

Management Response and Action Plan
Project on Improving the Capacity of the Administrative Judiciary and Strengthening the Institutional Capacity
of the Council of State

Name of Evaluation Report:	External final evaluation report on Improving the Capacity of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State		
Date of Evaluation Report:	30/05/2023	Date of Action Plan:	01/03/2024

Overall management response to the evaluation:

This evaluation comprehensively analysed the relevance, effectiveness, and sustainability of the project, with a particular focus on possible improvements for new projects. The project team, Head of Türkiye Unit and Head of Co-operation Programmes Division have reviewed the recommendations outlined in the evaluation report and has largely accepted them. Many of these recommendations have already been incorporated into the ongoing projects, demonstrating the team's commitment to continuous improvement and responsiveness to feedback.

The accepted recommendations align closely with the insights received from the project teams, partners and individual meetings with national stakeholders conducted in the framework of different projects.

However, while most recommendations have been embraced, two have been rejected based on the rationale provided below. These decisions were made after careful deliberation and consideration of their potential impact on project outcomes and sustainability and taking into consideration specificity of implementation of projects in Türkiye.

Overall, this evaluation process has served as a valuable tool for assessing project performance, identifying areas for enhancement, and informing strategic decision-making moving forward.

Dissemination plan for the evaluation: The report was shared internally, including with the donor and beneficiaries by email and was published on the relevant website – DIO [website](#). The Management response was prepared in close collaboration with the Council of Europe Ankara office, the Head of Türkiye Unit and the Head of the Co-operation Programmes Division.

Management Decision ¹	Entity in Charge	Planned Actions ² (determined by Entity)	Justification ³ for Non-Acceptance	Target Date for Action	Person Responsible for Action
Recommendation 1: Needs assessment/project design in justice reform should systematically include participation by those not accessing justice systems - 'left behind'/disempowered for whatever reasons, with CSOs actively engaged in project design and delivery (even where duty-bearer institutions are primary project partners) to ensure outreach to such rights-holders as a matter of project effectiveness and as a human right.					
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration	COE Directorate General Human Rights and Rule of Law (DGI), Cooperation Programmes Division and Ankara Office	The project outputs have been made readily accessible to the public and Civil Society Organisations (CSOs) through various channels such as the project website and hard-copy publications. Additionally, at the level of Türkiye Unit, activities have been synergised effectively with other Council of Europe (CoE) initiatives that actively involve CSOs. The recommendation to prioritise accessibility and engagement with CSOs has been widely disseminated within the Co-Operation Programmes Division and will be duly considered in the design and delivery of future projects, where relevant.		Continuously	Head of Türkiye Unit

¹ The management decision is in relation to the Recommendation (Accepted, Rejected, Under consideration).

² For implementing accepted recommendations.

³ For recommendations that are rejected or under consideration.

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		Furthermore, in alignment with the agreement with the EU for the upcoming programming of the Civil Society Facility, the CoE is preparing to implement a project directly involving civil society institutions in Türkiye. This project, slated for execution during 2024-25, will focus on critical areas including migration, women's access to justice, environment and human rights.			
Recommendation 2: Future justice/administrative justice projects should ensure more substantive expertise within the project team and where projects involve a wide range of themes, activities and institutions, a designated long-term consultant should be contracted for the project duration (even if not working on the project full-time).					
<input type="checkbox"/> Accepted <input checked="" type="checkbox"/> Rejected <input type="checkbox"/> Under consideration	COE HQ, and Ankara Office		After some period of observation and analysis, it became evident that the utilisation of long-term consultants was not conducive to optimal project efficiency. This is for a number of reasons identified over the course of several years. Consequently, a strategic decision was		

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			<p>made to exclusively engage short-term international consultants. Despite their short-term contracts, these consultants are able to maintain continuous involvement in the project by undertaking various tasks and contracts as required. This adjustment reflects the commitment to maximising project effectiveness and adaptability while ensuring that the consultancy arrangements align with the strategic objectives of the projects.</p> <p>Furthermore, the contractual policy generally does not</p>		

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			permit the hiring of long-term consultants.		
Recommendation 3: Given the volume of projects managed by CoE Ankara, a post of Office Programme Coordinator should be considered⁴ to foster greater linkages between justice projects, and with other CoE projects.					
<input type="checkbox"/> Accepted <input checked="" type="checkbox"/> Rejected <input type="checkbox"/> Under consideration			<p>The basis for this recommendation lies in the previous context of the large number and volume of projects managed by the CoE Ankara Office. This recommendation was formulated in response to the demands posed by the high volume of projects at a previous point in time, but circumstances have since profoundly changed.</p> <p>In light of the recent and significant changes in the operational landscape and project</p>		

⁴ Even assuming the currently vacant post of Office Director of Operations post is filled.

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			<p>portfolio at the CoE Ankara Office, it is fully clear that the circumstances under which this recommendation was made no longer hold true.</p> <p>Therefore, given the evolving dynamics and priorities at the CoE Ankara Office, and the specificity of Türkiye, it has been determined that accepting this recommendation at the present time is not realistic or appropriate.</p> <p>The decision not to accept this recommendation reflects the need for alignment with the current operational context, needs and</p>		

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			strategic objectives of the CoE Ankara Office.		
Recommendation 4: To complement pre- and post-training knowledge tests of target participants, impact assessment of capacity-building should include longer term assessment of the application of knowledge in court procedures, in judicial decision-making, in court staff functioning etc.					
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration		<p>The recommendation to enhance impact assessment of capacity-building initiatives by incorporating longer-term assessments of knowledge application in court procedures, judicial decision-making, and court staff functioning has been accepted and is presently being integrated into the planning, implementation, and/or monitoring phases of projects.</p> <p>Specifically, resources and insights gained from the impact assessment of capacity building under the IMEAJ Project are being leveraged to inform and guide similar assessments in other projects. Additionally, where feasible, the Division intends to</p>		Continuously	Head of Türkiye Unit

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		<p>conduct targeted evaluations focused on behaviour change.</p> <p>While evaluating longer-term effectiveness and impact is inevitably very difficult within a short project-lifetime, there is full commitment to following this recommendation and further assessing the sustained impact of capacity-building interventions beyond immediate post-training evaluations.</p>			
<p>Recommendation 5: The CoE should proactively use its standing and justice sector engagement to promote more structured coordination and information-exchange with UN agencies, bi-lateral donors (including CoE Member States) engaged in justice reform in Türkiye.</p>					
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration		<p>There is currently not a pre-fixed or systematic cooperation agreement between the Council of Europe Programme Office in Ankara and UN institutions. However, the Council of Europe actively supports UN activities by sharing expertise in specific areas upon request, particularly in domains such as migration and human trafficking.</p>		Continuously	Head of Türkiye Unit

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		<p>Moving forward, the Council of Europe remains committed to promoting cooperation and information-sharing with UN agencies, particularly those working on justice sector reforms in Türkiye and possessing the mandate to do so. Specifically, collaboration may be facilitated in areas such as migration as well as women's and children's rights, where both organisations share common objectives and expertise.</p> <p>This approach aligns with the recommendation to increase cooperation between the CoE and UN agencies, thereby fostering synergies and enhancing the effectiveness of justice sector reform efforts in Türkiye. Efforts will be made to explore avenues for a more structured coordination and information-exchange in future projects to strengthen cooperation between the CoE and UN. It should be</p>			

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		noted, however, that this is a two-way street of communication and depends on all actors being committed to genuine cooperation.			
Recommendation 6: Enhanced CoE focus on project monitoring and evaluation should be prioritised, with more time, resources allocated, including enhancing the capacity of justice partner institutions to engage in MandE, to formulate baselines, and indicators and implement participatory MandE methodologies that measure qualitative as well as quantitative, outcomes and outputs. Consideration should be given to cross-project MandE training in conjunction with key partner institutions.⁵					
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration		<p>The recommendation to prioritise enhanced focus on project monitoring and evaluation (M&E), coupled with the allocation of additional time and resources, has been acknowledged and will be implemented in future projects, where possible.</p> <p>Specifically, this recommendation will be shared and incorporated into the planning and execution of other projects within the Division</p>		Continuously	Head of Türkiye Unit

⁵ Some relatively new institutions should be central to this, such as the CoS Statistical Unit, MoJ Data Monitoring and Evaluation Board, as well as the Justice Academy's Research and Development Unit and the CJP, Office of Efficiency of Judiciary. This can identify issues/trends affecting large number of people, root causes and help target 'upstream' solutions (whether training of public servants, awareness-raising of the public, system changes etc) to ensure pre-emption and early resolution of complaints and to minimise litigation.

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		<p>and Department. However, it also must be taken into account that the workload of implementing projects and activities is already enormous and the human resources are limited and already stretched. The capacity for constant monitoring and evaluation therefore needs to be realistic, fair and effective in light of the strains.</p> <p>This said, recognising the importance of building the capacity of justice partner institutions to engage in M&E activities, efforts will be made to provide training, where relevant and possible, aimed at further formulating baselines, indicators, and implementing participatory M&E methodologies that encompass both qualitative and quantitative measurements of outcomes and outputs.</p> <p>It is worth noting that an impact assessment of training was</p>			

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		<p>conducted under the IMEAI Project, yielding valuable insights and lessons learned. These findings will be utilised in other projects to enhance the quality and impact of M&E activities.</p> <p>By prioritising enhanced focus on project M&E and investing in capacity-building initiatives, the CoE aims to strengthen its ability to assess project outcomes, measure impact, and ultimately improve the effectiveness and sustainability of its interventions.</p>			
<p>Recommendation 7: Project design should include contingency planning for possible loss of project personnel, including, bridging finance to retain staff where delays in approval of project extensions arise, more cross-fertilisation between CoE projects to facilitate any necessary staff transfer.</p>					
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration		<p>A lot of effort is already put into contingency planning for possible loss of project personnel, and it shall continue.</p> <p>This is an extremely demanding issue, and it is well recognised how very important it is. The management has already done its</p>		Continuously	Head of Türkiye Unit

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		<p>utmost to ensure a proactive approach to mitigating risks and ensuring the smooth continuation of the projects.</p> <p>Therefore, the recommendation regarding the inclusion of contingency planning in project design, particularly focusing on potential personnel loss and the need for bridging finance to retain staff during project extensions, is well taken.</p> <p>Significance of addressing potential delays in project extensions and retaining of project personnel is recognised at the level of both the Unit, Division and Department. The formulation of strategies to retain key staff members through the provision of bridging finance is a matter already executed and under continuous consideration by the relevant entities of the DGI and DPC</p>			

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Recommendation 8: Sustainability of project outputs and results should be addressed by all partners earlier in the project timeline, including a Sustainability Plan, with designated responsibility for various project elements, drafting of dissemination plans, any necessary protocols for ongoing use of project materials etc.					
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration		<p>Measures for addressing sustainability concerns will be integrated into project planning, ensuring comprehensive consideration of longevity and impact.</p> <p>Communication on this with all partners will be encouraged to ensure the implementation of sustainability measures throughout the project lifecycle. The recommendation will be shared with different projects teams.</p>		Continuously	Head of Türkiye Unit
Recommendation 9. Sustainability should be linked to ongoing ‘demand’ for reform. Even where duty-bearer institutions are the most logical project partners, CoE should use its standing and credibility to help ‘legitimize’ CSOs’ role in advocacy and monitoring of justice reform progress and to proactively encourage state institutions cooperation with CSOs (as representatives of rights-holders)					
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration		<p>This recommendation is to be implemented during the design and implementation of the relevant projects. Efforts to integrate sustainability into projects will be strengthened, where relevant with a focus on</p>		Continuously	Head of Türkiye Unit

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		leveraging the Council of Europe's influence to legitimise CSOs' roles and proactively encourage cooperation between state institutions and CSOs. Collaboration with relevant stakeholders will be pursued to ensure the effective implementation of these measures. The recommendation will be shared with different projects teams and discussed at Division meetings to ensure its implementation.			
Recommendation 10. Ongoing CoE project partnership with the Justice Academy should be used as a basis for encouraging future use of project outputs by the Academy. Going forward, any impediments to project participation by key institutions should be addressed at an early stage, through high level engagement, by Steering Committee, Donors etc.					
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration		The CoE cooperates with the Justice Academy via various projects. The IMEAJ Project outputs were shared with the Justice Academy. Justice Academy had been kept informed the IMEAJ Project as the participant of the Steering Committee as well. The CoE HQ and Ankara Office will continue		Continuously	Head of Türkiye Unit

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		highlighting the project outputs to other relevant key institutions to ensure sustainability of the project.			
Recommendation 11. Project needs assessment should determine project partners familiarity with core principles of HRBA and gender-mainstreaming (including issues of gender issues, and intersectional discrimination), with consideration given to designated HR/Gender focal points, standardised checklists etc.⁶					
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration		Efforts will be made where relevant, to conduct thorough needs assessments to ascertain partners' understanding of HRBA and gender mainstreaming principles. These aspects could be added to the ToR of the consultants involved in need assessment.			Head of Türkiye Unit
Recommendation 12 To ensure systemic integration of cross-cutting themes, awareness of the core principles of Human Rights/HRBA, (including gender mainstreaming) should be enhanced, in management teams, in partner institutions, among consultants etc, with project Log Frame/reporting, Steering Committee reviews, consultants' reports etc explicitly addressing progress on these core principles as an integral part of measuring progress towards expected results					

⁶ Core CoE tools should be integral to this process, including the [CoE, Practical Guide on the Human Rights Approach for Co-operation Projects \(2021\)](#), and CoE, [Gender Mainstreaming Toolkit For Co-Operation Projects](#) 2019.

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<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration		<p>This recommendation was and is being taken into account both in this project and in other projects.</p> <p>Further efforts will be made to systematically enhance awareness of Human Rights/HRBA principles across all project stakeholders. Workshops can be organised, where relevant, to ensure understanding and integration of these principles into the relevant polices. Currently, gender mainstreaming reports prepared at the early stages of implementation of the projects are shared with the beneficiaries, which raise their awareness of gender aspects of the projects. Likewise, under HF 13, activities on HRBA and gender-sensitive approaches to migration management are conducted. In another project improvement of the gender equality is an integral part of expected results.</p>			Head of Türkiye Unit

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		<p>Also, project team members continue being encouraged to attend Gender Mainstreaming trainings and new Help course which will be available in March 2024, and improve their skills to identify the related challenges and find solutions. Capacity-building and awareness raising activities can also be organised for the beneficiary/partner institution on the topics.</p>			

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