participant in the MM and SC meetings are presented in the tables below:

Table 7 - Average percentage of participants in Management Meetings (Ministry of Justice, Council of Europe), based on data provided for the 3rd-4th and 6th-11th Management Meetings²¹

Organization/stakeholder group	Average percentage of participants (out of total number of MM participants)
Ministry of Justice (DGs for Criminal Affairs, Legal Affairs, and Foreign Relations and EU Affairs)	55%
Council of Europe	34%

Table 8 - Average percentage of participants in Steering Committee Meetings (Ministry of Justice, Council of Europe, civil society), based on data provided for the 3rd-6th Steering Committee Meetings²²

Organization/stakeholder group	Average percentage of participants (out of total number of SCM participants)
Ministry of Justice	31%
Council of Europe	26%
Civil society (Union of Turkish Bar Associations, Istanbul Arbitration Center, lawyers, universities)	22%

84. One example of high level of beneficiary involvement that would support medium-term sustainability is the MoJ's hosting of online training modules from the project. As detailed in project design, the "online modules foreseen under the project will be hosted by the MoJ also after the end of the project to ensure their sustainability even with wider accessibility and use in the future" (Description of Action, Annex I, Section 1.6 Sustainability of the Action, p. 71). While many stakeholders interviewed pointed to the online training modules as a positive

²¹ In the eight Management Meetings (MM) for which documentation was shared in English (e.g. excluding 1st and 2nd and 5th Management Meeting), the greatest proportion of participants were from the Council of Europe (CoE) and the Ministry of Justice (MoJ) – Directorate General (DG) for Legal Affairs. Compiling the Directorate Generals from the Ministry of Justice which were represented (DGs for Criminal Affairs, Legal Affairs, and Foreign Relations and EU Affairs), an average of 55% of meeting participants were from the MoJ. An average of 34% of participants were from the CoE. At least one representative was present from the Delegation of the EU to Turkey and the Central Finance and Contracts Unit were also present in the meetings analyzed.

²² In the four Steering Committee Meetings (SCM) analyzed (the meeting notes for the 3rd-6th SCMs were shared in English), similarly, the greatest proportion of meeting participants were consistently from the Ministry of Justice (an average of 31% of meeting participants) and the Council of Europe (an average of 26% of meeting participants). Representatives from civil society*, including the Union of Turkish Bar Associations, the Istanbul Arbitration Center, lawyers, and universities made up an average of 22% of the participants, demonstrating consistent civil society participation in the SCM meetings.

factor for sustainability, others (from the MoJ) underscored the need for ongoing support from the CoE, since there are concerns regarding the continuation of the online training platform after three years.

85. Furthermore, the selection of stakeholders was carried out with a view towards sustainability. The first progress report notes that the beneficiary institution and stakeholders selected held responsibility for co-ordination of inputs from their institutions, as well as internal activity organisation and co-ordination, which was done to encourage proper participation and representation from their respective institutions in the project activities and SC. This participation is also expected to support sustainability and wide dissemination of project results (First Progress Report, December 2020 – December 2021).
86. Another set up to support sustainability was the regular discussion of the sustainability of project results with beneficiaries during project management and SC meetings. These regular discussions with beneficiaries were carried out in order to ensure adequate resource allocation and encourage sustainability of results (Third Progress Report, December 2022-December 2023).
87. Several first signs towards sustainability of trainings conducted in the project were also evident in management and SC meetings. For example, in the 10th Management Meeting (February 2024), the CoE project manager described the project's positive progress and specifically, in thanks to the training materials prepared by the project, that the DGLA and the DGCA have carried out their own trainings. The project manager also highlighted another positive sign of sustainability as the fact that training books prepared by the project have been printed by several third parties (10th Management Meeting, February 2024).
88. Another positive sign is the sustainability of training opportunities and the training module, which was also discussed during the 10th Management Meeting. The CoE project manager shared that the Union of Turkish Bar Associations has a mediation training centre appointed by the MoJ. The CoE project manager also shared that the training material prepared in the scope of the project has been published as a separate book, after obtaining the permission necessary to do so.
89. The CoE project manager also pointed to positive progress in raising awareness through the project training, and subsequently through the capacity of those trained to then guide their clients ("due to the high number of new graduates, the more training they receive on this subject, the more useful they will be able to guide their clients") (10th Management Meeting).
90. Furthermore, the important role of the trainings conducted in the project in ensuring sustainability of results was repeatedly emphasised by stakeholders consulted, with many pointing to the ToT in particular and the value of the unified conciliator training programme developed.

91. A project extension of six months was also mentioned in the 6th Steering Committee Meeting Notes (December 2023). The Head of the CoE Programme Office in Ankara “underlined the importance of the forthcoming project extension and underlined that this extension is an important element in sustaining and maintaining the successful results achieved so far” (6th Steering Committee Meeting Notes). Additionally, a nine-month extension until September 2024 was received.

2.4.2. What is the likelihood that the benefits from the intervention will be maintained in the short-term (3-5 years) after the end of the Project? What would be required to ensure the sustainability of the results?

92. In order for activities / outcomes to be continued in the long-term (e.g. changes in institutional / legal arrangements), there are some key expectations. For instance, project beneficiaries are expected to incorporate methodology and experience into training programmes.

93. Another expectation highlighted in the DoA is that the “necessary legal framework to support the sustainability of the results will be put in place together with the beneficiaries and relevant stakeholders” (p. 71). In this area, stakeholders interviewed validated the overall alignment of relevant legislation with EU principles, but some areas of improvement are visible, as presented in the section below.

94. As mentioned above, strong ownership of the project by beneficiary departments, as well as their commitment to further increasing the application of the ADR is another important factor in the long-term continuation of activities and outcomes. (DoA, p. 71).

95. The availability of materials and dissemination of practices were also planned as important in key factors in sustaining results (DoA, p. 71). This intention was in turn supported in practice, as the dissemination and availability of training modules was repeatedly emphasised by interviewed stakeholders as an important requirement for sustainability. The availability of training modules and materials was validated by consulted stakeholders as a valuable factor in project sustainability, with the project team highlighting the development of a unified conciliator training programme, which had not previously existed. The project outputs (guides, manuals, brochures) were given to the MoJ, supporting ongoing accessibility and dissemination of knowledge and tools produced by the project for the beneficiary institution.

96. For some field activities, the number of participants from the beneficiary institution (MoJ) was purposefully increased. For example, the first progress report highlights an increase in representatives from the MoJ participating in three field assessment visits from two planned to four actual. In the field assessment visit held in Istanbul in November 2021, the number of participants from the MoJ

was also increased (First Progress Report, p. 47). Similarly, the number of representatives from the MoJ participating in on-site project activities (monitoring visits) was increased with the rational based on the “[consideration] of the sustainability of the project” (First Progress Report, p. 47).

97. The types of outputs/activities included in the project also ensure sustainability of results. In this sense, the inclusion of activities such as the creation of a training curriculum, ToT, the printing of training modules and the creation of a pool of trainers support sustainability of results (Third Progress Report, December 2022 – December 2023). Strategic types of activities, including those which enhance capacities of state and non-state actors and increase awareness of citizens, and those which fit the focus of the third component on the role of the DGCA and DGLA of the MoJ in furthering the development of ADR mechanisms, were of high priority in the project (as consistently emphasised among project progress reports) and reflect a positive direction for sustainability.
98. Emphasising this, in the 10th Management Meeting, the Head of the Alternative Resolutions Department “underlined that the printed training modules, trainings of trainers, trainings on specialised conciliator trainers and the pool of trainers created support the issue of sustainability”, adding that the modules created and to be created within the scope of the project will be used after the project is completed and that the Union of Turkish Bar Associations, the Justice Academy, and the law faculties of universities will also benefit from this curriculum (pp. 11-12, 10th MM notes).
99. Broadening the scope of application, e.g. to other provinces of Türkiye, could be another necessary step in supporting long-term sustainability of results. This suggestion was pointed out in the 10th Management Meeting, in which project officers “drew attention to the importance of implementing this activity [activity A.1.4 Strengthening the capacity of conciliators and conciliation bureau staff] in other provinces of Türkiye, especially after the end of the project, in terms of the sustainability of the project” (10th Management Meeting Notes, February 2024, p. 5).

Barriers to sustainability

100. Legal barriers encountered during implementation were discussed in the stakeholder interviews, with some pointing out risks to sustainability that stem from the need for new legal arrangements for mediation. Some of these legal challenges concern the development of an accreditation system for private mediation centers, and legal regulation of the practice. In this area, this system would be especially needed in family mediation, given mediators’ need for specialised trainings.
101. Budgetary constraints, concerning low fee rates for conciliation, and desire for a project continuation on conciliation to meet the needs of the MoJ, e.g. in

sustaining and updating the online training modules and disseminating trainings, were also emphasised in stakeholder interviews.

3. Conclusions, lessons learnt and recommendations

3.1. Conclusions and lessons learnt

102. Having noted the main evaluation findings, this evaluation concludes that the project has made important contributions in terms of the short-term and medium-term outcomes. Indeed, there is strong evidence of positive developments in the areas of awareness raising, knowledge production, and capacity building. The progress made by the project is explained by the quality of materials produced and used (e.g. training modules and guides), careful selection of participants and stakeholders, effective communication between the CoE team and partners/beneficiaries, and high levels of stakeholder support and ownership of the project. Barriers to achievement included delays due to COVID-19 and natural disasters, differences between regions/provinces in Türkiye regarding implementation, low fees/financial constraints of conciliators, legal and technological barriers, and other obstacles, namely the inclusion of CSOs. While some examples of the inclusion of the gender and human rights approach were present, there were areas of improvement in terms of data collection, gender-sensitivity in language, and awareness-raising on gender equality needs of the Turkish judicial system.
103. Some positive signs for sustainability of results achieved were also demonstrated by the dissemination of training materials and reported usefulness of ToT activities implemented.
104. The evaluation findings reveal some lessons learned that could be valuable for consideration by the CoE team.
- In terms of project efficiency, some stakeholders felt that, due to the sense that the mediation and conciliation components did not work together, project efficiency could have been improved if it had been implemented as two separate projects.
 - Across evaluation criteria, close cooperation with the MoJ, as a key project partner and beneficiary, including the MoJ's high level of support and ownership of results, supported project performance.

3.2. Recommendations

105. While the project has performed well overall, the evaluation findings suggest a small number of recommendations for possible follow-up support by the CoE.

- In terms of the topic of further capacity development activities, stakeholders recommended a few potential future project activities (applicable to all components unless noted otherwise):
 - One stakeholder suggested adding an additional training module, in which arbitration and mediation merge, since they felt that using trainings to raise awareness in this area would be effective, given that the current MoJ trainings do not include such a module.
 - Many stakeholders proposed the idea of continuation projects focusing on specific themes and/or perspectives, e.g. business and human rights perspective, the business world (in partnership with TOBB and employer and employee organisations), family mediation (in cooperation with the Ministry of Family and Social Services and Women NGOs), increasing the quality of human resources in conciliation, increasing capacities in the assessment of specialised conciliators, developing and implementing the model for children, and advanced trainings on ethical standards and provision of services.
 - In terms of ongoing needs in mediation (Component 2), one of the trainers highlighted the ongoing need for an umbrella professional organisation for mediators. Future interventions could support the creation and/or operationalisation of such an organisation.
- Regarding beneficiary selection, many stakeholders also highlighted some beneficiary groups that should be included and/or further targeted in future interventions (applicable to all components unless otherwise noted):
 - Inclusion of bar associations was suggested by both trainers and beneficiaries in order to support the project's awareness-raising objectives.
 - It was also recommended for future interventions under Component 1 to focus on public institutions and the larger public in general, pointing out that rather than having the primary goal be the number of files, the focus should be on creating a society that can negotiate.
 - Further cooperation with Justice Academy was encouraged, for example, through online trainings for judges and prosecutors, since there are budgetary restrictions for face-to-face seminars.
 - Focus on increasing the capacity and awareness of judges and prosecutors was also recommended by stakeholders consulted.

- Other stakeholders recommended additional focus on Mediation Centres and Conciliation Bureaus.
- For lawyers, it was suggested by one trainer for Component 2 that further workshops/trainings be provided and/or increased and disseminated in order to effectively instil ADR. In support of this recommendation, one lawyer beneficiary noted that the resistance of lawyers was high in early years and that, although improved, their support is still not sufficient. This beneficiary noted that young lawyers tend to be more resistant, while senior lawyers are more open. However, for this need, the CoE should potentially prioritise in-person trainings, since the same lawyer beneficiary felt that online trainings were not effective.
- In order to improve overall effectiveness in the area of gender equality, a few recommendations were shared by the project's gender consultant, including:
 - The preparation of a report from a gender equality perspective on the topic of problems of family courts, which would include family court judges from different regions.
 - A road map to be developed regarding gender equality in family mediation work.
 - Women Rights Centres of Bar Associations should be closely involved in family mediation work, since these are the most competent structures and not all Bar Associations have these competencies. Among these associations, it should be noted that Diyarbakır, Ankara, İstanbul, and İzmir were highlighted as the best ones with gender equality perspective.
- Regarding overall system improvement in mediation (Component 2), one lawyer/mediator suggest that while overall human resources in Türkiye are sufficient, the entry condition should be increased.
- Concerning the logframe and indicator design for monitoring effectiveness, the evaluation findings suggest that project indicators should be designed with greater clarity and applicability to collect data and measure progress across project implementation, as even the project team shared that some indicators were confusing for them.
- To improve analysis of project efficiency, it is suggested that project financial reporting includes more sub-allocations within broad budget categories, e.g. 'other costs, services', since this category covered half of the total budget spent and committed. More detailed breakdown in the reporting of spending in this category would facilitate more detailed analysis of resource allocations.
- The inclusion of budget allocations categorised by project component within the project financial reporting could also have increased possibilities for efficiency analysis.

- To improve efficiency, as there were many changes in the DoA (especially under Component 2), it was recommended by the CFCU to improve both the clarity and frequency of communication, as there were issues in the clarity of answers provided by the MoJ (due to bureaucratic and/or political obstacles), and shortages of project staff from the CoE made the addendum process more challenging.
- For project sustainability, it was suggested by beneficiaries within the MoJ that the CoE support the Ministry in the development of a sustainability strategy to support the Ministry in their future work and mitigate risks from frequent staff turnovers in public institutions. Such a strategy should also facilitate the exploration of funding opportunities from different donors (with the conclusion of the IPA funds) and continuation projects of 1-2 years duration in new areas of ADR.

Annex 1 – Evaluation questions

Annex 1 presents the evaluation questions.

Table 9 - Evaluation questions

Evaluation criteria	Evaluation question (ToR)	Sub-question	Measures / Indicators	Data collection instruments	Data sources	Data analysis	Evaluator responsible
Relevance	To what extent did the planned activities reflect the project objectives and the needs of Türkiye?	1. What were the main needs in the area of ADR in the course of project implementation?	Level of alignment between the project and needs in the area of ADR	Desk research Interviews: CoE project team, beneficiaries	Description of Action, Progress Reports	Indicators and interview feedback / data triangulation	Roland Blomeyer / Firuzan Silahsor
		2. How has the project addressed needs in the area of ADR?					
		3. Are there any needs in the area of ADR the project has not addressed? Why not?					
	To what extent was the Project ownership by institutional project partners ensured?	4. To what extent are project activities 'owned' by partners (Which activities? How?)	Qualitative feedback on level of ownership of project activities by partners				
Effectiveness	To what extent has the project achieved its expected results? What have been reasons for	5. What have been the outcomes of the project?	Project indicators	Desk research Interviews: CoE project team, beneficiaries	Progress Reports	Indicators and interview feedback / data triangulation	Roland Blomeyer / Firuzan Silahsor
		6. Have there been any unexpected outcomes?	Interviewee qualitative data				

Evaluation criteria	Evaluation question (ToR)	Sub-question	Measures / Indicators	Data collection instruments	Data sources	Data analysis	Evaluator responsible
	achievement and lack thereof?	7. What has facilitated the 'achievement' of outcomes?		Focus groups: beneficiaries			
		8. What have been barriers to the 'achievement' of outcomes					
	To what extent have gender and human rights approach been mainstreamed in project design and implementation?	9. What are examples of the integration of the CoE's 'gender and human rights approach' in project design?	Interviewee qualitative data	Desk research Interviews: CoE project team, beneficiaries	Progress Reports	Interview feedback / data triangulation	Roland Blomeyer / Firuzan Silahsor
		10. What are examples of the integration of the CoE's 'gender and human rights approach' in project implementation?					
Efficiency	To what extent could alternative working methods have led to the achievement of comparable or better results with fewer resources?	11. With the benefit of hindsight, what would you have changed in project design / implementation to maximise outcomes / save resources?	Project data on timelines / use of financial resources Interviewee qualitative data	Desk research Interviews: CoE project team, beneficiaries	Progress Reports	Timeline and budget data Interview feedback / data triangulation	Roland Blomeyer / Firuzan Silahsor
Sustainability	To what extent can it be expected that the Ministry of Justice of Türkiye, the	12. What arrangements (e.g., allocation of staff / financial	Beneficiary data on resources	Desk research	Progress Reports	Beneficiary data on resources dedicated to	Roland Blomeyer

Evaluation criteria	Evaluation question (ToR)	Sub-question	Measures / Indicators	Data collection instruments	Data sources	Data analysis	Evaluator responsible
	Council of Judges and Prosecutors, the Justice Academy of Türkiye, the Ankara, Istanbul and Izmir Chambers of Commerce Arbitration, the Istanbul Arbitration Centre, the Union of Chambers and Commodity Exchanges of Türkiye, the Union of Turkish Bar Associations, and the private mediation centres and associations will continue to use outcomes of the project?	resources etc.) have been made to ensure activities / outcomes will continue beyond the end of the project (short-/medium-term perspective)?	dedicated to continuation of activities / outcomes Interviewee qualitative data	Interviews: CoE project team, beneficiaries		continuation of activities Interview feedback / data triangulation	/ Firuzan Silahsor
	What is the likelihood that the benefits from the intervention will be maintained in the short-term (3-5 years) after the end of the Project? What would be required to ensure the sustainability of the results?	13. What is required for activities / outcomes to be continued in the long-term (e.g. changes to institutional / legal arrangements)? 14. What barriers are there to the continuation of activities / outcomes?					

Annex 2 - Consultations

Annex 2 lists the stakeholders consulted.

Table 10 - Interviews

NAME, POSITION, INSTITUTION	DATE
Sergey Dikman, Council of Europe	10 June 2024
Dr. Onur Yüksel, General Manager, TOBB UYUM Mediation and Dispute Resolution Center	10 June 2024
Ayşe Nur Önsoy, European Union Delegation Turkey	11 June 2024
Hilal Beycan, EU Affairs Expert, DEUA	11 June 2024
Gürkan Demirel, EU Affairs Expert, DEUA	11 June 2024
Murat Yalkın, Director, International Relations and EU Centre, Union of Turkish Bar Associations	12 June 2024
Musa Toprak, Project Manager, Council of Europe	12 June 2024
Gizem Danışan Çoban, Senior Project Officer, Council of Europe	12 June 2024
Özkan Hamarat, Project Linguistic Assistant, Council of Europe	12 June 2024
Ozan Bal, Project Assistant, Council of Europe	12 June 2024
Professor Doctor Çetin Arslan, Member of the 2 nd Chamber, Council of Judges and Prosecutors	13 June 2024
Leonardo D'Urso and Adi Gavrilă, ADR Center	19 June 2024
Cemile Sertkaya, Senior Project Officer – Component 1, Council of Europe	25 June 2024
Kübra Akkuş, Contract Manager, CFCU	25 June 2024
Professor Doctor Olgun Şimşek, Trainer/Consultant for Component 1, Lecturer, TOBB University	25 June 2024

NAME, POSITION, INSTITUTION	DATE
Yasin Ekmen, Secretary General, Istanbul Arbitration Center	25 June 2024
Çağdaş Özer, Head of Department, Ministry of Justice, Department of Mediation	26 June 2024
Pınar Kurtbay Timur, Psychologist, Ministry of Justice, Department of Mediation	26 June 2024
Hülya Mete, Social Worker, Ministry of Justice, Department of Mediation	26 June 2024
Orhan Cüni, Deputy Director General, Criminal Affairs Directorate, Ministry of Justice	26 June 2024
Merve Özcan, Head of Alternative Dispute Resolution Department, DG Criminal Affairs, Ministry of Justice	26 June 2024
Ümit Şehri, Rapporteur Judge, Alternative Dispute Resolution Department, DG Criminal Affairs, Ministry of Justice	26 June 2024
Professor Doctor Şebnem Akipek Öcal, Trainer/Consultant – Component 2	27 June 2024
Abdullah Ataoğlu (Rapporteur Judge, Alternative Dispute Resolution Department)	27 June 2024
Beren Şentürk, Lawyer/Mediator, Head of the Management Board of Mediators Association, Head of the ADR Commission at Ankara 2 nd Bar Association	28 June 2024
Professor Doctor Gülriz Uygur, Consultant – Gender, lecturer, Ankara University Law Faculty	28 June 2024
Ali Ceyhan, Prosecution, Ankara Courthouse	1 July 2024
Türkan Bayrak Kara, Prosecution, Ankara Courthouse	1 July 2024
Veli Güney, Prosecution, Ankara Courthouse	1 July 2024
Ayhan Ay, Prosecution, Ankara Courthouse	1 July 2024
Mustafa Erdal, Prosecution, Ankara Courthouse	1 July 2024
Yusuf Koparıcı (Court Clerk/Conciliator), Ankara Courthouse	1 July 2024
Nazlı Özlem Atmac (Lawyer/Conciliator), Ankara Courthouse	1 July 2024
Yusuf Gözel (Lawyer/Conciliator), Ankara Courthouse	1 July 2024
Nihat ŞİMŞEK, Lawyer/Mediator, TURAMEP (Türkiye Mediators and Mediation Centers Platform)	1 July 2024
Wiliam Masolin and Pinar Baspınar, Council of Europe	1 July 2024
Prof. Dr. Muharrem ÖZEN, Faculty Member in Ankara Law Faculty	2 July 2024

NAME, POSITION, INSTITUTION	DATE
Atike Eda MANAV ÖZDEMİR, Head of the Department of International Arbitration and Alternative Solutions of the Presidency, Member of Coordination Board of the Turkish Arbitration Academy	2 July 2024
Çiğdem Arslan (Lawyer/Mediator) - Board member of the Hitit Mediation Center	3 July 2024
Handan Kurt (Lawyer/Mediator)- Deputy Head at the Ankara 2 nd Bar Association, ADR Commission member of the Bar Association	3 July 2024
Şenol Baran (Lawyer/Mediator)	3 July 2024

Annex 3 – Assessment of project indicators

106. For this analysis, the 21 Promoting Alternative Dispute Resolution (ADR) in Turkey project indicators from the document entitled “1.8 Logical Framework,” which provides most recent data from 2023, were assessed using the SMART methodology.²³ SMART is an acronym which stands for:

- **Specific:** is the indicator narrow and specific, with clear steps in mind for achieving it?
- **Measurable:** can evidence be tracked to monitor progress toward the indicator? Is there a specific number to be achieved within a given time?
- **Achievable:** can the indicator realistically be completed within a given timeframe?
- **Relevant:** does the indicator align with the objectives of the project?
- **Time-bound:** is the indicator set within an appropriate time-frame?

107. The indicators have been assessed first, by how well they fit each SMART component listed above, and then how well they fit the SMART methodology as a whole. The indicators were assessed on how well they meet each component on a sliding scale using the following terminology:

- **Yes:** The indicator meets all criteria under this SMART component
- **Somewhat:** The indicator does not fully meet more than one criterion of this SMART component
- **No:** The indicator does not meet most criteria of this SMART component

108. Upon analysing the indicators’ alignment with each component, the indicators were assessed on how well they fit the SMART methodology as a whole on a sliding scale using the following terminology:

²³ <https://www.techtarget.com/whatis/definition/SMART-SMART-goals>, drawing on Doran (1981)

- **Yes:** The indicator meets all SMART criteria
- **Needs improvement:** This indicator has one or more criteria that are categorized as “mostly yes”, and/or one or more criteria categorized as “somewhat”
- **No:** This indicator does not meet one or more SMART criteria

109. The project indicators’ strongest SMART component is **Time-Bound**, with 18 out of 21 indicators meeting the criteria under this component. These indicators provide a clear timeframe for completion. The three indicators that do not meet Time-Bound criteria can be easily adjusted by using the project end date as a timeframe for completion.

110. Another component on which the project indicators are strong is **Relevant**. Eight indicators meet criteria under this component, while seven somewhat meet criteria and six do not meet criteria. Indicators focused on gender-sensitivity, increased scope and number of trainings, increased ADR demand, and improved performance of the ADR system in Turkey are particularly relevant to project goals. Indicators that do not fully meet Relevant criteria can be improved by providing clear definitions for key terms, such as target groups, target trainings, and certain qualitative variables measured by the indicators. Specific opportunities to improve these definitions will be discussed later in this assessment.

111. In addition, the indicators’ relevance can be improved through the addition of qualitative elements that show the impact of their achievement on ADR in Turkey. For example, the indicator “# of conciliators, disaggregated by sex” could include a qualitative description of how increasing the number of conciliators has a positive impact on project goals.

112. Many of the key ways that project indicators can be improved center around the indicators’ **Specificity, Measurability, and Achievability**, with some also offering improvements to the indicators’ **Relevance**. To improve specificity, indicators with multiple variables should disaggregate data by each variable relevant to the indicator. For example, the indicator “# of certified trainer-mediators, disaggregated by sex” meets specific and relevant criteria through disaggregating by sex. An example of an indicator that could benefit from disaggregation is “Improved performance in major KPIs such as: number of mediation processes, type of recourse of mediations (1c) and settlements (1d) by dispute matters.” In this case, the indicator should be disaggregated by KPI and a note of said disaggregation should be made in the project logframe.

113. Another way that the project could improve indicators’ specificity is through defining key terms. These could relate to groups that the project intends to target

through activities (i.e. “MoJ staff” could be further defined by their role), components of trainings that the project aims to carry out (i.e. “specialised areas of expertise” could be further defined to state the types of expertise the project aims to develop), and key qualitative indicators that are measured by the project indicators (i.e. “demand” as a variable in the case of the indicator “increased demand for mediation”). In the case of the latter, the project logframe should both define the qualitative variable as understood by the project team, and provide a means of measuring it with clearly defined levels.

114. In addition, the indicators’ measurability and achievability could be improved by providing clear and quantitative baseline data and endline targets for each indicator. An example of a project indicator with both is the aforementioned “increased demand for mediation.” Although this indicator could be improved with a definition of the qualitative variable “demand,” it is considered measurable and achievable because it has a clear baseline number (660,067 mediations conducted in 2020) and quantifiable endline targets (a 20% increase in mediation by the end of the project’s implementation). Other indicators lack baseline data, with a common note being that it will be measured and decided at the beginning of the project. In the case of endline targets, other indicators do not sufficiently specify their quantitative targets. For example, the indicator “Inter-sectional cooperation institutionalised” states “regular” meetings as its endline target without a quantitative number of or percentage increase in meetings.
115. Finally, the project indicators meeting the SMART criteria as a whole could be improved by adjusting the design of the chart on which they are listed. As it stands, the project indicators chart contains multiple indicators per cell. In addition, there is data aligning with multiple indicators in the same cell. With this design, it is sometimes unclear which data aligns with which indicators. To clarify this, each indicator could have its own individual row of cells, with the chart having a total of 21 rows for each of its 21 indicators. Each row would include the indicator; its baseline data and endline targets; data sources; key definitions; and other information relevant to measuring progress toward the indicator.