

**“Improving the Capacity of the Administrative Judiciary and  
Strengthening the Institutional Capacity  
of the Council of State”**

(December 2018 – May 2023)

External Evaluation  
Commissioned by the Council of Europe

**Final Report**

Evaluator: Patrick Twomey,  
on behalf of PEM Consult, A/S

2023



**PEM A/S**

Ny Carlsberg Vej 80  
DK-1799 Copenhagen V  
Denmark

Phone: +45 3295 2626

[pem@pem.dk](mailto:pem@pem.dk)

[www.pem.dk](http://www.pem.dk)

# TABLE OF CONTENTS

<b>1. EXECUTIVE SUMMARY .....</b>	<b>5</b>
1.1 Overview of the intervention .....	5
1.2 Objective of the Evaluation .....	5
1.3 Evaluation Methodology.....	5
1.4 Key Findings and Recommendations.....	6
1.5 Table Findings, Conclusions and Recommendations.....	8
<b>2. INTRODUCTION.....</b>	<b>15</b>
2.1 Context and Description of the Intervention.....	15
2.2 Purpose, Objectives and Scope of the Evaluation .....	17
2.3 Evaluation Questions .....	18
2.4 Evaluation Methodology.....	18
<b>3. EVALUATION FINDINGS.....</b>	<b>21</b>
3.1 Relevance/Added Value .....	21
3.2 Effectiveness .....	23
3.3 Efficiency .....	30
3.4 Sustainability.....	33
3.5 Cross-Cutting Project Themes: Gender, Participation of Civil Society, Visibility .....	34
<b>4. CONCLUSIONS.....</b>	<b>38</b>
<b>5. LESSONS LEARNED/BEST PRACTICES .....</b>	<b>38</b>
<b>6. RECOMMENDATIONS .....</b>	<b>40</b>
<b>7. ANNEXES.....</b>	<b>42</b>
Annex I. Evaluation Core Questions .....	42
Annex II Interlocutors, Document Sources.....	43
Annex III Evaluation Questionnaire.....	50
Annex IV Evaluation Terms of Reference .....	52

## List of Acronyms

ADR	Alternative Dispute Resolution
AJ	Administrative justice
CCJE	Consultative Council of European Judges
CCPE	Consultative Council of European Prosecutors
CDCJ	European Committee on Legal Co-operation
CEPEJ	European Commission for the Efficiency of Justice
CJEU	Court of Justice of the European Union
CJP	Council of Judges and Prosecutors
CoE	Council of Europe
CoS	Council of State
CSO	Civil Society Organization
DG	Directorate General
DoA	Description of Action
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ER	Expected Result
EU	European Union
EUD	Delegation of the European Union to Türkiye
GBV	Gender-Based Violence
HRAP	Human Rights Action Plan
HRBA	Human Rights Based Approaches
IPA	Instrument for Pre-Accession Assistance
MandE	Monitoring and Evaluation
MoJ	Ministry of Justice
NGO	Non-Governmental Organisation
NPM	National Preventative Mechanism (OPCAT)
PWDs	Persons with Disabilities
RAC	Regional Administration Courts
SC	Steering Committee
SDG	Sustainable Development Goals
TCC	Turkish Constitutional Court
TIHEK	Human Rights and Equality Institution of Türkiye
TNA	Training Needs Assessment
ToT	Training of Trainers
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review
UTBA	Union of Turkish Bar Associations
UYAP	National Judiciary Informatics System

## 1. Executive Summary

### 1.1 Overview of the intervention

“Improving the Capacity of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State” (December 2018 – May 2023) is a Joint Programme of the European Union (EU) and the Council of Europe (CoE), funded by the EU, the Republic of Türkiye and the CoE, within the scope of the 2014 Instrument for Pre-Accession Assistance (IPA II). The objective of the project is to foster public confidence in the administrative judiciary by strengthening its independence, impartiality, and effectiveness, and increasing public awareness through support to reform of the administrative justice system, including strengthening the institutional capacity of Council of State (CoS) and increasing the effectiveness and quality of the administrative justice courts. After a delayed start of the project (some 9 months after contracting), pandemic restrictions necessitated a 12-month extension and two subsequent extensions, with the result that the envisaged 36-month project duration will conclude in May 2023, after 53 months.<sup>1</sup>

### 1.2 Objective of the Evaluation

PEM Consult A/S was commissioned by the Council of Europe to conduct an evaluation of the project, with an overall budget of €15,000, the evaluation was conducted by IHRN Director Patrick Twomey. The evaluation was conducted during December 2022 and March 2023. The objective of the evaluation was to apply the DAC evaluation criteria, (relevance, effectiveness, efficiency, and sustainability and, where evident, impact) as well as added value of CoE as a project implementing partner to assess progress made, identify lessons learned and recommendations for any follow-up projects on administrative justice and justice reform generally. The purpose of the evaluation is to assess outputs and outcomes as well as strengths and weaknesses in the Project’s design. The assessment of progress and identification of lessons from the implementation of the project is intended to inform potential future justice system projects by the CoE and project partners.

### 1.3 Evaluation Methodology

Data collection including survey questionnaires, telephone and direct interviews and review of documentary project outputs, progress reports. Overall, some 50 stakeholders inputted into the evaluation. Interviews and group discussion included CoE HQ and project personnel, “Direct Beneficiary” institutions in Türkiye, including the Ministry of Justice, Council of State and Administrative Courts, as well as a selection of national and international consultants, participants in project activities and other justice stakeholders. Despite being conceived as an end-of-project evaluation, project time-line extensions meant that the project timeframe extended (to May 2023) beyond the evaluation time-period. This curtailed the conclusiveness of findings relating to some activities/outputs. Gaps project focus on MandE meant that an optimum foundation for end-of-project evaluation, baselines etc, was lacking.

An Inception Phase in December 2022 included refinement of evaluation questions and methodology and production of an Evaluation Concept Note for approval by CoE. The Desk

---

<sup>1</sup> In the wake of the earthquake on 6 February 2023, and subsequently, in Southern and central Türkiye (with its epicentre in one of the project’s key locations, Gaziantep), an official request was submitted by the CoE for the extension of the project from 20 March 2023 to 31 May 2023.

Phase included review of documents (Project Description of Action, Log Frame and revisions, Project and ROM progress reports, Steering Committee Minutes, substantive outputs including Road Map and assessment reports, training materials and training assessment reports. A selection of Core national and institutional documents, including Türkiye's *Judicial Reform Strategy*, and *Action Plan on Human Rights*, as well as reports of CoE/UN Justice/Human Rights treaty bodies and special procedures. Survey questionnaires were circulated directly to 80+ individuals, with responses sought on a non-attribution basis, with 30 responses received. Overall, some 50 interlocutors inputted into the evaluation.

Budget constraints meant that only a 3-day mission to Ankara (16-18 January 2023) was feasible, without regional visits to project locations in Istanbul, Izmir and Gaziantep. Short notice confirmation of meetings by some key project partner institutions precluded scheduling of meetings with wider pool of stakeholders, such as CSOs active in sectors with significant levels of complaints regarding administrative decisions. After some negotiations a meeting was agreed to by the Justice Academy. The Ankara visit included meetings with all project partner institutions and cross-section of participants and offered a "snapshot" of the project activities. Four Focus Group meetings were held in Ankara, with a cross-section of stakeholders, including the CoE project management team, project partners and other justice institutions (MoJ, CoS, Administrative Courts, RACs, the Justice Academy, Ombudsman's Office and TIHEK), participants in project activities, and project consultants. Individual meetings were held with representatives of UNICEF, the Ministry of Justice, and the Justice Academy. Approximately 40% of interlocutors met were women. The evaluation sought to be a *process* contributing to 'buy-in' of stakeholders, including advance internal discussion of the CoE Project team and all interlocutors were provided with a translated overview of the object of the evaluation and key questions in advance of meetings.

The range of sources met directly in Türkiye with was led more by the implementing partner than a larger scale evaluation would allow. Nevertheless, the pool drawn upon was adequate, given the scale of the evaluation. To avoid duplication of a separate CoE training *Impact Assessment Study* in January/February 2023, this evaluation did not focus on training, though all trainers and trainees were sent questionnaires and some trainers/trainees met in focus groups.

## 1.4 Key Findings and Recommendations

**Finding:** The project's detailed needs assessment and research processes yielded consensus and strong cooperation across key justice institutions regarding needs and reform priorities of Administrative Justice in Türkiye and acknowledged substantive and methodological capacity gaps of key justice institutions.

**Finding:** An extensive, varied, and targeted range of activities enhanced awareness, capacity of key institutions and individuals and have delivered, or are likely to deliver the project's four *Expected Results* by project end, towards greater efficiency and effectiveness of administrative justice reform in Türkiye.

**Finding:** The CoE's IGO status, normative standards, and capacity to draw upon a pool of consultant AJ expertise all comprised key added value of the CoE as a project partner, that helped secure active engagement by key duty-bearer justice institutions in the project.

**Finding:** Despite the commitment of the project team, the efficiency of project delivery was negatively impacted by delayed commencement, a high volume of changes in project personnel (in Ankara and Strasbourg) and the challenges of a large volume of activities (the project combined activities of 2 originally planned projects).

**Finding:** The participatory identification of needs and reform priorities, design of project outputs, capacity-building, created a strong sense of local ownership and a strong foundation for sustainability of project outputs and outcomes. Sustainability would have been further enhanced by planning of post-project roll-out of activities, follow-up on reform (including legislative measures) earlier on the project cycle and by stronger focus on CSO participation in the project, including advocacy and AJ monitoring.

**Finding:** While cross-cutting project themes of Gender, Participation of Civil Society, Visibility were addressed to varying degrees, this would have been enhanced by adopting an overarching cross-cutting framework comprising the core principles HRBA/gender mainstreaming.

**Recommendation:** Future justice project delivery should be enhanced by ensuring necessary substantive expertise within the project management team and/or a designated long-term project consultant with consideration given to establishing a position of Programme Coordinator within the Ankara CoE Office (to maximise synergies across multiple justice projects).

**Recommendation:** Project MandE should be prioritised, including time, resources and training of project teams and partner institutions on rights-based measurement of justice reform (substantive and procedural), addressing capacity to measure impact of project training in terms of application of knowledge in judicial procedures, jurisprudence, court functioning etc.

**Recommendation:** The CoE should use its standing and justice sector engagement in Türkiye to promote more structured coordination and information-exchange between its Office and projects and UN agencies/bi-lateral donors (including CoE Member States) engaged in justice reform.

**Recommendation** Sustainability of justice project results should be planned for early in the project cycle, by all partners, with CSO-led 'demand' for reform and monitoring an integral element of sustainability, even where duty-bearer institutions are the most logical project partners.

**Recommendation:** HRBA/gender mainstreaming (including, but wider than, gender equality) should be adopted as overarching cross-cutting themes in future justice projects, with any necessary capacity building to ensure application of the relevant core principles.

---

## 1.5 Table Findings, Conclusions and Recommendations

Findings	Conclusions	Recommendations
<p><b>1. Relevance/added value, including alignment of the project’s Theory of Change, objectives and activities with applicable legal norms, policies, and priorities; with the rights/needs and capacities of stakeholders and beneficiaries, and administrative justice system users (rights-holders) and service providers (duty-bearers) and the added value of the CoE as project implementer.</b></p>		
<p><b>Finding 1</b> The Project is highly relevant to Türkiye’s international and CoE treaty and constitutional obligations to ensure effective, independent, and efficient administrative justice for court users and others, and public awareness of, and confidence in, the administration of justice. More generally administrative justice is of fundamental importance for ensuring remedies for social, economic, and cultural rights. The project is also relevant to the EU Rule of Law Criteria and reform priorities outlined in relevant national strategies and Action Plans in Türkiye.</p>	<p><b>Conclusion 1</b> The project’s participatory needs assessment, and identification of measures to address priority reform, and linked to the use of CoE standards and best practice optimised the relevance of the project to administrative justice reform in Türkiye.</p>	<p><b>Recommendation 1</b> Needs assessment/project design in justice reform should systematically include participation by those <i>not</i> accessing justice systems - ‘left behind’/disempowered for whatever reasons, with CSOs actively engaged in project design and delivery (even where duty-bearer institutions are primary project partners) to ensure outreach to such rights-holders as a matter of project effectiveness and also as a human right.</p>
<p><b>Finding 2</b> The Project addressed a lack of comprehensive needs assessment of AJ in Türkiye and acknowledged substantive and methodological capacity gaps of key institutions (including the MoJ, CoS, RACs, First Instance Administrative and Tax Courts and the Ombudsman’s Institution), through design and delivery of a range of outputs relevant to providing effective remedies and enhancing fair trial in the administrative justice system.</p>		



Findings	Conclusions	Recommendations
<p><b>Finding 3</b> The CoE's IGO status, its good standing in Türkiye, the normative standards of its treaties and monitoring mechanisms (and their application in Türkiye as a Member State), and its capacity to draw upon a pool of consultant AJ expertise and facilitate study visits to relevant institutions all comprised key added value of the CoE as a project partner. This helped secure active engagement by key duty-bearer justice institutions and enhanced project delivery.</p>		
<p><b>2. Effectiveness, including achievement of intended objectives (and where evident/likely any impact), coherence/coordination with other relevant activities and the quality of implementation.</b></p>		
<p><b>Finding 4</b> Despite the challenges arising from the project's extensive and varied activities (linked to it being a merger of two planned projects), the participatory process of activities, the enhanced capacity and the substantive quality of inputs and outputs have delivered or are likely to deliver the project's four <i>Expected Results</i> by project end and contribute to greater efficiency and effectiveness of administrative justice reform in Türkiye.</p>	<p><b>Conclusion 2</b> The project succeeded in delivering a majority of an extensive list of planned outputs, which were agreed with project partners, targeted and optimal to address substantiated reform priorities in the sector. Project management cycle stages of needs assessment, design and delivery was effectively delivered in light of the objectives and context, while project monitoring and</p>	<p><b>Recommendation 2</b> Future justice/administrative justice projects should ensure more substantive expertise within the project team and where projects involve a wide range of themes, activities and institutions, a designated long-term consultant should be contracted for the project duration (even if not working on the project full-time).</p>
<p><b>Finding 5</b> The shift in focus from planned piloting of ADR to ADR awareness-raising represents the most significant change to the original DoA, while commencement and covid pandemic delays meant that some key outputs were only finalised in the final months of the project, which reduced effectiveness.</p>		<p><b>Recommendation 3</b> Given the volume of projects managed by CoE Ankara, a post of Office Programme Coordinator should be considered to foster greater linkages between</p>

Findings	Conclusions	Recommendations
<p><b>Finding 6</b> The project’s training (reaching some 1,000 personnel) and capacity-building components were systematically approached, based on an extensive participatory <i>Training Needs Assessment</i> with national and international expertise effectively combined in design and delivery of training outputs.</p>	<p>evaluation was not adequately prioritised by project management and partners. Despite the progress made or likely to result on project completion,</p>	<p>justice projects, and with other CoE projects.</p> <p><b>Recommendation 4</b> To complement pre- and post-training knowledge tests of participants, impact assessment of capacity-building should include longer term</p>

Findings	Conclusions	Recommendations
<p><b>Finding 7</b> Of the project management cycle stages, MandE was weakest, including lack of baselines and the Log Frame not being systematically used to measure <i>quality</i> and as well as quantity, <i>outcomes</i> as well as outputs. While use was made of CEPEJ indicators in some activities, most project indicators are of outputs (individuals reached/satisfied, materials produced/disseminated etc) rather than results. Generally, project Log Frame indicators fall short of the “SMART” criteria (<i>Specific, Measurable, Achievable, Relevant, and Time-bound</i>). This meant that many results are (while likely) are presumed rather than supported by evidence.</p>	<p>the scale of reform needed (particularly a revised legislative architecture) means that administrative justice in Türkiye should continue to be an ongoing priority for CoE.</p>	<p>assessment of the <i>application</i> of knowledge in court procedures, in judicial decision-making, in court staff functioning etc.</p> <p><b>Recommendation 5</b> The CoE should proactively use its standing and justice sector engagement to promote more structured coordination and information-exchange with UN agencies, bi-lateral donors (including CoE Member States) engaged in justice reform in Türkiye.</p> <p><b>Recommendation 6</b> Enhanced CoE focus on project monitoring and evaluation should be prioritised, with more time, resources allocated, including enhancing the capacity of justice partner institutions to engage in MandE, to formulate baselines, and indicators and implement participatory MandE methodologies that measure <i>qualitative</i> as well as <i>quantitative outcomes</i> and <i>outputs</i>. Consideration should be given to cross-project MandE training in conjunction with key partner institutions.</p>

Findings	Conclusions	Recommendations
<h3>3. Efficiency of Project Management</h3>		
<p><b>Finding 8</b> The project delivery model of an in-country CoE management team with CoE HQ support, key duty-bearer institutional partners, Project Steering Committee and short- and long-term consultant inputs was approved by all partners and appropriate to the project objectives and activities. Regular CoE/MoJ coordination meetings highlighted as being constructive in enhancing efficiency.</p>	<p><b>Conclusion 3</b> The project management and delivery model was overall appropriate, given the nature of the objectives, the context and the status of the participating partner institutions. Significant project management personnel changes and delays (including Covid-related) reduced the efficiency of the management model.</p>	<p><b>Recommendation 7</b> Project design should include contingency planning for possible loss of project personnel, including, bridging finance to retain staff where delays in approval of project extensions arise, more cross-fertilisation between CoE projects to facilitate any necessary staff transfer.</p>
<p><b>Finding 9</b> Despite the commitment of the project team, the efficiency of project delivery was negatively impacted by delayed commencement, a high volume of changes in project personnel (in Ankara and Strasbourg) and the large volume of project activities (the project combined activities of 2 originally planned projects).</p>		
<p><b>Finding 10</b> The Covid pandemic seriously interrupted the project including face-to-face meetings, training, and travel to the regions. This meant most project activities had to be reconfigured and delivered remotely during March 2020 - October 2021. Other activities were delayed, cascade in-service training programmes, for example, falls to be completed in the final extension phase of the Project.</p>		

Findings	Conclusions	Recommendations
<b>4. Sustainability, including the extent to which outputs be utilised and results maintained at project end</b>		
<p><b>Finding 11</b> The likely sustainability of key projects outputs is enhanced by the participatory nature of the project, high levels of ownership of project outputs and institutional endorsement by key justice institutions enhancing prospects for project knowledge, analysis and reform recommendations to be incorporated into the next <i>Judicial Reform Strategy</i>.</p>	<p><b>Conclusion 4</b> The likely sustainability of most project outputs and outcomes is enhanced by the capacity built and the consensus regarding future reform priorities among key Turkish justice institutions, with some reservations regarding elements that are dependent upon political will and future allocation of resources.</p>	<p><b>Recommendation 8</b> Sustainability of project outputs and results should be addressed by all partners earlier in the project timeline, including a <i>Sustainability Plan</i>, with designated responsibility for various project elements, including drafting of dissemination plans, any necessary protocols for ongoing use of project materials.</p>
<p><b>Finding 12</b> A stronger project emphasis on involvement in justice reform by CSOs (as representatives of rights-holders) would have strengthened sustainability of some outcomes, particularly those dependent upon political will of duty-bearers.</p>		<p><b>Recommendation 9</b> Sustainability should be linked to ongoing 'demand' for reform. Even where duty-bearer institutions are the most logical project partners, CoE should use its standing and credibility to help 'legitimize' CSOs' role in advocacy and monitoring of justice reform progress and to proactively encourage state institutions cooperation with CSOs (as representatives of rights-holders),</p>
<p><b>Finding 13</b> Given its central training mandate, the decision by the Justice Academy not to participate in the project has reduced the possibilities for sustainability of project capacity-building outputs and results.</p>		<p><b>Recommendation 10</b> Ongoing CoE project partnership with the Justice Academy should be used as a basis for encouraging future use of project outputs by the Academy. Going forward, any impediments to project participation by key institutions should be addressed at an early stage, through high level engagement, by Steering Committee, Donors etc.</p>
<p><b>Finding 14</b> Plans by project partner institutions to utilise project outputs, including trainers trained in the project, training materials developed in ongoing capacity-building of judiciary and court personnel, will extend the reach of the project, geographically and numerically.</p>		

Findings	Conclusions	Recommendations
<p><b>5. The extent to which project cross-cutting project themes (Gender, Participation of Civil Society, Visibility) are integrated into objectives, methodologies/activities and reflected in results.</b></p>		
<p><b>Finding 15</b> The Project addressed inclusiveness and gender terms of gender-balanced participation in project activities, some collection of gender-disaggregated data and gender sensitive communication. However, gender mainstreaming (including LGBTI issues, and extending beyond, gender <i>equality</i>), is not systematically addressed in identified gaps, root causes and recommendations for reform.</p>	<p><b>Conclusion 5</b> Cross-cutting project themes (Gender, Participation of Civil Society, Visibility) were addressed to varying degrees. Visibility was most comprehensively addressed, with gender mainstreaming and civil society participation partially addressed.</p>	<p><b>Recommendation 11</b> Project needs assessment should determine project partners familiarity with core principles of HRBA and gender-mainstreaming (including issues of gender blindness, LGBTI issues, and intersectional discrimination), with consideration given to designated HR/Gender focal points, standardised checklists etc.</p>
<p><b>Finding 16</b> Project participation by civil society was primarily through UTAB and Bar Association involvement in a range of project activities. Other CSO participation was more limited but included the formulation of the DoA and needs assessments and participation in the Steering Committee meetings and Court User Survey.</p>		<p><b>Recommendation 12</b> To ensure systemic integration of cross-cutting themes, awareness of the core principles of Human Rights/HRBA, (including gender mainstreaming) should be enhanced, in management teams, in partner institutions, among consultants etc, with project Log Frame/reporting, Steering Committee reviews, consultants' reports etc explicitly addressing progress on these core principles as an integral part of measuring progress towards expected results.</p>
<p><b>Finding 17</b> A range of Project activities and outputs <i>Communication and Visibility Strategy</i>, and communication tools addressed a deficit in public awareness of administrative justice and made progress towards enhanced public confidence in administrative justice, and project activities/outputs were in line with EU and CoE project visibility requirements.</p>		

## 2. INTRODUCTION

The project "[Improving the Capacity of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State](#)" implemented in Türkiye during December 2018 – May 2023 is a Joint Programme of the European Union (EU) and the Council of Europe (CoE), funded by the EU, the Republic of Türkiye and the CoE, within the scope of the 2014 Instrument for Pre-Accession Assistance (IPA II). The objective of the project is to foster public confidence in the administrative judiciary by strengthening its independence, impartiality, and effectiveness, and increasing public awareness through support to reform of the administrative justice system, including strengthening the institutional capacity of Council of State (CoS) and increasing the effectiveness and quality of the administrative justice courts.

### 2.1 Context and Description of the Intervention

Administrative justice in all jurisdictions is complex and fragmented and comprises various overlapping judicial and non-judicial systems that divide along 'vertical' policy/functions lines, such as: immigration, public sector employment, social security, tax, property/zoning. Challenges to administrative justice reform include various, sometimes overlapping, 'horizontal' cross-cutting grievance mechanisms, including internal administrative review processes, specialised oversight bodies, complaints mandate of NHRIs, ombudsman's offices, as well as general and specialised courts. In contrast to criminal and civil justice, administrative justice is rarely a primary focus of donor-assisted reform projects, despite the obvious importance for a large section of the population (citizens and others). The need for reform of administrative justice/law generally arises where there is also need for wider public administration reform, including internal review procedures within public authorities.

Administrative law in Türkiye is addressed in 189 administrative and tax courts and some 2,000 judges, with the preponderance of caseload handled by Ankara's 25 administrative Courts and 7 tax courts, followed by Istanbul and Izmir. Appeals are heard by 9 Regional Administrative Courts (RACs), expanded from original 6 in 2016, with the Council of State having multiple roles as a judicial, advisory, and decision-making body and the Council of Judges and Prosecutors as key judicial oversight body. Among other key state institutions mandated to address public administration complaints are the Ombudsman Institution and the National Human Rights and Equality Institution (TIHEK), both established in 2012. Only in recent years has TIHEK been expanded to an effective operational level. Reform of administrative law and justice generally in Türkiye is an acknowledged priority, by both Turkish institutions and relevant international organisations, but this project was a first systematic attempt at reform of administrative law system.

A key aspect of the acknowledged capacity gaps in administrative justice was the removal of almost 4,000 judges and public prosecutors in the wake of the 2016 attempted coup, that also saw more than 1,500 lawyers prosecuted. A significant percentage of judges and public prosecutors now have five years' experience or less with ongoing appointment and training of new judicial personnel. 90 new administrative law candidate judges are to commence training at the Justice Academy in April 2023. All of which is key justification for the project's focus on capacity-building.

Implemented during December 2018 – May 2023, the project is a Joint Programme of the European Union (EU) and the Council of Europe (CoE), funded by the EU, the Republic of Türkiye and the CoE, within the scope of the 2014 Instrument for Pre-Accession Assistance (IPA II). The objective of the project is to foster public confidence in the administrative judiciary by strengthening its independence, impartiality, and effectiveness, and increasing public awareness through support to reform of the administrative justice system, including

strengthening the institutional capacity of Council of State (CoS) and increasing the effectiveness and quality of the administrative justice courts. The need to increase public awareness and confidence in procedures to address grievances is also paramount to pre-empt unnecessary litigation and reduce court workload to facilitate efficiency in handling of those cases that need to be litigated.

The project's focus on administrative law makes it rare, if not unique, and a first for the CoE and in Türkiye, which makes lessons learned from it of particular importance. With a project budget of €3,335,000,00 (including a 7% CoE overhead). The project was implemented by the CoE Ankara Office with Ministry of Justice, Directorate General for Legal Affairs as the lead partner institution. Project stakeholders included the Ministry of Justice, Ministry of Justice, Council of State (CoS), CFCU, and EUD and target groups of MoJ, CoS, first instance tax and administrative courts, Regional Administrative Courts (RACs), Lawyers and the Ombudsman's institution. The final beneficiaries include administrative courts and judicial institutions; court users and lawyers involved in the administrative justice system. Linked to the need for 'upstream' public administration reform, the Ministry of Interior, Ministry of National Education, Ministry of Health, municipalities were also involved in some project activities, while the NHRI, THEK, Bar Associations and some CSOs also participated. The project complements several CoE projects, including *Mediation Practices in Civil Disputes*, *Strengthening the human rights capacity of lawyers*, *strengthening the Court of Cassation*, and *supporting Turkish Constitutional Court coherence with ECHR standards*. While there are some common issues in terms of partners, capacity-building focus etc, with these projects, workload pressures and the lack of an Office-wide project coordinator meant that synergies between all these projects was not optimal.

The scope and substantive focus of the project was originally envisaged as being addressed in two separate projects, capacity-building of the CoS, and administrative law reform, with the CoS and MoJ as respective lead beneficiaries. Domestic institutional issues meant that the projects were merged in the current project, with the MoJ DG Directorate General for Legal Affairs as primary beneficiary and CoS as partner, with the latter more actively engaged from 2020. One result of this merger was the project's wide-ranging scope and demanding array of activities that represented a challenge to programming efficiency and effectiveness. Some interlocutors query the logic of such a diverse range of activities in a single project. Arguably, with a separate SIDA-funded Ombudsman capacity-building project, project time and resources on this particular capacity-building activity might have been better allocated to other activities, which would not have precluded participation by the Ombudsman Institution in the project. A number of factors suggest that this (36 month) project would have been better conceived as a broad Phase I project. The scale of administrative justice challenges, lack of previous analysis of core issues and the project being a first CoE project exclusively on administrative law mean that a broad-based phase 1 might have led to a more selective in-depth follow-up Phase II addressing some selected themes in more depth. This might have led to more momentum on some key elements, piloting pre-trial resolution/ADR and initiative at least of actual legislative reform.

The project logic model is premised on the rationale that range of agreed activities, including expert analyses/needs assessment, capacity-building, production of model templates and guides, are necessary to generate systemic change in the effectiveness and quality of administrative justice in Türkiye. This systemic change includes strengthened independence, impartiality, and effectiveness of the system and increased public awareness and ultimately enhanced public confidence in administrative justice.



## Project Intervention Logic

Inputs	Specific objective(s): Outputs	Specific Objective(s):	Overall objective:
A.1.1 In-dept review of current administrative justice system A.1.2 Roadmap for improved administrative justice A.1.3 Monitoring appeals in selected first instance courts and RAC A.1.4 International symposium	<b>ER 1</b> Approaches to, and policies for, improving effectiveness of administrative judiciary are agreed, evidence-based and its implementation supported.	(a) To support further reform of administrative justice system, including strengthening the institutional capacity of Council of State (CoS).  (b) To increase effectiveness & quality of the administrative justice courts.	To foster public confidence in the administrative judiciary by further strengthening its independence, impartiality and effectiveness, and increasing public awareness of it.
A.2.1 Training needs assessment A.2.2 Preparation of training curricula A.2.3 Training of trainers A.2.4 Training of judges, lawyers & court staff A.2.5 Peer-to-peer training/round tables on ECHR, TCC and CJEU A.2.6 Publishing of Casebook on European Fair Trial Standards and of Turkish Casebook on Fair Trial Standards	<b>ER 2</b> institutional structure and professional capacity of the administrative judiciary are strengthened, thereby increasing public confidence in the administrative judiciary.		
A.3.1 Consultations on internal review A.3.2 Identifying ADR mechanism A.3.3 Assessment of pilot judgment procedure A.3.4 Enhancing the role of Ombudsman A.3.5 Improving relations between individuals and public administration	<b>ER 3</b> The measures to relieve the administrative justice system and courts of their heavy workload are identified and supported, existing pre-trial resolution mechanisms including appropriate alternative dispute resolution (ADR) mechanisms <u>are reviewed and addressed</u> .  *An amendment of the original objective of "strengthened and appropriate alternative dispute resolution (ADR) mechanisms are introduced".		
A.4.1 Training on analytical capacity of the RACs and the CoS A.4.2 Increased efficiency in selected first instance courts and RAC's A.4.3 Assessment of challenges and analysis of good practice A.4.4 Study visits and placements A.4.5 Ensuring consistency in judicial system A.4.6. Unification of case/decision codes of the Council of State with case codes of the first instance courts and RACs	<b>ER 4</b> Length of appellate proceedings reduced by more efficient and effective case management by RACs and CoS, and any necessary changes to systems and processes are introduced.		

## 2.2 Purpose, Objectives and Scope of the Evaluation

The purpose of the evaluation was to assess the Project's outputs and outcomes in terms of scope, objectives, and achieved results as well as strengths and weaknesses in the Project's design which may have affected the measurement of Project's success. The assessment of progress and identification of lessons from the implementation of the project was intended to inform potential future justice system projects by the CoE and project partners.

The objectives of the evaluation were:

1. 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;
2. To assess relevance and added value of the CoE in connection with the implementation of the Action;
3. To assess the effectiveness, efficiency, and sustainability of the Project;
4. To identify lessons learned that could be of use for future interventions in the thematic area or the organisation as a whole.
5. To provide directions/recommendations for the further implementation of the Action (i.e., any follow-up project/intervention).

Not least with the project timeline being extended beyond the evaluation timeframe, *impact* was not a specified evaluation criterion. Nonetheless, it was agreed in inception phase discussions that any evident or likely impacts would be noted. Evaluation inputs were received on the basis of non-attribution, via direct and on-line interviews, group meetings and

questionnaires. In addition to donor accountability, the project's large scale, its status as the first CoE administrative justice project and the absence of a mid-term evaluation made an end-of-project evaluation a priority, for accountability of funds, as well as to guide future justice interventions by the CoE and project partners, the MoJ and CoS, as the primary end-users of identified lessons learned and recommendations. The evaluation encompassed activities and outputs relating to all 4 project expected results and cross-cutting themes with meetings held with representatives of MoJ, CoS, Administrative Courts, RACs, the Justice Academy, Ombudsman's Office and TIHEK. With a separate CoE training *Impact Assessment Study* in January/February planned in 2023, training was not subject to in-depth review, but all trainers and trainees were sent evaluation questionnaires and some trainers/trainees participated in Ankara focus group meetings.

## 2.3 Evaluation Questions

The evaluation questions were structured round the DAC evaluation criteria of relevance, effectiveness, efficiency, and sustainability (and, where evident, impact), as well as added value of CoE as a project implementing partner.

1. What was the relevance/added value of the project, including alignment of the project's Theory of Change, objectives and activities with applicable legal norms, policies and priorities; with the rights/needs and capacities of stakeholders and beneficiaries, and administrative justice system users (rights-holders) and service providers (duty-bearers) and the added value of the CoE as project implementer?
2. To what extent was the project and its quality of implementation effective in achieving its intended objectives (and where evident/likely any impact), and coherent/coordinated with other relevant activities and the quality of implementation?
3. To what extent was the project managed efficiently?
4. What is the likely sustainability of the project, including the extent to which outputs be utilised and results maintained at project end?
5. To what extent were project cross-cutting project themes (Gender, Participation of Civil Society, Visibility) integrated into objectives, methodologies/activities and reflected in results.

## 2.4 Evaluation Methodology

The evaluation involved a range of data collection methods, including surveys and telephone and direct interviews, review of all project documents and large volume of documentary project outputs. Overall, some 50 stakeholders inputted into the evaluation. While originally envisaged as an end-of-project evaluation, project extensions, including, as a result of the February 2023 earthquake, meant that the project timeframe extended (to May 2023) beyond the evaluation time-period. This curtailed the conclusiveness of some findings, where activities/outputs were yet to be finalised, though drafts were reviewed and planned future implementation discussed with project partners.

An Inception Phase included refinement of evaluation questions and methodology and production of an Evaluation Concept Note for approval by CoE. The desk phase included review of documents (Project Description of Action, Log Frame and revisions, Project and ROM progress reports, Steering Committee Minutes, substantive outputs including Road Map and assessment reports, training materials and training assessment reports. A selection of Core national and institutional documents, including Türkiye's *Judicial Reform Strategy*, and *Action*

*Plan on Human Rights*, as well as reports of CoE/UN Justice/Human Rights treaty bodies and special procedures. Interviews and group discussion included CoE HQ and project personnel, senior personnel of “Direct Beneficiary” institutions (the Ministry of Justice, Council of State and Administrative Courts), national and international consultants, participants in project activities and other justice stakeholders.

Two questionnaires (for project participants/beneficiaries and for stakeholders not engaged in the project, but familiar with justice in Türkiye) were circulated to 80+ individuals, with the option of responding in English or Turkish. Responses were on a non-attribution basis, with 30 responses received, including some collective responses on behalf of organisations. Online discussions were conducted with current and past project management in Strasbourg and Ankara. Survey responses included international and national project consultants, with interviews/meetings conducted with 8 project consultants.

Budget constraints meant that only a 3-day mission to Ankara (16-18 January 2023) was feasible, without regional visits to project locations in Istanbul, Izmir, and Gaziantep. The visit included meetings with all project partner institutions and cross-section of participants. Four Focus Group meetings were held in Ankara, with a cross-section of stakeholders, including the CoE project management team, project partners, participants, and short-term consultants. Individual meetings were held with representatives of UNICEF, the Ministry of Justice, and the Justice Academy. Approximately 50% of interlocutors met were women. The evaluation sought to be a *process* contributing to 'buy-in' of stakeholders, including advance internal discussion of the CoE Project team and all interlocutors were provided with a translated overview of the evaluation and key questions in advance of meetings. Short notice confirmation of meetings by some key project partner institutions precluded scheduling of meetings with wider pool of stakeholders, such as CSOs. After some negotiations a meeting was agreed with the Justice Academy.

The combination of sources helped triangulate key information, though most sources directly engaged with were identified by the implementing partner. Nevertheless, the pool drawn upon was adequate, given the scale of the evaluation. While the project is the sole administrative justice project in Türkiye, given the connections with other justice projects engaged on justice institutional capacity building, a ‘contribution analysis’ approach was adopted. In light of a separate CoE training *Impact Assessment Study* in January/February 2023, it was agreed that this evaluation would not focus on training, though all trainers and trainees were sent questionnaires and some trainers/trainees met in focus groups. Other than tables of contents, project training materials only in Turkish were not translated for this evaluation. The volume and detail of the project documentation and documentary outputs available to the evaluation was impressive and well presented. Despite the scaled-down project team in January 2023 and the volume of project activities in the final extension phase, engagement with the evaluation by the project team (including some staff who had moved on from the project) was professional and enthusiastic. Responsibility for the content of the report, including any errors or omissions, is solely that of the Evaluator.

## Evaluation Phases:

### Inception phase (13 December 2022 – 10 January 2023):

<b>Purpose</b>	The goal of this phase was to conduct an initial examination of project activities and results and define the expectations, limitations, and challenges to be addressed.
<b>Activities</b>	<ul style="list-style-type: none"> <li>⇒ Receipt and initial analysis of relevant documentation/data</li> <li>⇒ Online kick off meetings with contracting authority</li> <li>⇒ Drafting of evaluation questions, methodology, work plan and questionnaires</li> <li>⇒ Review of documentation</li> </ul>
<b>Deliverables/ Outputs</b>	<ul style="list-style-type: none"> <li>✓ Concept Note</li> <li>✓ Evaluation Questions Grid and Questionnaires</li> </ul>
<b>Days allocation</b>	❖ 3

### Desk Phase: (10 – 15 January 2023)

<b>Purpose</b>	Analyse primary and secondary data according to ToR Evaluation questions
<b>Activities</b>	<ul style="list-style-type: none"> <li>⇒ Review of documents</li> <li>⇒ Circulate questionnaires and analysis of responses.</li> <li>⇒ Conduct interviews</li> <li>⇒ Planning of field mission</li> </ul>
<b>Deliverables/ Outputs</b>	<ul style="list-style-type: none"> <li>✓ Preliminary analysis and findings of documents and questionnaire feedback</li> <li>✓ Field mission plan</li> </ul>
<b>Days allocation</b>	➤ 7

### Field Phase: (15-19 January 2023)

<b>Purpose</b>	The goal of this phase was to complement desk phase findings with stakeholders' interviews/group discussions and gather additional data.
<b>Activities</b>	<ul style="list-style-type: none"> <li>⇒ Online briefing meeting with the CoE Ankara/Project management team</li> <li>⇒ Interviews and focus group discussions.</li> </ul>
<b>Deliverables/ Outputs</b>	<ul style="list-style-type: none"> <li>✓ Interviews/focus group inputs collected.</li> </ul>
<b>Days allocation</b>	➤ 3 (+2 travel)

### Synthesis Phase: (19 January – 24 February 2023)

<b>Purpose</b>	Drafting report: final interlocutor interviews
<b>Activities</b>	<ul style="list-style-type: none"> <li>⇒ Drafting of report and executive summary.</li> <li>⇒ Presentation of draft report to CoE.</li> <li>⇒ Feedback on Draft Report incorporated.</li> </ul>
<b>Outputs</b>	<ul style="list-style-type: none"> <li>✓ Draft Report submitted.</li> <li>✓ Draft Report revised on foot of contracting authority comments.</li> </ul>
<b>Days allocation</b>	➤ 2

### Report Finalisation Phase: (27 March – 2 April 2023)

<b>Purpose</b>	Finalise report and executive summary.
<b>Activities</b>	<ul style="list-style-type: none"> <li>⇒ Final editing of report and executive summary</li> </ul>
<b>Outputs</b>	<ul style="list-style-type: none"> <li>✓ Final report is revised based on contracting authority comments.</li> </ul>
<b>Days allocation</b>	➤ 2

### 3. EVALUATION FINDINGS

#### 3.1 Relevance/Added Value

To what extent did the project interventions correlate with relevant international, regional (CoE) and national legal standards and administrative law best practice principles?

To what extent the project (objectives, activities, methodologies, outputs/results) responded to needs and priorities of administrative justice system users (rights-holders) and service providers (duty-bearers) etc?

How sound is the project's theory of change and how has it been translated into the project's chosen structure, activities, outputs, and methodologies?

What was the added value of the CoE as a project partner?

The Project's focus on administrative justice reform (a first project in this justice sphere in Türkiye) is highly relevant to the Rule of Law Criteria for EU membership (and the EU Indicative Strategy paper for Türkiye 2014-2020), as confirmed by ROM reports. More generally, the project directly relates to Türkiye's international and CoE human rights treaty and constitutional obligations to ensure effective, independent, and efficient justice for citizens and others, including administrative justice, and public awareness of, and confidence in, the administration of justice. Administrative justice is of fundamental importance for ensuring remedies for social, economic, and cultural rights. The priority of judicial reform is accentuated by the centralisation of power in Türkiye in the executive since 2017. With its focus on administrative law reform, the project has particular relevance to many vulnerable groups in society, who suffer disproportionately from adverse public authority decisions in the area of health, social security, education, work, etc. This specific issue is addressed below in the report section on cross-cutting project themes.

Apart from divergent views on the merits of piloting ADR, project partners work to an agreed intervention logic that Administrative Justice system deficiencies (including excessive judicial workload and case backlog) require measures to address gaps in knowledge, capacity, institutional coordination and awareness/consensus regarding best practice reform options. The project's objectives and intervention logic are aligned with national legislative reform (including reforms of the Administrative Appeal Courts and administrative and tax laws that came into effect in July 2016<sup>2</sup>), proposed reforms in Türkiye's *Judicial Reform Strategy*,<sup>3</sup> the 2021 *Action Plan on Human Rights*, as well as the Strategic Plans of participating institutions.<sup>4</sup>

Key duty-bearer beneficiaries of the project include the MoJ, CoS, RACs, and First Instance Administrative and Tax Courts, with a subsidiary focus on the Ombudsman's Institution and some involvement by rights-holders (via Bar Associations and CSOs). The fact that all project partners have an interest in efficiency and effectiveness being enhanced ensured a positive commitment to the project.

Evaluation interlocutors uniformly confirm the relevance of the project's core focus and

---

<sup>2</sup> Among the changes the RAC's jurisdiction was expanded, including jurisdiction as first instance appeal courts in all appeals from the tax and administrative courts. The efficiency gains of this included the CoS having a more specialised final appeal role in principle, giving it more scope to exercise its legislative advisory function.

<sup>3</sup> 'Judicial Vision 2023 - A Trustworthy and Accessible Justice System'.

<sup>4</sup> Council of State Strategic Plan 2019-2023; Ombudsman Institution Strategic Plan 2022-2026; Council of Judges and Prosecutors Strategic Plan 2022-2026.

activities to ongoing challenges of awareness/capacity and systemic reform on administrative justice in Türkiye. A notable positive feature of the project was the extensive needs assessment and inception phase consultation. The rigour and participatory nature of this was highlighted to the evaluation as a particularly positive feature, maximising relevance of project objectives and activities and coherence with the *Judicial Reform Strategy* (and the *Action Plan on Human Rights*). The participatory process also ensured that project activities/outputs were aligned with the day-to-day needs of participating partners and yielded a strong sense of local ownership of the project.

The project was delivered in a context of widespread lack of confidence in public administration grievance procedures. The project's *Court User Survey*, for example, highlights some 42% of respondents not using public authorities' "review by senior authority" procedure before filing a court case, with logical assumption that some/many of these cases might appropriately have been diverted from the courts. Interlocutors highlight problems including public authority decision-makers fears (possibly over-stated) of personal liability under the 'public loss' provision, but also a general reluctance to make decisions, even encouraging complainants to litigate, so that they have an explicit court instruction to decide on a complaint or reverse a decision. It is also suggested that even where court judgments overrule a public authority's decision or approach, some authorities continue to make similar decisions.

The enhancement of inter-institutional communication<sup>5</sup> (notably between the MoJ, CoS, Ombudsman's Institution, THEK and UTAB) is also highlighted. The project's contribution to inter-institutional communication and information sharing is of particular importance as enhanced coherence and efficiencies in the administrative law judiciary are required to address delays/workload arising from deficiencies in internal administrative complaints handling by public authorities. This is an ongoing priority, as increased outreach and awareness of administrative justice is likely to increase volume of complaints with complaints potentially being filed simultaneously with several institutions. To a lesser extent the project facilitated engagement between judicial actors and CSOs and some key ministries, though more might have been done in this regard.

Given the complexities and the sensitivities of justice reform in Türkiye and the dependence on political will for meaningful reform, high level project engagement by duty-bearer institutions is of critical importance. The CoE as implementing project partner is identified as instrumental in securing this high level buy-in and engagement. A range of elements contributed to this added value, including the CoE's status as an IGO, its extensive range of justice projects in Türkiye, the scale of project resources available (primarily from EU funding), Türkiye's CoE membership, and the relevance of CoE normative standards and best practice. Interlocutors also highlight the CoE's ability to draw upon a pool of consultants with substantive and comparative administrative justice expertise and to facilitate study visits to relevant institutions, as a particular added value of project partnership with the CoE.

---

<sup>5</sup> The 2020 signing of a protocol on information sharing between MoJ and CoS Statistic Research units and a shared database replacing previous sharing by request are cited as examples of project supported reform in this regard.



## 3.2 Effectiveness

To what extent have objectives identified by initial needs assessment, TNA, Roadmap and ongoing MandE, been achieved?

How effective was the project implementation?

To what extent has the project contributed to enhanced administrative justice, Fair trial legal norms and other relevant standards (Paris and Venice principles, SDG 16)?

Coherence/Coordination with other relevant CoE activities and others (EU, UN, bi-lateral donors) in Türkiye.

Overall the Project has been effective in addressing some core underlying causes of excessive judicial workload and case backlog, which undermines public confidence in administrative justice. These underlying causes include, lack of awareness of administrative justice norms and best practice, gaps in individual and institutional capacity, systemic deficiencies, including institutional cooperation. The activities and outputs were all well chosen to address the problems identified and the overarching goal, including: identification of key legislative and procedural gaps, and formulation of reform recommendations, enhancement of the professional capacity of administrative judiciary and court staff, enhancing access to justice and court users' satisfaction, simplification and enhancing the efficiency of administrative trial procedure, strengthening the institutional capacity of the Council of State and promoting case code and case law coherence. As a CoE-led project, effectiveness was enhanced by the added value of relevant treaty and subsidiary standards (CEPEJ etc) on administrative justice, as best practice reference points and the ability to draw upon international consultant expertise familiar with CoE standards and experience in other CoE jurisdictions. The closure of the CoE Project Group on Administrative Law (CJ-DA) since 2008 is unfortunate, as it could be a key authoritative umbrella structure for CoE administrative justice projects.

All completed evaluation questionnaires (30 of some 80+ circulated), categorise the project achievements as 'Very Good' or 'Good' (the other rating options being 'Excellent and 'poor'). An exception being the dissatisfaction of the Justice Academy (see further below). All beneficiaries and participants met in the field visit spoke highly of the project's importance, achievements, and delivery framework, including the clarity regarding responsibility and timelines for output delivery. The project has been effective in delivering the majority of planned activities and outputs, though some key outputs being finalised only in the final months of the project has reduced effectiveness.

Insofar as it is discernible, the attributable *immediate* progress on system case backlog and enhanced public confidence for its 53 months duration is modest. The scale of the task, the foundational nature of many project activities, the 9 month delay in the project becoming operational as well as the impact of the covid pandemic on the project all contributed to this. A number of key outputs and system changes/streamlining, as well as enhanced visibility of the core issues means that reduction in case backlog and enhanced public confidence in administrative justice is likely in the *intermediate* term. The workload in the latter stages of the project timeline reduced time for project partners to undertake handover/sustainability measures and to optimally plan use of the project as a platform for future administrative law projects/activities, to formalise arrangements for ongoing use of outputs by key institutions and to link the project to a future judicial reform strategy etc.

Key project activities and outputs delivered include:

- Review of current administrative justice system and examination of Administrative Laws Nos 2575, 2576 and 2577 and proposals for reform,
- Initial, interim, and final Assessment Reports, including recommendations for future reform,
- Drafting and revision of the "Roadmap for Improved Administrative Justice", including finalization and suggestions on legal amendments,
- Training Needs Assessment of judicial and court personnel,
- Gender field visit and analysis reports,
- Report on Sex-Segregated Data of the court personnel in pilot regional administrative judiciary courts,
- Log frame Gender Check Report,
- Drafting and pilot delivery of training materials, (covering methodology, substance, and model power-point presentations),
- Training and training of trainers (700+ judges and court staff),
- Peer-to-peer round tables on ECHR, TCC and CJEU,
- publication of a Casebook on European Fair Trial Standards and Turkish Casebook on Fair Trial Standards,
- Awareness-raising and research on ADR, including drafting of a Guide to Good Administrative Practices for Administrative Appeals; Report Recommendations for introducing ADR mechanisms in resolving administrative disputes in Türkiye and a report on ADR in the French Administrative Justice System,
- Online consultations on enhancing the role of the Ombudsman's Institution in line with the Paris and Venice Principles,
- Drafting of a comparative review on Ombudsman's Institutions, including Recommendations of Action,
- Drafting of Guidelines for the Ombudsman and Public Authorities,
- Translation of the 2019 CoE publication on Protection, Promotion and Development of the Ombudsman's Institution, and the OI drafting of an Action plan on foot of the enhanced capacity.
- Drafting of Media and public Relations Action Plan for Pilot Courts,
- *Court User Survey*<sup>6</sup> (surveys, interviews and focus group meetings) implemented by a national research institution, with analysis of findings by international experts,
- Three Study visits and online consultation with the CoE and French and German counterpart institutions,
- Drafting of Guidelines and templates for administrative court users by 3 Working Groups with CJP input and combined WG meetings to review the outputs. These included handbooks on AJ procedure, FAQs, petition samples, Tax Court Guide, and Job descriptions, workflow, and job cards for court staff.

Some key activities remain to be undertaken/completed in 2023 extension Phases including:

- Public awareness publications, brochures and videos and training materials,
- Finalization of the CoS uniform case code system and regional training on its implementation,
- Training Impact assessment,
- Guidelines for Good Administration Practices by local consultants,
- An International Symposium on legal certainty, procedures and consistency of judicial decision-making etc and report,
- Completion of the Final Assessment Report
- Finalisation of Reference Report on ADR mechanisms in administrative justice
- Developing a Project Sustainability Plan for partner follow-up:

---

<sup>6</sup> With face-to-face interviews during July 2021 of some 614 lawyers and 390 citizens in the Project pilot RACs, Administrative and Tax Courts in Ankara, Gaziantep, Istanbul and Izmir.



- Handover process of training materials and signing of protocols with UTBA, other MoJ departments/directorates, RACs and the Justice Academy Co-operation agreement and protocol with the MoJ Directorate of Strategy Development for updating of the *Road Map* and continued use of the *Court Users Survey* Co-operation with the MoJ Directorate General of the Information Technologies on publication of project outputs on UYAP portals and RAC websites.
- Ongoing work on Pilot Court implementation plans and preparation of the annual reports.
- Hand-over process with the MoJ Training Department for the use of the module and the training pool on administrative judiciary court staff.
- A closing project event.

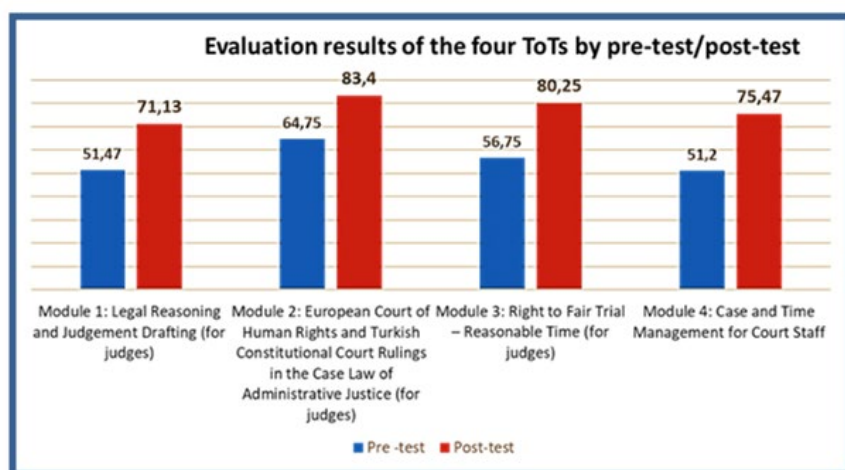
The array of outputs delivered, the quality of analyses undertaken, the legal and systemic reform recommendations, the capacity-building of key personnel and institutions combined to provide a foundation for some immediate changes and for wider future reform. The project was effective in enhancing relations and communication between key justice institutions and, to some extent, between the judiciary and lawyers. The focus on participation and consultation in project delivery methodologies are highlighted by beneficiaries as being particularly important. This engagement was identified to the evaluation as a new, replicable, experience, even by individuals with past international project experience. Contacts made with German and French counterparts are also highlighted as useful for the future. Project study visits were demanding, in terms of financial and human resources. While the composition of visit delegations would have been optimised by inclusion of Bar Association members, the process appears effective in contributing to knowledge, including advance questions sent to hosting institutions and post study-visit workshops to distil learning and formulate recommendations.

The various awareness-raising publications produced by the project, for lawyers, court users and public at large are key to enhancing confidence and efficiency of the system. A series of internal court tools (Job descriptions/Cards, Workflow Charts) are likely to impact positively on case timelines, if they are rolled out beyond the Pilot Courts. Similarly, the Petition Template produced by the project can add to system efficiency. The planned implementation of revised Case Codes is identified as fundamental to reducing on backlog and enhancing system efficiency going forward. The current case code system is acknowledged by all as being a core problem and long overdue for reform. The project's focus on Pilot Courts, represents a novel approach in a very centralised justice system and offers a model for replication in future projects in the sector.

A key project output is the "*The Road Map for an improved Administrative Justice System 2020-23*", a product of three years of engagement led by an international consultant, Ray Burningham. In conjunction with three assessment reports, this represents an important guide for future reform, particularly as it complements the more general coverage of administrative justice in the *Judicial Reform Strategy*. The *Road Map* process saw agreement reached across all institutions on some 37 key headings with reform proposals, including identification of lead and other institutions. Updated in the final extension phase, it is identified as capturing a snapshot of the past and informing future administrative justice reform. The use of the *Road Map* to guide other project activities (and its synergies with the *Judicial Reform Strategy*) made it particularly effective, especially with the document being a living instrument with several assessment reviews during the project. This process meant that the *Road Map* consultant, effectively served as a long-term project consultant (while not designated as such), with significant in-country presence. This aided project coherence and provided an important reference point for other international experts contracted on specific issues. It also mitigated the inherent weaknesses of multiple short-term consultant inputs and the changes in CoE project management personnel. The task of future updating of the document is likely to be onerous and require political will and resources from key institutions.

A key project focus was training of administrative judges and court staff, with almost 1000 judges and court staff trained over the duration of the project. This was systematically conducted with an extensive *Training Needs Assessment* undertaken between December 2019 and March 2020. The combination of academic and judicial, national, and international expertise involved in design and delivery, while demanding timewise, is assessed by interlocutors as having been most effective. Working groups comprised of senior judges and Court Registry officials oversaw academics/consultants (from law and education disciplines) tasked with producing the training modules, substantive and methodological manuals, training case studies, power points that are available for ongoing use by sector institutions. Interlocutors highlight that the project capacity building will inform justice capacity building going forward. Some project trainers also spoke of plans to revise their own academic teaching in line with the project's participatory techniques, and to use project materials in their university teaching.

Project training was evaluated with a knowledge test pre- and post training, including a 36 question gender awareness survey of participants, that also addressed vulnerability/marginalised groups, albeit generically. Participant feedback, was positive, for example, a 30% to 73% increase in knowledge in pilot training delivery documented across the 4 training modues and Training of Trainers saw similar positive endorsement.



Project feedback on Training of Trainers (March and June 2022)

While pre- and post-training knowledge tests were carried out, more could have been done by way of follow-up longer term assessment of the application of knowledge gained, by measuring changes in actual court procedures, judicial decision-making, court staff functions etc.<sup>7</sup>

Apart from six planned two month work placements that were deemed not a priority by MoJ, the planned piloting of ADR represents the most significant planned project activity not implemented. ADR in administrative justice is a subject of debate and divergent views in Türkiye. Views expressed to the evaluation highlight that among the relatively small pool of judges and practicing lawyers specialising in administrative justice, there is limited awareness of ADR and no consensus as to whether or how it might reform administrative justice. The lessons learned from the French study visit are identified as contributing to the decision not to proceed with the draft law on Administrative Peace Procedures (Peace Commissions), as they were deemed unsuitable to address the fundamental barriers to ADR in Türkiye, notably the

<sup>7</sup> The [Kirkpatrick training evaluation model](#), for example, offers a template for moving from measuring "Reaction of trainees" to training to measuring "Learning" (the resulting increase/changes in knowledge or capability), and "Transfer/Behaviour" (extent of behaviour and capability improvement and implementation/application) before ultimately "Results", or impact, (the effects on the institution/sector resulting from the trainee's performance).

ongoing concerns of liability 'public loss'. The German conciliation judge model and ECtHR pilot judgment procedures were identified as meriting further exploration for relevance in Türkiye. The MoJ perspective on ADR is that the challenges involved meant it was not feasible under the project, while CoE is of the view that, with pre-trial resolution system in place, lack of ADR is not a significant cause of case backlog and, in any event, requires legislative reform before piloting is feasible. The end result was that this ER was scaled back to a number of activities on awareness-raising and capacity-building and recommendations for future law reform on ADR. These perspectives should logically have come to light in the DoA/Inception phase. This shift in focus should have benefitted from more detailed Steering Committee discussion and an earlier decision on adjusting the ADR focus.

While yet to be made operational, the addition (in the first 12 month extension of activities) of a review and reformulation of case codes represents an important contribution to efficiency and case backlog. The additional activity of the international symposium (requested by MoJ) in the final phase, while contributing to visibility and knowledge, required time and resources that would perhaps have been better spent on more hand-over/sustainability activities.

A wider effectiveness issue relates to the expansion of the number of Ankara Office projects (14 as of January 2023), many concerning the justice sector/system. More can be done to enhance links with other CoE projects and relevant activities of UN agencies and bi-lateral donors in Türkiye. Renewal of previous sector meetings organised by the MFA European Directorate is one possibility for enhancing such coordination. In any event, with so many related justice projects, the effectiveness of this project would be enhanced by more structured information-exchange between the CoE, UN agencies and bi-lateral donors engaged in the sector etc. Not least with an Acting Head of office and a vacancy in Head of Operations, a post of Office Programme Coordinator could have fostered greater linkages between the project and other CoE projects and added to effectiveness and ultimately impact of all. Such a Coordinator would also free up the Head of Office to engage more at political level with other IGO/donors active in Türkiye, including on justice reform challenges that are rooted in lack of political will than lack of awareness or capacity. This would maximise the comparative advantage of the CoE by strengthening the connection between CoE's role as project implementer and as an IGO to which Türkiye has membership obligations.

## **Impact**

The original terms of reference of this evaluation did not include assessment of impact. There was a logic to this, given that some key outputs were only concluded in December 2022 and a range of activities remained to be concluded in the final phase in Spring 2023. However, it was agreed that any impact would be noted where evident or likely. Generally, attribution of impact is problematic without accurate baselines or comprehensive indicators and means of verification.

The positive response and sense of ownership of key institutions regarding documentary outputs, knowledge gained and capacity-built and the high level of institutional engagement strongly suggest likely future impact on case backlog and public confidence. Generating impact from the roll-out of materials developed by Pilot Courts to other RACs, repeat of the *Court User Survey* etc are both resource issues and a matter of political will.<sup>8</sup> The impact of project recommendations for legislative reform, reform of the Ombudsman's Institution etc is more problematic, dependent as they are upon future allocation of resources and political will.<sup>9</sup> The

---

<sup>8</sup> The *Court User Survey* and analyses, has utility across all justice contexts and offers a template adaptable for use by public authorities generally.

<sup>9</sup> The US State Department Country report for 2021, cites inputs suggesting the Ombudsman Institution and National Human Rights and Equality Institution both lack financial and operational independence. EU and SDG assessments also raise fundamental concerns regarding political commitment to judicial reform.

project *Sustainability Plan* will be central to future impact, given the need for justice institutions to have carriage of project outputs and to see them through to substantive change.

A key measure of progress given the focus of the project on judicial workload and case backlog is backlog/clearance rates. Statistics in this regard are collated by MoJ and CoS but are difficult to analyse from the perspective of specific project contribution, not least at such an early stage after the delivery of key activities and with some outputs pending.<sup>10</sup> There is also a need for caution on statistical trends such as the samples below. For example, the average number of days for CoS clearance of cases increased annually during 2016-2020 (327, 407, 582, 670, 606), but this is attributed to priority being given to finalizing the files transferred from previous years - a justifiable fair trial rationale. Similarly in the case of the Ombudsman Institution a trend of annual increase in complaints (2018 (17,585), 2019 (20,968) 2020 (90,209)) is attributed to more outreach and higher awareness, though equally it might indicate increased failure of public authorities or dissatisfaction with public authority or judicial remedies. A survey of complainants and others would help analyse these trends. This highlights the need for time and capacity to 'unpack' statistics and the priority of lawyers, CSOs, statisticians and others being involved identifying possible factors behind trends. That said, most, if not all, project outputs should logically help address excessive caseload and backlog, though in some cases impact is dependent on post-project roll-out.

Evaluation participants highlight an immediate impact of project training and tools in terms of administrative justice efficiency. The brochures for citizens on *how to file a case*, on Legal Aid, on Case progression-stages, on Legal Remedies and Administrative Court structures, should all logically help reduce unnecessary litigation, filing errors and contribute to reducing case backlog. Similarly the introduction of Court Front Offices and Media and public relations action plans, if maintained, rolled out and publicised, can have similar impact and enhance public confidence in the system.

Once finalised, the revised administrative justice case codes is also identified as offering long-lasting impact on judicial efficiency, and will be in place "for decades", in the words of one senior justice official. Other wider impacts of the project include several partners highlighting that the *Road Map* and other outputs have informed their institution's strategic planning (eg Ombudsman's Institution's drafting of an Action Plan) in line with CoE standards. With the current *Judicial Reform Strategy* ending in 2023 and with the *Road Map* updated in January 2023, the possibilities for the *Road Map* informing the Next Judicial Strategy seem strong, and MoJ, CoS and RAC Presidents all highlighted this as likely.

---

<sup>10</sup> The Covid pandemic delayed the commencement of face-to-face trainings, which meant cascade in-service training required an extension phase. The new training modules for judges, and newly established pool of trained judges under the Project will be available for further cascade in-service trainings. Furthermore, in the final extension period, an additional training activity to cover 50 court staff members at the CoS will be held.

**Programme Indicator – MoJ Data**

Indicator	Baseline (year)	Milestone 2017	Target 2020	Value (2018)	Value (2019)	Value (2020)	Value (2021)	Value (2022)
<b>Action outcome indicator 2</b> Backlog in courts (civil, criminal, administrative courts)	(2010) 58,09	65	70	Criminal Courts: %55,1  Civil Courts: %55,4  Administrative courts: %63,4  Tax Courts: %78,7	Criminal Courts: %56,5  Civil Courts: %56,1  Administrative courts: %60,5  Tax Courts: %71,9	Criminal Courts: %48,5  Civil Courts: %50,8  Administrative courts: %60,7  Tax Courts: %67,9	Criminal Courts: %59,7  Civil Courts: %59,0  Administrative courts: %63,7  Tax Courts: %70,9	Criminal Courts: %51,4  Civil Courts: %52,8  Administrative courts: %58,6  Tax Courts: %66,3  (01/01/2022-31/10/2022)

**Table 1.2. Regional Administrative Courts / Number of Files, 2016-2020<sup>41</sup>**

Year	2016	2017	2018	2019	2020
<b>Number of Incoming Files</b>	17.372	53.706	40.565	44.322	58.429
<b>Number of Files Opened</b>	232.114	262.696	221.961	221.407	234.786
<b>Cases Judged</b>	195.772	275.836	218.187	207.300	201.278
<b>Average Number of Days for the Clearance of Cases</b>	60	63	69	86	No Data

Other than for the pool of people engaged in the *Court User Survey*, it remains difficult to predict the extent to which increased public trust generally in administrative justice will be delivered. Assuming the survey is repeated and extended, the enhanced capacity to conduct surveys, the various resulting procedural changes, and the focus on communications with the public will all logically impact positively on public trust. The survey and various other outputs that enhance engagement between the public and justice institutions, also a likely contribution to conflict mitigation.

### Monitoring and Evaluation

Measuring progress on efficiency and effectiveness of judicial proceedings, and progress towards the overarching objective of enhanced public confidence in administrative justice is a challenge. Despite investment of time and effort, overall, project MandE was not optimum. Focus on MandE suffered from changes in personnel, the volume of project activities and the pressure to make up lost time, after commencement and Covid pandemic delays. The project team reports having to take on MandE roles when envisaged suitable local MandE specialist support did not materialise. Going forward assessment of the impact of training/capacity building, of tools developed etc will necessitate more longer-term assessment systems and enhancement of internal CoE MandE capacity. While the *Court User Survey* and analysis report is an important contribution to capacity in this respect there are some question marks over the key justice institutions capacity to undertake this impact measurement.

While use was made of CEPEJ indicators, many project indicators are of outputs (individuals reached/satisfied and materials produced/translated/disseminated etc), rather than of results and most fall short of the "SMART" criteria (*Specific, Measurable, Achievable, Relevant, and*



*Time-bound*).<sup>11</sup> Indicators of the *quality of processes* used to achieve result are limited. Due to deficits in data from key institutions, most project ERs lacked base-lines and Rom Reports also highlight deficiencies in the OVIs. Despite some project documents referencing SDG 16 “access to justice for all”, relevant indicators developed under that Goal were not utilised. More generally, some key international law standards and recommendations/guidance of relevant authoritative bodies, might have been used in analysis/capacity-building, and as guides for developing indicators, eg UN CEDAW, CRPWD.

Future projects can do more to develop a visible shared project Theory of Change, with ‘impact chains’ being formulated jointly with partners for each activity (how, by whom, at what intervals change generated by each output will be assessed). This should entail a *reverse engineering* of chains of causation working back from expected impact back to optimum inputs, including a 360° assessment of who is vulnerable *in human rights terms* in the context of the specific sector/issue being addressed, and what specific gender issues are involved. Agreed, feasible MandE process and indicators should measure expected progress as part of Project efficiency but also enhance accountability. Credible MandE of justice reform efforts is also intrinsic to enhancing public confidence. Where, as is often the case, baselines are lacking, consideration should be given to a specific project focus on identifying/formulating baselines on key issues. This could be done as a pilot in project Year 1, with the exercise identifying starting points for measuring progress in subsequent years of the project, while at the same time increasing justice institutions’ capacity to identify/formulate baselines going forward. The scale of the project and it being a first project in this particular justice sphere in Türkiye and by CoE, merited a mid-term evaluation.

---

### **3.3 Efficiency**

#### **Was the project efficiently managed?**

A number of observations and recommendations in the previous section on effectiveness, project management and personnel are also relevant to efficiency, and not repeated here.

The project delivery model was logical given the nature and objectives of the project. This involved a local CoE project team, with HQ support, designated lead beneficiary institution, and wider pool of partner institutions, a project Steering Committee and a combination of international and national experts, supported in some activities by Working Groups drawn from partner institutions. The project benefitted from inputs from some leading administrative law experts and collaboration of German and French counterpart institutions. Interlocutors generally comment favourably on the project delivery model and the regular CoE/MoJ coordination meetings are highlighted as being constructive, despite many changes in CoE project personnel and some changes in Turkish institutions. The Project Steering Committee (which as of January 2023 has held eight briefing sessions), appears to have functioned more as a platform for updates and discussion, rather than pro-active *direction* of the project. While meeting discussions are detailed and well documented, a smaller group composition with ToRs to ‘steer’ the project would have enhanced efficiency and effectiveness. In particular, a Steering Committee should facilitate strategic thinking and project choices. If public servants fear of “public Loss” is (as some contend) overstated then addressing that misperception might be a

---

<sup>11</sup> For example, X% annual increase in litigants reporting satisfaction with the adequacy of information provided on filing a case, disaggregated by relevant grounds sex, disability, socio-economic status etc.

priority; if Pilot Case Procedure has potential to address a significant percentage of case backlog, that might be prioritised over other activities. A steering Committee should also be tasked with more scrutiny of progress towards impact, against the project DoA and log frame and addressing issues of political will or institutional difference (such as the issue of Justice Academy's non-participation in the project) which may be a challenge to address at project team level.

Assessing project efficiency needs to factor in the nature of many project outputs, high volume of documentary outputs, including multiple iterations of collaborative drafts, translation required, and the distinct reporting and decision-making procedures of the EU, the CoE, with beneficiary and contracting partners having their own hierarchies and decision-making procedures.<sup>12</sup> The nature of the project as a partnership with state institutions, and particularly with justice institutions,<sup>13</sup> while logical, involved protocol, formality and hierarchical decision-making, that meant decision-making took more time than might have been the case with fewer participating institutions, or with CSOs. The need for individual protocols to ensure that different DGs in the MoJ can use project outputs, going forward, for example, is illustrative. The multiplicity of partners and consultants involved, and the reach of the project beyond Ankara to include Istanbul, Izmir, and Gaziantep, while logical and positive, were also efficiency challenges.

Several other background issues also challenged project efficiency. As noted above the project is in effect a merger of activities originally planned to be addressed in *two* projects. With the original DoA compiled by the CoS before the MoJ became the lead beneficiary, the passage of time meant the DoA needed to be updated. To some extent the four project ERs cover issues/themes that could have been addressed in individual projects, as is often the case with civil and criminal justice sphere. The volume of activities and project staff turnover required extensive working hours of the project team, and work flexibility including taking on tasks regardless of formal job descriptions.

Efficiency was impeded by challenges included identifying and recruiting suitable CoE project personnel (only completed in September 2019, after December 2018 signing and April 2019 project launch and) and a relatively high turnover of personnel. With CoE team members on project contracts, the protracted process for formalizing the two project extension phases<sup>14</sup> created job insecurity that impacted on project management, created uncertainty regarding contract renewal and loss of experienced project personnel. In the evolution of the project from 36, to 48 and latterly 53 months, the project has had 11 Ankara core staff, (of 4 envisaged in the DoA) including 3 project leaders, and 3 Strasbourg HQ coordinators and 2 assistants. Most changes occurred in the initial 36 months of the project. The possibilities for optimum handover between staff were diminished by gaps between outgoing-incoming personnel in Ankara and Strasbourg but mitigated somewhat by team solidarity and load-sharing. Changes were ongoing even in the final extension phase with project staff leaving, or due to leave, during that period.

Changes in personnel within beneficiary partners was also inevitable given the project's 53-month duration, though core senior management people in the MoJ and CoS remained involved for the duration and this enhanced project communication and efficiency. In some cases, changes in leadership of Turkish institutions are cited as having also presented positive

---

<sup>12</sup> Reflecting the challenge of procedural changes, reference was made to some 38 meetings being required to finalise agreement on the case code list, for example.

<sup>13</sup> The requirement, for example, to agree protocols to ensure that project materials are used by different MoJ Directorate Generals even with MoJ DG as the primary beneficiary is illustrative.

<sup>14</sup> Apart from the timelines of the extensions, the final 3-month extension, for example, while agreed June 2022, was only formalised in January 2023. This impacts on job security of project staff with loss of expertise, even with some CoE bridging arrangements to seek to retain staff.

opportunities, with new management more engaged than predecessors.

The Covid pandemic seriously interrupted the work of project partners and planned project activities, including face-to-face meetings, training delivery, and travel to Türkiye and to the regions. This meant most project activities had to be reconfigured, suspended, or delivered remotely during March 2020 - October 2021. Other activities were delayed, cascade in-service training programmes, for example, falls to be completed in the final phase of the Project. Generally, the adjustment to online delivery appears to have been handled effectively. An unplanned efficiency gain arising from this was that Turkish institutions embraced virtual meetings more than previously, which, going forward, can benefit Ankara-regional communication and participation by key institutions in relevant international events.

---



### 3.4 Sustainability

**To what extent will outputs be utilised, and impacts maintained at project end?**

The likely sustainability of key projects outputs is enhanced by several factors, the participatory nature of the project, the process by which key outputs were developed, as well as the high-level sense of ownership of the project and formal institutional endorsement of the project by key justice institutions. As highlighted to the evaluation, these combine to ensure strong prospects for the project knowledge, analysis, and recommendations to feed into the next *Judicial Reform Strategy*.

Due to starting phase delays and adjustments made necessary by the Covid pandemic delays, some steps to ensure sustainability of a range of activities are more dependent on Turkish partners post-project, than might otherwise have been the case. This will be addressed in the *Sustainability Plan* being finalised during the final extension phase. Ideally the *Sustainability Plan* would have been completed at an earlier stage, and possibly used to seek follow-up project funding.

Some 80+ trainers (judges and Court registrars) were identified and trained on the delivery of the four training modules. Even assuming some personnel transfer/retirement, this represents a long-term resource for future capacity-building on administrative justice best practice and a significant pool, given the relatively small number of judges and staff in administrative justice. With participating administrative law judges working in a specialised role, the risk of transfers is reduced, compared to civil and criminal law spheres. The various outputs and enhanced capacity are likely to be given longevity by some key newly established units, e.g. the CoS Unit on Case-law, Reporting and Statistics. A follow-up *Court User Survey* was not feasible in the project timeframe and some doubt exists regarding the MoJ's capacity to undertake follow-up surveys, at least on the same scale, though it is a Judicial Strategy commitment. A planned formal network of Administrative Law judges did not materialise due to demands of other project activities. This would potentially be an important contribution, and if possible, should be put on the agenda in the future.

The mandated pre-service training institution for judges and prosecutors, the Justice Academy was not centrally involved in the project.<sup>15</sup> It is reported that this arose from a difference of opinion between the Academy and other institutions regarding the substantive focus of the project's training. It is not clear whether more high-level intervention at an earlier stage might have resolved this. In any event it should be addressed, even at this late stage. The Academy continues to partner with the CoE on other projects and representatives met suggested that the Academy will avail of project materials in developing a new administrative justice curriculum. While some project trainers and trainees are also guest lecturers at the Academy, a plan to adopt a protocol in the final extension phase to formally transfer materials to the Academy is a priority. Other protocols planned with MoJ Training directorate, UTBA etc. for their use of the project training materials in their ongoing training and RACs also plan to use the materials in their own training of judges and court staff.

The sustainability of awareness raised of administrative law issues, of best practice in addressing administrative appeals, ADR, is by its nature, difficult to guarantee. The participatory consultation processes involved, high level institutional support and

---

<sup>15</sup> Though in-service judicial training falls within the shared remit of the Academy and project partners (MoJ, RACs, CoS etc).

documentation/translation/dissemination of materials all offer potential sustainability of documentary outputs. Interlocutors cite the strong inter-institutional communication fostered by the project, as a significant project legacy, not requiring structural change or significant resources, that can enhance the sustainability of enhanced systemic cooperation. While proposals for actual administrative law reform are among the most challenging outputs to advance post-project, some evaluation interlocutors highlight possibilities for these post-elections, and observe that this is enhanced by the range and status of the institutions involved in formulating project analyses and recommendations. Both key partner institutions identified plans to continue key project activities, even in the absence of any follow-up CoE project.

A significant challenge to sustainability of outputs remains, including political will to fund and ensure necessary roll-out of piloted templates and capacity-building and ongoing implementation of reforms achieved. The CoE and its institutions are in a position to help address this, by ongoing engagement with key institutions in other justice projects, as well as initiating enhanced donor coordination in the sector.

### **3.5 Cross-Cutting Project Themes: Gender, Participation of Civil Society, Visibility**

To what extent were cross-cutting project priorities (**Inclusiveness/Gender, Participation of Civil Society** and **Visibility**) integrated into objectives, methodologies/activities and reflected in results

The project has three stated cross-cutting themes **Inclusiveness/Gender, Participation of Civil Society** and **Visibility**. While logical, this particular combination differs from other CoE projects. The risk that cross-cutting themes are not prioritised as much as 'Expected results' is borne out somewhat by project indicators and activity reports, which do not consistently address progress on the three themes.

The Project has a stated commitment to addressing **inclusiveness and gender**. Inclusiveness is not elaborated, but gender mainstreaming is specified in the project as being "*to ensure gender-balanced participation in the Project activities*" and to ensure that policies, analysis and research, training and tools addressed gender equality and the collection of the gender-disaggregated data and gender-sensitive communication materials. Particular attention was paid to maximising the participation of women in a range of activities.<sup>16</sup> *Gender mainstreaming* (including, but extending beyond, gender equality), as defined by the CoE is not systematically addressed across administrative justice gaps, root causes and reforms.<sup>17</sup> Project gender inputs included international and national short-term gender consultants conducting two field visits in 2020, and producing a Review and Gender Strategy Report on AJ, and commenting on the project log frame. The Gender Strategy developed by the project does not appear to have been a systematic reference point for all subsequent project activities. *The Roadmap* includes a

---

<sup>16</sup> The Judicial Reform Strategy explicitly identifies the need for *in-service and pre-service training on women's rights* under Objective 6.4 "*Practices related to women's rights in the justice system will be improved*" of Aim 6 "*Ensuring Access To Justice And Enhancing Satisfaction From Service*".

<sup>17</sup> "Gender mainstreaming" means: integrating a gender perspective at all stages and levels of policies, programmes and projects. Women and men have different needs, experiences and living conditions, including unequal access to and control over power, money, human rights, justice, resources, and decision-making. The needs of women and men also differ by age, ethnicity, disability, class, economic status, sexual orientation or gender identity and even by country and/or area within a country. It is important to take this intersectionality of factors into account when designing policies, programmes and projects." Council of Europe, [Gender Mainstreaming Toolkit For Co-Operation Projects](#) 2019.

number of gender recommendations on: gender equality in recruitment of judges, prosecutors and staff, gender disaggregated data collection by courts; inclusion in RAC and CoS annual reports, gender ratio of judges and prosecutors in CoS, RACs, and Administrative Courts in Judicial Statistics and gender quotas in tiers where women are under-represented. The *Court User Survey* and analysis addresses several gender-related issues, including some specific gender questions.<sup>18</sup> It is instructive that in all questions posed, women surveyed indicate higher dissatisfaction rates than men regarding court access, information etc.

The project *Training Needs Assessment* highlighted the need for training to address gender stereotypes and gender mainstreaming in court proceedings. Pre- and post-training participant knowledge was surveyed using an eleven question *Gender Equality Awareness in Law* developed by the project.<sup>19</sup> This scale is somewhat mistitled, as it also includes some questions regarding vulnerability generally. The use of such a questionnaire is new and welcome in judicial training in Türkiye. There is potential to develop it as a more comprehensive human rights/gender knowledge test, perhaps with scenario options included in the multiple-choice answers. Interlocutors also report gender-related cases being specifically selected for training workshops. As key training materials are only available in Turkish it is not possible to comment on the coverage of gender (or human rights) in these materials. Project outputs such as *Enhancing the role of the Ombudsperson* and *Communications Strategy* also address gender, including women's access issues and recommendations for gender-sensitive and inclusive communication respectively. Effective implementation of these recommendations will be dependent on prioritisation and proper understanding of gender by institutions/personnel taking this forward.

Generally, gender analysis of administrative complaints and administrative justice could have been stronger and gender more optimally *mainstreamed*, beyond the primary focus of *disaggregation of numbers by sex*.<sup>20</sup> There is some suggestion that addressing gender with partners in the project was problematic, with possibly some self-censorship on the issue.<sup>21</sup> Evaluation inputs, regarding one study visit, for example, highlight a deliberate decision to not raise human rights/gender in discussions with the visiting delegation.<sup>22</sup> The backdrop of Türkiye's withdrawal from the Istanbul Convention is likely a factor. Nevertheless, a more systematic programming focus on gender mainstreaming from the outset would have mitigated these challenges, including coverage of gender in the DoA "relevance of the action", in post-study visit recommendations, and Steering Committee discussions. In particular, gender-blindness and *intersectional* discrimination in administrative justice, (identified in the EU *Indicative Strategy Paper* as one of the main barriers to women's equal access to justice) required more analysis. It is possible that more project involvement by gender focussed CSOs would have made a difference, but CoE should in any event strive to ensure gender mainstreaming is understood by all and integral to projects. Where cultural sensitivities (or a power imbalance between senior state officials and young, local project staff) present challenges this may require high-level input, and where necessary a combined approach by CoE and EU. It seems that the demands of project activities reduced possible engagement with other agencies (UN Women) and projects such as the EU/CoE Joint Action *Fostering Women's*

---

<sup>18</sup> In some cases, the survey and analysis address multiple vulnerabilities. For example, the survey identified that among participants 20% more women expressed a need for more information about personal rights and judicial procedures than men, and men's satisfaction with newly introduced Court 'Front Offices' outweighed women's by a 3:1 ratio.

<sup>19</sup> The Review of Cascade Training using this scale found gender knowledge among participants to be low.

<sup>20</sup> Against a 54% proportion of female judges in Europe, growth in women judges and prosecutors in Türkiye has advanced rapidly from 22.8% percent in 2010 to 47% of the total number of judges in Türkiye as of 2019.

<sup>21</sup> The accepted content of the term 'gender' was highlighted to the evaluation as representing a challenge in the Turkish language.

<sup>22</sup> Societal antipathy and documented failure to effectively prosecute hate speech and crimes against LGBTIQ persons and other human rights concerns strongly suggest that this community is disproportionately affected by negative public authority decisions and perhaps dis-incentivised to complain or litigate.

*Access to Justice in Türkiye* that could have enhanced gender in this project, without 'reinventing the wheel'.

There is general recognition that courts and other institutions need to engage more and more effectively with the public and with CSOs. In a 2021 survey with regard to the Ombudsman Institution, for example, 90% of surveyed participants highlighted the need for that institution to engage more with civil society stakeholders. Courts by their nature are even more 'distant' from the public. The project involved some **participation of civil society**<sup>23</sup> in events. Most active were the UTBA and Bar Associations, though some lawyers inputting into the evaluation suggest that Bar Associations involvement was more by way of *consultation* in outputs than *participation* in their development. Civil society participation also included consultation of CSOs in the formulation of the DoA and various needs assessments/research analyses, as well as participation in the large Steering Committee meetings and in Focus Groups for the *Court User Survey*. Outreach by the Ombudsman's Institution in Diyarbakir, in universities through Ombudsman Student Clubs and cooperation with Turkish Red Crescent are cited as having benefited from the capacity built by project. Some sensitivities of state institutions make joint capacity-building of State and Bar/CSO personnel problematic, though, it should be encouraged, as Bar/CSO outreach is an important vehicle for raising awareness and measuring confidence, particularly reaching the most vulnerable in society.<sup>24</sup> In addition to their own direct interest in administrative justice,<sup>25</sup> CSOs also have the potential to reach beyond actual court users, to reach those aggrieved with public authority decisions who do not file administrative complaints or initiate litigation. More generally, CSO awareness of administrative justice reforms can enhance their role monitoring change in judicial and public administration complaints handling, and whether new procedures, enhanced capacity is actually being applied.

As outlined in the Project's DoA and *Communication and Visibility Strategy*, **visibility** has several aspects: "increasing public awareness" of administrative justice and of project progress towards the goal of enhanced public confidence in administrative justice and also project activities being in line with EU and CoE project visibility requirements.

Many aspects of project delivery and outputs enhance the visibility of administrative justice. Publicity around events, including the final international symposium, the establishment of Court Front offices in all RACs in May 2022, improved court signage, brochures on administrative justice procedures targeted at the wider population are all identified to the evaluation as enhancing visibility of administrative justice, in an area of law where public knowledge is low and confidence is lacking. Most outputs are posted on the [CoE Project Office website](#) in English and Turkish, and the website of the [CoE European Committee on Legal Co-operation](#) and the [MoJ, Directorate General of Legal Affairs](#) and there are plans to upload materials on [UYAP](#).<sup>26</sup> Some updating of these websites is required. While a self-selecting group, in that they are people who have accessed courts, 70% of *Court User Survey* respondents report using the UYAP citizen portal (with lower rates for older and less educated and, if they had been involved in the survey, presumably also for PWDs). Visibility in the project might have been more

---

<sup>23</sup> Listed participants in some activities include the Civil Society Association in the Penalty System CEİD/Trade Union Confederation Health and Social Workers' Union Health Workers' Union of Türkiye.

<sup>24</sup> Subject to deeper analysis, the fact that 25%+ of administrative law cases are taken by public servants and that education is the sector with the largest number of complaints suggests that the system is being used by those relatively empowered, with a need for more focus on those 'left behind', without the knowledge, means, confidence to file complaints or litigate.

<sup>25</sup> Though concerns regarding public authority decisions on registration, permits of CSOs means they are also direct stakeholders in administrative justice reform.

<sup>26</sup> Some use of audio-visual materials including short video presentations in Turkish accompanying the [publication in Turkish of the Council of Europe Handbook "The Administration and You"](#) and Video presentation on [the Road Map for an Improved Administrative Justice System \(2020-2023\)](#) and in the final phase multimedia materials including 2-D animations (How to file a case; Legal aid and Case progression-stages) and Videos - "administrative justice in first instance administrative and tax courts, RACs and CoS are planned.

explicitly framed in human rights terms – that visibility/awareness is key to individuals knowing their rights and accessing justice, and that individuals not only have the right to justice, but equally to see that justice is done.

Human rights are integral to the project, given links to fair trial, in particular judicial independence, transparency and efficient, impartial, decision-making and its connection with the human rights commitments in the *Judicial Reform Strategy*.<sup>27</sup> The overarching project goals of enhanced public awareness and confidence in administrative justice are also fundamentally a matter of human rights, with an obligation on the State and CoE (as duty-bearers) to proactively enhance awareness of public authority and judicial complaints mechanisms. A central project focus is on non-discrimination, though to some extent this is confined to male/female representation in the judiciary and court personnel and the rights of (some, but not all) vulnerable/special interest groups.

Human rights are addressed explicitly in a range of outputs, training modules, *Court User Survey* etc.<sup>28</sup> A generic human rights question<sup>29</sup> is posed in the lawyers' survey (but not in the 'citizen' survey) in the *Court User Survey* and which 3.35% of respondents identify as a priority, but this needs to be read against other responses that prioritise other specific human rights, 8.2% listing "Transparent and fair trial", 2.1% listing judicial independence. Similarly, a survey question posed regarding judges' sensitivity to human rights (with respondents disaggregated by sex/age/employment status/education/literacy) is a useful start and survey questions regarding public transport under accessibility can be expanded to cover a range of accessibility issues. The 57.6% 'satisfied' response rate to a question regarding PWD needs to be read against the absence of any PWDs in the pool of interlocutors (as the analysis notes) is illustrative of need for comprehensive HRBA to confidence surveys.<sup>30</sup> The analysis of the *Court User Survey* results includes a number of recommendations that can deliver a more comprehensive human rights focus of future surveys, but substantive expertise will be needed to ensure this.

In addition to being in line with the CoE's core mandate, having "Gender/HRBA" as the primary cross-cutting themes would encompass the current project cross-cutting themes and have made more explicit the link between administrative complaints handling/litigation and vindication of human rights of *all* individuals (not just citizens) impacted by public authority decision-making to health, education, social security, work, property etc.<sup>31</sup> As an example, while the project was highly participatory (in terms of judges, justice officials, court staff, lawyers), this was largely seen as a matter of project partnership and of enhancing project relevance. HRBA would mean participation is also recognised as a legal right ("to active, free and meaningful participation") of all rights-holders, including, but not confined to, justice sector personnel. This participation perspective could also have been factored into design of project activities, including reflection on barriers to participation, e.g., of PWDs, linguistic minorities and issues of distance, time, and cost.

Adopting Gender/HRBA as a cross-cutting project theme requires time and resources. This can

---

<sup>27</sup> "To raise awareness and sensitivity for human rights in the administrative judiciary and apply ECHR and ECtHR / Turkish Constitutional Court case law more consistently in administrative justice cases."

<sup>28</sup> THEK's participation in the project coincided with its production of a *Human Rights Guide for Public Authorities*. The project publicised this guide, which it assessed favourably, though it was not published as project output.

<sup>29</sup> "What are your thoughts on the professional competence and human rights sensitivity of judges in administrative jurisdiction?"

<sup>30</sup> Recent project activities by the Police and Police Academy on engagement with PWDs, for example, might have been drawn upon to identify materials/possible trainers etc.

<sup>31</sup> This would also be coherent with the Judicial Reform Strategy which, in Objective 6, highlights the need for research on problems that women or vulnerable groups, such as elderly people, foreigners, persons with disabilities and asylum seekers may encounter while benefiting from the administrative justice system.



be mitigated by drawing on tools of CoE and others and best practice from other jurisdictions and projects. This requires that each chain of causation (from inputs through to impact) include a 360° assessment of who is vulnerable *in human rights terms* in the context of the specific problem to be addressed, what does this vulnerability mean for choice of inputs and outputs (eg for some, vulnerability can mean a risk of harm arising from involvement in activities), for the delivery modalities - so as to ensure *the right to "active, free and meaningful" participation of right-holders*. This should include gender equality, but also gender-specific aspects of vulnerability, not assuming that women are by definition vulnerable or that all women are equally vulnerable.

---

## 4. Conclusions

**Conclusion 1** The project's participatory needs assessment, and identification of measures to address priority reform, (linked to the use of CoE standards and best practice) optimised the relevance of the project to administrative justice reform in Türkiye.

**Conclusion 2** The project succeeded in delivering a majority of an extensive list of planned outputs, which were agreed with project partners, were targeted and optimal to address substantiated reform priorities in the sector. Project management cycle stages of needs assessment, design and delivery was effectively delivered in light of the objectives and context, while monitoring and evaluation was not adequately prioritised by project management and partners. Despite the progress made or likely to result on project completion, the scale of reform needed (particularly a revised legislative architecture) means that administrative justice in Türkiye should continue to be an ongoing priority for CoE.

**Conclusion 3** The project management and delivery model was overall appropriate, given the nature of the objectives, the context and the status of the participating partner institutions. Significant project management personnel changes and delays (including Covid-related) reduced the efficiency of the management model.

**Conclusion 4** The likely sustainability of most project outputs and outcomes is enhanced by the capacity built and the consensus regarding future reform priorities among key Turkish justice institutions, with some reservations regarding elements that are dependent upon political will and future allocation of resources.

**Conclusion 5** Cross-cutting project themes (Gender, Participation of Civil Society, Visibility) were addressed to varying degrees. Of these themes, visibility was most comprehensively addressed, with gender mainstreaming and civil society participation partially addressed. Cross-cutting themes would have benefitted from having the core principles of HRBA/gender mainstreaming as an overarching framework.

---

## 5. Lessons Learned/Best Practices

Key lessons learned/best practices applicable to future CoE interventions in administrative justice and justice projects include:

The political sensitivities of justice reform in many jurisdictions, and particularly in Türkiye, highlight the importance of relationship building processes for effective programme implementation.

The approach of basing justice projects on relevant CoE treaty and subsidiary standards (CEPEJ etc), as mandatory norms and best practice reference points and the ability to draw upon international consultant expertise familiar with CoE standards and experience in other CoE jurisdictions optimises the added value of CoE as project implementor.

The partnership/participatory good practices of the project needs assessment, design and delivery provide a model to be replicated in projects going forward. In addition, the project's explicit linkages to relevant national strategies and Action Plans optimises the relevance of interventions, strengthens institutional ownership by partners which enhances project effectiveness and lays a foundation for optimal sustainability.

Enhanced linkages between different CoE justice projects, with sharing of lessons learned, joint capacity-building etc, and ideally with an overarching programme coordination tier would yield efficiency gains for all projects and optimise impact.

With appropriate prioritisation and capacity-building, the Council of Europe's core mandate, standards and programming tools relating to human rights/HRBA/gender mainstreaming provide a framework for the cross-cutting integration of HRBA/gender principles in justice projects. Ensuring that cross-cutting themes are explicitly included in expected project 'results' is critical to ensuring that they are a core element of measurement of project outputs and outcomes.

## 6. Recommendations

As project partners, unless specified otherwise the following recommendations apply equally to the Council of Europe, the Council of State and Ministry of Justice.

**Recommendation 1** Needs assessment/project design in justice reform should systematically include participation by those not accessing justice systems - 'left behind'/disempowered for whatever reasons, with CSOs actively engaged in project design and delivery (even where duty-bearer institutions are primary project partners) to ensure outreach to such rights-holders as a matter of project effectiveness and as a human right.

**Recommendation 2** Future justice/administrative justice projects should ensure more substantive expertise within the project team and where projects involve a wide range of themes, activities and institutions, a designated long-term consultant should be contracted for the project duration (even if not working on the project full-time).

**Recommendation 3** Given the volume of projects managed by CoE Ankara, a post of Office Programme Coordinator should be considered<sup>32</sup> to foster greater linkages between justice projects, and with other CoE projects.

**Recommendation 4** To complement pre- and post-training knowledge tests of target participants, impact assessment of capacity-building should include longer term assessment of the application of knowledge in court procedures, in judicial decision-making, in court staff functioning etc.

**Recommendation 5** The CoE should proactively use its standing and justice sector engagement to promote more structured coordination and information-exchange with UN agencies, bi-lateral donors (including CoE Member States) engaged in justice reform in Türkiye.

**Recommendation 6** Enhanced CoE focus on project monitoring and evaluation should be prioritised, with more time, resources allocated, including enhancing the capacity of justice partner institutions to engage in MandE, to formulate baselines, and indicators and implement participatory MandE methodologies that measure qualitative as well as quantitative, outcomes and outputs. Consideration should be given to cross-project MandE training in conjunction with key partner institutions.<sup>33</sup>

**Recommendation 7** Project design should include contingency planning for possible loss of project personnel, including, bridging finance to retain staff where delays in approval of project extensions arise, more cross-fertilisation between CoE projects to facilitate any necessary staff transfer.

**Recommendation 8** Sustainability of project outputs and results should be addressed by all partners earlier in the project timeline, including a Sustainability Plan, with designated responsibility for various project elements, drafting of dissemination plans, any necessary protocols for ongoing use of project materials etc.

**Recommendation 9** Sustainability should be linked to ongoing 'demand' for reform. Even where duty-bearer institutions are the most logical project partners, CoE should use its standing and credibility to help 'legitimize' CSOs' role in advocacy and monitoring of justice reform

---

<sup>32</sup> Even assuming the currently vacant post of Office Director of Operations post is filled.

<sup>33</sup> Some relatively new institutions should be central to this, such as the CoS Statistical Unit, MoJ Data Monitoring and Evaluation Board, as well as the Justice Academy's Research and Development Unit and the CJP, Office of Efficiency of Judiciary. This can identify issues/trends affecting large number of people, root causes and help target 'upstream' solutions (whether training of public servants, awareness-raising of the public, system changes etc) to ensure pre-emption and early resolution of complaints and to minimise litigation.



progress and to proactively encourage state institutions cooperation with CSOs (as representatives of rights-holders),

**Recommendation 10** Ongoing CoE project partnership with the Justice Academy should be used as a basis for encouraging future use of project outputs by the Academy. Going forward, any impediments to project participation by key institutions should be addressed at an early stage, through high level engagement, by Steering Committee, Donors etc.

**Recommendation 11** Project needs assessment should determine project partners familiarity with core principles of HRBA and gender-mainstreaming (including issues of gender issues, and intersectional discrimination), with consideration given to designated HR/Gender focal points, standardised checklists etc.<sup>34</sup>

**Recommendation 12** To ensure systemic integration of cross-cutting themes, awareness of the core principles of Human Rights/HRBA, (including gender mainstreaming) should be enhanced, in management teams, in partner institutions, among consultants etc, with project Log Frame/reporting, Steering Committee reviews, consultants' reports etc explicitly addressing progress on these core principles as an integral part of measuring progress towards expected results.

---

---

<sup>34</sup> Core CoE tools should be integral to this process, including the [CoE, Practical Guide on the Human Rights Approach for Co-operation Projects \(2021\)](#), and CoE, [Gender Mainstreaming Toolkit For Co-Operation Projects 2019](#).

## 7. ANNEXES

### Annex I. Evaluation Core Questions

Criteria	Questions/dimensions (revised from original ToR)
1. Relevance/ added value	<u>1.1 Alignment of project objectives and activities with applicable legal norms, policies and priorities:</u> To what extent did the project interventions correlate with relevant international, regional (CoE) and national legal standards and administrative law best practice principles
	<u>1.2 Alignment with the rights/needs and capacities of the stakeholders and beneficiaries:</u> To what extent the project (objectives, activities, methodologies, outputs/results) responded to needs and priorities of administrative justice system users (rights-holders) and service providers (duty-bearers) etc? To what extent the project addressed vulnerable groups/those typically 'left behind' and gender aspects of administrative justice (including, but extending beyond, greater participation by women)
	<u>1.3 Appropriateness of project design:</u> How sound is the project's theory of change and how has it been translated into the project's chosen structure, activities, outputs and methodologies?
	<u>1.4</u> The added value of the CoE as a project partner
	<u>1.4 Adaptability – response to change:</u> To what extent has the project adapted to changes caused by extraneous, unforeseen factors, such as Covid-19, and changes from lessons learned from initial implementation phase?
2. Effectiveness / Impact*	<u>2.1 Achievement of intended objectives:</u> To what extent have objectives identified by initial needs assessment TNA, Roadmap and ongoing MandE, been achieved?
	<u>2.2 Coherence/Coordination</u> with other relevant CoE activities and others (EU, UN, bi-lateral donors) in Türkiye.
	<u>2.3 Quality of implementation:</u> how effective was the project implementation?
	<u>2.4 Impact:</u> To what extent has the project contributed to enhanced administrative justice, Fair trial legal norms and other relevant standards (Paris and Venice principles, SDG 16)?
3. Efficiency	3.1 Was the project efficiently managed?
4. Sustainability	4.1 To what extent will outputs be utilised, and impacts maintained at project end?
5. Cross-cutting themes	5.1 To what extent were cross-cutting project priorities integrated into objectives, methodologies/activities and reflected in results

## Annex II Interlocutors, Document Sources

Former CoE Project Manager	Council of State, Secretary General
CoE Project Officer	Project Consultant, (Research Company Director)
CoE Project Assistant Lawyer	Members of Asylum Seekers and Migrants NGO
CoE Project Linguistic Assistant	Expert, Social Worker, Turkish Justice Academy
CoE Project Assistant	Lawyer, UTBA member
Project Assistant (CoE Co-operation Programmes Division)	International Consultant (Gender)
Local short-term Expert (Administrative law Academic)	Evaluator of Council of Europe Independence and Efficiency of Justice sub-programme
Local short-term Expert (Management Academic)	Evaluator of Council of Europe Independence and Efficiency of Justice sub-programme
Local short-term Expert (Political Science Academic)	University Professor Türkiye, Gender specialist
(former) CoE Strasburg Project Coordinator	Training Impact Assessor
(former) CoE Strasburg Project Coordinator	Training Impact Assessor
CoE Strasburg Project Coordinator	International AJ long term Expert
HoD, DG Legal Affairs MoJ	International AJ short term Expert
Bureau Chief, DG Legal Affairs MoJ	Council of State, Deputy Secretary General
Director General, DG Legal Affairs MoJ	Expert/Advisor to Chief ombudsman
Ankara Administrative Court Registrar	Ombudsman Institution, Assistant Expert
Ankara Administrative Court - Court Registrar / Director of Media and Communication Office	Council of State, Rapporteur Judge
Ankara Administrative Court Registrar	Council of State, Rapporteur Judge
Ankara RAC - President of Chamber	Council of State, Deputy Secretary General
Ankara Administrative Court - President of Court	UNDP Project Manager
Contract Manager, CFCU	EU Delegation representative
International Project Consultant	International Project Consultant
Local Consultant	Judge High Administrative Court of Bavaria, Study Visit liaison

UNICEF Monitoring Officer	Expert, Türkiye Human Rights Litigation Support Project
THEK NPM Expert	Local Consultant (Gender)

### Programme documents/outputs consulted.

All project outputs (in English), Steering Committee Meeting minutes, Project and ROM Progress Reports, available as of January 2023 were reviewed.

Project Outputs (as of December 2022)				
No	Description	Drafted by	Type/form at	Completion Date
<b>I</b>	<b>Administrative Courts Guides</b>			
1	Administrative Courts Petition Samples	Ankara Regional Administrative Court- First Administrative Litigation Chamber, Judge Bülent KÜFÜDÜR	E-publishing-court web sites	June 2022
2	Handbook No.1: Jurisdiction (El Kitabı No.1: Görev)	Ankara Second Administrative Court, Judge Harun ÇEVİK and members of the Court	Printing - handbook	June 2022
3	Handbook No.2: Territorial Jurisdiction (El Kitabı No.2: Yetki)	Ankara Second Administrative Court, Judge Harun ÇEVİK and members of the Court	Printing - handbook	June 2022
4	Handbook No.3: Capacity (El Kitabı No.3: Ehliyet)	Ankara Second Administrative Court, Judge Harun ÇEVİK and members of the Court	Printing - handbook	June 2022
5	Handbook No.4: Duration (El Kitabı No.4: Süre)	Ankara Second Administrative Court, Judge Harun ÇEVİK and members of the Court	Printing - handbook	June 2022
6	Handbook No.5: Final and Mandatory Procedures in the administrative courts (El Kitabı No.5: İdare Mahkemelerinde Kesinve Yürütülmesi Zorunlu İşlemler)	Ankara Second Administrative Court, Judge Harun ÇEVİK and members of the Court	Printing - handbook	June 2022
7	Handbook No.6: Other Party (El Kitabı No.6: Husumet)	Ankara Second Administrative Court, Judge Harun ÇEVİK and members of the Court	Printing - handbook	June 2022
8	Frequently Asked Questions (FAQs) Handbook	Ankara Regional Administrative Court- First Administrative Litigation Chamber, Judge Bülent KÜFÜDÜR	Printing - handbook	June 2022
<b>II</b>	<b>Tax Court Guides</b>			
9	Tax Court Petition Samples	İstanbul Regional Administrative Court Second Tax Litigation Chamber, Judge Abidin ŞAHİN	E-publishing-court web sites	June 2022
10	Tax Court Guide (Vergi Mahkemeleri Rehberi)	İstanbul Fifth Tax Court, Judge Yasin ÇETİN	Printing handbook	June 2022
11	Frequently Asked	İstanbul Fifth Tax Court, Judge	Printing -	June 2022

Project Outputs (as of December 2022)					
No	Description	Drafted by		Type/form at	Completion Date
	Questions (FAQs) Handbook	Yasin ÇETİN		handbook	
<b>III Court Staff Guides</b>					
12	Job Description and Workflow of the Administrative Court Staff (İlk Derece İdari Yargı Kalem Personelinin Görev Tanımive İşAkışı)	Gaziantep, First Administrative Court, Judge Davut TAŞGİT		Printing - handbook	June 2022
13	Job Description and Workflow of the Administrative Court Staff (İstinaf –İdari Yargı Kalem Personelinin Görev Tanımive İş Akışı)	İzmir Regional Administrative Court Third Administrative Litigation Chamber, Judge Leyla KODAKOĞLU		Printing - handbook	June 2022
14	Court Staff Job Cards /The First and Second Instance Courts (Kalem Personeli İş Kartları Şeması)	Ankara Regional Administrative Court Nineth Administrative Litigation Chamber, Judge Ayşe BAYRAK		Printing - handbook	June 2022
<b>IV Training Materials</b>					
15-16	<b>Module 1</b> Legal Reasoning and Judgement Drafting (for judges) <ul style="list-style-type: none"> <li>- Trainer's Guidebook</li> <li>- Trainee's Book (participant book)</li> </ul>	<b>Content</b> Prof Dr Bahtiyar AKYIL MAZ Assoc. Prof Dr Tolga ŞİRİN Dr Erkan DUYM AZ	<b>Educational /Legal Teaching Methodology</b> Prof Dr Cennet ENGİN DEMİR Marina NAUMOVSKA <b>Testing and Evaluation</b> Prof Dr Hasan ATAĞ Gender Aspect Assoc. Prof Burcu HATİBOĞLU KISAT	Printing E-publishing	January-June 2022
17-18	<b>Module 2:</b> European Court of Human Rights and Turkish Constitutional Court Rulings in the Case-Law of Administrative Justice (for judges) <ul style="list-style-type: none"> <li>- Trainer's Guidebook</li> <li>- Trainee's Book (participant book)</li> </ul>	Prof Dr Burak GEMAL MAZ Dr Serkan YOLCU Dr Erkan DUYM AZ	<b>Educational /Legal Teaching Methodology</b> Prof Dr Cennet ENGİN DEMİR, Marina NAUMOVSKA <b>Testing and Evaluation</b> Prof Dr Hasan ATAĞ Gender Aspect Assoc. Prof Burcu HATİBOĞLU KISAT	Printing E-publishing	January-June 2022
19-20	<b>Module 3:</b> Right to a Fair Trial – Reasonable Time (for judges)	Dr Erkan DUYM	<b>Educational /Legal Teaching Methodology</b>	Printing E-publishing	January-June 2022

Project Outputs (as of December 2022)					
No	Description	Drafted by		Type/form at	Completion Date
	<ul style="list-style-type: none"> <li>- Trainer's Guidebook</li> <li>- Trainee's Book (participant book)</li> </ul>	AZ	Prof Dr Cennet ENGIN DEMIR Marina NAUMOVSKA <b>Testing and Evaluation</b> Prof Dr Hasan ATAK <b>Gender Aspect</b> Assoc. Prof Burcu HATİBOĞLU KISAT		
21-22	<b>Module 4: Case and Time Management for Court Staff</b> <ul style="list-style-type: none"> <li>- Trainer's Guidebook</li> <li>- Trainee's Book (participant book)</li> </ul>	Prof Dr Bahtiyar AKYIL MAZ Prof Dr Serkan ÇINAR LI Uğur Cem TÜRKER F. Betül DAMAR ÇITAK	<b>Educational /Legal Teaching Methodology</b> Prof Dr Cennet ENGIN DEMIR Marina NAUMOVSKA <b>Testing and Evaluation</b> Prof Dr Hasan ATAK <b>Gender Aspect</b> Assoc. Prof Burcu HATİBOĞLU KISAT	Printing E-publishing	January-June 2022
23	<b>Training Methodology Handbook</b>	<b>Educational /Legal Teaching Methodology,</b> Prof Dr Cennet ENGIN DEMIR Marina Naumovska <b>Testing and Evaluation</b> Prof Dr Hasan Atak <b>Gender Aspect</b> Assoc. Prof Burcu HATİBOĞLU KISAT		Printing E-publishing	January 2022
<b>V</b>	<b>BOOKS-REPORTS</b>				
24	<b>Initial Assessment Report (A.1.1)</b>	Ray BURNINGHAM		Printing E-publishing	December 2021
25	<b>Training Needs Assessment Report (A.2.1)</b>	Marina NAUMOVSKA		Printing E-publishing	September 2020
26	<b>A Comparative Review on Ombuds: Recommendations of Action for the Turkish Ombudsman and Guidelines for the Ombudsman and Public Authorities (A.3.4)</b>	Dr Nicholas O'BRIEN Marek A. NOWICKI Dr Naomi CREUTZFELDT		Printing E-publishing	November 2021

<b>Project Outputs (as of December 2022)</b>				
<b>No</b>	<b>Description</b>	<b>Drafted by</b>	<b>Type/form at</b>	<b>Completion Date</b>
27	<b>Road Map for an improved Administrative Justice System 2020– 2023 (A.1.2)</b>	Ray BURNINGHAM	Printing E-publishing	April 2022
28	<b>Casebook on the Right to a Fair Trial in Administrative Judiciary</b>	Prof. Sibel İNCEOĞU Assoc. Prof Dr Nilay ARAT Dr. Erkan DUYMAZ	Printing E-publishing	July 2022
29	<b>Report on “Reforms in the French Administrative Justice System and Alternative Dispute Resolution (ADR) Methods”</b>	Karine GILBERG	E-publishing	December 2022
30	<b>Biannual Project Bulletin Only in Turkish</b>		Printing E-publishing	April 2022
31	<b>Interim Progress and Assessment Report</b>	Ray BURNINGHAM	Printing E-publishing	August 2022
<b>VI</b>	<b>TRANSLATED BOOKS</b>			
32	CoE publication: Administration and You (A.3.5)		Printing E-publishing	2021
33	CoE Publication : Casebook on European Fair Trial Standards in Administrative Justice (A.2.6)		Printing E-publishing	2021
34	CoE Publication: The Protection, Promotion and Development of the Ombudsman Institution (A.3.4)		Printing E-publishing	2021
35	ECtHR Publication: Guide to the case-law of the European Court of Human Rights on Environment (A.2.5)		Annex to the training materials	March 2022
36	CM Decisions	27 CM Recommendations and Resolutions translated and published on the websites of the Committee of Ministers, CDCJ, and the project library.	E-publishing <a href="https://www.coe.int/en/web/ankara/e-library-joint-project-on-improving-">https://www.coe.int/en/web/ankara/e-library-joint-project-on-improving-</a>	December 2020



Project Outputs (as of December 2022)				
No	Description	Drafted by	Type/form at	Completion Date
			<a href="#">the-effectiveness-of-the-administrative-judiciary-and-strengthening-the-institutional-capacity-of-council-of-state</a>	
<b>VI</b>	<b>VIDEOS</b>			
37	Administration and You Handbook		<a href="https://vimeo.com/491293585">https://vimeo.com/491293585</a>	August 2021
38	Road Map for an Improved Administrative Justice System (2020-2023)		<a href="https://vimeo.com/713684626">https://vimeo.com/713684626</a>	April 2022

### Other documents consulted.

- OECD, Measuring distance to the SDG targets country profile Türkiye 2022
- CMI-TI, Overview of corruption and anti-corruption in Türkiye
- ACTION PLAN ON HUMAN RIGHTS Free Individual, Strong Society; More Democratic TÜRKIYE 2021
- Ombudsman's Institution, Strategy on the Rights of the Child (2019)
- ICJ, The state of access to justice to protect human rights and environment in Türkiye 2022
- Ombudsman's Institution Strategic Plan 2022-2026
- BTI Country Report [Türkiye 2022](#)
- HREI, improving the effectiveness of the administrative judiciary and strengthening the institutional capacity of the Council of State information note on the activities of the HREI (2021)
- VIRTUAL JUSTICE IN TÜRKIYE: Where We Are and What to Expect From the Future? 2021
- US State Department, [Country Report on Human Rights Practices: Türkiye \(2021\)](#)
- CEPEJ, Evaluation of the judicial systems Türkiye (2018 - 2020)
- Akmenek et al, Bribery in the Private Sector under Turkish Law 2021
- MUHARREM KILIÇ, Remarks on Türkiye's Judicial Reform Strategy Document (2019)
- Report of UN Special Rapporteur on the independence of judges and lawyers on participation of women in the administration of justice 2021
- UYGUR and SKINNIDER, Research report on women's access to justice in Türkiye presented at closing ceremony of European Union and Council of Europe joint action, 2022
- World Bank, Pre-trial Procedures in Administrative Justice Proceedings in England and Wales, France, Germany, and the Netherlands : A Comparative Study with a View to the Possible Development of Pre Trial-Procedures in Administrative Law in Türkiye 2010

## Websites Consulted:

-  CoE Türkiye
-  CEPEJ (Türkiye)
-  CoE, Administrative law
-  Ministry of Justice - Türkiye
-  Ministry of Justice Administrative Judicial Project Website
-  CoE, Administrative Law
-  Ministry of Justice, Human Rights Department
-  Ombudsman's Institution
-  Human Rights and Equality Institution of Türkiye
-  EC Neighbourhood Policy and Enlargement Negotiations Türkiye - Country Profile
-  Human Rights Council Universal Periodic Review (Türkiye)
-  OHCHR Türkiye (Treaty Reports)
-  United Nations Development Programme Türkiye
-  Human Rights Foundation of Türkiye
-  Promoting Alternative Dispute Resolution (ADR) in Türkiye
-  USAID, Türkiye Country Dashboard –(Rule of Law/Governance)
-  Violence Against Women in Türkiye (Human Rights Watch)
-  Human Rights Law Research Centre at Istanbul Bilgi University

## Evaluation Questionnaire (Project Partners/Beneficiaries)

### “Improving the Capacity of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State” End of Project Evaluation

“Improving the Capacity of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State” is being implemented in Türkiye by the Council of Europe December 2018 - March 2023, co-financed by the EU, Republic of Türkiye and the CoE. This end-of-project evaluation is being conducted by *International Human Rights Network* Director, Patrick Twomey for [PEM Consult a/s](#), during December 2022-Feb 2023. The evaluation is desk-based with a short field mission in Türkiye in late January 2023.

The **overall objective** of the Project is to foster public confidence in the administrative judiciary by strengthening its independence, impartiality, and effectiveness, and increasing its public awareness. The **specific objectives** of the Project are to support further reforming of the administrative justice system including the strengthening the institutional capacity of Council of State (CoS) and to increase effectiveness and quality of the administrative justice courts. The **outputs** of the project include reviews and analyses of the systems, developing policy and decision-making tools, expert assessment and recommendations, Working Group meetings, roundtables, seminars and workshops, study visits, monitoring, surveys, piloting of certain measures, training of the judiciary, public awareness activities and conferences.

The Project is intended to achieve the following concrete **results**:

1. Approaches to and policies for improving the effectiveness of the administrative judiciary are agreed, evidence-based and its implementation is supported.
2. The institutional and professional capacity of the administrative judiciary is strengthened, thereby increasing public confidence in the administrative judiciary.
3. The measures to relieve the administrative justice system and courts of their heavy workload are identified and supported, the existing pre-trial resolution mechanisms, including are strengthened, and appropriate alternative dispute resolution (ADR) mechanisms are introduced reviewed and addressed.
4. The length of appellate proceedings is reduced by more efficient and effective case management by the Regional Administrative Courts (RAC) and the CoS, and any necessary changes to the systems and processes are introduced.

The evaluation addresses the **relevance, effectiveness, efficiency, and sustainability** of the project, and the **added value** of the CoE as project implementer, with a view to identifying lessons learned and the findings and recommendations will inform future engagement on administrative justice in Türkiye by the Council of Europe and project partners.

Inputs are invited on the basis of non-attribution from stakeholders familiar with the project and the issues involved. In addition to field mission meetings and online interviews, submissions via an electronic questionnaire are also requested, **ideally by January 12**. [ptwomey@ihnetwork.org](mailto:ptwomey@ihnetwork.org) For time efficiency responses in English are appreciated, if possible. The CoE contact points for this evaluation is xxxxxxx.

Your assistance to this evaluation is greatly appreciated.

## **Your role**

What is your current role/position? (or position during the period of the project, if different)

### **1. Your involvement in the project**

Please list the project themes/activities your institution was involved in, including your specific participation.

### **2. Your impression of the project success in achieving its objectives**

How would you grade the project's success in achieving its overall and specific objectives listed above.

1. *Excellent*    2. *Very Good*    3. *Good*    4. *Poor*

Please comment on your score. What in your opinion were the most useful features of the project. What might be done improve these in the future?

### **3. Relevance/added value**

Please comment on the extent to which you feel the project (priorities, activities, methods etc) was relevant to the specific needs of your institution and administrative justice reform in Türkiye generally and the added value of the CoE as a project partner.

### **4. Effectiveness/Impact**

Please comment on the extent to which the project achieved the intended results in terms of enhancing public confidence, knowledge/capacity of judges/court personnel, efficient/effective justice delivery (including pilot courts, alternative dispute resolution, case management, consistency of decisions, length of appeals). Any suggestions as to how effectiveness could have been enhanced?

If relevant to your involvement in the project, please comment on the effectiveness of project management, communication, organisation of activities, partnership between CoE and your institution, adjustment to Covid-19 and any other unforeseen factors etc

### **5. Sustainability**

How would you assess the sustainability of the project results? Application of knowledge gained, tools, analysis, new court procedures adopted etc? Any suggestions as to how sustainability could be enhanced in the future?

### **6. Human Rights/gender**

Please comment on the extent to which the project was effective in addressing human rights and gender issues, including access to administrative justice by particularly vulnerable groups etc. Any suggestions as to how this could be enhanced in the future?

### **7. Future Priorities**

What aspects of administrative justice reform should be prioritised in the future? Please give specific examples of thematic areas/issues, activities etc and how the Council of Europe might contribute to this.

### **8. Any additional observations that you wish to make.**

### **Terms of reference for the Evaluation of the Project: “Improving the Capacity of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State”.**

#### **Introduction**

The document provides the terms of reference (TOR) for an evaluation of the Project “**Improving the Capacity of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State**” (the Project) implemented in Türkiye.

The evaluation is an end-of-project evaluation with the main purpose of identifying lessons from the implementation of the project for potential future projects. The TOR provides background information about the project before describing the evaluation purpose, objectives and scope, evaluation criteria and questions, evaluation methodology as well as the qualifications of the evaluator.

#### **The Project**

This the first CoE project regarding the administrative justice in Türkiye. It started on 21 December 2018 and will last until 20 March 2023 [The Project is expected to be extended from 21 December 2022 to 20 March 2023]. In 2021 the Project was already extended for a year (21 December 2021-20 December 2022). The Project has a total budget of 3.335.000 Euros and is co-financed by the EU, Republic of Türkiye and the Council of Europe (CoE).

The **overall objective** of the Project is to foster public confidence in the administrative judiciary by further strengthening its independence, impartiality, and effectiveness, and increasing its public awareness. The **specific objectives** of the Project are to support further reforming of the administrative justice system including the strengthening the institutional capacity of Council of State (CoS) and to increase effectiveness and quality of the administrative justice courts.

The **outputs of** the project include reviews and analyses of the systems, developing policy and decision-making tools, expert assessment and recommendations, Working Group meetings, roundtables, seminars and workshops, study visits, monitoring, surveys, piloting of certain measures, training of the judiciary, public awareness activities and conferences.

The Project is intended to achieve the following concrete **results**:

- 5.** Approaches to and policies for improving the effectiveness of the administrative judiciary are agreed, evidence-based and its implementation is supported.
- 6.** The institutional and professional capacity of the administrative judiciary is strengthened, thereby increasing public confidence in the administrative judiciary.
- 7.** The measures to relieve the administrative justice system and courts of their heavy workload are identified and supported, the existing pre-trial resolution mechanisms, including are strengthened, and appropriate alternative dispute resolution (ADR) mechanisms are introduced reviewed and addressed.
- 8.** The length of appellate proceedings is reduced by more efficient and effective case management by the Regional Administrative Courts (RAC) and the CoS, and any necessary changes to the systems and processes are introduced.

The Project’s core activities were structured as a combination of the following:

1. In depth review of current administrative justice system and assessment of impact of the reforms implemented (Road Map for an improved administrative justice)
2. Monitoring appeals in the selected first instance courts and RACs
3. Training needs assessment, preparation of training curricula and materials, training of

- trainers (TOT), training of judges, lawyers and court staff on administrative justice
4. Peer-to-peer training/round tables on European Convention on Human Rights, study visits and placements
  5. Publications
  6. Consultations on internal review by the administrative authorities and improving relations between individuals and the public administration
  7. Identifying ADR mechanisms
  8. Assessment of pilot judgment procedure
  9. Enhancing the role of the Ombudsman
  10. Increased efficiency in the selected first instance courts and RACs
  11. Assessment of the challenges and analysis of good practices in judicial decision-making/ Ensuring consistency in judicial decision
  12. Unification of the case/decision codes of the CoS with the case codes of the first instance courts and RACs

## **Evaluation Purpose**

The evaluation is an **end-of-project evaluation**. It is commissioned by the CoE in accordance with the **funding agreement** signed with the EU.

The purpose of the evaluation is to assess the Project in terms of scope, objectives, and achieved results. As such, the evaluation will provide a detailed assessment of the Project's outputs and outcomes in relation to the Project's logical framework so far, but also reflect on strengths and weaknesses in the Project's design which may have affected the measurement of Project's success. This also serves assessment of the progress and identifying lessons from the implementation of the project for potential future projects on justice system. The intended users of the evaluation are the donor (EU), CoE (the Project team and the management of the CoE Directorate General of Human Rights and Rule of Law) and the beneficiary of the Project (MoJ Directorate General for Legal Affairs). Furthermore, the evaluation audience includes in general the MoJ, CoS, tax and first instance administrative courts, RACs and the Ombudsman.

## **Evaluation Objectives**

The objectives of the final evaluation are:

6. 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;
7. To assess relevance and added value of the CoE in connection with the implementation of the Action;
8. To assess the effectiveness, efficiency, and sustainability of the Project;
9. To identify lessons learned that could be of use for future interventions in the thematic area or the organisation as a whole.
10. To provide directions/recommendations for the further implementation of the Action (i.e., any follow-up project/intervention).

## **Evaluation Criteria and Questions**

The evaluation will assess the project against the criteria of **relevance, effectiveness, efficiency, and sustainability**. It will provide answers to the following evaluation questions:

### **Relevance**

1. To what extent does the activities fulfilled reflect the project objectives and the needs of Türkiye?
2. To what extent was the Project supported and owned by institutional Project partners?



### **Effectiveness**

1. To what extent has the project achieved its expected results? What have been reasons for achievement and lack thereof?
2. To what extent has gender been mainstreamed in project design and implementation?

### **Efficiency**

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

### **Sustainability**

1. To what extent can it be expected that the Ministry of Justice, Council of State, tax and first instance administrative courts, RACs, Ombudsperson will continue to use outcomes of the project?
2. What is the likelihood that the benefits from the intervention will be maintained in the mid-term (3-5 years) after the end of the Project? What would be required to increase the sustainability of the results?

### **Proposed methodology**

The final evaluation process is planned to take place between 22 **November 2022 – 20 February 2023** but it may be extended or adjusted in parallel to the extension of the Project. The evaluation will use a **non-experimental design** and a **mixed methods approach** to answer the evaluation questions.

The proposed evaluation methodology includes as a minimum the following **methods**:

- ✓ Document review of project documentation.
- ✓ In-depth structured or semi-structured interviews with programme management team, Council of State, tax and first instance administrative courts, Regional Administrative Courts and the Ombudsman, consultants of the project, as well as representatives of the EU as the main donor and interviews with high-level representatives and resource-persons within the Ministry of Justice (the lead institution), the CFCU (contracting authority), the 4 pilot courts of the Project (Ankara, İstanbul, İzmir, Gaziantep); selected academics, module writers, trainers, some participants;
- ✓ and (or) survey
- ✓ and (or) focus Group meetings;
- ✓ Secondary data analysis of project activities;
- ✓ Other modalities for the collection of quantitative and qualitative data pertaining to the Project's indicators.

The consultant should further elaborate on the proposed methodology and provide a completed Evaluation Matrix (Annex I) in the Concept Note. The evaluation should use a gender-responsive methodology and comply with the Council of Europe [Evaluation Guidelines](#) and the [Code of Conduct for Evaluation](#). The evaluation process should be participatory.

The Draft and Final Evaluation Reports should not be longer than 40 pages and include, *inter alia*:

- An executive summary;

- An introduction including the purpose and scope of the evaluation; description of the intervention; evaluation methodology including limitations; difficulties encountered during the evaluation;
- Analysis and main findings from the evaluation including good practices;
- Conclusions
- Recommendations
- Lessons learnt
- Annexes (e.g. list of interviews and documents reviewed, questionnaires, formats for semi-structured interviews)

The comments of the management team may be integrated into the final evaluation report or presented in the report as differing views. The report will then be disseminated to the donors and all relevant entities within the CoE Secretariat and published on the Directorate of Internal Oversight (DIO) website together with the Management Response and Action Plan. The deliverables will be written in English.

### **Qualifications of the Consultant**

The consultant should have the **following qualifications** and competencies:

- At least 7 years of designing, managing and leading evaluations in the context of international cooperation;
- knowledge of, and experience in applying standard evaluation principles, qualitative and quantitative evaluation methods;
- technical competence in the sector or issue to be evaluated;
- ability to draft concise evaluation reports of high quality in English;
- knowledge of the Turkish context as applied to the implementation of internationally funded projects in the field of judiciary and preferably administrative justice (communication with interlocutors, typical challenges, political and operational context) will be an asset;
- Proficiency in English (proficiency in Turkish would be an asset);
- Independence and absence of conflicts of interests (no previous direct or indirect engagement with the project);
- knowledge of the role of the Council of Europe and its programming tools;
- knowledge of applying the gender equality and human rights approach.

### **Deliverables**

**Deliverable 1 (Concept Note):** The evaluation will feature an **inception phase** in which the evaluator will prepare the Concept Note that includes among others the evaluation matrix and evaluation timetable illustrating the elaborated methodology to be used for each question and evaluation criteria, as well as risks/risk mitigation strategies. Once contacted by CoE, Service Providers have up to 5 days to respond.

**Deliverable 2 (Draft Evaluation Report):** During the **data collection phase**, the evaluator will carry out data collection (e.g., Interviews with Project Experts and CoE Team in Strasbourg, Field mission in Türkiye). During the **analysis** and **reporting phase**, the evaluator will analyse the collected data and produce a draft evaluation report, to be delivered within the scheduled time period. The draft report shall clearly analyse the current situation, illustrate its findings and conclusions, and formulate recommendations for each result. It shall also include the indicators and outcomes.

**Deliverable 3 (Final Report):** The project management team will have two weeks to comment on the factual accuracy, the relationship between findings, conclusions, and recommendations, as well as the relevance, usefulness and implementability of recommendations. The draft report will also be quality checked by the DIO. The evaluator will then have two weeks to submit the final evaluation report.

## Proposed budget

The final evaluation process is planned to take place between 22 November – 20 February 2023. The maximum budget allocated for this evaluation is € 15.000.

For the financial proposal, the prices shall be stated in Euros, and the amount of VAT shall be indicated separately. The proposed budget will include a breakdown of the costs per deliverable, including travel costs, interpretation costs etc.

### **The payment schedule will follow the deliverables:**

Deliverable 2: First payment (70%) will be made upon submission of the draft report;  
Deliverable 3: Second payment (30%) will be made upon approval of the Final Evaluation report.

## Logistical arrangements

**The consultant will be responsible for his/her logistics:** his/her travel arrangements, administrative and secretarial support, telecommunications, printing of documentation, etc. and for the dissemination of all methodological tools (e.g., questionnaires and surveys). The evaluation will be facilitated by the CoE office in Strasbourg [Türkiye Unit] and Program Office in Ankara which will provide the consultant with all documentation related to the project, with a list of stakeholders in Strasbourg and Türkiye. The CoE Project team will assist with the scheduling of online interviews/meetings and will organise, and bear costs related to interpretation services during official meetings, and translation of documents, if necessary, to conduct the evaluation (for example, questionnaires). When necessary, evaluator's expenses of logistics (travel, per diem, accommodation, etc.,) for presentation of the summary report (findings and recommendations of the evaluation report) at the closing event of the Project will be borne by the project.

## Work plan

The estimated **duration of the contract** is from 22 November 2022 to 20 February 2023. The proposed length of the **evaluation phases** is as follows:

Schedule	Activity	Services /Consultancy
Deadline		
22November 2022	Desk review, selection of the consultant	CoE
28November 2022	Evaluation Concept Note	International Consultant
20 January2023	Draft Evaluation Report	International Consultant
20 February 2023	Feedback, finalization and submission of the Final Report	International Consultant

## Submission of methodological briefs

Service Providers are requested to submit a methodological brief outlining how they will approach this evaluation. Once contacted by CoE, Service Providers have up to 5 days to respond. For the financial proposal, the prices shall be stated in Euros, and the amount of VAT shall be indicated separately. The proposed budget will include a breakdown of the costs per deliverable, including travel costs, interpretation costs etc. The methodological brief shall contain a proposed methodology and a work plan for the evaluation, as well as the evaluation matrix.