

# Final evaluation report:

## Final Evaluation of the project '*Improving International Judicial Cooperation in Criminal Matters in Türkiye*'

**Prepared for:** Economic Crime and Co-operation Division,  
Directorate General I – Human Rights and Rule of  
Law - Council of Europe

**Reference:** OIA 2024/AO/33- ECCD- CICM TR-2024-FC-OF1

**Date:** 16 January 2025 (Evaluation conducted between  
October - December 2024)

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# List of abbreviations

<b>CA</b>	Central Authority
<b>CARIN</b>	Camden Asset Recovery Inter-Agency Network
<b>CADIBs</b>	Bureaux for International Judicial Cooperation in Criminal Matters
<b>CFCU</b>	Central Finance and Contracts Unit
<b>CMS</b>	Central Monitoring System
<b>CoE</b>	Council of Europe
<b>DoA</b>	Description of the Action
<b>DGFREU</b>	MoJ Türkiye Directorate General for Foreign Relations and European Union Affairs
<b>DGIT</b>	MoJ Türkiye Directorate General for IT
<b>EGMONT</b>	Informal Network of Financial Intelligence Units
<b>EU</b>	European Union
<b>EUD</b>	Delegation of the European Union to Türkiye
<b>HELP</b>	European Programme for Human Rights Education for Legal Professionals
<b>ICCM</b>	International Judicial Cooperation in Criminal Matters
<b>IPA</b>	Instrument for Pre-Accession Assistance
<b>JAT</b>	Justice Academy of Türkiye
<b>JRS</b>	Judicial Reform Strategy 2019 of Türkiye
<b>MASAK</b>	Ministry of Treasury and Finance- Financial Crimes Investigation Board
<b>MLA</b>	Mutual Legal Assistance
<b>MoJ</b>	Ministry of Justice of Türkiye
<b>OECD</b>	Organization for Economic Cooperation and Development
<b>PC-OC</b>	Council of Europe's Committee of Experts on the Operation of European Conventions on Cooperation in Criminal Matters
<b>PMM</b>	Project Management Meetings

<b>SC</b>	Steering Committee
<b>ToC</b>	Theory of Change
<b>ToT</b>	Training of trainers
<b>ToR</b>	Terms of Reference
<b>UTBA</b>	Union of Turkish Bar Associations
<b>UYAP</b>	Türkiye’s eJustice system

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# Executive summary

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

- I. The Council of Europe (CoE) contracted the independent evaluation firm Blomeyer & Sanz on 7 October 2024 to conduct this evaluation throughout the months October to December 2024.
- II. The purpose of this report was to provide a final project evaluation for the project 'Improving International Judicial Cooperation in Criminal Matters in Türkiye' (hereafter referred to as 'the project'). The project had an overall objective to 'enhance the overall system and capacities of Turkish authorities to accelerate judicial proceedings and conduct effective international judicial cooperation in criminal matters.'
- III. The project was implemented by the CoE. The Ministry of Justice of Türkiye (MoJ) Directorate General for Foreign Relations and European Union Affairs (DGFREU) is both the primary project partner and beneficiary.
- IV. As identified in the Terms of Reference (ToR), the two evaluation objectives were: (1) to assess the results achieved against the objectives and indicators as well as its impact and (2) to identify lessons learnt that could be of use for future interventions in the thematic area or the Organisation as a whole. A mostly qualitative question-based evaluation approach was adopted, focusing on the evaluation criteria of the Organisation for Economic Cooperation and Development (OECD), namely, relevance, effectiveness, added value of the CoE and EU,<sup>1</sup> efficiency, potential impact, and sustainability. Data collection involved desk research and semi-structured remote and in-person meetings / interviews. In total, over 80 project documents were reviewed and over 20 stakeholders were consulted (see Annex 2).

## **Findings**

### *Relevance*

- V. The project is highly relevant to both 'internal' (MoJ) and 'external' (EU) priorities for how Türkiye can strengthen the capacities of its authorities to establish effective and expedited international judicial cooperation in criminal matters (ICCM),<sup>2</sup> thereby contributing to proper administration of justice in cases involving foreign elements.

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<sup>1</sup> This is not an OECD evaluation criterion, but was desired by the client for this evaluation.

<sup>2</sup> This report uses the abbreviation used by CoE on the project website:  
<https://www.coe.int/en/web/corruption/projects/iccm-turkiye>.

As indicated in the Description of Action, the project was designed to address priorities of four important documents related to ICCM in Türkiye.<sup>3</sup> The ones from the EU reflect benchmarks relating to the accession and visa liberalisation processes. The feedback from the interviews conducted for this evaluation affirms the relevance of this project, especially regarding the gaps the project fills for institutional and technical needs (e.g., through the legislative review, establishing the Central Monitoring System (CMS), trainings, etc.).

### *Effectiveness*

- VI. The project was quite effective in achieving its desired overall and specific objectives through the activities aligned with the four results. However, data related to specific logframe indicators on reducing the processing time of requests and the quality of the requests are not yet available due to the CMS becoming operational at the time of writing this report (expected December 2024). For Result 1, the legislative and institutional framework review was considered successful due to many in-depth conversations that led to the two technical papers, and impact it had on MoJ's issuance of Circular no. 183 with the provision of the seven 'Bureaux for International Judicial Cooperation in Criminal Matters' (CADIB) which will coordinate cooperation between the Central Authority (CA) and regional offices. It is also considered important the revision of Circular 69/2, the adoption of which by MoJ is expected in early 2025. For Result 2, conversations between the MoJ and the CoE team regarding confidentiality concerns of MoJ of an outside team producing the CMS software led to a change in project plan with MoJ Directorate General for IT producing the software and the project team responsible for the hardware. The CMS has been developed and initial trainings have begun, of which the limited feedback is positive. For Result 3, there was widely reported success of the trainings both for the quality of the experts and information shared, the opportunity for networking externally and internally, and increased communication with MoJ CA. Stakeholders were also pleased with the production / purchase of new knowledge materials (training materials, technical reports on pre-Mutual Legal Assistance (MLA) process, and new thematic books for DGFREU library). For Result 4, the study visits were considered quite successful, with the expectation that the learnings will be incorporated into the MLA request system in Türkiye and the quality of requests with those countries will improve.

### *Added value*

- VII. The CoE and EU contribute both expertise and resources that give an added value to the project which other funding sources could not provide. Both the documentation

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<sup>3</sup> These documents were identified by the project in the DoA as Türkiye's Judicial Reform Strategy 2019 (JRS); Judiciary Action Document (JAD), as part of the Financing Agreement for Annual Action Programme for Türkiye for the Year 2016; Third Report (2016) on progress by Türkiye in fulfilling the requirements of its visa liberalisation roadmap; and the European Commission's "Indicative Strategy Paper for Türkiye for the period 2014-2020." The project also addressed priorities identified in the annual EU Accession Reports for Türkiye.

and interview feedback suggest that MoJ and other stakeholders were pleased with the support and resources provided by the CoE throughout the project. In particular, the quality of the experts chosen, the extensive experience working with Türkiye on similar and other projects, the networking / sharing of best practices opportunities provided, and the small, but important details, such as providing simultaneous translation, were praised. In terms of the EU's funding role, the project's actions to improve the processing and quality of international criminal matters requests in Türkiye will benefit Türkiye itself, but also the relationships between Türkiye and EU Member States, which is beneficial to all in the long term.

### *Efficiency*

VIII. The project experienced some challenges / delays that impacted the efficiency of the project, but overall has been satisfactory to the stakeholders. External factors (Covid-19 pandemic, devastating 2023 earthquake) and internal factors (change in focus of Result 2 due to confidentiality concerns by MoJ of outside consultants producing the CMS software) led to some delays in the project's timeliness of activity implementation. Thus, there was a corresponding delay in absorption rate of the budget. Overall, the resources appeared satisfactory, though there was some sense of additional project team resources needed in the second half of the project to meet the increased workload that resulted from the delays.

### *Potential impact*

IX. This section cannot be fully answered as at the time of this evaluation the project is still ongoing, and thus the genuine impact will only be visible in the medium-term. Still, the project appears to have the potential for a large positive impact on accelerating judicial proceedings and improving international judicial cooperation. This potential impact will come from: the new CADIB offices' role in facilitating communication between MoJ CA and the regional offices; the ability of the CMS to reduce the workload of MoJ, increase the quality of the requests, and track data related to these requests; the use of the new training materials, new books purchased, and incorporation of knowledge from training sessions; and improved cooperation on international judicial criminal matters with EU Member States involved in study visits and workshops. The risks of not reaching the full potential impact (besides the ongoing finalisation of the CMS) relate to the section below on sustainability, which overall has a positive outlook. This impact could be widened in the future by MoJ engaging with more EU Member States than just the ones in this project.

### *Sustainability*

X. There is a strong likelihood that the benefits from the intervention will be maintained in the short term after the end of the project. This is due to both the high level of ownership of MoJ of the project, and the outputs of the project themselves. MoJ actively participated in all of the Steering Committee meetings and Project Management meetings. The 14 technical papers produced by this project hold

valuable knowledge not found elsewhere, as evidenced by the fact that MoJ has already started to incorporate suggestions from these studies (such as in issuing new circulars and creating the new filtering system). Therefore, the preservation and distribution of these papers to relevant individuals is important to the sustainability of the project work. Similarly, the training materials produced (trainer's manual, training manual, and e-learning HELP module in Turkish) will allow for the future training of judicial authorities, lawyers, and relevant individuals.<sup>4</sup> The CADIB offices are very positively viewed by all stakeholders as a way to improve ICCM in Türkiye and represent a new framework under which to operate for communication between CA and regional offices processing ICCM-related requests. Lastly, the project will be sustainable because of the contacts and networks created / strengthened through project activity as long as these are maintained.

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

- XI. Having concluded the evaluation analysis, this report finds that the project achieved most of their intended results and objectives and that all stakeholders were overall very pleased with the project outcomes (recognising the project has not finished at the time of evaluation, but is close to done). The project was very relevant to both 'internal' (MoJ) and 'external' (EU) priorities for improving ICCM in Türkiye. All four results produced the intended outputs, accounting for the change in focus of Result 2 regarding the CMS. The legislative review has led to new circulars such as Circular no. 183, which established the highly anticipated CADIB liaison offices. The trainings have trained almost 950<sup>5</sup> judges, prosecutors, and lawyers on MLA requests using new training materials developed for the project specifically for Türkiye using best practices from other countries and referring to human rights conventions. The study visits and workshops appear to have led to strengthened relationships with these countries for MoJ. The project has a high likelihood of sustainability if the trainings are continued as anticipated, and if CMS becomes fully operational as expected.
- XII. Lessons learnt in the project include: that consultations with stakeholders are often just as important, if not more, than the actual outputs; the importance of flexibility and engagement of stakeholders; the usefulness of trainings not just for new knowledge, but also information sharing across institutions; and having positive, not originally anticipated outcomes, such as the establishment of the CADIB liaison offices that resulted from the studies under various activities / circulars.

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<sup>4</sup> It remains unclear as to whether future trainings will be institutionalized in a regular format. However, MoJ has indicated that the Justice Academy has the training materials for incorporation into future trainings if planned, and the online HELP course will be available through both the MoJ and Justice Academy websites.

<sup>5</sup> This updated estimate was provided on 18 November 2024 in the CoE comments on the draft report. It accounts for an estimated 850 judges and prosecutors and 100 lawyers trained.



XIII. The report provides recommendations on how the CoE can follow up with MoJ about sustainability-related medium-term outcomes (e.g. following up about the CMS operationalization, continued trainings, maintenance of new communication channels with study visit countries), and some considerations for future projects based on lessons learnt in this project (e.g. improved logframe and indicator design, more balanced use of funds over project timeline, importance of communication in planning study visits, and a suggestion from MoJ for a future project on another topic of interest to them).

# 1. Introduction

1. This section introduces the evaluation report for the final evaluation of the project “**Improving International Judicial Cooperation in Criminal Matters in Türkiye**” (referred to in this report as ‘the project’). The project is implemented by the Council of Europe (CoE). The section briefly comments on the evaluation scope (Section 1.1) and objectives (Section 1.2), the methodology, including constraints experienced in the course of the evaluation (1.3), and the structure of this report (1.4).

## 1.1. Evaluation scope

2. The CoE contracted the independent evaluation firm Blomeyer & Sanz on 7 October 2024 to conduct this evaluation throughout the months October to December 2024.<sup>6</sup>
3. The project has been implemented over the course of approximately 48 months, from December 2020 until December 2024.<sup>7</sup> The original project duration was 36 months, with two addendums that led to one 12-month extension. The total project budget is EUR 3 million, with EUR 2.7 million contributed by the European Union (EU) and the remaining EUR 0.3 million contributed by the CoE.
4. The Description of Action (DoA) and Terms of Reference (ToR) present the project’s overall objective as follows: ‘*Overall objective: To enhance the overall system and capacities of Turkish authorities to accelerate judicial proceedings and conduct effective international judicial cooperation in criminal matters.*’ With the aim of achieving this overall objective, the project comprises of two mutually reinforcing specific objectives and four contributing results:
  - Specific Objective 1: To ensure that the legislative and institutional framework for international judicial cooperation in criminal matters in Türkiye provides for effective international cooperation.
    - i. Result 1: Legislative and institutional framework for international cooperation, in particular mutual legal assistance (MLA) is enhanced.

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<sup>6</sup> The evaluation team comprises two experts, Roland Blomeyer and Firuzan Silahsor.

<sup>7</sup> The project was finishing at the time of evaluation. Therefore, the analysis presented in this report is contingent upon the finalisation of the planned activities and budget. The data from year 4 was presented through a Notification Report dated September 2024, but does not have an annual report as other years since the year has not finished.

- ii. Result 2: A mechanism for collecting and processing incoming & outgoing MLA requests (Central Monitoring System (CMS)), is introduced.
  - Specific Objective 2: To enable the Turkish judicial authorities effectively cooperate with other jurisdictions in criminal matters relying on international standards and agreements and utilising networks for exchange of information.
    - i. Result 3: Capacities of the MoJ's Central Authority and judicial authorities on international cooperation in criminal matters are increased.
    - ii. Result 4: Cooperation and coordination capacities with international organisations and European Union member States are strengthened.
5. The Ministry of Justice of Türkiye (MoJ) Directorate General for Foreign Relations and European Union Affairs (DGFREU) is both the primary project partner and beneficiary. Target groups of the project actions are judges and prosecutors dealing with international judicial cooperation in criminal matters (First Instance Courts and Courts of Appeal) including rapporteur judges, judges and prosecutors working on international cooperation in criminal matters at the MoJ and the Justice Academy of Türkiye (JAT), and lawyers from the Union of the Turkish Bar Associations. Final beneficiaries include professionals working in the area of international cooperation in criminal matters, law enforcement and criminal justice sector professionals handling cases where international cooperation is required, the whole criminal justice sector as a result of an improved rate of processing of cases with foreign elements, and the general public.<sup>8</sup>

## 1.2. Evaluation objectives

6. The ToR present the objectives of the evaluation as follows:
- *to assess the results achieved against the objectives and indicators as well as its impact and,*
  - *to identify lessons learnt that could be of use for future interventions in the thematic area or the Organisation as a whole.*
7. Considering these evaluation objectives, the evaluation is both 'summative' and 'formative':
- **Summative evaluation:** The summative view aims to assess the performance of the project by reviewing outcomes against expectations. The

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<sup>8</sup> As indicated in the project's Description of Action.

focus is on understanding what has been achieved and why (facilitating factors / constraints).

- **Formative evaluation:** The formative perspective aims to enhance performance with a view to the future. Here, the focus is on developing pragmatic recommendations to help stakeholders to improve the design and implementation of future activities.

### 1.3. Methodology

8. The ToR for this evaluation presents details on the methodology, a **mostly qualitative question-based evaluation**,<sup>9</sup> focusing on the evaluation criteria of the Organisation for Economic Cooperation and Development (OECD), namely, relevance, added value, effectiveness, efficiency, potential impact, and sustainability. It assessed the topics of gender and a human rights approach within the effectiveness section. Section 2.2.1 presents the Theory of Change (ToC) that guided the evaluation, and Annex 1 notes the corresponding overarching evaluation questions. Data collection involved desk research and semi-structured remote and in-person interviews.<sup>10</sup> In total, over 80 project documents were reviewed and over 20 stakeholders were consulted (see Annex 2). The documentation included project action documents, addendum documents, annual reports, project management and steering committee (SC) meeting notes, and technical reports produced. Stakeholders consulted include, for example, staff at the CoE Ankara and Strasburg, the project team, MoJ Türkiye staff, CADIB offices staff, the UTBA lawyers' association staff, and study visit participants. This report addresses the CoE and MoJ feedback on a draft version of the report.<sup>11</sup> The stakeholders consulted were chosen by the evaluation team based on the project documentation and in consultation with the CoE. Triangulation of data was used wherever possible (between desk research and interviews, and among interview responses) to ensure the reliability and validity of the results presented.
9. The evaluation experienced a few **minor challenges**. Data collection in the form of interviews was constrained by the very tight time schedule for data collection. This was mitigated by the evaluation team directly engaging with the MoJ and other stakeholders, sending multiple reminders / flexibly re-scheduling interviews, but this necessitated allocating substantial additional resources to

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<sup>9</sup> Stufflebeam, D. (2002) 'Evaluation models' in *New Directions for Evaluation*, 7-98.

<sup>10</sup> The data collection methods were selected and finalized in consultation with the client during the Inception Report phase. The Theory of Change and evaluation questions were also approved by the client at this time.

<sup>11</sup> The draft report was submitted on 14 November, and CoE comments were received on 18 November 2024 and a second set on 27 November 2024. MoJ Türkiye provided comments on 12 December 2024.

data collection, with interviews conducted throughout October and November 2024. Additionally, there was the constraint of project data (e.g., indicator data) being made available late in the evaluation process. This was mitigated by being incorporated into the drafts as it was received.

#### **1.4. Report structure**

10. The evaluation report is organised in three main sections with three additional annexes, namely:

- this Introduction (section 1), including detail on the evaluation scope and objectives, methodology and report structure;
- the Findings (section 2), presenting findings per evaluation criterion, i.e., relevance, effectiveness, added value, efficiency, potential impact, and sustainability;
- the Conclusions, Lessons Learnt and Recommendations (section 3).
- Finally, Annex 1 includes the evaluation matrix and Annex 2 lists the documentation and stakeholder consultations.

# 2. Findings

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

- **Relevance:** 'The extent to which the intervention objectives and design respond to beneficiaries, global, country, and partner/institution needs, policies, and priorities, and continue to do so if circumstances change' (2.1).
- **Effectiveness:** 'The extent to which the intervention achieved, or is expected to achieve, its objectives, and its results, including any differential results across groups' (2.2).
- **Added value of the CoE and EU:** 'This is not an OECD evaluation criterion. For the purpose of this evaluation the focus is on identifying the difference made by having the CoE involved in implementation / counting with EU funding, as opposed to any other organisation implementing the project / a different donor providing the funding' (2.3).
- **Efficiency:** 'The extent to which the intervention delivers, or is likely to deliver, results in an economic and timely way' (2.4).
- **Potential impact:** 'The extent to which the intervention has generated or is expected to generate significant positive or negative, intended or unintended, higher-level effects' (2.5).
- **Sustainability:** 'The extent to which the net benefits of the intervention continue, or are likely to continue' (2.6).

## 2.1. Relevance

2.1.1. To what extent were the project design and amendments to it suitable to address the issues the project set out to address?<sup>12</sup>

12. The project is highly relevant to both 'internal' (MoJ) and 'external' (EU) priorities for how Türkiye can strengthen the capacities of its authorities to establish

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<sup>12</sup> The original question included the following sub-question: 'What, if any, issues would still need to be addressed to further enhance the overall system and capacities of Turkish authorities to accelerate judicial proceedings and conduct effective international judicial cooperation in criminal matters?'. This sub-question has been deemed more suitable to be answered in the Potential Impact section and has been moved there.

effective and expedited international judicial cooperation in criminal matters (ICCM), thereby contributing to proper administration of justice in cases involving foreign elements. As indicated in the Description of Action (DoA), the project was designed to address priorities of four important documents related to ICCM in Türkiye.<sup>13</sup> It also aligns with priorities identified in the annual EU Accession Reports. The ones from the EU reflect benchmarks relating to the accession and visa liberalisation processes. The feedback from the interviews conducted for this evaluation affirm the relevance of this project to the improvement of ICCM in Türkiye. Furthermore, the change in the project focus of developing software to providing hardware for the new CMS is indicative of the relevance of the project to MoJ and the flexibility of the CoE in meeting the beneficiary's needs.

13. Looking first at the project's relevance vis-à-vis Türkiye's strategic framework for judicial reform:

➤ *Judicial Reform Strategy 2019 (JRS):<sup>14</sup> Objective 4.13 - International mutual legal assistance and cooperation will be developed.* This objective has a set of related points/activities: 1) The Ministry of Justice's organisation will be strengthened abroad; 2) The procedures and principles of the justice counsellors will be re-determined to meet the legal needs of our citizens abroad; 3) Contact points will be designated in courthouses and trainings will be organised on mutual legal assistance; 4) The procedures concerning the recognition of the decisions rendered by foreign courts will be reviewed and simplified; and 5) International cooperation will be formed for cross border organised crimes, terrorism, financing of terrorism, cybercrimes, human trafficking, migrant smuggling, laundering of proceeds of crime and trafficking of narcotic drugs.

- The project contributed significantly to Objective 4.13 of the JRS. Indeed, point 3 is mostly addressed by the project, as the activities under Result 3 provide for trainings of trainers and material (Act. 3.1.1), trainings of the judiciary and selected UTBA lawyers on ICCM (Act. 3.1.2), the development of an e-learning tool based on the CoE's Human Rights Education for Legal Professionals (HELP) course (Act. 3.1.3), and the training of representatives of regional judicial authorities on the quality assurance of requests submitted to the Central Authority (Act. 3.2.3). The

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<sup>13</sup> These documents were identified by the project in the DoA as Türkiye's Judicial Reform Strategy 2019 (JRS); Judiciary Action Document (JAD), as part of the Financing Agreement for Annual Action Programme for Türkiye for the Year 2016; Third Report (2016) on progress by Türkiye in fulfilling the requirements of its visa liberalisation roadmap; and the European Commission's "Indicative Strategy Paper for Türkiye for the period 2014-2020." The project also addressed priorities identified in the annual EU Accession Reports for Türkiye.

<sup>14</sup> Ministry of Justice Türkiye (2019), Judicial Reform Strategy. Available at: <https://yargireformu.adalet.gov.tr/Resimler/yrseng.pdf>.

project contributes to Point 5 through capacity building in cooperation with regard to some of these crime areas through activities developing operating procedures for pre-MLA cooperation (Act. 3.3.2) and related workshops (Act. 3.3.3), the sharing of good practices through the conferences (e.g. under Act 4.1.2 and closing conference), and study visits (Act. 4.1.1).

- Point 1 is likely implicit to the outcomes of the project. It appears that point 2 was not a focus of this project. However, other aspects of the project contribute to meeting Objective 4.13 of the JRS, including the development of the central monitoring system (CMS) to process incoming and outgoing MLA requests, the review of legislative framework for MLA international cooperation, and the study visits to strengthen MLA cooperation and understand how it works in partner countries.
- The relevance of the project to Turkish judicial priorities was underscored in multiple interviews. It was noted that the need for projects at institutional and technical level is evident and they are glad to have funding to meet these needs. It was reiterated the relevance to JRS priorities regarding improving MLA and extradition requests, as well as how this project built on previous work and filled a gap:

“The Law (6706-Law on International Legal Cooperation in Criminal Matters, dated 2016) was developed within that project. It is the first independent legislation in this area. At that time, we needed support on the effective implementation of the Law, and also in the development of secondary legislation. We designed and proposed this project to increase our capacity (Central Authority and judges and prosecutors) to accelerate judicial proceedings and conduct effective international judicial cooperation in criminal matters.”<sup>15</sup>

This quote reflects the high level of ownership of the MoJ DGFREU of the project, which will be discussed more in depth in the sustainability section. DGREU also reported that the timing of the project, though delayed, was good for them to meet these needs.

- Interviewees also identified specific needs in affirming the relevance of the project. For example, the CMS was reported as highly needed. The establishment of the CADIBs, something not foreseen in the DoA but a result of the new circulars related to the project, was seen as necessary and gratified.

#### 14. Turning to relevance vis-à-vis European Union priorities:

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<sup>15</sup> Feedback from MoJ DGFREU.



➤ *EU Accession Reports: Türkiye 2019-2024*

The project aligns with needs as identified by the 2019-2024 European Union progress reports on accession, as there is a specific subsection on judicial cooperation in civil and criminal matters.<sup>16</sup> All of the reports note that significant progress needs to be made on the independence, accountability, and quality of the judiciary in order to have “a smooth application of the principle of mutual recognition of judgments and court decisions in criminal matters.” The 2024 report describes a need for a central monitoring system for MLA requests, proving the relevance of this project.

➤ *Judiciary Action Document (JAD), as part of the Financing Agreement for Annual Action Programme for Türkiye for the Year 2016, Action 2.3: “seeks to strengthen the capacities of the Turkish authorities in the international cooperation in criminal matters as well as in ensuring the acceleration of judicial proceedings on judicial cooperation in criminal matters.”<sup>17</sup> It has seven specific priorities (see Table 1).*

- The priorities under Action 2.3 of the JAD are mostly addressed by the project. The priority of establishing a central monitoring system (CMS) for managing incoming and outgoing MLA requests is addressed by the activities under Result 2. The study visits and workshops under Result 4

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<sup>16</sup> EU Commission Staff Working Document (2019), Türkiye 2019 Report. Available at: [https://neighbourhood-enlargement.ec.europa.eu/document/download/954941b5-87e8-4b22-b1e4-ceb2762a33b0\\_en?filename=20190529-turkey-report.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/954941b5-87e8-4b22-b1e4-ceb2762a33b0_en?filename=20190529-turkey-report.pdf)

EU Commission Staff Working Document (2020), Türkiye 2020 Report. Available at: [https://neighbourhood-enlargement.ec.europa.eu/document/download/f4b4f445-6f09-4130-95bc-04b1df4e8f46\\_en?filename=turkey\\_report\\_2020.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/f4b4f445-6f09-4130-95bc-04b1df4e8f46_en?filename=turkey_report_2020.pdf)

EU Commission Staff Working Document (2021), Türkiye 2021 Report. Available at: [https://neighbourhood-enlargement.ec.europa.eu/document/download/892a5e42-448a-47b8-bf62-b22d52c4ba26\\_en?filename=Turkey%202021%20report.PDF](https://neighbourhood-enlargement.ec.europa.eu/document/download/892a5e42-448a-47b8-bf62-b22d52c4ba26_en?filename=Turkey%202021%20report.PDF)

EU Commission Staff Working Document (2022), Türkiye 2022 Report. Available at: [https://neighbourhood-enlargement.ec.europa.eu/document/download/ccedfba1-0ea4-4220-9f94-ae50c7fd0302\\_en?filename=T%C3%BCrkiye%20Report%202022.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/ccedfba1-0ea4-4220-9f94-ae50c7fd0302_en?filename=T%C3%BCrkiye%20Report%202022.pdf).

EU Commission Staff Working Document (2023), Türkiye 2023 Report. Available at: [https://neighbourhood-enlargement.ec.europa.eu/document/download/eb90aefd-897b-43e9-8373-bf59c239217f\\_en?filename=SWD\\_2023\\_696%20T%C3%BCrkiye%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/eb90aefd-897b-43e9-8373-bf59c239217f_en?filename=SWD_2023_696%20T%C3%BCrkiye%20report.pdf).

EU Commission Staff Working Document (2024), Türkiye 2024 Report. Available at: [https://neighbourhood-enlargement.ec.europa.eu/document/download/8010c4db-6ef8-4c85-aa06-814408921c89\\_en?filename=T%C3%BCrkiye%20Report%202024.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/8010c4db-6ef8-4c85-aa06-814408921c89_en?filename=T%C3%BCrkiye%20Report%202024.pdf).

<sup>17</sup> European Commission (2016), Instrument for Pre-Accession Assistance (IPA II) 2014-2020: Turkey: Judiciary. From the Annual Action Programme for Turkey 2016. Available at: [https://neighbourhood-enlargement.ec.europa.eu/document/download/a193e3d0-c187-44e9-8eff-af758c976e6f\\_en?filename=4-ipa\\_2016\\_judiciary\\_ad\\_final\\_for\\_ipa\\_committee\\_v2\\_clean.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/a193e3d0-c187-44e9-8eff-af758c976e6f_en?filename=4-ipa_2016_judiciary_ad_final_for_ipa_committee_v2_clean.pdf).

address the priorities of strengthening mutual trust with EU Member States and understanding how liaison judgeship institutions operate. Results 1, 3, and 4 address the priority of organising meetings between foreign experts and DGFREU. The training activities under Result 3 partially address the priorities of holding trainings for judges, prosecutors, candidates, clerks, and other judicial individuals.

- *Third Report (2016) on progress by Türkiye in fulfilling the requirements of its visa liberalisation roadmap.* While most benchmarks have been attained, the DoA identifies one key benchmark that relates to this project and which was categorised as partially fulfilled:<sup>18</sup> “Benchmark 47: Provide effective judicial cooperation in criminal matters to all the EU Member States, including in extradition matters inter alia by promoting direct contacts between central authorities.”
  - This benchmark is addressed by all aspects of the project, including the development of the Central Monitoring System, the capacity building of MoJ and judges and prosecutors, and the plans to continue training / the purchase of materials for the continued effective judicial cooperation. Contacts between central authorities were established in the countries of the study visits. However, the benchmark could be addressed more fully by explaining further how the project will promote direct contacts between all the EU Member State central authorities.
- *The European Commission’s “Indicative Strategy Paper for Türkiye for the period 2014-2020”:*<sup>19</sup> The paper (which later influenced the JRS above) indicates, in relation to ICCM, that: “Türkiye needs to strengthen all law enforcement institutions involved in the fight against terrorism and organised crime and align their functioning, status and responsibilities with European standards, including through developing inter-agency and international cooperation in the fight against terrorism, including Countering Violent Extremism, as well as the combat of money laundering, drugs, and cybersecurity threats. Progress is necessary in the dismantling of criminal networks and confiscation of criminal assets.”
  - This point is mostly addressed by the project in that the project focuses on the strengthening of law enforcement institutions (MoJ) (ex. capacity

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<sup>18</sup> European Commission (2016), Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016SC0161&from=EN>.

<sup>19</sup> European Commission (2018), Revised Indicative Strategy Paper for Turkey (2014-2020). Available at: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2018-12/20180817-revised-indicative-strategy-paper-2014-2020-for-turkey.pdf>.

building activities), updating/improving the functioning of MoJ to European Standards (ex. revision of legislative framework), and developing international cooperation (ex. study visits).

**Table 1. Project alignment with the seven priorities Action 2.3 of the Judiciary Action Document (JAD)**, as part of the Financing Agreement for Annual Action Programme for Türkiye for the Year 2016) Project alignment for each priority is indicated by the colour of the ✓; green indicates that the priority is fully addressed by project activity, orange indicates that it is partially addressed, and red that it is not addressed.

<p>(1) Establish an adequate central monitoring system for collecting and processing full information about any incoming and outgoing request of international co-operation</p>	<p>✓✓</p>	<p>This is addressed by Result 2 (A mechanism for collecting and processing incoming &amp; outgoing MLA requests (Central Monitoring System (CMS)), is introduced) of the project and the related activities that contribute to the result.</p>
<p>(2) Regular trainings to be provided to sitting judges &amp; prosecutors, candidates and clerks</p>	<p>✓✓</p>	<p>This is semi-addressed by the project by Result 3 (Capacities of the MoJ's Central Authority and judicial authorities on international cooperation in criminal matters are increased.) Activities 3.1.2, 3.1.3, and 3.2.3 train judges and prosecutors, though it is unclear how regular they will be. However, MoJ has confirmed that the online HELP course will provide continued training. It is reported that candidates will receive updated training; clerks are not in the scope of the project.</p>
<p>(3) Hold training seminars for judges-prosecutors and judicial personnel with the participation of academicians and legal practitioners</p>	<p>✓✓</p>	<p>This is mostly addressed by the project by Result 3, specifically through activities 3.1 to train judges-prosecutors and judicial personnel of the MoJ and select individuals from the UTBA. Academics were involved with the training activities and technical papers.</p>
<p>(4) Develop ways to strengthening mutual trust with EU member states</p>	<p>✓✓</p>	<p>This is addressed by the project by Result 4 (Cooperation and coordination capacities with international organisations and European Union member states are strengthened), specifically with the study visits and good practices workshops (activities 4.1.1 and 4.1.2).</p>
<p>(5) Hold study visits to specific EU countries so as to examine the liaison judgeship institution applied in EU</p>	<p>✓✓</p>	<p>This is addressed by the project through Activity 4.1.1 insofar as there were study visits to specific EU countries to "facilitate a direct discussion between peers allowing to identify the shortcomings and potential solutions to the challenges in the international cooperation" (DoA).</p>

(6) Conduct visits to specific court houses by the authorities of DGFREU	✓✓	This was not directly addressed by the project. However, with the establishment of the CADIB offices as a result of project activity, this point seems to be met.
(7) Organize meetings between foreign experts and DGFREU	✓✓	This is addressed by the project through all the activities under Results 1, 3, and 4, as well as the expected closing conference, in which international consultants participate.

## 2.2. Effectiveness

### 2.2.1. Introduction to the assessment of effectiveness

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

16. The DoA and ToR present the overall objective as follows: 'to enhance the overall system and capacities of Turkish authorities to accelerate judicial proceedings and conduct effective international judicial cooperation in criminal matters'. With the aim of achieving this overall objective, the project comprises of two mutually reinforcing specific objectives and four contributing results:

- Specific Objective 1: To ensure that the legislative and institutional framework for international judicial cooperation in criminal matters in Türkiye provides for effective international cooperation.
  - Result 1: Legislative and institutional framework for international cooperation, in particular mutual legal assistance (MLA) is enhanced.
  - Result 2: A mechanism for collecting and processing incoming & outgoing MLA requests (Central Monitoring System (CMS)), is introduced.
- Specific Objective 2: To enable the Turkish judicial authorities effectively cooperate with other jurisdictions in criminal matters relying on international standards and agreements and utilising networks for exchange of information.
  - Result 3: Capacities of the MoJ's Central Authority and judicial authorities on international cooperation in criminal matters are increased.
  - Result 4: Cooperation and coordination capacities with international organisations and European Union member States are strengthened.

17. The ToC was developed by the evaluation team in conjunction with the client during the inception phase. Based on the desk review of project documentation

and consultations with stakeholders, the evaluation fully confirms the validity of the ToC. Figure 1 shows the ToC.

Figure 1 - Theory of change



2.2.2. To what extent has the project achieved its expected results? What have been the reasons for achievement and lack thereof? What difference has the project and its activities made to the beneficiaries up to date?

### *Achievements*

#### *Overall Objective*

18. The overall objective of the project has been mostly achieved as described by data against the indicators and confirmed by interview feedback. The two indicators in the project logframe for the overall objective are “improved quality of requests of international cooperation submitted by the Turkish authorities” and “improve (decrease) the duration of proceedings regarding cross border disputes in criminal manners.” The EU Accession Reports note progress on these indicators that can be associated with project activities. In the 2022 report,<sup>20</sup> it was stated that the new legislative reforms and mechanisms such as videoconferencing for processing MLA requests are starting to yield positive results, such as “under the new ‘consensual extradition’ procedure, the extradition of an offender now takes 1-2 months on average as opposed to the classic extradition procedure which lasted around a year.” While some of these reforms and mechanisms started before the project, the project may have coincided to assist with these results. Similarly, in the 2023 report<sup>21</sup> it was noted that EU Member States accepted 18 extradition requests from Türkiye, the most compared to previous years (2018-2021). Still, 19 requests became redundant and 151 were still pending, suggesting room for improvement on meeting these indicators. Regarding the indicators for the overall objective, in 2023 MoJ reported 1041 rejected MLA requests from foreign jurisdictions in comparison with 3009, surpassing the goal of a 25% reduction. However, the number of requests from local authorities denied by MoJ CA varied over the project years, and in 2023 was more than in 2019 (1689 vs. 1113), not meeting the 25% reduction goal.<sup>22</sup> As the CMS had not been activated until close to the end of the project, the later section on potential impact will further elaborate on how the expected implementation of the CMS will improve the quality of requests of international cooperation.

19. The following subsections will outline the progress towards the specific objectives, which in turn contribute to the success of the overall objective of the project. Feedback from the interviews suggests that stakeholders and activity participants are very pleased with the achievements of the project. In particular, the issuance

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<sup>20</sup> See footnote 10.

<sup>21</sup> See footnote 10.

<sup>22</sup> In these two comparisons, 2023 has been used as it is the latest full year of data (2024 has not finished and therefore would be an incomplete comparison).

of the Circular no.183 providing for the CADIBs, the development of the CMS, the usefulness of the trainings and information-sharing workshops, and the expertise of the national and international experts included were applauded.

### *Specific Objective 1*

20. With regard to the first specific objective (*ensure that the legislative and institutional framework for ICCM in Türkiye provides for effective international cooperation*), significant achievement has been made during the four years of project activity under results 1 and 2.
21. It will be noted here that our assessment of the logframe suggests that some of the aspects of the logframe present room for improvement for future projects of similar implementation. Three specific items that would enhance the readability and ease of understanding of the logframe for all stakeholders are the following. First, there appears to be a conflation of the objective levels. For example, both the outcome (specific objectives) and the impact (overall objective) have the same indicator of improved quality of requests for ICCM and the same target of "Number of requests returned by the Central Authority decreased by 25%." A better separation of these indicators and targets across levels will help the stakeholders understand the short-, medium-, and long-term expectations of the project. Second, the indicators themselves could be improved to look at change from the project, rather than serve a similar purpose as the target values, as is the case now. For instance, rather than an indicator of four training packs being available, an indicator that is change-oriented would state that all trainees or at least  $\frac{3}{4}$  of trainees report improved knowledge on how to process MLA requests. Third, the logframe table itself could be better organised so as to have the indicators aligned with the outputs (results) to which they correspond. As it is designed now, the indicators for the outputs are all in one cell together, which makes it difficult to identify to which output each indicator was designed. As such, the analysis here uses a best inference to understand whether the indicators were met for each output.

### *Result 1*

- The project achieved its intended outputs for Result 1 with both recommendations for reform in the regulatory, institutional, and operation framework for international cooperation made available and analysis and advice on secondary legislation provided. It is noted in the 2023 project annual report that "the project placed significant emphasis on engaging with the Ministry of Justice and other relevant stakeholders, including the judiciary, prosecution, and Union of Turkish Bar Associations (UTBA), for consultations regarding potential changes to Türkiye's legislative framework on international judicial cooperation in criminal matters including relevant bylaws and circulars." These in-depth discussions both in the process of creating the two technical reports for the review of legislative framework ("A Review of



Turkey's Law No. 6706 and relevant by-laws extradition" and "A Review of Turkey's Law No. 6706 and relevant by-laws MLA") and in the workshops to discuss the findings of the papers (Act. 1.1.3 and 1.2.4) are admirable because they reflect a holistic approach to the conversation. This is much more valuable in the long-term than a simple goal of producing the reports and not continuing the conversation.

- Similarly, for the review of institutional framework there were extensive conversations that allowed for the production of the two technical papers ("Assessment of the Institutional Framework for International Judicial Cooperation and Proposals for Consideration for Streamlining the Procedures for Submission of Requests for MLA in Türkiye" and "Analysis of the types of requests for international cooperation, success rate, and reasons for failing requests") and the guidelines for MLA ("Comparative analysis of the templates and guidelines/circulars for MLA as prepared by the Ministry of Justice against the templates and guidelines/circulars developed and provided by the PC-OC"). Feedback from consultations with the relevant Turkish beneficiaries (ex. MoJ, DGFREU, judges and prosecutors, and representatives of UTBA, depending on the activity) enhanced the quality of the reports.
- The 2024 EU Accession Report<sup>23</sup> released on 29 October 2024 mentions work towards the second indicator of analysis and advice on secondary legislation: "A circular was adopted in 2024 to establish international judicial cooperation liaison offices in criminal matters at seven prosecution offices in Türkiye. The aim is to accelerate and coordinate judicial cooperation between the Central Authority and local courts." Though not originally foreseen in the DoA, but fruits of the legislative review work of Result 1, the provision of the seven CADIB offices through the Circular no.183 was integrated into the project activities with trainings provided at the level of these offices.
- The interview feedback for Result 1 was overwhelmingly positive. Many interviewees expressed contentment with the achievement of updating the circulars (69/2<sup>24</sup> and 69/4<sup>25</sup>) and the new CADIB offices. When commenting on these offices in particular, there is consensus that they are very necessary and will be a positive outcome of this work. There is a sense that the practical implementation of the offices will take time, as they are still in the phase of detailing the workload, purpose of the office, staffing, etc. Interviewees were also pleased with the inclusion of the national experts and lawyers in the legislative review.

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<sup>23</sup> See footnote 16.

<sup>24</sup> The revised Circular 69/2 is expected to be adopted by MoJ in early 2025.

<sup>25</sup> Circular 69/4 was also revised; the update from MoJ provided 14 November 2024 reports no amendments as of now.

## Result 2

- At the time of the evaluation report preparation, the project has almost achieved the intended result 2 of an electronic system for registration and monitoring of progress of international cooperation requests (CMS) that is operational. As will be discussed in the subsection below on facilitating factors and obstacles, due to MoJ confidentiality concerns about the external production of software for the CMS, the project DoA was adjusted and an extension granted to have an internal production of the software at the MoJ IT department and an external procurement of the hardware. It was reported that the CMS is provisionally operational and will become operational in December 2024. While this is within timeframe of the project, it does not give time for the functionality of the system to be evaluated here or to report on some project logframe indicators (ex. "Annual comparison (2019-2022) of the number of MLA and extradition requests submitted to other countries."). However, the MoJ DGFREU and DGIT confirmed for the evaluators that the CMS will report statistics<sup>26</sup> on:
  - 1- Country involved,
  - 2- Refusal grounds,
  - 3- Legal and factual issues (ex. type of criminal offence, search, seizure, video-conference, investigation, transfer of execution etc.),
  - 4- Processing timeframe (*When UYAP 3 infrastructure is ready (currently UYAP 2 is used, UYAP 3 is in progress), data on processing timeframes will be used in reports*).
  
- The process of developing the CMS and training the individuals who will need it appears to have been effective, though with delays. The activities that contributed to Result 2 were an initial IT needs assessment, the procurement, delivery, and instalment of the hardware, and the training of MoJ representatives on utilising the CMS. The two different needs assessments (on the technical requirements for the establishment of a CMS and the technical requirements for procurement of the hardware for a CMS) were produced as a result of many conversations between MoJ DGFREU, MoJ DGIT, the CoE's Department of Information Technologies (DIT), and the project SC.<sup>27</sup> The training timing was dependent on the CMS being designed and operational. The notes from the 5th SC meeting in January 2024 express the

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<sup>26</sup> An open question remains how these statistics will be reported.

<sup>27</sup> Annual Reports 2022 and 2023. Annual Report 2022 identifies that a preliminary needs assessment was conducted by MoJ DGFREU and MoJ DGIT and presented to the CoE's DIT. This assessment was determined to not be sufficiently detailed on the technical needs of a CMS, but instead of redoing it with an external consultant involved, it was decided in conjunction with the SC that to best respond to MoJ's confidentiality concerns, the focus would be pivoted to the procurement of equipment and internal development of the CMS software.

expectation that in “the coming months” the software would be operational, but then in the 6th SC meeting in September 2024 it is noted that the software was still to be finalised, and the trainings had not started as anticipated. By the time of this report, trainings had started, and the limited feedback thus far has been positive.

### *Specific Objective 2*

22. For Specific Objective 2 (*enable the Turkish judicial authorities to effectively cooperate with other jurisdictions in criminal matters relying on international standards and agreements and utilising networks for exchange of information*), the achievements of the project under Results 3 and 4 contribute significantly to meeting the objective. For example, the indicator of increased use of informal cooperation mechanisms (*obtaining information through various networks i.e. CARIN, 24/7 points of contact, EGMONT*) appears to have been achieved through the pre-MLA workshops under Activities 3.3. Türkiye has also enhanced its participation of practitioners in international cooperation networks through the activities under Result 4 of the six study visits and international conferences on the sharing of good practices.

### *Result 3*

- There were many achievements of the project to satisfactorily meet Result 3 related to increased capacities of MoJ’s Central Authority and judicial authorities on ICCM. The achievements are directly from the four contributing activities, which will be analysed below.
- The first activity for Result 3 was training for the Central Authority, judges and prosecutors at the regional level on preparing requests for international cooperation, aiming to address the incomplete or defective requests. As with other aspects of the project, the materials for this activity were developed through many consultations with relevant stakeholders. These conversations led to one significant change in planning the materials, which is that it was decided to produce just one training manual instead of two levels, basic and advanced.<sup>28</sup> As such, the trainings were adjusted accordingly (increased number of total trainings with basic and advanced merged). It is also noted that the training manual design took longer than originally expected; however, this is a sign of effectiveness that the extra time was taken to produce a satisfactory output. As expected under this activity, three training packs were produced: a thorough training manual (267 pgs.), a trainer’s manual (265 pgs.), and a set of e-learning modules. Both manuals have a Turkish and English version. The manuals were used for cascade training in which 80 trainers have been trained and an estimated 950 individuals (judges,

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<sup>28</sup> As detailed in the Annex III Table-of-Modifications -29 March 2023 of the 2022 Annual Report.

prosecutors, and lawyers) will have been trained by the end of the project (meeting / exceeding the target goal of 750).<sup>29</sup> The e-learning module based on the HELP (European Programme for Human Rights Education for Legal Professionals) program was translated into Turkish with input from national consultants and the JAT (where it is under review, expected finalisation by end of project). These materials are important not only for the training that has been done, but also for the sustainability of the project work (see later section on sustainability).

The feedback for these trainings was overwhelmingly positive. This was due to many factors, such as: the trainings were considered to be well organised, practical examples were used, it increased awareness of the topics among judicial officials who might have previously had less contact with them, the trainings increased communications with the Central Authority at MoJ and with other institutions, and that the Trainings of Trainers (ToTs) was considered above average. Specifically for the ToTs, it was reported that 78.12% of the participants responded in their evaluation forms that their knowledge of international judicial cooperation, mutual legal assistance, and extradition processes significantly increased as a result of these trainings.<sup>30</sup> After the first 14 training sessions of judges and prosecutors (350 individuals), 97.6% of the participants either agreed or strongly agreed that “the training has enhanced [his/her] understanding and knowledge of international judicial cooperation in criminal matters.”<sup>31</sup> This highlights that the trainings led to the desired outcome of capacity building. There were suggestions by some to increase the availability of trainings to more judges and prosecutors, though others were pleased with the number reached during the project.

- The second activity contributing to Result 3 was the introduction of a system for filtering and quality checking of requests at the regional level before they are sent to the Central Authority at the MoJ. In order to reach this goal, consultations had to be done with DGFREU and judicial authorities. The project team also wanted to consider best practices of other countries, and so designed a questionnaire for a semi-structured interview with the central authorities and competent judicial authorities in Belgium, France, Germany, Portugal, Spain and Italy related to their submitting outgoing requests for MLA to non-EU Member States. This study led to the technical paper: “Analysis of

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<sup>29</sup> This updated estimate was provided on 18 November 2024 in the CoE comments on the draft report. It accounts for an estimated 850 judges and prosecutors and 100 lawyers trained. It will be noted that in the update on indicators letter from October 2024 from MoJ DFGREU, 540 individuals had been trained with 6 sessions left and a target goal of 750.

<sup>30</sup> According to the 2023 Annual Report. Evaluation forms were not available for the writing of this report, so data is reported from the annual report.

<sup>31</sup> Ibid.

the system for internal submissions and filtering of requests for MLA submitted to the Central Authority of Türkiye and comparison with equivalent systems in other jurisdictions.” Then, based on this study and conversations with MoJ and experts to present the findings, the team produced a second paper for MoJ to consider various solutions to screening requests: “Proposed solutions for a mechanism of initial screening of MLA requests at regional level submitted to the Central Authority of Türkiye.” This process has been seen as a great success, because the establishment of the CADIB liaison offices via Circular 183 on 4 February 2024 responds to the need for this screening system between the regional and central authorities. MoJ indicated that these seven offices were chosen to be liaisons because, based on an analysis of the last five years of data, they represent 80% of the MLA requests from regional authorities. Trainings for the CADIB offices have begun, and guidelines are being prepared. Additional workshops and trainings for discussing the studies with relevant stakeholders have begun during the period of project evaluation.

- The third activity was to develop guidelines to enhance and streamline inter-institutional cooperation and information sharing in the pre-MLA phase. According to the 7<sup>th</sup> and 8<sup>th</sup> PMM Notes, three technical papers were produced for this activity and four workshops were given to discuss standard operating procedures for inter-agency cooperation.

These workshops were considered by interviewees to be highly successful. This was due to many factors: reported active participation of all involved; the opportunity for different agencies to share their procedures, learn from one another, and create new contacts that will be useful for the future; learn of capacity issues in certain agencies; learn how to use different networks; and overall view this as both a training and an information-sharing opportunity.

- The fourth activity was the purchase of books to develop the capacities of the Central Authority. In total, 85 Turkish books and 67 books in foreign languages were purchased and delivered to a new library housed within DGREU premises, for which there was an inaugural ceremony on 16 February 2024 with the participation of Director General and the Head of Ankara Programme Office. It is foreseen that this new library will provide ongoing capacity building for judges and prosecutors, as they will be able to request the books with an expected online tool.<sup>32</sup>

#### *Result 4*

- Within the context of the participating countries in study visits and workshops, the project achieved its desired Result 4 of strengthening cooperation and

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<sup>32</sup> This expectation for capacity building and the forthcoming online tool for requesting the books comes from the 2023 Annual Report.

coordination capacities with international organisations and EU Member States. It did this through organising six study visits for facilitating networking and peer exchanges for judges, prosecutors, and representatives of the Central Authority with their counterparts in chosen EU Member States, as well as workshops on the sharing of good practices on ICCM. The study visit countries were the Netherlands (30 May to 1 June), Austria (21-22 February 2023), Germany (17-19 October 2023), France (7-9 November 2023), Spain (24-26 September 2024), and Italy (29-31 October 2024). There were many discussions between the project team and MoJ about which countries to visit. It is unclear from the project documentation how the final list was made, as MoJ showed interest in the UK and Ireland,<sup>33</sup> and later Sweden and Finland,<sup>34</sup> none of which were eventually chosen. The criteria may also have changed over time, as the DoA stated that "*The aim will be to visit peer institutions in EU jurisdictions to which Türkiye submits the highest number of MLA requests as well as those from which there is the highest rate of un-successful requests,*" but the project in consultation with beneficiaries appears to have also used criteria such as comparable legal or state structure, population, volume of MLA requests, etc.<sup>35</sup> It is suggested that alignment to selection criteria could have been more transparently reported in project documents, though it is noteworthy that the decisions were made jointly between the project team and Turkish authorities.

- The study visits were overall very well perceived. Both the PMM Notes<sup>36</sup> and interview feedback reported high levels of interest in the topic of MLA and international cooperation, participation (e.g. asking questions) in activities in the study visits, and preparation by MoJ. MoJ suggested that knowledge acquired from the study visits, such as specific legal requirements and processes, has already been incorporated into their work with these countries and they expect to have fewer failing requests. This is evidence that the study visits were well used as a way to gain knowledge, share practices, and make contacts for future use. It was emphasized by participants the importance of advance preparation of the visits in order to best prepare both the host team and the visiting delegation, as well as ensure as best as possible direct communication between the relevant offices as opposed to only at the high (Central Authority) level.
- Two of the workshops were combined in the form of a two-day international conference titled "*International Judicial Cooperation in Criminal Matters and Combatting Cybercrime*" that took place on 27-28 May 2024 in Ankara, and

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<sup>33</sup> Countries identified by MoJ in the 7<sup>th</sup> Project Management Meeting Notes.

<sup>34</sup> Countries identified by MoJ in the 8<sup>th</sup> Project Management Meeting Notes.

<sup>35</sup> Criteria described in the 3<sup>rd</sup> SC Meeting Notes.

<sup>36</sup> For example, the 4<sup>th</sup> Project Management Meeting Notes.

the remaining two are foreseen to take place in conjunction with the closing conference.

### *Facilitating factors and obstacles*

23. *External delay factors:* One obstacle to implementation was various delay factors. The 2021 annual report cited an extension of the inception phase from four to six months due to the Covid-19 pandemic. The first year's activities were adjusted based on health considerations and took place online (meetings, roundtables, consultations) or in a hybrid format (the launching conference). The project was also affected by the devastating earthquake that occurred in Türkiye in February 2023 which impacted ten major cities and millions of people living and working there. The project resolved these difficulties by all parties agreeing in December 2023 to a one year, no-cost extension (see below for other contributing delays) to have more time to fully implement the intended project activities.
24. *Change in focus of Result 2 to address confidentiality concerns of CMS:* One of the main factors relating to project implementation was the change in focus of Result 2 from the external development of software for the CMS to the internal development of such software and the project procurement of hardware. This was done in order to address the confidentiality concerns of MoJ in relation to the CMS. The 2022 project annual report details how this came about through conversations in the Steering Committee: "The SC members discussed and agreed for the project to request an amendment to the DoA and budget to change the focus of Result 2 from the software solution for Central Monitoring System to the provision of hardware upon the MoJ's commitment to develop the software in twelve months." As such, there was a project extension request of six months (which later became one year due to the combination with other delays)<sup>37</sup> to allow time for the development and testing of the software which would be used with the procured hardware. The CMS is only just becoming operational as of late 2024 during the evaluation period / closing of the project.
25. *Timeliness of statistics:* One other limiting factor has been the timeliness of relevant statistics. As the CMS has only just recently become operational, there are assurances that it is producing relevant data on types of MLA requests, processing time, etc., but they are not yet all available (some have started to be). This makes it difficult to assess whether the overall objective indicators and targets identified in the project logframe have been met (ex. indicator of *Improve (decrease) the duration of proceedings regarding cross border disputes in criminal matters*). The statistics related to the overall objective targets (ex. *By the end of the project the overall number of failing MLA requests denied or unable to execute will decrease by 25%*) have only just become available as of the writing of this

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<sup>37</sup> One such delay as reported in the 6th Project Management Meeting Notes: "The MoJ commented that the addendum regarding the procurement of hardware equipment was delayed. The addendum had been planned to be finalised at the end of January 2023."

evaluation report, which means they are incomplete for 2024. The need for following up on these statistics for ensuring the project outcomes are reached will be addressed in the Potential impact section.

2.2.3. To what extent have the human rights approach and gender been mainstreamed in project design and implementation? What, if any, have been the project's effects on gender equality?<sup>38</sup>

26. The project has considered the human rights approach and gender mainstreaming, though there might be room for further strengthening this dimension in future similar projects. The project did not have a direct effect on gender equality, though the project did collect statistics on sex disaggregation for all activities across the project's four years.

#### *Human rights approach*

27. With regard to the human rights approach, the 2022 and 2024 Annual Reports noted that "the project ensured that the relevant non-state actors and professional associations such as the Union of Turkish Bar Associations (UTBA) participate in its activities where their engagement is relevant. The UTBA joined the discussions on the institutional and legislative framework for MLA and submitted their input on this occasion." The reports also noted that academics were involved in the designing and presentation of training materials according to their subject expertise. It was stated that "the general public is expected to benefit from the increased effectiveness of international judicial cooperation further aligned with international standards and good practices."

28. In both the training manual "International Judicial Cooperation in Criminal Matters" and the Trainer's manual developed for Activity 3.1, there is substantial mention of the term "human rights" (36 times). This indicates a commitment to the human rights approach in training judicial authorities and other relevant actors. This commitment was echoed by the project team in their interview, as they mentioned the emphasis placed on human rights in extradition scenarios and in references to human rights conventions in the manuals.

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<sup>38</sup> The comments received by the evaluators from MoJ Türkiye on 12 December 2024 stated that "Therefore, by considering the lack of definition [of gender, gender mainstreaming and gender equality], it would be appropriate to use the term "sex" instead of "gender", especially in data and statistics fields and indicators. If the afore-mentioned wording is to remain in the text, we request that the term "gender" be included in the text, as we interpret it as identical to "sex" throughout the document, in accordance with the binary concept of biological male and female." All mentions of the use of gender were highlighted.



## Gender

29. With regard to gender, as noted in the ROM report, there was no specific gender analysis done when designing the project, though project documents and interviews note that participation of both men and women was considered in all activities. There was sex-disaggregation of the participants in each activity to keep track of this. It is true that, as the 2<sup>nd</sup> SC meeting notes state, much of the project was technical in nature. Still, perhaps for the study visits and other activities there could have been more detail as to how the activities were made accessible to both men and women.

➤ *Project Inception:* From the beginning, the project had the intent to consider gender, especially the participation of both men and women, as part of the project design. The inception report states that “The project will promote the requirements of gender equality and a more active participation of women. In addition to this, the services and outputs produced by the project will conform to the relevant principles of participation and inclusion, equality and non-discrimination, accountability, and transparency and access to information.” The project could have been strengthened here by providing more detail of how women were to be actively included / participants in the project, or how the project would conform to those abovementioned principles.

➤ *Project Reports / Meeting Notes:* The 2021 ROM Report had two recommendations, one of which was to “adequately consider gender equality during implementation and include sex-disaggregated indicators in the logframe.” This recommendation was somewhat followed. The sex-disaggregated indicators do not appear in the logframe, but sex-disaggregation of participants were recorded for all activities. It was noted in the 1<sup>st</sup> SC meeting that gender is a sensitive issue in Türkiye and that the translations of the report would need to take this into consideration / consultation with the MoJ. It was decided by the SC in the 2<sup>nd</sup> meeting that gender equality was being adequately considered during implementation, but no further details were given. In the 4<sup>th</sup> SC meeting, it was noted that the participation rate of women in the events held in 2022 was determined as 38% and that the rate was “expected to increase in the future.” No details were provided as to why it was expected to increase, and, in fact, it decreased in 2023. In the 5<sup>th</sup> SC meeting, the reported rate of participation of women was 33% during the 2023 reporting period. The study visits had a participation rate by women of 39% (35 women and 55 men). For choosing the experts, the CoE focused on the expertise and relevance related to specific activities, while adhering to the CoE Rule 1395 on equal treatment and non-discrimination of experts. Regarding the annual reports, the 2023 report wrote that:

“During the reporting period, women constituted 34% of the participants in the project's events, roundtables, and consultation

meetings...Throughout the implementation period, efforts were made to actively promote the involvement of women in project activities. Ensuring equal engagement of women and men in training activities was specifically emphasised during the coordination meeting with the Ministry of Justice, Justice Academy, and Council of Judges and Prosecutors, which had taken place prior to the organisation of the Training of Trainers.”

This paragraph could have been improved by describing what these efforts were to actively engage women in the project. For example, was there consideration of how the events were made more easily available to women (time of day, study visits and travel sensitivities, etc.)? A second improvement would be to describe the satisfaction level with regard to the 34% of women participants. Was this the expected / desired level? The CoE reported that as of 2022 Türkiye has 47% female judges overall and 16% female prosecutors,<sup>39</sup> so a reference to these statistics could be made in assessing satisfactory (or room for growth) participation levels.

- *Technical papers / outputs:* The technical papers did not have a mention of gender equality. However, one of the outputs of the project was the sex-disaggregation statistics for each of the activities. The project team noted in their interview that while the subject field of criminal law is dominated by men in Türkiye, the MoJ gave “utmost attention to balance participation of women and men (in trainings, workshops, study visits).” This is notable positive feedback.

## **2.3. Added value of the CoE and EU**

2.3.1. To what extent was the effectiveness of the intervention higher due to the fact that it was specifically implemented by the Council of Europe?

30. Project documentation and interviews suggest that the high effectiveness of the project can be specifically related to the expertise and resources of the CoE. The MoJ was satisfied with the work and efforts of the CoE to organise all of the activities.<sup>40</sup> The CoE has decades of experience working with Türkiye on various matters, which means that it brings contextual knowledge and can align this project work alongside other initiatives to bring more holistic change. As an example of this, the two-day international conference titled “International Judicial

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<sup>39</sup> Council of Europe: The European Commission for the Efficiency of Justice, “Evaluation of the judicial systems 2024 (data 2022): Türkiye”. Available at: <https://rm.coe.int/turkiye-2024-2022-/1680b1f6f1>.

<sup>40</sup> Minutes of the 4<sup>th</sup> SC meeting

Cooperation in Criminal Matters and Combatting Cybercrime” (27-28 May 2024 in Ankara) was organised in conjunction with the CyberCrime Programme Office in Bucharest and also marked the CoE’s 75th anniversary and the 20th Anniversary of the CoE Programme Office in Ankara.<sup>41</sup>

2.3.2. To what extent did the project benefit from the fact that it was funded by the European Union as opposed to not receiving any external funding for such actions?

31. Similarly, project and external documentation and interviews suggest that the project benefited from funding from the European Union (EU) as opposed to not receiving any external funding for such actions. The project priorities were directly contributing both to Turkish judicial reform priorities and those of the EU for Türkiye’s accession process to the Union. Thus, there is interest on both sides to see Türkiye improve on these matters. For example, in the “Third Report (2016) on progress by Türkiye in fulfilling the requirements of its visa liberalisation roadmap”<sup>42</sup>, it says currently “cooperation with other Member States does not work in a satisfactory manner” with regard to judicial cooperation in criminal matters, including extradition requests. Receiving funding from the EU for this project contributes on both the side of Member States and of Türkiye to improving the quality of requests and better communication networks to know why some may not have been accepted.

## **2.4. Efficiency**

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

32. First, in terms of outlining the distribution of financial responsibility, the project’s DoA outlines the CoE as the institution responsible for the use of the funds, while the Contracting Authority, the Central Finance and Contracts Unit (CFCU), is overall responsible for financial management, including payments of project activities. As such, the ultimate responsibility for correct use of funds is held by the CFCU.

33. Of the total budget provided for the action (EUR 3 million), 90% (EUR 2.7 million) of the financing is provided by the EU, while 10% (EUR 0.3 million) is from the CoE. The following paragraphs will discuss the ways in which the project was

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<sup>41</sup> Minutes of the 6<sup>th</sup> SC meeting

<sup>42</sup> See footnote 17.

efficient and / or could improve in efficiency regarding both timeliness of project activities and the use of budget resources.

34. As discussed in the effectiveness section, but is worth restating briefly, there were a few external and internal delays that impacted the timeliness of project implementation. The inception phase was extended from four to six months due to the Covid-19 pandemic. The pandemic also impacted the format (many activities were moved online or took place in a hybrid manner) and timeline (the 2021 annual report discusses a lot of uncertainty about when activities could take place). A second external factor was the devastating earthquake that occurred in Türkiye in February 2023, which impacted ten major cities and millions of people living and working there. The biggest internal delay was due to the change in focus of Result 2. Due to ongoing confidentiality concerns of the MoJ of having an external consultant(s) involved in developing the software for CMS, the project changed the action to have MoJ DGIT develop the software internally and the project would procure the hardware. While very productive in terms of achieving the goal to the satisfaction of everyone involved, both the conversations themselves and implementing these changes led to project delays. The project resolved these difficulties by all parties agreeing to a six-month extension to have more time to fully implement the intended project activities. A delay in approving this addendum led to the signing of a second six-month extension, no-cost addendum in December 2023.
35. With regard to the project addendums and change in focus of Result 2, the project had to adjust the proportion of resources across usage category to achieve the no-cost extensions (Tables 2 and 3). Originally, the software development activities of Result 2 accounted for very little budget. With the additional cost of purchasing hardware (approximately EUR 230,000), the budget was primarily reduced in terms of human resources (e.g. decreased need for international / national consultants for Result 2, decreased cost of consultants, fewer workshop days, etc.).<sup>43</sup> Between the two addendums, there was relatively little change in projected budget, as the second addendum came from a need for more time to implement the changes decided in the first addendum. However, it will be noted that the cost of travel and local office costs increased between the two, though a relatively small change with respect to the original budget.
36. The project has stayed within its projected budget of EUR 3 million and use of resources. However, the absorption rate was quite slow (10.9% at end of 2021, 27.2% at end of 2022, 56.6% at end of 2023, and 85.4% by September 2024) (Table 4). This can be attributed to a late start in the project activities / extension of the inception period, as well as that some of the more costly activities (workshops / study visits / etc.) happened in the second half of the project timeline. This backlog of in-person activities was acknowledged in the 2022

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<sup>43</sup> As identified by the Annex I - Addendum Budget spreadsheet, justification sheet.

Annual Report: "While the project made considerable progress in the development of assessment papers, guidelines, and manuals, one of the challenges relates to the accumulation of on-site activities such as workshops and trainings to be delivered during the remaining duration of the project." At the time of this evaluation, only 85.4% of the budget had been spent and committed. This leaves almost 15% of the budget for the remaining three months of the project, more than what the project spent in the entire first year. It is acknowledged that this is due to having many costly activities (one study visit, around 10 training activities, and the closing conference) remaining. To improve efficiency, it would perhaps have been helpful to have a more balanced distribution of resources to lighten the workload of the project team at the end.

37. In terms of human resources, the CoE project team experienced some turnover. However, the individuals involved in the project on both sides were praised for their expertise and dedication / commitment to the project. It was noted that due to the heightened load of activities in the second half of the implementation period discussed above, the project team could have used more resources (staff, etc.) in this time. This would alleviate both the large workload on the small project team, as well as allow them to be more present with the other stakeholders in the times of high activity.
38. It will be noted that the project dedicated a small amount (3.2% according to the 2023 Addendum) to their communications and visibility plan in order to more actively promote the project (the parts that could be shared with the public). This was used for activities such as maintaining the project website,<sup>44</sup> visibility calendars and other promotional items, posters / brochures / pamphlets, etc. These items experienced some minor delays as well, such as the delivery of the calendars.<sup>45</sup> There is also an expected project film to be made after the closing conference,<sup>46</sup> the usefulness / efficiency of which cannot be evaluated here since it has not yet been made.

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<sup>44</sup> <https://www.coe.int/en/web/corruption/projects/iccm-turkiye>.

<sup>45</sup> In the 6<sup>th</sup> Project Management Meeting Notes it states that "MoJ stressed that the procurement of visibility calendars had still not been completed despite being requested in December 2022."

<sup>46</sup> According to the Communications and Visibility Plan in the Addendum 2023.

**Table 2. Projected budget by category for 36 months, with Addendum 1, and with Addendum 2.**

	Original Budget (36 months)	Addendum 1 (42 months)	Addendum 2 (48 months)
Human Resources	1,527,925.00	1,252,180.00	1,237,016.00
Travel	208,100.00	172,280.00	212,800.00
Equipment & Supplies	10,000.00	240,001.00	230,421.00
Local Office	56,664.00	79,128.00	64,752.00
Other Costs & Services	1,001,049.32	1,060,149.32	1,058,749.32
Indirect Costs* <sup>47</sup>	196,261.68	196,261.68	196,261.68
Total	3,000,000.00	3,000,000.00	3,000,000.00

**Table 3. Budget percentage by category for 36 months, with Addendum 1, and with Addendum 2.**

	Original Budget (36 months)	Addendum 1 (42 months)	Addendum 2 (48 months)
Human Resources	50.9%	41.7%	41.2%
Travel	6.9%	5.7%	7.1%
Equipment & Supplies	0.3%	8.0%	7.7%
Local Office	1.9%	2.6%	2.2%
Other Costs & Services	33.4%	35.3%	35.3%
Indirect Costs*	6.5%	6.5%	6.5%
Total	100%	100%	100%

<sup>47</sup> A levy of 7% is applied to the total direct expenditure in accordance with the CM decision (CM(2013)123).

**Table 4. Total amount spent and committed by category and project year, as reported in the financial reports.**

	2021 Financial Report	2022 Financial Report	2023 Financial Report	2024 Financial Report* <sup>48</sup>
Human Resources	225,941.24	460,651.94	765,086.05	997,760.41
Travel	8,686.84	41,927.64	99,335.68	131,179.21
Equipment & Supplies	0	0	11,373.00	228,668.20
Local Office	0	0	38,796.75	56,766.40
Other Costs & Services	70,694.75	259,327.81	671,538.50	979127.07
Indirect Costs*	21,372.60	53,333.52	111,029.10	167545.0903
Total Spent & Committed	326,695.43	815,240.91	1,697,159.08	2,561,046.38
% Total Budget Absorbed	10.9%	27.2%	56.6%	85.4%

## 2.5. Potential Impact

2.5.1. To what extent will the project contribute to accelerated judicial proceedings and more effective international judicial cooperation?

39. It should be noted that when answering this question, the project is still ongoing at the time of this evaluation, and thus the genuine impact will only be visible in the medium-term. Still, the project appears to have the potential for a large positive impact on accelerating judicial proceedings and improving international judicial cooperation. The following paragraphs will comment on the potential project impact with regard to each of the four Results.

40. For Result 1, as was discussed in the effectiveness section, there are high expectations for the seven new CADIB offices. It is expected that these offices will serve as liaison for regional authorities with the Central Authority to screen and filter MLA requests. As the circular calling for their establishment was only

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<sup>48</sup> As the project has not yet finished, there is no end of year report for 2024. Thus, the financial report for 2024 comes from the Notification Report Budget Spreadsheet as of September 2024.

issued by the MoJ in February 2024, the offices are still very new. Thus, interviewee feedback from various stakeholders noted that they are still in development, i.e. the workload and purpose of the office being defined, the staff needs being addressed, trainings and guidelines underway, etc. Therefore, these offices represent a large area for potential impact that can be reviewed in the future to assess how well they are working / where the areas are for improvement.

41. For Result 2, again as was discussed in previous sections, the CMS only became available for training as of late 2024 and is expected to become fully operational and integrated into UYAP in December 2024. All stakeholders celebrated the milestone of developing CMS for improving ICCM proceedings in Türkiye, while also acknowledging that the impact of CMS will not be able to be seen for a minimum of three to five months.<sup>49</sup> It could be two to three years until the full visible impact of the system will be seen and MoJ will have the data to show for the changes it has made (such as to reach the targets desired of reducing processing times). It is hoped that the CMS system will both reduce the workload for MoJ Central Authority and improve the quality of the requests.
42. For Result 3, the trainings will be discussed in more detail in the following section on sustainability. However, the ones that took place during the timeframe of the project have the potential to significantly contribute to improving judicial proceedings and ICCM cooperation. As discussed in the effectiveness section, participants of the various trainings were very pleased with the experience and high percentages reported increased knowledge on the topic of ICCM after attending. It is hoped that the learning and information sharing that took place in these trainings will impact the daily work of each of the 950 individuals involved. With regard to the new system for filtering requests at the regional level, it appears the foundations have been laid with discussions, workshops, and guidelines prepared. Trainings are under progress as of the time of evaluation. However, the actual implementation of the system is still a source of potential impact, as the CADIB offices are still being formalized. The library is also an opportunity for future contribution to the overall objective. It was expressed that resources on this thematic field were previously limited, and the new library at MoJ DGFREU as well as intranet system gives a substantial set of new resources from which to pull.
43. For Result 4, the study visits and workshops for sharing good practices also have significant potential for impacting the project's overall objective. It is expected that there will be improved cooperation between Türkiye and the study visit countries on ICCM. From both the Turkish and host country delegations, there is

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<sup>49</sup> The timeframes given here are based on interview feedback and cannot be considered exact, but are referenced to exemplify that the CMS system holds a lot of potential project impact to be measured later as follow up.



a sense that the study visits are already allowing for the incorporation of new knowledge to improve the processing of requests. There is also the potential to do more with these countries now that the contacts have been made, such as specific cooperation projects. Additionally, one of the project's indicators "Representatives of Central Authority, judges, prosecutors and other practitioners increasingly participate in networks for international cooperation" while met for the short-term by project activities, could be monitored after project activity to see if the study visits and workshops actually lead to increased participation in these networks.

2.5.2. What, if any, issues would still need to be addressed to further enhance the overall system and capacities of Turkish authorities to accelerate judicial proceedings and conduct effective international judicial cooperation in criminal matters?

44. The project did solid work enhancing and laying the groundwork for further enhancement of the overall system and capacities of Turkish authorities with regard to ICCM. However, a couple of issues could be further addressed to maximise these capacities.

45. For example, the partially fulfilled Benchmark 47 in the Third Report (2016) on "progress by Türkiye in fulfilling the requirements of its visa liberalisation roadmap" referenced in the Relevance section remains partially fulfilled after the project. While cooperation on ICCM appears to be strengthened with the six study visit countries and those that participated in the international workshops, the project did not provide for creating contacts with all EU Member States. To build on the project work in the future, stakeholders could use the lessons learned from the study visits to build connections with all EU Member States, even if study visits themselves aren't possible.

46. A second remaining issue is that of operationality of the CMS. Since CMS is only becoming operational with the writing of this evaluation report, its functionality is newly tested. -A good step here would be continued dialogue from CoE with MoJ on the implementation of CMS and statistics related to project indicators.

## **2.6. Sustainability**

2.6.1. To what extent has the project ownership been ensured by project partners: can it be expected that the Ministry of Justice of Türkiye, judges and prosecutors will continue to apply the outcomes of the project?

47. Both project documentation and interview feedback reported a high level of project ownership by the MoJ. It was noted that this contributed to effectiveness of the project in achieving what it set out to do. An example of this strong

commitment to the project is the active participation in not only the Steering Committee (SC), but also the Project Management meetings (PMM) which met more frequently. The Director General for Foreign Affairs and European Union Affairs, participated in the SC and the Deputy Director General of Foreign Relations and European Union Affairs, participated in the PMM; all meeting notes show a high level of interest and contribution to discussion by MoJ. Both the presence of such high-level officials and their contribution once at the meetings give evidence to the project ownership and the expectation that MoJ and judges and prosecutors in Türkiye will continue to apply the outcomes of the project. Furthermore, there was high engagement from MoJ on project activities such as designing the CMS and engaging with study visit partners in preparation and during the visits. A second example of the high level of ownership from MoJ is that they suggested a new project which they would like to see implemented. In the interview, they suggested CoE plan a project related to international cooperation on civil law (regarding, for example, child abduction, maintenance obligations, etc.). They identified that currently there is no specific / independent law for this, and that while the gap is tried to be filled with circulars, even these need review and revision. Trainings to judges and prosecutors is also needed, as they don't exist currently. It is very positive for the relationship between CoE and MoJ Türkiye that this program would be suggested, as it suggests that the ICCM project is seen as successful and something upon which to build.

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

48. There is a strong likelihood that the benefits from the intervention will be maintained in the short term (three to five years) after the end of the project. The 2021 ROM Report suggested that the project was in need of an exit strategy; therefore, one was written and shared with the SC.<sup>50</sup> The facilitating factors existing and additionally needed for the sustainability will be addressed here. Some factors align with more than one project result, and so they will be discussed thematically.

49. *Technical papers* – At least 14 technical papers were produced as a result of project activities.<sup>51</sup> All of these papers were produced as the culmination of many conversations with MoJ and other stakeholders, national and international consultants, interview feedback from EU partner countries in some cases, etc.

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<sup>50</sup> The ROM Report is from October 2021. The exit strategy was developed and was shared at the 2nd SC meeting on 29 March 2022.

<sup>51</sup> According to the minutes of the 7<sup>th</sup> and 8<sup>th</sup> Project Management Meetings, three technical papers were produced for activity 3.3. However, these were not in the log of technical papers shared nor in the ToR; this log had 13 papers, plus the trainers manual and training manual.

Thus, these papers all hold a large amount of knowledge gathered by the authors which cannot be found elsewhere. The preservation and distribution of these papers to relevant individuals is important to the sustainability of the project work. All of the papers except three have a Turkish translation. To further the possibility of sustainability, the last three could be translated to Turkish to have a complete set.

50. *Trainings and training manuals* – Similarly, the preservation and regular updating of the two training manuals produced will contribute to the sustainability of the project benefits. It remains unclear at this point the plans for future trainings, though there is a sense that they will continue. To maintain the progress made, it is suggested to plan for future trainings of new judicial authorities with somewhat regularity, especially in offices where there is higher turnover, and for reinforcement / refresher training. It was suggested that chief clerks could be included in trainings, as they are often more stable positions and thus could be sources of knowledge retention.
51. *CADIBs* – As mentioned in previous sections of the report, the CADIB offices are very positively viewed by all stakeholders as a way to improve ICCM in Türkiye. The trainings that have taken place in those offices thus far have been positive. For increased sustainability of project action, these trainings should continue for aspects of the project relevant to their work (cascade trainings, CMS, etc.).
52. *Contacts & Networks* – Another opportunity for ensuring the sustainability of the project actions is maintaining the contacts and networks created / strengthened through project activity. In many of the trainings as well as the study visits, participants were grateful for the new contacts which would help with facilitating the effectiveness of their work. For the workshops discussing pre-MLA, there was an appreciation for improved communication with MoJ Central Authority. Maintaining these channels of dialogue will be crucial for ensuring long-term improvement of quality and processing time of ICCM requests.

# 3. Conclusions, lessons learnt and recommendations

## 3.1. Conclusions and lessons learnt

53. Having concluded the evaluation analysis, this report finds that the project achieved most of its intended results and objectives and that all stakeholders were overall very pleased with the project outcomes (recognising the project has not finished at the time of evaluation, but is close to done). The project was very relevant to both 'internal' (MoJ) and 'external' (EU) priorities for improving ICCM in Türkiye. Some external delays were experienced (due to the Covid-19 pandemic, devastating 2023 earthquake), which shifted the timeline and format of some (mostly initial) activities. All four results produced the intended results, accounting for the mid-program change (and resulting addendums) in the focus of Result 2 from producing the CMS externally to the internal software production by MoJ DGIT and project procurement of the hardware. The legislative review has led to new circulars such as Circular no. 183, which established the highly anticipated CADIB liaison offices. The trainings have trained approximately 950 judges, prosecutors, and lawyers on MLA requests using new training materials developed for the project specifically for Türkiye using best practices from other countries and referring to human rights conventions. The study visits and workshops appear to have led to strengthened relationships with these countries for MoJ.
54. The project has a high likelihood of sustainability if the trainings are continued as anticipated, the strengthened relationships with EU Member States are maintained, and if CMS becomes fully operational as expected. In the following subsection on recommendations, areas for specific follow-up by the CoE with MoJ are listed that could help ensure the sustainability of these project actions. It can be hoped that MoJ would engage with the CoE in these follow-ups, as they have been actively engaged in this project and even suggested a future project that they would like to see happen.
55. Some key lessons learnt during this project are as follows:
- Consultations with stakeholders are often just as important, if not more, than the actual outputs. The project was able to produce 14 technical reports which represent a new set of knowledge not previously recorded about ICCM request processing in Türkiye and how the systems could be improved. These reports are the result of many conversations, consultations, and discussions between

the project team, stakeholders (especially MoJ), and thematic experts. The reports would likely not have been as rich in content without taking the time to have these consultations. It also increases accountability of those involved in the sustainability of project actions.

- Relatedly, it is important to note the impact of the change in focus of Result 2. This shows flexibility on the side of the CoE and engagement on the side of MoJ to come to a new agreement of what the project could and should achieve.
- Participants in trainings, workshops, and study visits valued not only the opportunity to receive new knowledge on these topics, but also share information across institutions (internally within MoJ and externally with other networks). This was especially true for interacting with and understanding better the work of institutions with whom they often don't get a chance to interact, or to increase communication with MoJ CA.
- The CADIB liaison offices are an outcome not originally anticipated by the report, but an outcome of the legislative review / circulars that are viewed extremely positively. In the future, these offices can be followed up with to see how they are working.

### 3.2. Recommendations

56. While the project has performed well overall, the evaluation findings suggest a small number of recommendations for possible **follow-up by the CoE** (recommendations 1-4)<sup>52</sup> **or consideration in future projects** (recommendations 5-8).<sup>53</sup>

57. **Recommendation 1:** Follow up on CMS implementation / data production. As was mentioned in both the effectiveness and potential impact sections, the CMS is only expected to become fully operational as of December 2024. Thus, while initial trainings have begun, the impact of this system is not yet known, nor has there been time to see the statistics on whether it is improving the quality and timeliness of ICCM requests. It is highly recommended, therefore, that the CoE follow up with MoJ in the future on the status of the system and request the data (that can be shared) to assess the impact.

- Priority level: high

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<sup>52</sup> These four recommendations are for possible follow-up / dialogue by the COE with the MoJ Türkiye to ensure sustainability of the project's impact, despite the formal end of the project.

<sup>53</sup> All recommendations were made based on the findings presented earlier in the report from desk research and interview data. The evaluation team took into account feedback on the draft version from the CoE and MoJ (see footnote 11).

58. **Recommendation 2:** Follow up on plans to continue trainings with judicial authorities, lawyers, etc.

- As was mentioned in the sustainability section, it is unclear whether or not there is a firm plan for future trainings. These trainings could be for additional judges, clerks, and lawyers, refresher trainings for those who have already received them, or follow-up trainings to address ongoing updates to CMS, for example. Multiple interviewees expressed the desire for increased availability of trainings and all were pleased with the knowledge gained. As the training material includes references to human rights conventions, it is also one way to assist a human rights approach in Türkiye's processing of ICCM requests. Thus, it is recommended to follow up with MoJ on the plans for sustaining this sharing of knowledge after the project ends.
- Priority level: medium

59. **Recommendation 3:** Ensure availability and translation of project outputs (training materials, technical papers, etc.).

- As was mentioned in the sustainability section, the project was quite successful in producing new knowledge that is not held elsewhere. Therefore, it is important that these outputs be conserved and updated with prudent regularity (e.g. if new circulars are issued, etc.), as well as translated (if not already) and made available to those who can benefit from them.
- Priority level: high

60. **Recommendation 4:** Encourage the maintenance of new communication channels with EU Member States involved in the project and the development of similar ones with other EU Member States.

- This was also a potential source for sustainability / impact of the project. As the documents assessed in the relevance section related to EU priorities for Türkiye's improvement on ICCM indicated the importance of improved relations with EU Member States on this topic, it is important to maintain these strengthened relationships that came from study visits and workshops. It is also suggested that the CoE encourage and / or facilitate similar improved relationships with the rest of the EU Member States not involved in this project, but with whom Türkiye still has to work on ICCM requests.
- Priority level: high

61. **Recommendation 5:** Improve the logframe and indicator design for ease of understanding for all stakeholders.

- Concerning the logframe and indicator design for monitoring effectiveness, the evaluation findings suggest that the project indicators should be designed

with greater clarity so as not to repeat / conflate indicators across project levels (e.g. ensure that the indicators at the specific objective level are more overarching than those at the results level). Furthermore, the table of the logframe itself should be improved to clearly identify to which project level the indicator belongs.

- Priority level: high

**62. Recommendation 6:** To improve efficiency, perhaps a more balanced distribution of resources over the implementation period could be designed to lighten the workload at the end.

- As was noted in the efficiency section, due to delays, the absorption rate of project funds was slow, and at the time of the evaluation there remained 15% of the budget to be spent in the final three months, which is proportionately quite high. If possible, while acknowledging the reasons for the budget distribution in this project, in the future it would help improve the project workload if the budget were to be more balanced over the time period.

- Priority level: medium

**63. Recommendation 7:** To ensure effective study visits in the future, prioritize that there is sufficient preparation and communication between host and visiting teams.

- The study visits were overall very well perceived, with a noted active participation from the Turkish delegation members. It was mentioned the importance of ensuring preparation (e.g. sending in advance the visiting team's questions, priorities for visits, etc.) in order for the host team to best meet the needs of the visitors. Additionally, it was recommended to facilitate (whenever possible) the direct communication between the host department and their counterpart instead of having communication only at the Central Authority level.

- Priority level: low

**64. Recommendation 8:** For the future, to consider the project request idea from MoJ regarding international cooperation in civil law (e.g. child abduction, maintenance obligations, etc.).

- As was mentioned in the sustainability section, a sign of the high level of ownership of MoJ of the project is their suggestion of a new project idea. The CoE could consider if and how such a project could be feasible, as there is a willingness on the part of the beneficiary.

- Priority level: medium

# Annex 1 – Evaluation questions

Annex 1 presents the evaluation questions.



**Table 5 - Evaluation questions**

Evaluation criteria	Evaluation question (ToR)	Sub-question	Measures / Indicators	Data collection instruments	Data sources	Data analysis	Evaluator responsible
<p><b>Relevance</b></p>	<p>To what extent were the project design and amendments to it suitable to address the issues the project set out to address? What, if any, issues would still need to be addressed to further enhance the overall system and capacities of Turkish authorities to accelerate judicial proceedings and conduct effective international judicial cooperation in criminal matters?</p>	<p>1. What were the main needs in the area of international judicial cooperation in criminal matters at the outset / in the course of project implementation?</p>	<p>Level of alignment between the project and needs in the area of international judicial cooperation in criminal matters</p>	<p>Desk research Interviews: CoE project team, beneficiaries</p>	<p>Description of Action, Progress Reports</p>	<p>Indicators and interview feedback / data triangulation</p>	<p>Roland Blomeyer / Firuzan Silahsor</p>
		<p>2. How has the project addressed these needs?</p>					
		<p>3. How has the project been amended over time to adapt to changing conditions?</p>					
		<p>4. What, if any, factors remain that are hindering Turkish authorities to accelerate judicial proceedings and conduct effective international judicial cooperation in criminal matters?</p>					

Evaluation criteria	Evaluation question (ToR)	Sub-question	Measures / Indicators	Data collection instruments	Data sources	Data analysis	Evaluator responsible
		5. Are there any needs the project has not addressed? Why not?					
<b>Effectiveness</b>	To what extent has the project achieved its expected results? What have been the reasons for achievement and lack thereof? What difference has the project and its activities made to the beneficiaries up to date?	6. What have been the outcomes of the project?	Project indicators	Desk research Interviews: CoE project team, beneficiaries  Focus groups: beneficiaries	Progress Reports	Indicators and interview feedback / data triangulation	Roland Blomeyer / Firuzan Silahsor
		7. Have there been any unexpected outcomes?	Interviewee qualitative data				
		8. What has facilitated the 'achievement' of outcomes?					
		9. What have been barriers to the 'achievement' of outcomes					
	To what extent have the human rights approach and gender been mainstreamed in project design and implementation? What, if any, have been the project's effects on gender equality?	10. What are examples of the integration of the CoE's 'gender and human rights approach' in project design?	Interviewee qualitative data	Desk research Interviews: CoE project team, beneficiaries	Progress Reports	Interview feedback / data triangulation	Roland Blomeyer / Firuzan Silahsor
		11. What are examples of the integration of the CoE's 'gender and human rights approach' in project implementation?					

<b>Evaluation criteria</b>	<b>Evaluation question (ToR)</b>	<b>Sub-question</b>	<b>Measures / Indicators</b>	<b>Data collection instruments</b>	<b>Data sources</b>	<b>Data analysis</b>	<b>Evaluator responsible</b>
<b>Added value</b>	To what extent was the effectiveness of the intervention higher due to the fact that it was specifically implemented by the Council of Europe?	12. What does the CoE contribute in terms of project design and implementation that other organisations would not be in a position to do to a similar extent?	Interviewee qualitative data	Interviews: CoE project team, beneficiaries	Interviews	Interview feedback / data triangulation	Roland Blomeyer / Firuzan Silahsor
	To what extent did the project benefit from the fact that it was funded by the European Union as opposed to not receiving any external funding for such actions?	13. What does the fact of EU funding contribute?	Interviewee qualitative data	Interviews: CoE project team, beneficiaries	Interviews	Interview feedback / data triangulation	Roland Blomeyer / Firuzan Silahsor
<b>Efficiency</b>	To what extent could alternative working methods have led to the achievement of comparable or better results with fewer resources?	14. With the benefit of hindsight, what would you have changed in project design / implementation to maximise outcomes / save resources?	Project data on timelines / use of financial resources Interviewee qualitative data	Desk research Interviews: CoE project team, beneficiaries	Progress Reports	Timeline and budget data Interview feedback / data triangulation	Roland Blomeyer / Firuzan Silahsor
<b>Impact</b>	To what extent will the project contribute to accelerated judicial proceedings and more effective international judicial cooperation?	15. What are possible medium-term / long-term outcomes? Any unintended outcomes?	Project indicators Interviewee qualitative data	Desk research Interviews: CoE project team, beneficiaries Focus groups: beneficiaries	Progress Reports	Indicators and interview feedback / data triangulation	Roland Blomeyer / Firuzan Silahsor

Evaluation criteria	Evaluation question (ToR)	Sub-question	Measures / Indicators	Data collection instruments	Data sources	Data analysis	Evaluator responsible
<b>Sustainability</b>	To what extent has the project ownership been ensured by project partners: can it be expected that the Ministry of Justice of Türkiye, judges and prosecutors will continue to apply the outcomes of the project?	16. What arrangements (e.g., allocation of staff / financial resources etc.) have been made to ensure activities / outcomes will continue beyond the end of the project (short-/medium-term perspective)?	Beneficiary data on resources dedicated to continuation of activities / outcomes  Interviewee qualitative data	Desk research  Interviews: CoE project team, beneficiaries	Interviews	Beneficiary data on resources dedicated to continuation of activities  Interview feedback / data triangulation  Analysis of different factors that determine sustainability: economic, technological, interpersonal, institutional, policy-related, etc.	Roland Blomeyer / Firuzan Silahsor
	What is the likelihood that the benefits from the intervention will be maintained in the short term (3-5 years) after the end of the project? What would be required to ensure the sustainability of the results?	17. What is required for activities / outcomes to be continued in the long-term (e.g. changes to institutional / legal arrangements)?					
		18. What barriers are there to the continuation of activities / outcomes?					

# Annex 2 - Consultations

Annex 2 lists the documents and stakeholders consulted.

**Table 6 – Documents reviewed (by folder name as given to the evaluation team). Total number of documents reviewed: 85.**

Action Documents	Addendum	Annual Reports	Notification 2024 October	Other	PSC- Management Meetings	Technical Papers
DoA Addendum	DoA Addendum	First Annual Report- Signed	Annex II- Revised DoA - 08.10.2024	04-09-2024 status of activities Information Note for 6th SCM on 04-09-2024	1st Project Management Meeting Minutes-EN (9Sept21)	ECCD-ICCM-TR-TP01-2022-TR-SOPs
Addendum 2023 Budget	Addendum 2023 Budget	Financial Report 2021	BH4792- ICCM-Report +Forecast +NotificationBudget - 04.10.2024	ROM report_2021 10 12	2nd Project Management Meeting Notes-Final (16Dec21)	ECCD-ICCM-TR-TP01-2023-EN-Technical-Requirements-CMS_revised
Addendum 2023 Communication and Visibility Plan	Addendum 2023 Communication and Visibility Plan	Appendix A Calendar of Activities 2021	ICCM TR Notification Letter 7	Logframe Indicators update 2024.10.17	3rd Project Management Meeting Notes_Final_EN (10Mar22)	ECCD-ICCM-TR-TP02-2021-EN-MLA
Addendum 2023 Sustainability of the Action	Addendum 2023 Sustainability of the Action	Annual Report 2022		CFCU_ICCM_NotfNo1_IncptnExtension	4th Project Management Meeting Notes_Final_EN (5Jul22)	ECCD-ICCM-TR-TP02-2021-TR-MLA
Addendum 2023	Addendum 2023	Annex I - Addendum Budget		ICCM Proje Göstergesi 2024.11.13	5th Project Management Meeting Notes_EN (4Nov22)	ECCD-ICCM-TR-TP02-2022-EN-Templates-

<b>Action Documents</b>	<b>Addendum</b>	<b>Annual Reports</b>	<b>Notification 2024 October</b>	<b>Other</b>	<b>PSC-Management Meetings</b>	<b>Technical Papers</b>
						Guidelines-PC-OC-Comparative analysis
DoA Addendum		Annex II- Revised DoA			6th Project Management Meeting Notes_EN (31Jan23)	ECCD-ICCM-TR-TP02-2022-TR-Templates-Guidelines-PC-OC-Comparative analysis
Addendum 2023 Budget		Appendix A - Updated 2022 Status in the Project's Logical Framework-			7th Project Management Meeting Report_EN_ (002) (3Oct23)	ECCD-ICCM-TR-TP02-2023-EN-Analysis internal submissions filtering MLA requests
Addendum 2023 Communication and Visibility Plan		Explanatory Note - Addendum			8th Project Management Meeting Report_EN_ (002) (4Apr24)	ECCD-ICCM-TR-TP02-2023-TR-Analysis internal submission filtering MLA requests
Addendum 2023 Sustainability of the Action		Annex III Table-of-Modifications - 29March2023			Meeting notes - 1st Steering Committee Meeting - EN (002) (13Jul21)	ECCD-ICCM-TR-TP03-2021-EN-Analysis-Pre-MLA
		Appendix B - Updated Calendar of Activities			Meeting notes - 2nd Steering Committee Meeting - EN (29Mar22)	ECCD-ICCM-TR-TP03-2021-TR-Analysis-Pre-MLA
		Financial Report-Second Progress report			Meeting notes - 3rd Steering Committee Meeting - EN (13Sept22)	ECCD-ICCM-TR-TP03-2022-EN-Analysis-MLA requests
		ICCM 2023 Annual Report			Meeting notes - 4th Steering Committee	ECCD-ICCM-TR-TP03-2022-TR-

<b>Action Documents</b>	<b>Addendum</b>	<b>Annual Reports</b>	<b>Notification 2024 October</b>	<b>Other</b>	<b>PSC- Management Meetings</b>	<b>Technical Papers</b>
					Meeting - EN (22Jun23)	Analysis-MLA requests
		Appendix A - Updated 2023 Status in the Project's Logical Framework			Meeting Notes - 5th PSC _ EN (16Jan24)	ECCD-ICCM-TR-TP03-2023-EN-Training Manual
		Appendix B - Updated Calendar of Activities- 26.01.2024			Information Note - 5th SC Meeting-16-01-2024	ECCD-ICCM-TR-TP03-2023-TR-Training Manual
		Financial Report BH4792 - IFR			Information Note - 6th SCM- 04-09-2024	ECCD-ICCM-TR-TP04-2021-EN-Guidelines- Informal Cooperation
					Project Timeline- Gantt Chart - September-December 2024	ECCD-ICCM-TR-TP04-2022-EN-CMS-Annex-SoW
						ECCD-ICCM-TR-TP04-2022-EN-CMS-Needs-Report
						ECCD-ICCM-TR-TP04-2023-EN-solutions filtering mechanism
						ECCD-ICCM-TR-TP04-2023-EN-Solutions for Filtering Mechanism
						ECCD-ICCM-TR-TP04-2023-TR-Solutions for

Action Documents	Addendum	Annual Reports	Notification 2024 October	Other	PSC-Management Meetings	Technical Papers
						Filtering Mechanism
						ECCD-ICCM-TR-TP05-2022-EN-Assessment-Institutional Framework
						ECCD-ICCM-TR-TP05-2022-EN-Assessment-Institutional Framework-ANNEX A
						ECCD-ICCM-TR-TP06-2022-EN-Trainers-Manual
						ECCD-ICCM-TR-TP06-2022-TR-Trainers-Manual
						ICCM - LOG - Technical Papers
						ECCD-ICCM-TR-TP01-2021-EN-Extradition
						ECCD-ICCM-TR-TP01-2021-TR-Extradition
						ECCD-ICCM-TR-TP01-2022-EN-SOPs



**Table 7 – Interviews : Stakeholders consulted**

<b>NAME, POSITION, INSTITUTION (FORMAT)</b>	<b>DATE</b>
Project Staff CoE Ankara Office (3 individuals) (in person)	18 October 2024
İstanbul Anatolian 9th Assize Court Staff (online)	21 October 2024
İstanbul CADIB (online)	21 October 2024
CFCU Office (online)	22 October 2024
MoJ DGFREU staff (4 individuals)(in person)	22 October 2024
European and International Affairs Department, Ministry of Justice of France (online)	22 October 2024
European Union Delegation (online)	24 October 2024
İzmir CADIB (online)	30 October 2024
Justice Academy (online)	30 October 2024
International Relations and EU Centre, UTBA (online)	30 October 2024
Ankara CADIB (in person)	31 October 2024
General Directorate of Security- Department of Combating Cybercrimes (online)	31 October 2024
National Consultant (online)	1 November 2024
Monitoring and Evaluation Department, Ministry of Foreign Affairs (online)	1 November 2024
MASAK (2 individuals) (in person)	1 November 2024
Department of Anti-Smuggling and Organized Crime, Gendarmerie (in person)	4 November 2024
International Cooperation Office, Ministry of Justice Spain (online)	5 November 2024
Council of Europe Programme Office in Ankara (2 individuals) (online)	7 November 2024