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Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State

TRAINING NEEDS ASSESSMENT REPORT



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Strengthening the Institutional Capacity of the Council of State**

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Marina Naumovska Milevska

September 2020

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Preface

This Training Needs Assessment (TNA) Report and its Action Plan were developed in the framework of the Joint Project on “Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State”, which is funded by the European Union, the Republic of Turkey and the Council of Europe. The Project is implemented by the Council of Europe in cooperation with the Ministry of Justice of Turkey.

Ms. Marina Naumovska-Milevska, Council of Europe Consultant, worked as lead consultant in the preparation of this Report with the support of the Project team in close cooperation with the Directorate General of Legal Affairs, the Ministry of Justice of the Republic of Turkey.

This assessment report evaluates the training needs of the Turkish administrative judiciary under the project with a combination of quantitative and qualitative research tools. It was conducted in the period of December 2019 - February 2020. Main tools for the assessment included, surveys; focus group sessions; review of legislation, reports and strategic documents; and analysis of available statistical data. Stakeholders’ contributions were gathered through workshops and meetings organised by the Council of Europe, in cooperation with the Ministry of Justice, the Council of State, the Turkish Constitutional Court, the Council of Judges and Prosecutors, the Ombudsman, the Justice Academy of Turkey, the Union of Turkish Bar Associations, Regional Administrative Courts, first instance administrative and tax courts and other project stakeholders.

The findings and the results of each stage of the TNA process are presented as separate chapters in this report. This report is planned to serve as a guiding document for the planning and design of the training activities envisaged within the Project. The key recommendations made in the report will also guide the future training actions not only by the project, but by Turkish authorities as well.

We would like to extend our gratitude to court presidents, judges and court staff, who have displayed strong commitment in actively contributing to workshops and surveys despite their heavy workload; to distinguished members of the judiciary and lawyers; representatives of the line ministries and public administration authorities, team of experts and academicians for their contribution and invaluable support.

All relevant documents related to the Report can be accessed at:

 www.coe.int/ankara

Executive Summary

The Report reflects the main findings of the comprehensive Training Needs Assessment (TNA) for the administrative justice in Turkey, conducted in the period December 2019 - March 2020.

The TNA process included review of legislation, reports and strategic documents; web-based survey; and focus group discussions during two workshops.

In order to mainstream gender professionally, gender experts were included into the process of training needs assessment, the planning of the training actions, the drafting of content for the training courses, and the definition of the criteria for the selection of trainers and participants.

The two TNA workshops were held in Ankara on 17-18 December 2019, and on 26-27 February 2020, with the representatives from the relevant stakeholders¹. During the first meeting the proposed TNA methodology, target groups, scope and outcomes were discussed and agreed, and preliminary training needs for the relevant target groups were identified. Presentations on the current situation were made by the national stakeholders, summarizing the current state of affairs and challenges in the training of the relevant target groups within the administrative justice in Turkey which served as a baseline for discussions. In the course of the second meeting, findings of the survey, which was focused on training needs of court presidents, judges and court staff, were presented and data were crosschecked through focus group sessions. The training needs of the key tar-

¹ Representatives from the Ministry of Justice, Council of State, Constitutional Court, Council of Judges and Prosecutors, Justice Academy, Regional Administrative Courts, and First Instance Courts included presidents of courts, judges, seconded judges/rapporteurs, members and court clerks.



get groups were identified, grouped and prioritized. The proposed training methodology was discussed and the most appropriate timeframe for the training action was recognized. (see agendas in the annex 1)

The discussions were facilitated by the Head of Department, Mr Metin Engin, from the Directorate of Legal Affairs of the Ministry of Justice.

The Report has been organized in nine main chapters: The Overview of the Current State of the Affairs; Training Institutions and Programmes; TNA Methodology, Identified Training Needs - resulted from the focus group session 1; Survey Findings; Identified training needs - resulted from the focus group session 2, Training Courses; Training Methodology and ToT; and Project Training Action Plan.

Three training courses for the first target group and one training course for the second target group have been identified and elaborated in this report. They have been identified as priorities based on the comprehensive assessment made during the TNA process. The identified priority training courses for the first group are **Legal Reasoning and Judgment Drafting; ECtHR and TCC Rulings in the Case-Law of Administrative Justice;** and **Fair Trial - Reasonable Time.** As for the second group the focus has been put on enhancing the analytical competencies of the court staff, therefore **“Case & Time Management”** course took the primacy over the other training topics. The learning objectives/outcomes, format and methodology elaborated here should serve as the basis for the development of the training curricula and the materials for each training course proposed in this Report.

More than 1000 people will be trained in 32+7 training actions, using interactive approach to enhance knowledge and skills of judges and court staff. ToTs for potential trainers for all four training courses will be delivered, training curricula and training materials will be developed with the national trainers to secure ownership and sustainability of the project outcomes.

The Report presents the results of all stages of the TNA process

Abbreviations

CoE	Council of Europe
CoS	Council of State
CJP	Council of Judges and Prosecutors
CEPEJ	European Commission for the Efficiency of Justice
CPD	Continuous Professional Development
DoA	Description of Action
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
MoJ	Ministry of Justice
RAC	Regional Administrative Court
TCC	Turkish Constitutional Court
TNA	Training Needs Assessment
ToT	Training of Trainers
TJA	Turkish Justice Academy
UYAP	National Judicial Informatics System in Turkey

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Overview of Current State of Affairs

Satisfying the requirements of modern society has necessitated substantial revisions to the court system. Having faced with the challenges and priorities as well as the needs of the modern society, many countries have undertaken significant judicial reform measures, such as reducing number of courts; reorganizing judicial map; strengthening safeguards for judicial independence, etc. Alongside these structural changes, the judiciary has also been occupied with modernising its work processes, by introducing electronic case files. The backlogs of courts and the increase in the workload of the judges with the constant pressure to deliver outputs and meet the timelines for case processing have provoked judiciaries to search for new public management approach. The judiciary in Turkey has faced with the same challenges.

Timely decision making is essential for the effective judiciary. In the administrative justice processes and procedures, some challenges and shortcomings have been identified which include time consuming elements and factors causing delays and reducing quality of work.

Of course, not all the identified challenges in the administrative justice area could be addressed with capacity building measures. Some require legislative improvements and some organizational changes. The shortcomings presented here as well as the proposed training actions will only address areas where improvements could be made with training measures.

The recommendations made here are in line with the values and principles of the Judicial Reform Strategy, particularly Aim 3. They also take into consideration the recommendations on the gender perspective made during the meeting for the preparation of the Road Map.

The training needs assessment also relied on the findings made in the two previous reports prepared under the project: Report of the first meeting for the preparation of the in-depth

Administrative Justice Review on 17-18 September, and Reports from Ankara Meetings on 23 and 24 October under Activities A.1.3 (Monitoring appeals in the selected first instance courts and RACs).

Some of the identified shortcomings have been noted below and training measures² have been aligned to the extent possible.

- 1** To cope with the needs of the case parties and the administrative/tax courts delays, a “Front Office” in each court building has been established. However, procedures applied by the front offices differ from court to court. To improve the effects of the front offices, uniform operating procedure should be developed, and the staff should be trained. Training in procedural aspects, case management and also public relation and team building actions should be provided to all front office employees.
- 2** Furthermore, it has also been evidenced that different fees and expenses are applied in similar cases as stated in the mentioned reports. In particular, in serial cases, lacking provisions leads to significant differences in the expenses of the proceedings. In addition, the complexity of the legislation on expenses of proceedings is also reflected in the judgments. In some decisions, the explanation of the trial expenses is longer than the reasons for the decision. Understanding and applying these provisions might be partially tackled with training actions. Training topics such as trial expenses and fees calculation for the court staff can be organized. Furthermore, training to enhance legal reasoning and judgement drafting skills should be offered to all first instance judges.
- 3** Different courts apply different practises when it comes to access to confidential information by both the court staff and the parties to the procedure. What constitutes confidential documents/information and how to proceed in cases of confidential documents/information which affect the equality of arms of parties to the procedure, are the issues that could also be addressed with training measures. Trainings in topics such as case filing, access to and freedom of information, open records acts; confidentiality rules and transparency should be offered to court staff.
- 4** Training and awareness raising on the benefits of the mediation as one of the most spread form of alternative dispute resolution (ADR)³ could help to promote the mediation as an institute even if it is still not made compulsory in certain cases. Judges should be made aware that different forms of ADR prior to court procedure can improve the

² The Training Plan will take into consideration all the needs in the administrative judiciary and make reference wherever possible with other training activities envisaged in the project.

³ Within the Project action A.3.2, different forms of ADR will be examined and six training sessions for judges and mediators and Ombudsman experts in administrative cases.



efficiency of the administration of justice, reducing the workload of judges and letting judges focus on more complex cases. This would not be an ADR training, but an awareness raising activity amongst the judges.

- 5** Given the complexity and the volume of the legislation, the continuous training in administrative procedural law as well as the novelties in legislation should be provided to all judges throughout the year. This training that is updating judges with the novelties in the legislation could be offered in both b-learning and face to face formats. Different modules should be developed based on the competencies of each target group involved in the administrative justice area.
- 6** As stated in the Report⁴ “Minutes-taking during deliberations and voting practices vary from court to court, and from judge to judge. Additionally, eighty to ninety percent of judges draft their own judgments. The Council of State pointed out that “the judges still keep and sign the physical documents while some other additional documents still need to be filled in UYAP.” Furthermore, reasoning and quality of judgments were often mentioned as a constant challenge in the inspection reports. Therefore, legal research, judicial reasoning and judgement drafting training should be offered to judges.
- 7** In addition to that, initial and on-the-job training of new staff is overburdening the current clerks. The training programme of the new staff should be designed and coordinated by a special training unit within the court administration.
- 8** According to the latest legislative amendments, presidents of RACs will no longer adjudicate cases or sit as members of panels but would resume sole managerial role. Therefore, trainings offered to Court Presidents should include among other training in: Leadership Skills, HR Management, Stress Management, Timeframe Management, Case Management, Judicial Statistics and other more managerial rather than adjudication related topics.

⁴ Report of Ankara Meetings 2nd and 3rd, 23th and 24 October 2019, Activity A.1.3 in scope of the joint European Union - Council of Europe project entitled “Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State in Turkey”

Training Institutions and Programmes

TURKISH JUSTICE ACADEMY (TJA)

TJA was firstly established as a “Training Centre for Judge and Prosecutor Candidates” in 1985 and through the years changed its competencies as well as its name. After a three-year-period closure, the Academy was re-opened and become Turkish Judicial Academy with the Presidential Decree on Turkish Judicial Academy No. 30762 dated 2/5/2019.

The Academy is responsible for Pre-Vocational Training for candidate judges and prosecutors and In-Vocational Training of practicing judges and prosecutors.

They also provide trainings to other members of legal professions such Lawyers, Notaries and Military Legal Officers.

PRE-VOCATIONAL TRAINING

Pre-vocational training for judges in the administrative area of justice, is implemented in three blocks: Preparatory Training, Internship and Final Training. The schooling part (Preparatory and Final Training) takes up to 7 months (3 months for Preparatory Training and 4 months for Final Training). However due to the urgent need for new judges, the last term was implemented as 3.5 months. Looking at the topics covered by the administrative initial training programme in the presentation of the TJA representative⁵, it is not very clear how much practice is part of the training. But it seems that the schooling part focuses mainly

5 Seda Uçar Akbulut, TJA



on theory and administrative procedural law. Therefore, understandable are the concerns raised by the judges that new judges need further targeted training when they start their work.

As envisaged under the Objective 3.2 of the Judicial Reform Strategy, a new model for admission to legal professions has been developed and furthermore, as stated in the Objective 3.3, “Judge and prosecutor assistantship will be brought into existence and the procedure for admission to the profession will be changed” to increase the quality and quantity of human resources in the judiciary as a whole.

Internship should last 6 months for those candidates with lawyers’ background. On the other side, the Justice Academy Regulation envisages 2 years of pre-vocational training.

Legislation on training needs clarification both in terms of duration of different categories of candidates as well as in the areas of specialization.

In the last (13th) term there were 113 candidates that passed the initial training. The administrative law is less preferred area of justice compared to civil and criminal law.

Currently, there is no pre-service (initial) training for the court staff in administrative justice, however, training centres provide orientation training before the staff starts to work, in line with their capacity to provide it.

IN-VOCATIONAL TRAINING

According to the presentation made by the Seconded Judge from TJA, training needs assessment process conducted by the TJA includes:

- information gathered from the Courts, Ministry Directorates, CJP, Bar Associations and Law Faculties.
- issues that have been identified and criticized during the inspection,
- legislative changes and practices that are frequently raised in public, and
- post-training evaluation surveys that are conducted after each training course.

The identified topics have been considered as a part of an Annual Programme however such a document have not been made available. There may be reluctance among judges to attend training.

The training participation is on voluntarily basis, and life-long learning is not yet accustomed, especially among older generation of judges and court staff. The new Judicial Reform Strategy envisages improved quality of pre-vocational and in-vocational training by introducing “*Continuous and compulsory education model to be adopted in judiciary.*”⁶ Furthermore, according to the Strategy “*In-vocational training will be one of the criteria taken into consideration in the promotion of judges and prosecutors.*”⁷

Last year the TJA organized 89 in-vocational training events with 4553 participants in total. In the administrative field of justice, they organized 3 in-vocational training events for 290 participants⁸.

E-learning courses were launched by the Academy recently. It is still early to evaluate the effects of this training format. However, it seems that significant number of judges are interested to participate in trainings in e-learning and b-learning format.

As stated by few Presidents of the RACs, some decentralized trainings are also being provided. Often Presidents of Courts or other relevant experts provide trainings to the judges and court clerks on a court level in a form of on-the-job training.

The Ministry of Justice provides in-vocational trainings for court clerks however these are not mandatory but when organized, the court staff willingly participates.

According to the Judicial Reform Strategy, training activities for judicial personnel will be strengthened.

6 Activity d) within the Objective 3.5 of the Judicial Reform Strategy

7 Activity e) within the Objective 3.5 of the Judicial Reform Strategy

8 Data till end of November, source Presentation by Seda Uçar Akbulut



TRAINING CHALLENGES

Based on the discussion during the meeting, several general training challenges could be highlighted:

- The necessity to clarify legislation with regard to the training;
- The competencies of court clerks (judicial assistants) in light of CCJE Opinion n°22 need to be revisited;
- The benefits of continuous training (life-long learning) need to be promoted;
- The quality of initial (pre-service/-vocational) training is to be enhanced;
- In-service training should be tailored according to real needs;
- The quantity and quality of continuous (in-service/-vocational) training should be improved;
- Training methodology needs improvement and continuous update.

Training Needs Assessment Methodology

The proposed methodology to identify training needs in administrative justice system was discussed and agreed during the first TNA workshop held in Ankara on 17-18 December 2019.

A comprehensive approach in conducting TNA was proposed and applied.

For this comprehensive training needs analysis, the primary data were collected via quantitative and qualitative research tools.

The methodology included combination of several methods:

- Surveys through electronic questionnaires;
- Focus group sessions;
- Review of the legislation, reports and strategic documents;
- Discussions with the Ministry and Presidents of RACs;
- Analysis of other available statistical data and
- Expert appraisal.

This approach provided several angles in identifying training needs and secured that the data collected during the focus group sessions are cross-checked with the data from the survey, the legislation and other relevant strategic documents and reports.

Furthermore, for better statistical significance, the analysis uses cross-tabulation tables and weighting factor.



Cross-tabulation tables provide a wealth of information about the relationship between the variables. In this analysis, several subgroups were identified, and their answers analysed and compared.

A statistical weight is an amount given to increase or decrease the importance of an item. To majority of questions in these surveys a weighting factor was given to evaluate the importance by each target group.

Quantitative methods collect data that can be counted or measured - figures and numbers. Questionnaires are the most spread method often used to gather quantitative information. Quantitative methods are sometimes called objective, number-centred, and 'hard' versus the subjective, people-centred and 'soft' qualitative methods. That is why a combination of the two methods was applied. For this TNA web-based survey by means of two questionnaires were used.

Questionnaires provided quantitative information and the first level of broad data. The key advantage of the questionnaires was that the survey addressed presidents of courts, judges and court clerks, from whom input was asked. Another plus is that the respondents could complete the questionnaire when and where they choose. Every respondent was asked identical questions, and consequently the data received were comparable and very easy to compile and analyse. Also, this type of web surveys (*also known as CAWI - Computer Assisted Web Interview*) are anonymous, and therefore the result more honest and accurate.

Two key target groups were identified: **Target Group 1** (*Survey 1*) or for easier reference titled "*Judges*" including presidents of courts, judges, seconded/rapporteur judges and members; and **Target Group 2** (*Survey 2*) or "*Clerks*" including chief clerks, clerks, bailiffs and other court staff. Accordingly, two questionnaires for the survey were drafted: one for the Judges (*Survey 1*) and one for the Clerks (*Survey 2*). They are attached to this Report as annex 2.

The only disadvantage in the administration of a web survey was that the study groups had to have good access to the internet and e-mail, and be IT literate. Furthermore, the UYAP system could not support external survey; therefore, a web-based survey system was outsourced. Some respondents had to use same desk top computers for answering on-line survey questions due to some internet access limitations at the courthouses.

Questionnaires and surveys are useful in obtaining a "*big picture*" of what a large number of respondents think while allowing everyone to feel that they have had an opportunity to participate in the training needs identification process. However, if taken alone in training needs analysis process, questionnaires might be misleading in terms of

identifying the real needs of the target group. They present the wishes of individuals, but they might turn out to be just a “*wish list*” if they are not crosschecked with the goals, competencies and objectives.

Qualitative methods are more descriptive in nature. They collect data that is less easily counted or measured and often have a smaller area of focus. The perceptions and feelings of the people being interviewed often have an important place in qualitative methods and data. Interviews, focus group sessions, and observation are the most used qualitative methods applied in the realization of the TNA.

For better validation, for a comprehensive TNA, at least three methods should be used together. One of those chosen should always be a questionnaire. Having that in mind, one quantitative (*questionnaire/survey*) and three qualitative methods (*focus group sessions, observation and job descriptions*) were utilized.

Focus groups discussions/sessions - involved a carefully planned discussion with a small number of participants and were designed to obtain thoughts and ideas on specific issues. They provide qualitative data, gave insights into attitudes, perceptions and opinions of participants. Information is usually gathered through brainstorming exercises and facilitated discussions during training needs assessment sessions. A thorough selection of the focus group members/participants was made in advance. The key benefit of this method was the openness; this format encourages participants to express their opinions freely, it may therefore help to obtain a clearer picture of what judges/clerks do and do not value in the current training regime.

Two focused group sessions for this TNA were organized, during TNA Workshop on 18 December 2019 and the TNA Workshop on 26-27 February 2020. The results of the focus group work are presented in detail later in this Report.

Observation - A judge’s/clerk’s performance is evaluated through first-hand observation and analysis. This means that you watch and listen and evaluate what you see and hear, but do not get involved in his/her work process in any way. In this approach, a judge’s performance itself is the source of information. The objective during observations is to identify both the strengths to build on and the deficiencies to overcome. An observation in a written form made by the court presidents as well as by the CJP inspectors, is a valuable tool to identify needs for training at a court level.

This task was best performed by the Court Presidents. Their feedback was of crucial importance for this assessment. In this TNA this method was utilized indirectly, through the reports of the CJP inspectors and discussions with the Court Presidents.



Job Descriptions - This document describes the competencies and skills that a court president/judge/court clerk must possess and duties and responsibilities of a particular post. When job description is defined, the trainer can easily tailor the training curriculum to a very close proximity of what will be expected from a particular official to fulfil.

In addition to these methods review of policy documents and legislation is always accompanying TNA process.

Analysis of the judicial policy - An explanation of various policies should be covered in the training programme. Of particular concern are those policies that involve change, alteration and major revamping of training programmes. In the judiciary, which undergoes major reforms nowadays, a great deal of sensitivity must be placed on policies and expected changes in the future. Therefore, thorough review of the strategic papers and documents, new legislation, case law and other related documents should be part of training needs assessment. *It should be noted that whichever of the three methods/techniques are selected, a review of strategic documents, recommendations of the international organization, feedback from the surveys and opinion polls made for the judiciary as well as ECtHR and TCC case law analysis should be considered as a first step.* In the course of this assessment, several documents were taken into consideration starting with the Strategy for Judicial Reform 2019, last report of the CJP, reports made in the scope of the same project, and other relevant electronically available documents.

Identified Training Needs

Results From the Focus Group Sessions 1

The preliminary findings made in this Report are the result of the presentations and discussion during the first TNA Workshop and the work of the focus groups and they are presented by individual group.

The participants were divided into 4 groups securing diversified composition of each group. Work on identifying training needs for the three target groups, President of Courts, Judges and Court Staff, were conducted. Lawyers were not identified as a separate target group since the DoA's main focus is on judges and auxiliary court staff. However, they were included in the TNA process, hence some of the trainings designed for judges will also be offered to lawyers in joint trainings as required by the DoA *“The training will also be open to lawyers specialised in administrative cases.”*

Besides identified training topics, they also proposed the most adequate duration of each training topic, the form of training and the profile of a trainer. The collected data both as quantitative and qualitative were valuable hence they were gathered in a format that allows clustering and prioritization of identified training needs. The results of their work are presented in the annex 2.

Although there were no representatives from the court staff during these two days, still enough information was collected regarding their training needs as seen from the perspectives of the Court Presidents, Judges and representatives from the MoJ. The court staff representatives were included in the second TNA Workshop.



The priorities of the participants for training topics are presented below by different target groups though after the group presentation it was agreed that no difference should be made between judges and court presidents, since the presidents of courts (except RAC Presidents which are only seven) also adjudicate cases and therefore need the same training as judges. This activity served also as a base for tailoring the questionnaires for the web-based survey.

RESULTS FROM THE FOCUS GROUP WORK

Group I

The Group I identified 10 training topics for the President of Courts, 11 training topics for the judges and 5 for the Court Staff. For all the training topics, they suggested 2 days training, obviously they considered that only a two-day consecutive training brings the best training outcome.



For the trainer's profile, they identified: *Academics; Judges/Prosecutors; Turkish Language Teachers and Psychologists as best suited professionals to implement the training.*

The suggested form of training was face to face, implemented through workshops, seminars and questions and answers sessions (probably by "questionnaire" they meant Q&A).

Proposed Training Topics

President of Courts

- Protocol training
- Court registry legislation for recent appointees
- Writing techniques of decisions aimed at resolving case law differences are important
- In light of the decisions of the Constitutional Court, there should be uniformity in the decisions
- Implementation of the legislation should be discussed in case of legislative amendments
- Training in cases involving zoning, taxes, etc. (beginning of the profession)
- Decisions should be more elaborate
- Writing techniques of the provision clause of the decisions (especially in cases of compensation)
- Communication Skills
- Stress management

Judges

- Writing techniques of decisions aimed at resolving case law differences are important
- In light of the decisions of the Constitutional Court, there should be uniformity in the decisions
- Implementation of the legislation should be discussed in case of legislative amendments
- Training in cases involving zoning, taxes, etc. (*beginning of the profession*)
- Decisions should be more elaborate
- The writing techniques of the provision clause of the decisions (*especially in cases of compensation*)
- The writing techniques of the provision clause of the decisions (*especially in cases of compensation*)
- Communication Skills
- Stress management
- Protocol training
- Court registry legislation for recent appointees

Court Staff

- Notification
- Grammar
- Communication Skills
- Stress management
- Court registry personnel

Members of the Group I were: *Emine Tuba Yılmazoğlu, Seda Uçar Akbulut, Abidin Sahin, İsmail Saklı and Murat İkizler.*

Group II

When presenting their proposal, the Group Rapporteur mentioned that they saw no need to make distinction in training topics between President of Courts and Judges, which was supported by the members of the other three WG, too.

The Group II identified 12 training topics for the President of Courts, 4 training topics for the judges and 9 for the Court Staff. For each proposed training topic, they identified the profile of a trainer, the duration of the training (1 or 2 days accordingly) and the form of training, which in this case was face-to-face, for all the proposed training topics.



As for the trainer's profile, they identified: *Judges; Experts, Technical Experts; Academics and Expert Users as the best fitted to deliver these training actions.*

Within the target group of court clerks, they also identified three sub-groups: *Chief Clerk; Clerk and Bailiff.*

Proposed Training Topics

President of Courts

- Protocol Rules
- Turkish Grammar and Official Correspondence Rules
- Negotiation and Management and Effective Communication
- Leadership and Management
- File review, Presentation, Decision Writing Techniques
- Constitutional Limit of Administrative Jurisdiction
- Examination of ECHR and Constitutional Court Decisions
- Technical and Legal Dimension of Zoning Plan and Applications
- General Accounting/Analysis of Tax Disputes
- Administrative proceedings against military persons
- Foreigners' Law and Deportation Proceedings
- Objections arising from Law No. 4483

Judges

- Consolidation Legislation
- Procurement / Expropriation /Ancient Art
- Customs Law Practices
- Excise Tax
- Municipal Revenues and Property Tax
- CoAP Art. 51 and CPC
- Court registry legislation
- Notification Law
- UYAP Applications
- Ethical Norms

Court Staff

- Court registry legislation
- Notification Law
- Archive and File Management
- UYAP Applications
- Turkish Grammar and Official Correspondence Rules
- Effective communication
- First Aid
- Stress Management and Anger Management
- Ethical Norms

Members of the Group II were: Yüksel Navdar, Lütfü Yeğın, Yusuf Öncırak, Kurtuluş Beyribey, Esin Tan and Kenan Balan.

Grup III

The Group III identified 7 training topics for the President of Courts, 10 training topics for the judges and 6 for the Court Staff. This group also, proposed 2 days training for all the training topics identified.

Worth to note that they proposed Human Rights training topic was to be organized for all three target groups, though it was not clear if in a format of a joint training or as separate training event for each of the three target groups.

For each proposed training topic, they identified the profile of a trainer, the duration of the training and the form of training. In regard to the training formats, they found Seminar; Workshop; Applied Training; Conference; Study Visit; Distance Training and Onsite training as the most relevant forms of training and attached the proposed form for each training topic.

As for the trainer's profile, when training Court Presidents, the best suited in their opinion were:



Academics; Competent Technical Staff; Experts from the administration; Court Presidents; Members of the Supreme Court; Senior Rapporteur Judges; RAC Chamber Presidents; ECHR Experts and the Ministry Experts.



The most adequate trainers when training Judges were considered: *Senior Colleague; Academics; Subject Experts and Senior Colleagues.*



As for the trainers for the Court Staff the best suited in their opinion are: *Technical Staff; Judges; Court Presidents; Personnel Experts and Psychologists.*

Interestingly, they proposed “Awareness Training on the Necessity of Training “due to the fact that there is a huge reluctance amongst judges to participate in the training courses.

It should also be mentioned that they identified sub-groups for training among court presidents and other target groups.



Proposed Training Topics

President of Courts

- Changes in the Administrative Structure and Personnel Regime Introduced with the Presidential System
- Zoning
- Customs disputes
- Accounting Information
- File Review and Narration Techniques, Decision Writing Techniques
- References to CCP at CoAP
- Human Rights Law Education

Judges

- Awareness Training on The Role of the Judiciary
- Judicial Ethics Training
- Awareness Training on The Necessity of Training
- UYAP Training

Court Staff

- UYAP Applications
- CoAP and CPC Training
- Notification Training
- Correspondence Rules Training
- Turkish Language and Spelling Education
- Personal Development Topics Training

Members of the Group III were: *Mustafa Gürsoy, Mehmet Celal Uzunkaya, Hüseyin Cem Eren, Mustafa Elçim, Yeşim Tümer and Enes Bir.*

Grup IV

The Group IV identified 11 training topics for the President of Courts, 13 training topics for the judges and 11 for the Court Staff.

For each proposed training topic, they identified the profile of a trainer, the duration of the training and the form of training which was in most of the cases proposed to be in the face-to-face form and in few cases through distance learning tools.

As for the trainer's profile, when training the Court Presidents, they identified the best suited:



Personal Development Specialists; Academics; Experts from the Ministry of Foreign Affairs Protocol Directorate; Senior Judges; Ministry of Justice and CJP Inspectors; Members of the Supreme Judiciary; Constitutional Court Rapporteur Judges and Human Rights Seconded Judges.



The best trainer's profiles when training the Judges in their opinion were: *Personal Development Specialists; Academics; Senior Judges; Technical Experts (Cartographers/Planners) and Members of the Supreme Judiciary.*



As for the trainers for the Court Staff, as the best suited were considered: *Personal Development Experts; Ministry of Justice Inspectors; Senior Presidents and Judges and Trainers from the Training Department of MoJ.*

They also, proposed a two-day training, duration of which was identified for all the training topics except for those proposed for the court clerks, where they proposed a half day training for each training topic.

This is the only group that identified Judicial Ethics training as relevant for all target groups in the administrative justice system.

The group members have identified many topics that could be organized in joint trainings amongst Court Presidents and Judges, but training of court personnel was considered completely different and therefore topics differ.

Within the target group of Court Presidents, they distinguished two different groups: recent appointees to the department and senior presidents.

Among the target group of judges, priority for training was given to senior judges, however when needed, recently appointed judges as well as Rapporteur judges of the Council of State were identified for the training, too.

Within the target group of court clerks, they identified four sub-groups: Chief Clerks; Clerks; Bailiffs and Auxiliary Staff.



Proposed Training Topics

President of Courts

- Leadership Skills
- Combating Anxiety
- Solution-Oriented Leadership
- Techniques for Increasing Group Motivation
- Crisis Management
- Representation and Protocol
- Court Registry Legislation and Management and Notification Law Applicationsı
- Legal Regime of Personnel (Investigation Procedures)
- Legislative Changes and Current Case Laws
- Fundamental Rights and Freedoms in the Light of Constitutional Court and ECHR Case Laws
- Judicial Ethics

Judges

- Personal Development
- Stress management
- Teamwork
- Effective communication
- Reasoned Decision Writing Techniques
- Zoning and Environmental Law
- Planning, parcelling
- Tax refund and calculation concepts
- Problems related to administrative proceedings reflected in inspection reports
- Legislative Changes and Current Case Laws
- Fundamental Rights and Freedoms in the Light of Constitutional Court and ECHR Case Laws
- Effective and Correct Use of the Turkish Language
- Judicial Ethics

Court Staff

- Personal Development
- Stress management
- Teamwork
- Effective communication
- Public relations
- Court Registry Legislation and Notification Law and its Applications
- Basic Concepts of Administrative Proceedings
- Trial Expenses and Fees
- Grammar and Official Correspondence Rules
- File completion process
- Judicial Ethics

Members of the Group IV were: *Ahmet Cüneyt Yılmaz, Cemil Kaya, Akkurt Aksu, Haşim Şahin and Hacı Göçer.*

Surveys Findings

QUESTIONNAIRES

The two questionnaires used for the surveys (*see annex 2*), were developed jointly with the representatives from the Ministry of Justice. They had 20 questions compiled in 6 chapters: *Survey Demography; General Skills; Specific Skills; (Soft Skills and Core Skills respectively for clerks), Training methodology; Training Quality & Importance and Individual Training Needs.*

The survey used “*Multiple Choice Questions*”, Rating Scale Questions, Likert Scale Questions, few “*Dichotomous Questions*” and introductory “*Demographic Questions*” which served for cross-tabulating purposes.

Two surveys were executed; one for the judicial decision makers (*hereinafter Survey 1*) and one for the court administration (*hereinafter Survey 2*).

Target groups among the population addressed in Survey 1 were:

- 1** Court Presidents and RAC Chamber Presidents,
- 2** Members of the RAC
- 3** Members of the first instance courts (Judges)
- 4** Seconded/Rapporteur Judges.

Target groups among clerks, addressed in Survey 2 were:

- 1 Chief Clerks,
- 2 Clerks,
- 3 Bailiffs and
- 4 Other.

Although there are other categories/positions within Turkish administrative justice system, the analysis addresses these 8 identified target groups.

Both Surveys were conducted through an electronic web platform, which was administered by the representatives from the MoJ and the CoE Ankara Programme Office. The link inviting respondents to take part in the survey was sent to all administrative court judges, rapporteur judges, members and Court Presidents for the *Survey 1* as well as to all court clerks in the administrative justice area, for the *Survey 2*. Before launching, the surveys were piloted with the representatives of the CoE and MoJ. The data collection went smooth and the aggregated reports were provided in excel database which allowed cross-referencing.



The two surveys were organized in January - February 2020. The surveys were administered through the web platform “**SurveyMonkey**”.

SCOPE

The Survey was implemented nation-wide, meaning that the questionnaires were sent to the total population of approximately 2091 judges and almost the same number of court clerks (2400) in the area of administrative justice addressing the Constitutional Court, the Council of State, the Council of Judges and Prosecutors, the Ministry of Justice, 7 Regional Administrative Courts, and all First Instance Courts.

RESPONSE RATE

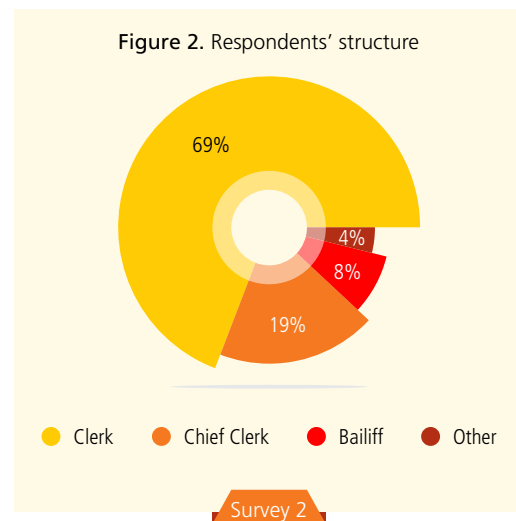
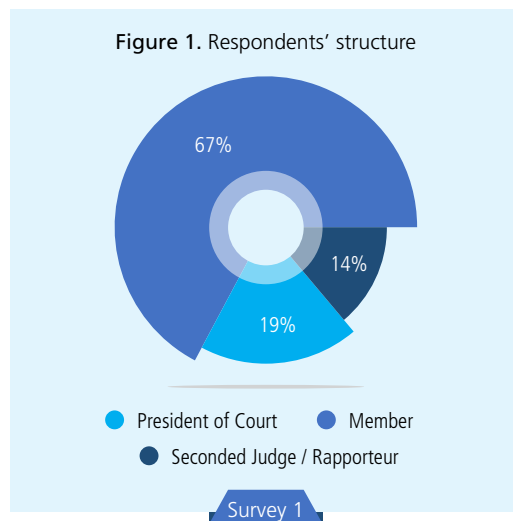
The response rate was surprisingly high in the two conducted surveys: approximately 31% within Survey 1 - 643 replies out of 2091 judges, total population size, and 49% within Survey 2 - 1164 replies out of 2400 court clerks. The highest rate of responses was achieved from the First Instance Courts in both surveys, which was expected taking into account the number of the target groups employed within the First Instance Courts. The same trend was

noticed among different target groups: in the Survey 1, the highest response percentage was from the “members” and in the Survey 2 that were the “clerks”, which corresponds to their population size within the administrative justice.

SURVEYS DEMOGRAPHY

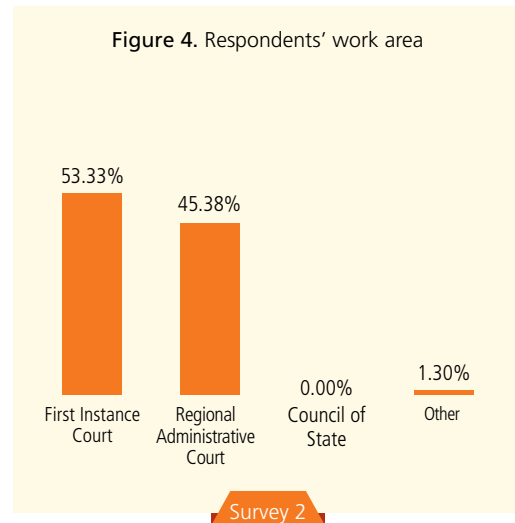
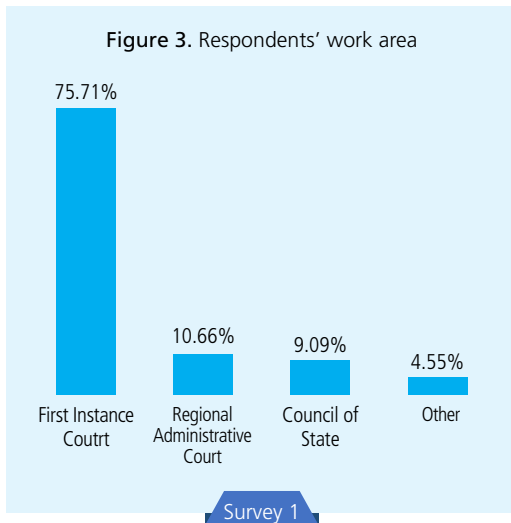
This first Chapter had 4 questions and they also served for cross-tabulating purposes in the analysis.

From the 643 respondents of the Survey 1, 67% were members, 19% were court presidents and 13% were seconded/rapporteur judges. Vast majority (76%) came from the First Instance Courts, and 11% from the Regional Administrative Courts, 9% from the Council of State and 4% from other institutions such as the Ministry of Justice, the Council of Judges and Prosecutors and the Constitutional Court (*see Figure 1 below*).

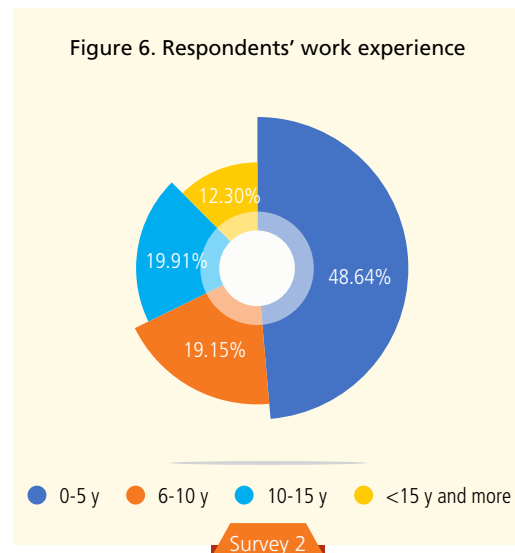
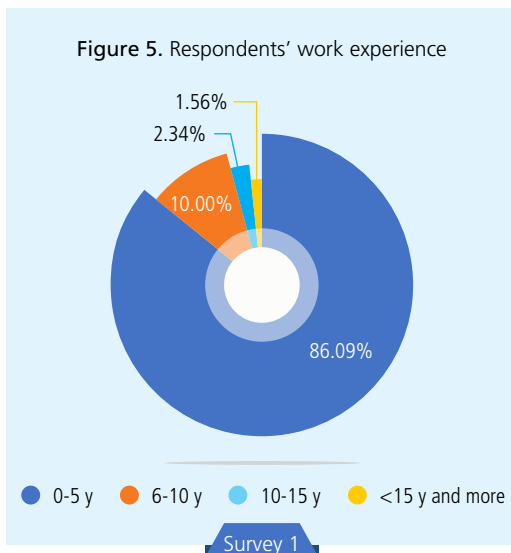


As for the Survey 2, conducted for the court clerks, as shown in the Figure 2, the majority that replied were clerks 69%, followed by chief clerks 19%, 8% bailiffs and 5% replied as other.

From the 1164 clerks that responded the survey, a balanced representation among courts was shown, namely 53% of the respondents came from the First Instance Courts and 46% were from the Regional Administrative Courts and only 1% from other institutions such as the Ministry of Justice, the Council of Judges and Prosecutors and the Constitutional Court. No replies were received from the Council of State in this Survey 2.

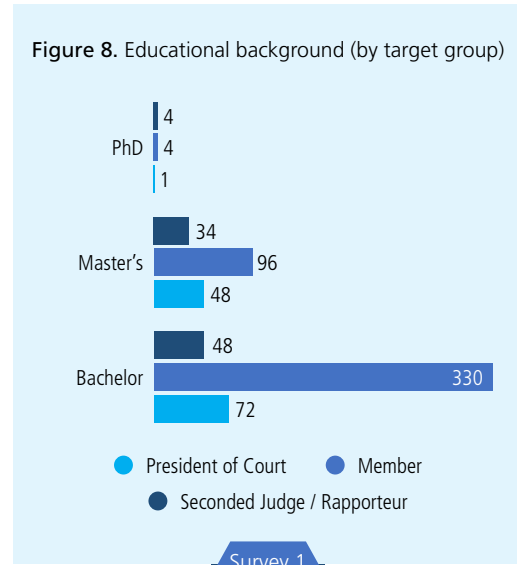
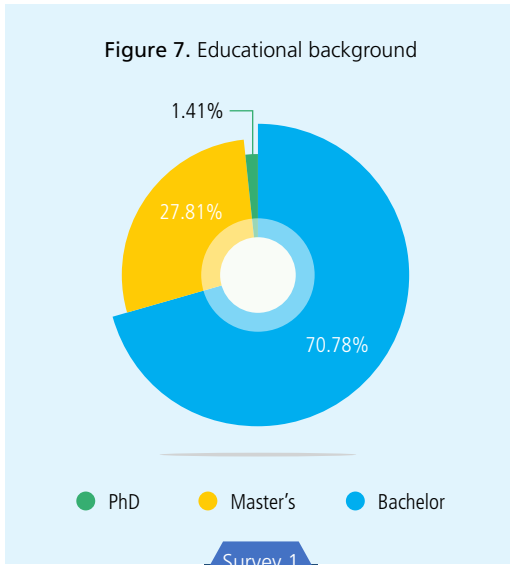


It is interesting to note that the vast majority (86%) of the respondents from the Survey 1 was with 0-5 years of experience; 10% was with 6-10 years of experience; 2% was with 10-15 years of experience and 2% with 15 years and more. Similarly, the biggest percentage (49%) of the clerks was with 0-5 years of experience; 20% was with 10-15 years of experience, 19% with 6-10 years of experience and 12% was with above 15 years of experience.

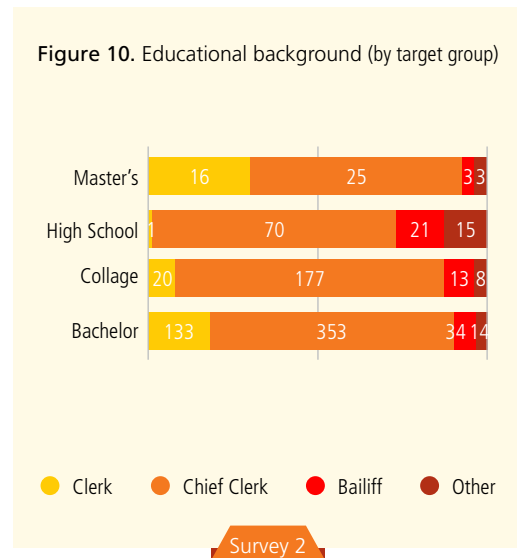
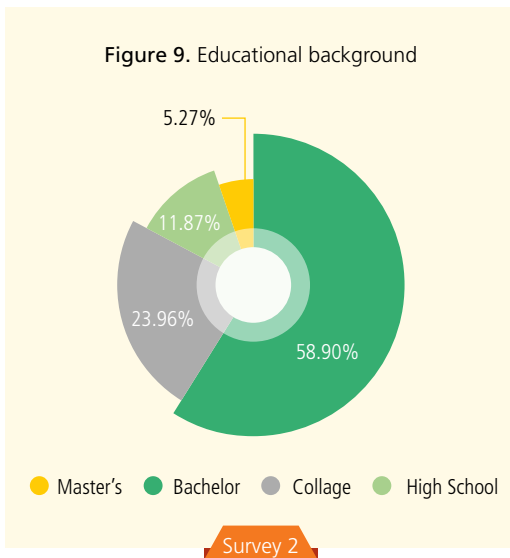


Having “young” personnel is understandable considering the effects of the coup from July 2016.

Among the Survey 1 respondents, the vast majority (71%) came with “*Bachelor*” diploma and less than one third (28%) with “*Master’s*”. Only 1% of the respondents in Survey 1 were with a PhD.



The educational background of the clerks differs. Similarly, the majority (59%) of the clerks was with “*Bachelor*” degree; 24% had “*College*” degree; 12% was with “*High School*” and 5% was with “*Master’s*”.





Tables 1 and 2 below, present details about demographics in real numbers per survey.

Table 1. Demographic data from the Survey 1 in real numbers

Demographics of clerk's survey					
Work positions	President of Court		Member	Secoded/Rapporteur Judge	
	122		431	86	
Working Experience	Up to 5 years	6-10 years	10-15 years	15+	
	551	15	64	10	
Educational Background	Bachelor		Master's	PhD	
	453		178	9	
Work Area	First Instance Courts		Regional Administrative Courts	Council of State	Other
	483		68	58	29

Table 2. Demographic data from Survey 2 in real numbers

Demographics of clerks' survey 2					
Work positions	Chief Clerk		Clerk	Bailiff	Other
	181		661	76	86
Working Experience	Up to 5 years	6-10 years	10-15 years	15+	
	447	176	183	113	
Educational Background	Master's		Bachelor	College	High School
	48		536	218	108
Work Area	First Instance Courts		Regional Administrative Courts	Council of State	Other
	617		525	0	15

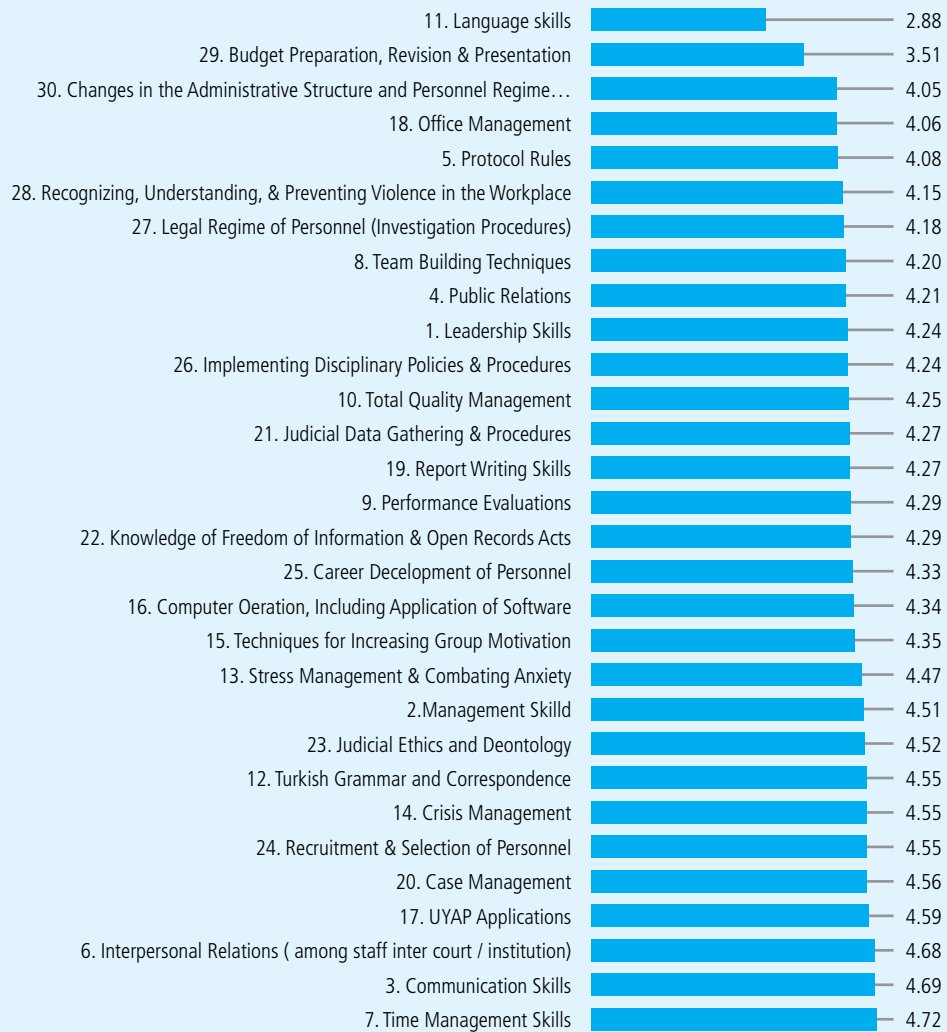
TRAINING AREA - PRIORITIES

This part was divided into general and specific skills for the participants to the Survey 1 and core and soft skills for the Survey 2. Though it was difficult to make a clear line between the core and soft skills for various categories of clerks, as it was difficult to make a clear distinction between general and specific skills for different categories of judges. Cross-tabulation was made only for the top three priority trainings.

GENERAL SKILLS - SURVEY 1

In general, all the training topics listed were considered as of equal importance and comparable weight. As “*the most important*”, the respondents identified “*Time Management Skills*” allocating 4.72 points; followed closely by “*Communication Skills with 4.69; and “Interpersonal Relations (among staff inter court/institution)” with a score of 4.68 in a*

Figure 11. Prioritized general training topic (total)



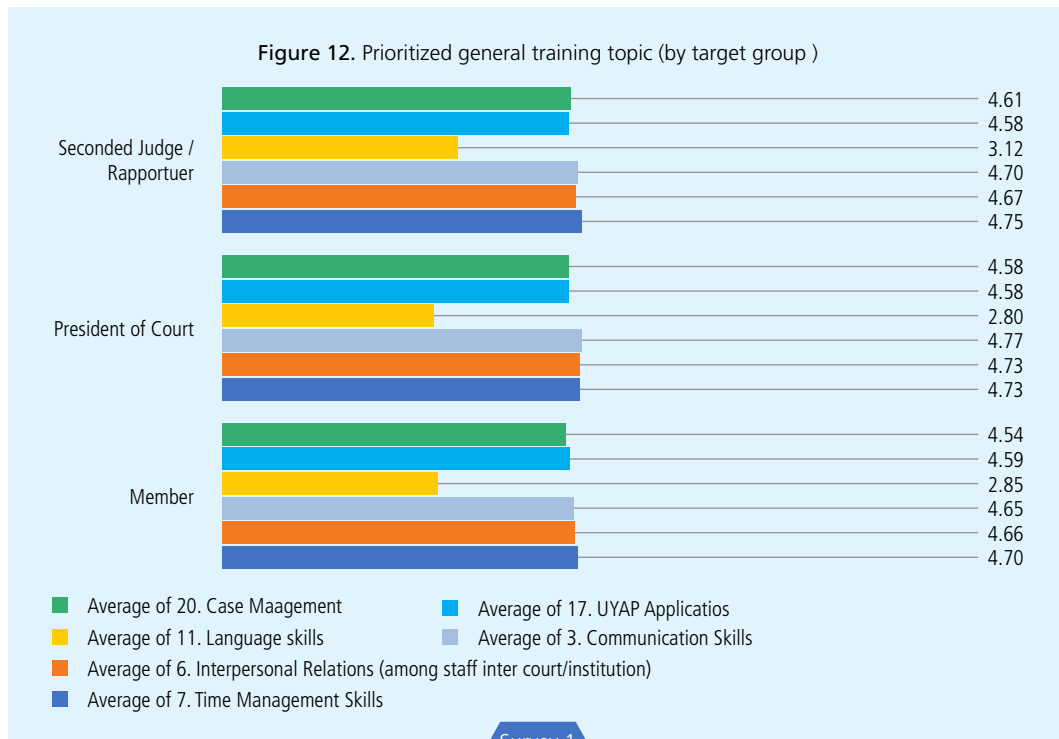


scale of 5. As the least important on the other side was considered “*Language skills*” course with an average weight of 2.88 out of 5.

In the process of the cross tabulating data no major differences have been noted. It seems that priorities for training for the three target groups very much collate.

Both the “*seconded judges*” (with a score of 4.75) and the “*members*” (with a score of 4.70) favour most “*Time Management Skills*” while for the “*president of the courts*” (with a score of 4.73) this topic was on the third place on their priority list. “*Communication Skills*” was the first training topic for the “*presidents of the courts*” with 4.77; on the second place for the “*seconded/rapporteur judges*” with 4.70 , and on the third place for the “*members*” with a score of 4.65. “*Interpersonal Relations*” (among staff inter court/institution) was second training topic for the “*members*” (with a score of 4.66) and the “*president of the courts*” (with a score of 4.73) and on a third place for the “*seconded judges/rapporteurs*” (with a score of 4.67).

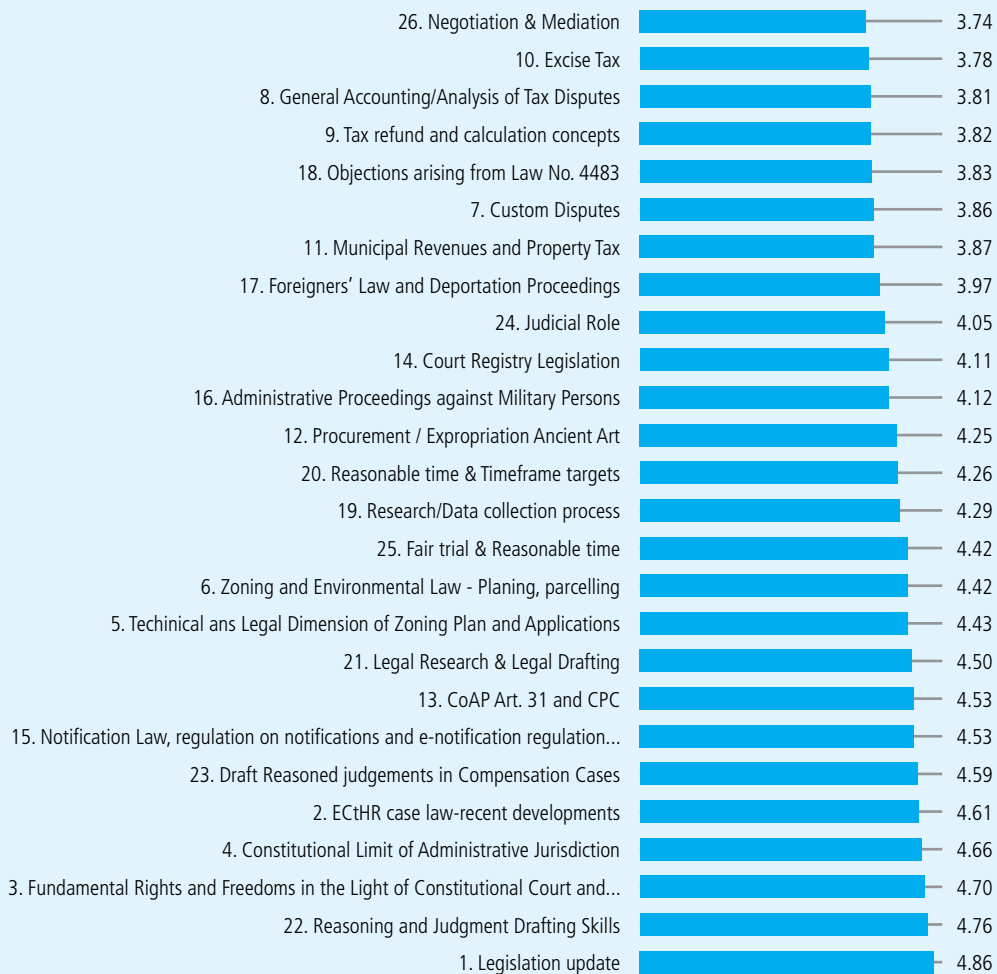
“*Language skills*” was of least interest again, with slightly higher score among the “*seconded/rapporteur judges*” with 3.12 out of 5.



SPECIFIC SKILLS - SURVEY 1

The same trend continued in the identification of training areas relevant for the specific work of administrative judges. As said earlier, this delineation was made just for the purpose of better organization of the survey data otherwise no clear cuts among general and specific skills could be made. However, the differentiation of opinions of different categories within this survey was of crucial importance for this analysis. As the most important,

Figure 13. Prioritized specific training topic (total)

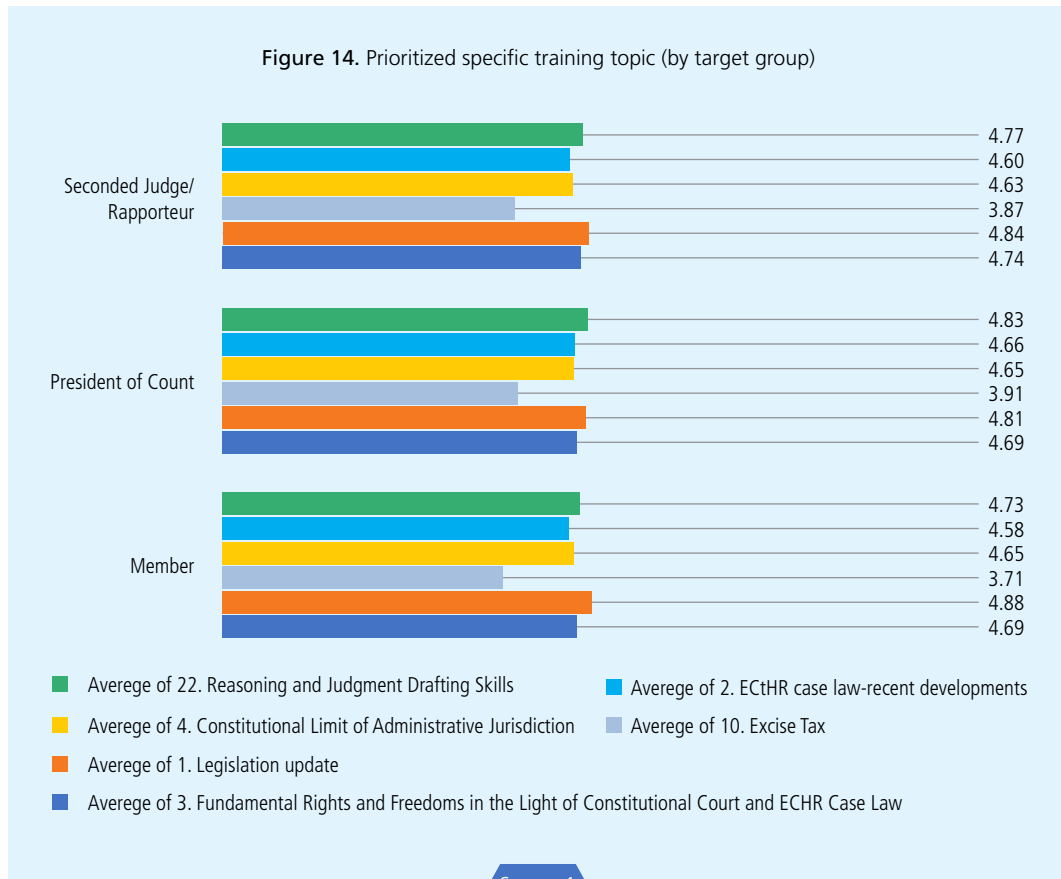




the respondents identified training in “*Legislation Update*” allocating 4.86 points; followed closely by “*Reasoning and Judgement Writing Skills*” with 4.76; and “*Fundamental Rights and Freedoms in the Light of Constitutional Court and ECHR Case Law*” with a score of 4.7 in a scale of 5. According to the respondents “*Excise Tax*” course is considered as the least important training area with an average weight of 3.78 out of 5.

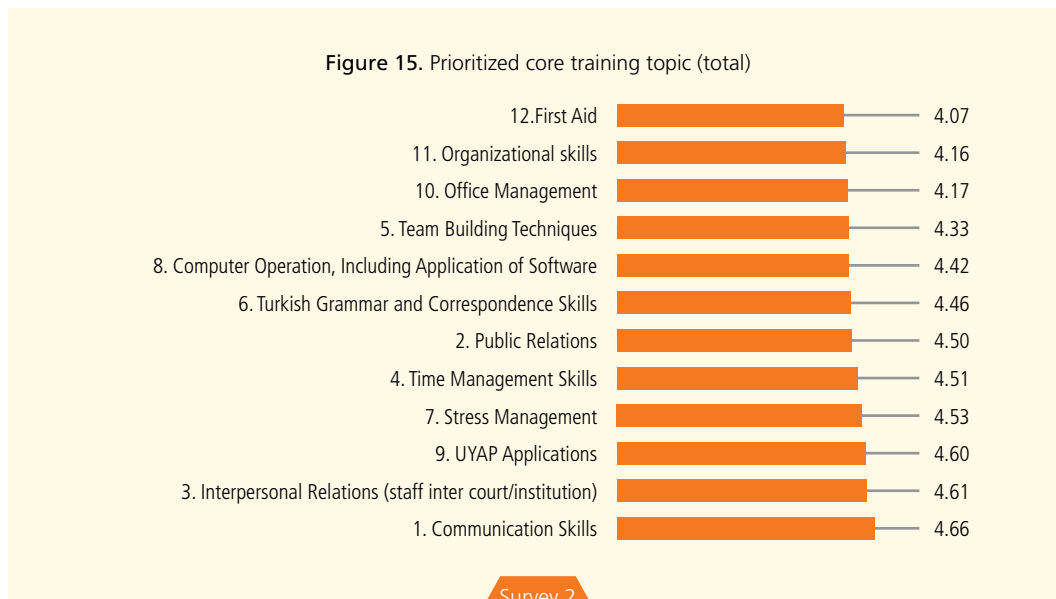
When cross tabulating the data with the three defined target groups, in terms of importance, no difference has been seen from the overall impression. Minor deviation noticed among “*Presidents of Courts*”, which put “*Reasoning and Judgement Drafting*” was on the top of the priority list and 4th and 5th place rotate.

Figure 14. Prioritized specific training topic (by target group)



CORE SKILLS - SURVEY 2

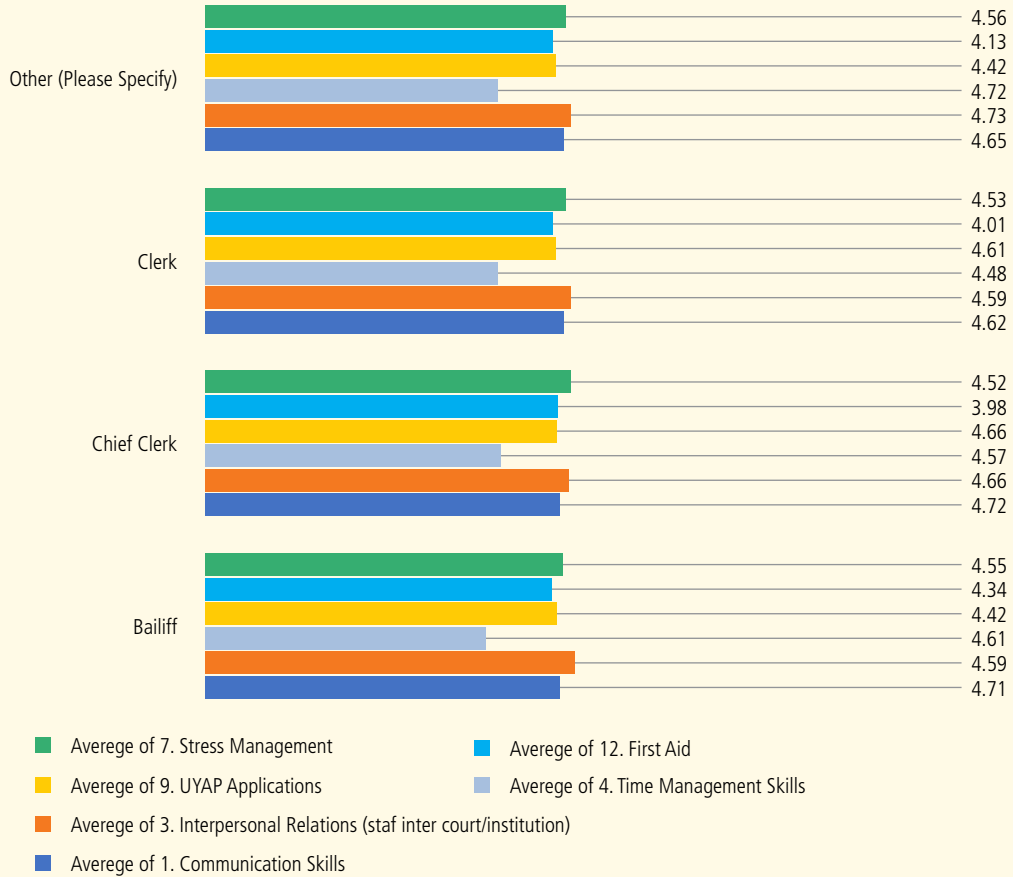
It seems that clerks were of the same opinion regarding the training topics they favour most. There has been even less difference in the score among the Survey 2 respondents. As the most important, the respondents identified “Communication Skills” with 4.66; followed by “*Interpersonal Relations (among staff inter court/institution)*” with a score of 4.61 and “*UYAP Application*” with a score of 4.60 in a scale of 5. As the least important on the other side was considered “*First Aid*” course with an average weight of 4.07 out of 5.



Slight differences have been noticed in the priority order among the different clerk categories. For instance, “*Interpersonal Skills*” were on the third place for the “*Bailiffs*”. The “*Communication Skills*” rank differed only among “*others*”, where this training topic was put on the third place. UYAP⁹ was on the second place among chief clerks and clerks and on the fourth place among “*bailiffs*”.



Figure 16. Prioritized core training topic (by target group)

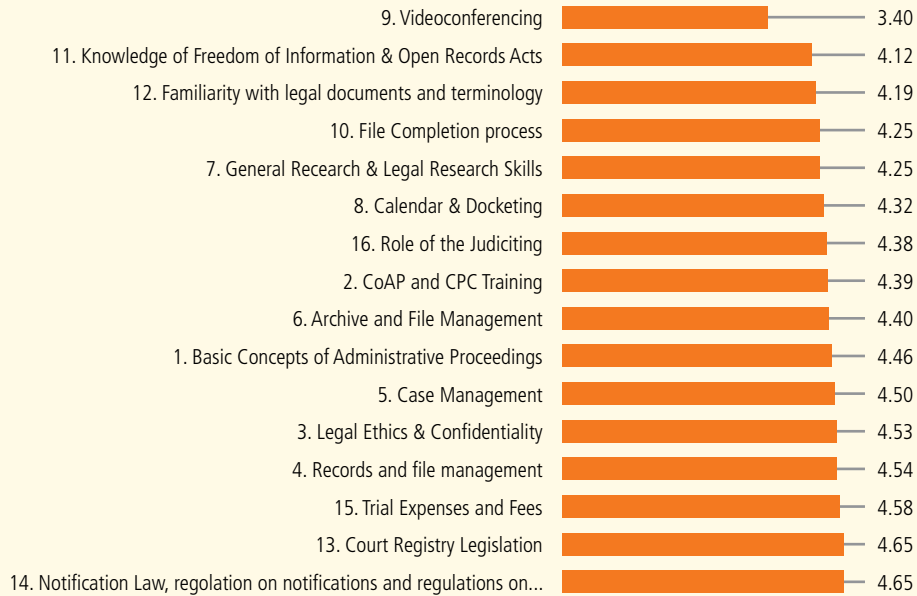


Survey 2

SOFT SKILLS - SURVEY 2

The most important training area for clerks was material law and most particularly “*Notification Law, the regulation on notifications and the regulation on e-notifications and its Applications*”, which they weighted 4.66 out of 5. Immediately after that was “*Court Registry Legislation*” with 4.65, followed by “*Trial Expenses and Fees*” with 4.58. The last on their priority list was “*Videoconferencing*” course with an average weight of 3.40 out of 5.

Figure 17. Prioritized soft training topic (total)

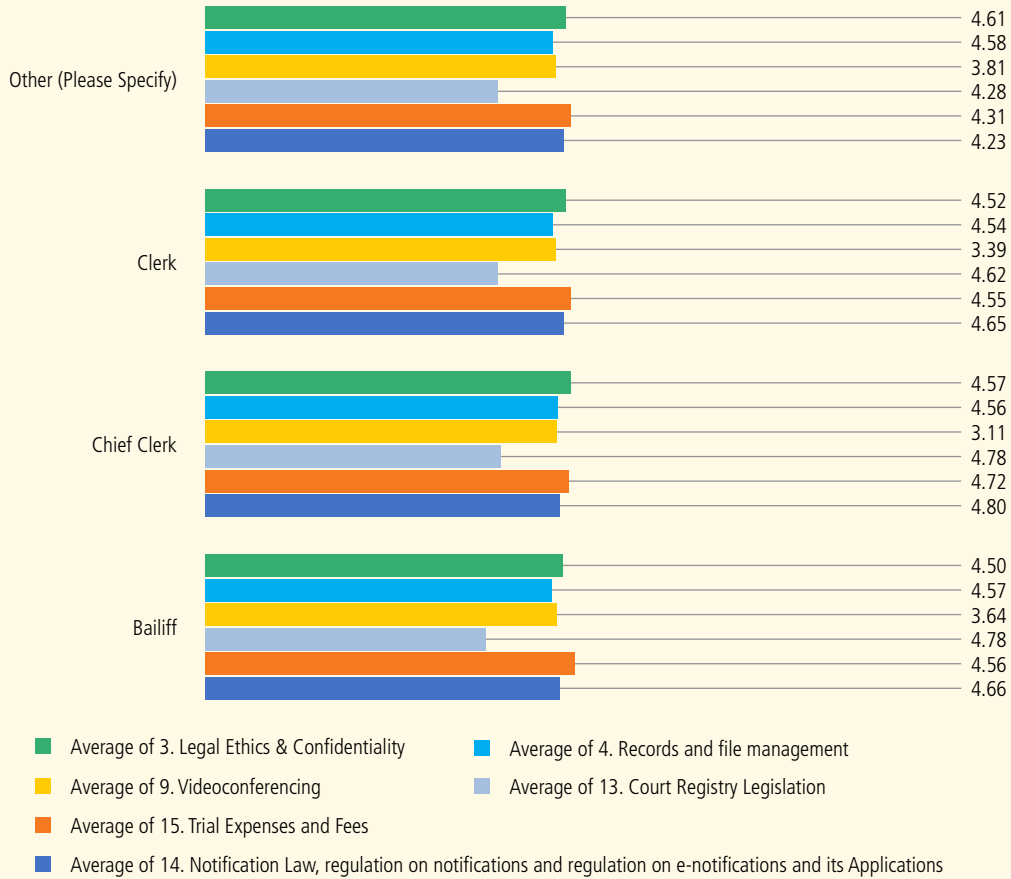


Survey 2

Difference from the total in the group grading was seen mostly among bailiffs. For the “Bailiffs” “Court Registry legislation” was the most important training topic. Also, for the “Bailiff” “Records and File Management” was on the third place. “Chief Clerks” and “Clerks” had the same priority order in terms of training topics.



Figure 18. Prioritized soft training topic (by target group)



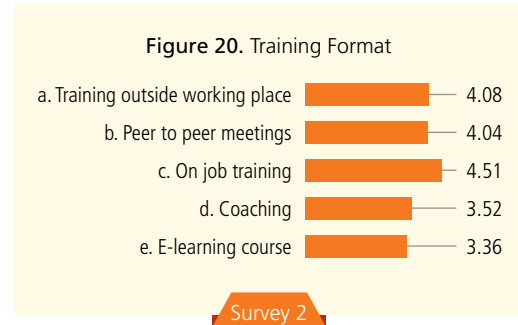
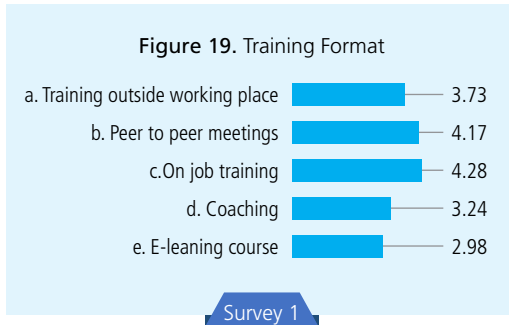
Survey 2

TRAINING METHODOLOGY

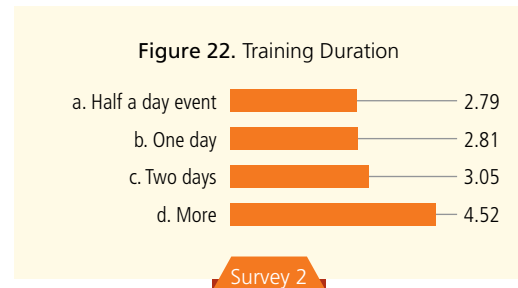
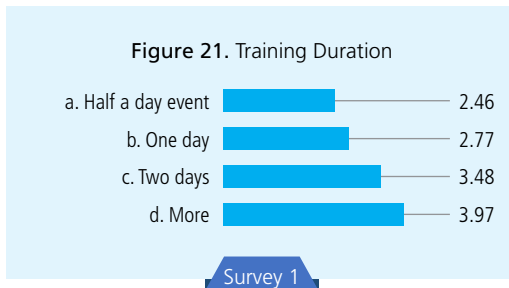
The fourth chapter of the Survey dealt with Training Methodology. Several questions were asked to assess the respondents' perception about the most adequate training methods, duration, form and trainer's profile.

As regards the training format, the most suitable to reach the best learning results in the eyes of the respondents of the Survey 1 was "on-the-job training", which they gave 4.30 in a scale of 5. Nearly the same weight carried "peer-to-peer meeting" as training format with 4.17. Least favourite was "e-learning" as a training format with 2.98.

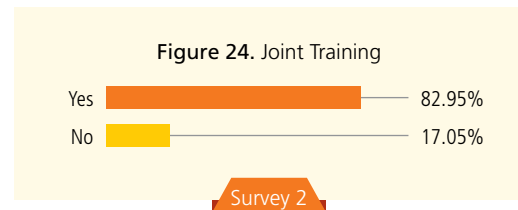
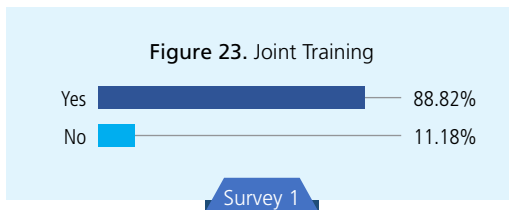
Almost the same priority order was seen among the clerks. Only they preferred “*training outside the working place*” more than “*peer-to-peer meeting*”.



As it comes to the duration of training events, respondents of both surveys were in favour of longer duration of training events, giving the highest score to the “*more than 2 days*” option; the respondents of Survey 2 with 4.52 score and the respondents of Survey 1 with 3.97 on a scale of 5.

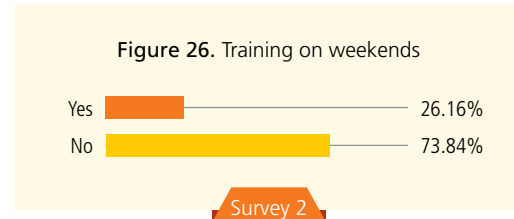
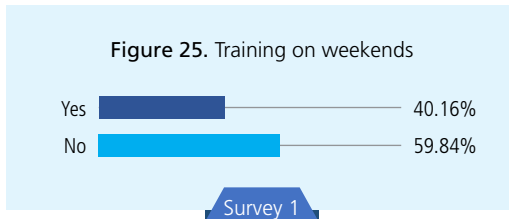


Surprisingly high interest for a joint training was shown among the respondents of the Survey 2. Usually judges are a very closed society and have difficulty accepting other members of the legal family for joint training. On the other side, clerks are mostly highly interested to be trained with judges, prosecutors and lawyers which is also the case here. Vast majority in both surveys as it could be seen in the tables below were very much in favour of joint training events.



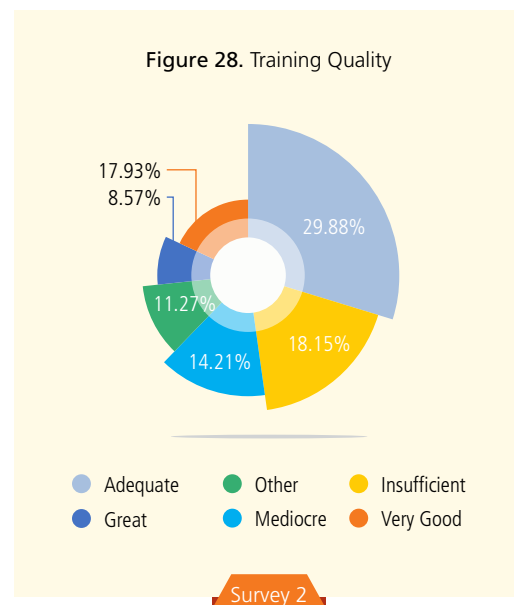
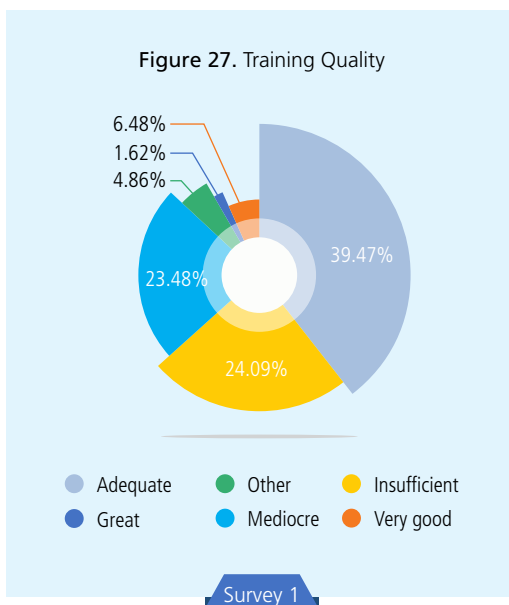


The respondents from the Survey 1 were less against to trainings organized during weekends compared to the respondents from the Survey 2. Almost 60% was against trainings organised during weekends in Survey 1 while almost 74% of the respondents were against trainings organized during weekends.

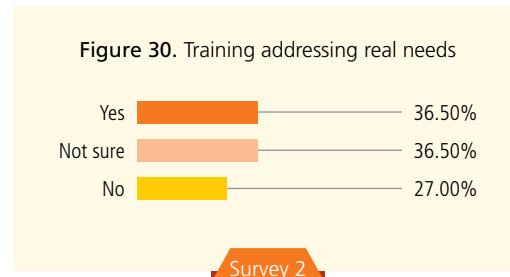
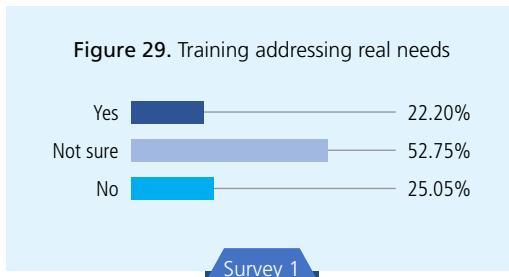


TRAINING QUALITY & IMPORTANCE

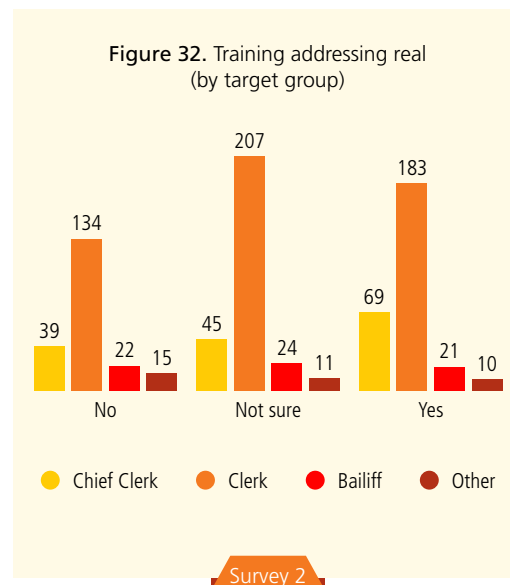
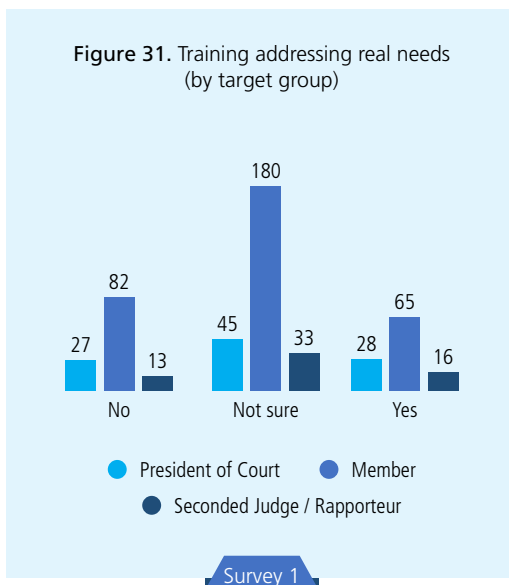
Overall training quality was assessed through several questions taking into consideration the frequency, relevance and quality. The biggest number of respondents consider that quality of training activities was adequate (39% and 30%). Only 8% of the respondents of the Survey 1 was of the opinion that the quality of training was very good, while much more (26%) respondents of the Survey 2 were of the same opinion.



Very divided opinions on the question “how the training addressed real training needs?” were received. In general, one could conclude they were not sure. Though the respondents in the Survey 2 were more inclined towards a training meeting their real training needs.

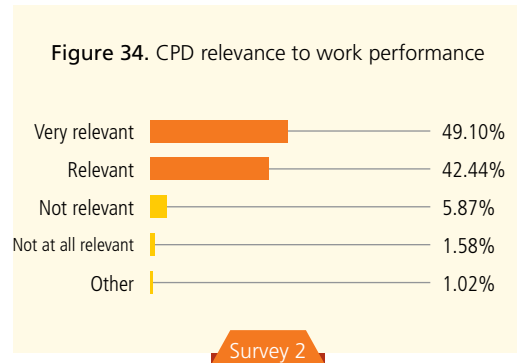
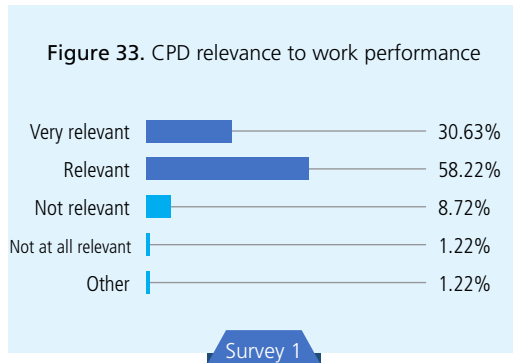


If one looks at the percentage of a different group, the same percentage has been present in each individual group as it was in the total.

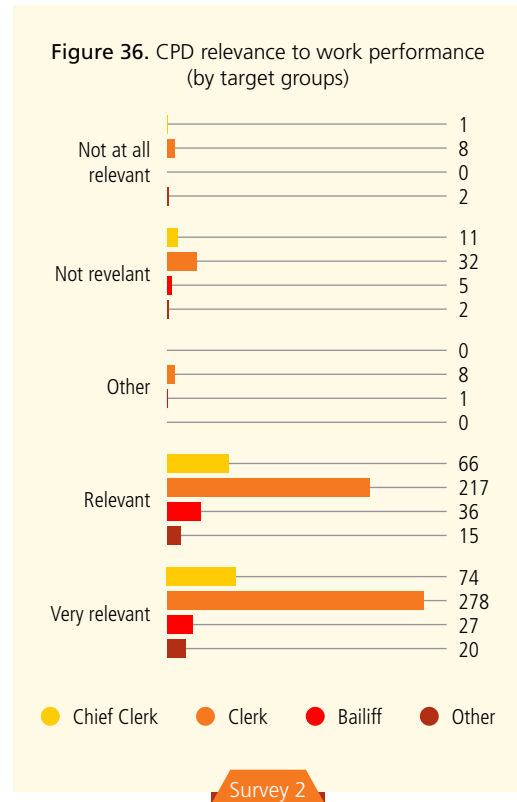
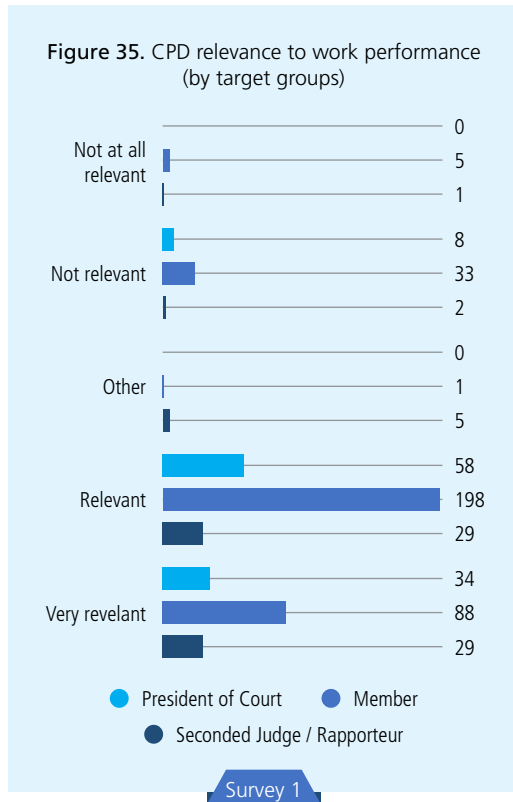




Almost all the respondents considered the CPD as relevant for their work performance, over 89% among the respondents from the Survey 1 and 91% among the respondents from the Survey 2. Only 10% from the respondents from the Survey 1 and 8% of the respondents from the Survey 2 thought that continuous professional development was not relevant for their work.



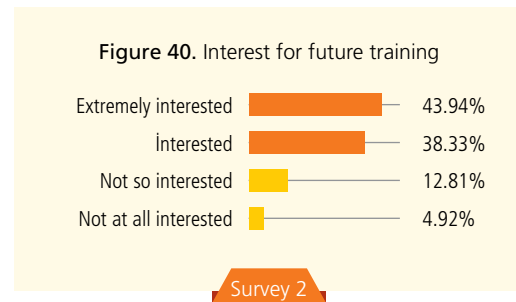
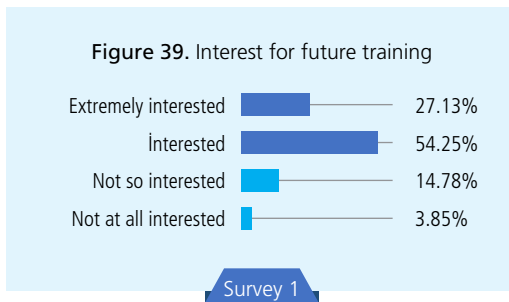
The same trend has been noticed when the data are presented by different target groups.



It seems that vast majority of the respondents in both surveys have recently participated in a training. However, as regards the comments on the open-ended question “What is the last training topic they attended to?”, many of the respondents noted that in the last three years they did not attend any training whatsoever, which is contradicting the statement given before.



High interest is noted by all target groups for participating to new training activities. Only a small percentage of the respondents were not at all interested (4% in Survey 1 and 5% in Survey 2).

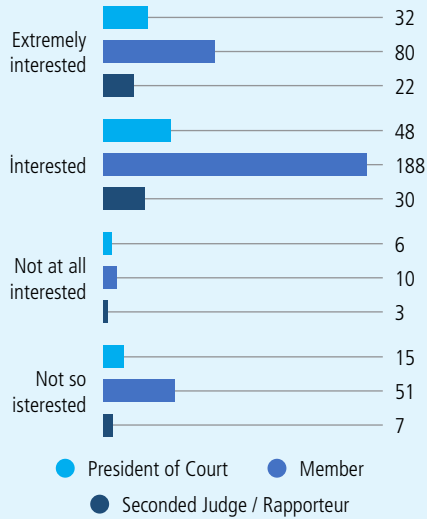


Looking at the target groups, it seems that no major differences between the target group and the overall perception exist as it is shown in the tables below, presenting data by groups and by working experience.

Slightly over 50% of the clerks in the survey thought that mandatory training hours should be imposed. However, that was not the case among judges. The biggest percentage (38%)

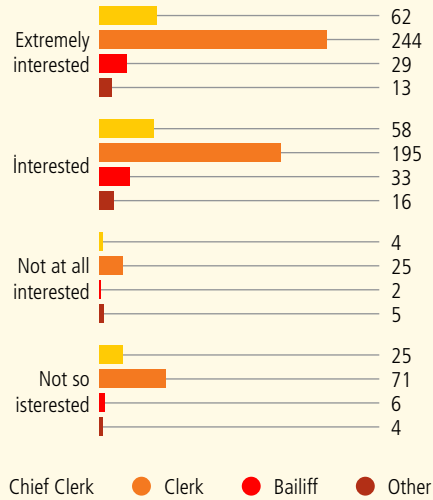


Figure 41. Interest for future training (by target group)



Survey 1

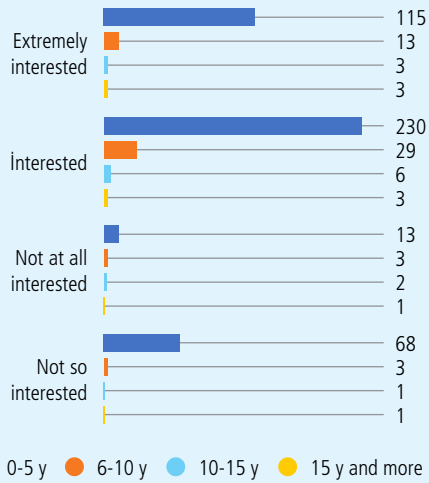
Figure 42. Interest for future training (by target group)



Survey 2

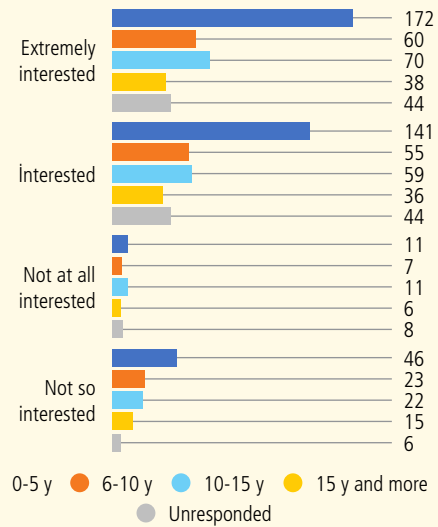
of respondents of the Survey 1 were not in favour of compulsory training. In both surveys also very significant percentage of respondents was undecided.

Figure 43. Interest for future training (by experience)

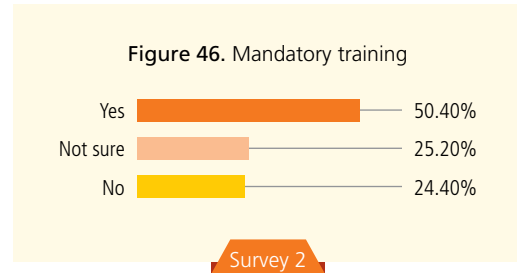
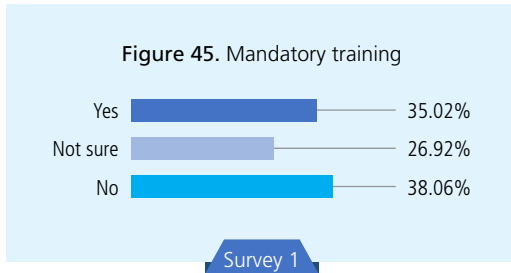


Survey 1

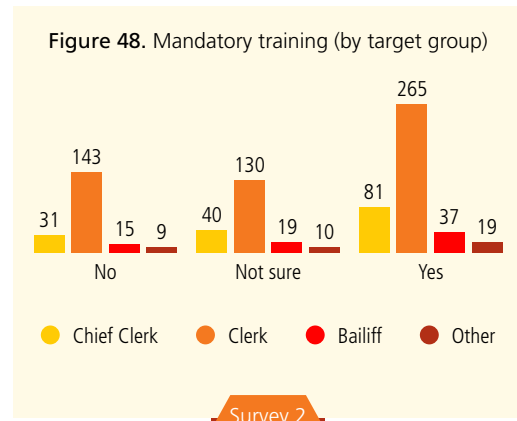
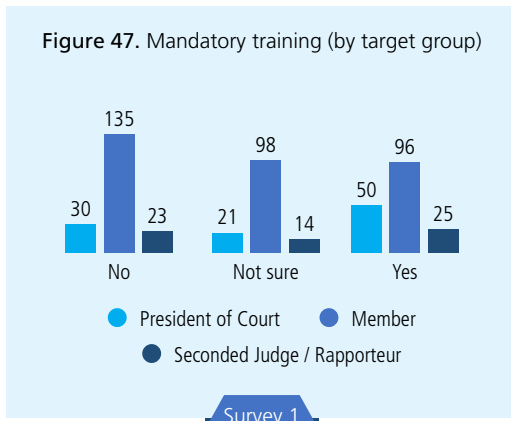
Figure 44. Interest for future training (by experience)



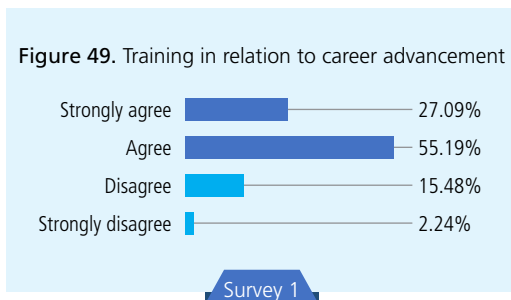
Survey 2



Looking at a particular subgroup, it could be noted that the Court Presidents were more in favour of mandatory trainings than members and seconded/rapporteur judges.



According to the respondents' reply, training participation should be considered in the career advancement with 82% in Survey 1 and 93% in Survey 2.



Conclusions & Recommendations

Conclusions and subsequent recommendations herein have been provided following the chapters' sequence in the survey analysis. The scope of the recommendations is limited to the TNA findings. Having that in mind, the recommendations can be clustered under two main chapters: Training Areas and Training Quality.

TRAINING AREAS

The training topics that were identified by the target groups in the survey, were put in relation to the priorities identified in the reform process, the court efficiency indicators and the findings in the international reports. It could be concluded that these training priorities very much collate with the focus group training priorities and expert's appraisal.

As a result, priority areas for the training of judges and clerks within administrative justice have been proposed. In some courses a joint training with lawyers has been suggested. The selected areas are presented in detail in the "Training Courses" chapter.

1 Recommendations - training areas

- 1.1 Enhancing knowledge, skills and attitudes in the area of legal reasoning and judgement drafting; ECtHR rulings in the case law of administrative justice; and fair trial and reasonable time, should be considered as a priority for training judges;
- 1.2 Increasing knowledge, skills and attitudes of the court staff in the case&time management; to improve the efficiency of the court's operation;
- 1.3 Besides the list of training proposed in this report, other training areas that should be considered by the MoJ and TJA are Legislation update, Communication Skills; Judicial Ethics; Timeframe Management; Judicial Statistics and Analysis;

- 1.4 Gender issues should be mainstreamed in training topics wherever relevant; and
- 1.5 Team building activities on the court level are strongly recommended. Team building activities to be organized on an individual court level should increase public trust and improve court efficiency.

QUALITY OF CURRENT TRAININGS

The quality of the current trainings was assessed through several questions in the survey in terms of frequency, relevance and quality. The satisfaction with the training quality could be assessed as average, the same applies for the training relevance, though one may wonder if this is the situation in reality since the highest percentage of the respondents are with only 0-5 years of working experience. In any case, the training quality needs further improvement.

Efforts to improve training quality should, among others, include measures to improve training methodology, TNA process, the format and nature of training. To secure a unified training methodology, all trainers should be trained in adult training methodology. Furthermore, each training module should be designed in a way that combines practical and theoretical aspects in the training in a ratio 70:30 in favour of the practice. Before launching a new module/course, the same should be piloted first. The possibility of offering one course in several different formats (face-to-face; e-learning or b-learning), where participants can choose the format according to their preferred learning style, might have better impact and reach wider audience.

The process of identifying training needs requires improvement and institutionalization. The process should also include identifying learning objectives for each training module as a part of the ADDIE training cycle model (Analysis, Design, Development, Implementation and Evaluation). This model will secure processes run smoothly and improve quality of training programmes. Institutional strengthening of the training department within the MoJ should also be seen as a priority to secure sustainability of all training outcomes.

Vast majority of the respondents (82% in Survey 1 and 93% in Survey 2) agree that participation to training should be considered for career advancement. How much this measure will contribute to enhance skills of judges and clerks and consequently the efficiency of the judiciary might be doubtful. It should not remain merely a formality. Furthermore, to make this measure implementable, intervention in legislation is necessary.

Slight majority of the clerks think that mandatory training hours should be imposed. However, that is not the case among the judges. The biggest percentile of the judges (38%) is not in favour of compulsory training. At this stage of development of a training programme,



compulsory training should be introduced, by fixing the minimum and maximum compulsory hours in the legislation. Credits for attending relevant courses could be collected on an annual or bi-annual basis and kept in database in the judge/clerks' individual training dossier. The compulsory hours should be introduced in line with the CCJE opinion n°4 on training for judges and CCJE Opinion n°22 on the role of the judicial assistants.

Special attention should be paid to the last phase of the training cycle - Evaluation. A proper monitoring & evaluation scheme based on Kirkpatrick's Model of training evaluation should be introduced to provide quality assurance of all training programmes.

2 Recommendations - training quality

- 2.1 Special attention should be given to the training methodology. All trainers should go through ToT in adult training methodology.
- 2.2 For each training module, learning objectives/outcomes should be identified, a module outline should be developed, as well as the training materials and manuals. A guideline or a toolkit should be developed for all training modules. Within a training module, the ratio of practice versus theory should not be less than 70/30.
- 2.3 Each course, before being launched, should be piloted first.
- 2.4 E-learning courses should be offered as much as possible. Special attention should be paid to the needs assessment and design process of the e-learning modules.
- 2.5 Where appropriate, the same course/module should be offered in different learning formats (face-to-face; e-learning or b-learning), so that participants can choose the format according to their preferred learning style.
- 2.6 The process of identifying training needs should be improved. Comprehensive TNA should be conducted including judges and auxiliary court staff directly in the process. The TNA should be conducted on an annual basis to meet the real needs of judges and clerks. The process should include qualitative and quantitative methods.
- 2.7 Training should be made compulsory for both key target groups; judges and court staff, in line with the recommendation made in CCJE opinions n°4 and n°22.¹⁰
- 2.8 If frequency and relevance of training are to be considered in performance evaluation and in career advancement, this issue should be approached with caution, it should be analysed carefully and regulated properly.
- 2.9 Joint trainings with judges, lawyers, courts clerks and other members of the legal profession should be whenever relevant, especially if a multidisciplinary approach is required.

¹⁰ <https://rm.coe.int/1680747d37>, <https://rm.coe.int/opinion-22-ccje-en/168098eeeb>

Prioritized Training Needs

Results From the Focus Group Sessions 2

During the second meeting in Ankara (26-27 February 2020) extended group of participants discussed further the training needs priorities, this time based on the data from the survey and previous focus group work.

From the volume of ideas, the participants grouped and prioritized the most relevant ones. The training topics were clustered through a group work, while the prioritization was made by voting on an individual basis. The result of the work is presented in the tables below.

It was decided not to make a distinction between the judges members, seconded /rappor-teur judges, and court presidents, since more or less they all have the same responsibilities except 7 RAC presidents who are not adjudicating cases.

The same approach was adopted for the clerks in the court administration, the categories made earlier for the survey analysis were now clustered under one and that was clerks' training needs. However, wherever possible sub-groups will be identified for a particular training course/module.

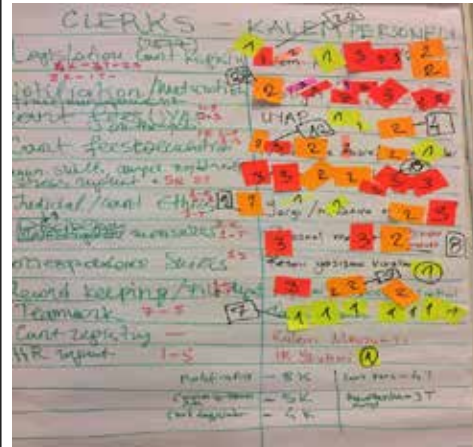
It should be noted that the final wording of the training topic title was created by the CoE Consultants and project managers. And only final 5 are presented below.

Priority training topics for judges

- 1 Reasoning and Drafting Judgement
- 2 Communication and Negotiation
- 3 Fair Trial - Reasonable Time
- 4 ECtHR and Constitutional Court case law - Property Rights
- 5 Tax and Administrative cases - Analysis of Experts
Tax Reports, Zoning, Military issues

Priority training topics for clerks

- Time Management, Notification & Maturation
- Court Registry Legislation
- Court Fees Calculation
- File Management and Record Keeping
- Discipline



Training Courses

The following chapter presents the identified training courses for the project's training interventions, their objectives, format, and training methodology for the main target groups in the administrative justice area in Turkey. These selected topics are part of the accompanied Project Training Action Plan.

The training topics were selected on the basis of a thorough review of strategic papers, relevant legislation, reports, DoA, ECtHR and TCC case law, survey findings, and the feedback from the focus group session conducted during this comprehensive training needs assessment process.

For determining the level of the present baseline capabilities, Knowledge, Attitude, and Skills (KAS) was assessed during TNA, too. KAS are categories of the Bloom's taxonomy which promote higher forms of thinking in education, such as analysing and evaluating concepts, processes, procedures and principles, rather than just remembering facts (rote learning). It is most often used when designing educational, training and learning processes. They are conveyed in a form of learning objectives as clearly as possible in order to serve as a basis for the development of future training courses and materials.

According to the project DoA, all administrative judges, lawyers and staff will be offered the opportunity of attending some of the training.

This tailored training curriculum should address approximately a total of 1020 (800 from the A.2.4; plus 80 from the A.2.3; plus 80 from the A.2.5 and 60 as envisaged under A.4.1 of the DoA) judges, prosecutors, staff and lawyers working in the area of administrative justice, implemented through 39 training actions (workshops) including ToT and pilot training actions and the trainings envisaged under.



To meet this goal, two alternatives for the project training curriculum are proposed; the first one is more extensive providing in-depth training in terms of identified training topics and the second one is more compact and intense to address recent developments due to the COVID-19.

The proposed training methodology as well as the two courses (Legal Reasoning and Legal Drafting and Case & Time Management) part of the two alternatives are the same, only the Project Training Plan is adapted to meet differences of the two alternatives proposed.

In addition, online training courses available at the CoE HELP platform are proposed to be part of the curriculum in the first approach as modules in one of the proposed courses and in the second alternative as a separate stand-alone course.

Moreover, during training implementation participants should also be encouraged to enrol to other existing CoE HELP online courses such as “Access to Justice for Women”

ALTERNATIVE 1

The project training curriculum includes three training courses and several online courses available through CoE HELP Programme which are included as separate modules in the courses for judges. One course is identified for court staff and that is the same in both alternatives.

This tables below give an overview of the maximum number of days, participants and training actions for alternative 1.

The first table presents data by the number of participants, duration of training and the number of training actions. In the second table, the same data are presented by each training course.

	ToT Specialized Courses	Peer to Peer	Training Courses	Total
Duration	2,5 days	2 days	2 days	84 training days
No of Participants per event	20	25	25	20&25 participants per event
No. of Training Actions	4	4	33	41 training actions
Total No. of participants	80	100	825	1005 participants

	Duration	No of Participants per event	No. of Training Actions	Total
Specialized ToTs	2,5 days	20	4	80 participants
LRLD Course	2 days	25	12	300 participants
ECtHR and TCC Course	2 days	25	8	200 participants
FTRT Course	2 days	25	8	200 participants
CTM Course	2 days	25	9	225 participants
Total			41	1.005 participants



Target Group:

Judges, Seconded Judges/Rapporteurs, Court Presidents and Members

The three training topics identified very much collate with the priorities given by judges themselves. They are presented below in order of importance. Wherever possible, specific target group was noted.

1 Legal Reasoning and Legal Drafting (LRLD)

Legal drafting is an essential skill for judges. This typically pre-vocational training topic is considered as the most important topic due to the fact that a significant percentage of practicing judges, who have limited work experience (0-5 years), attended the reduced pre-vocational training programme.

Another reason is the quality of the reasoning part of the decision, which is a ground for appeals, and often considered as a violation of Article 6 under the ECHR.

Therefore, this training topic is recommended to address young judges and some senior clerks which are involved in the judicial decision-making process as elaborated in CCJE Opinion n°22. The training should be implemented in two days to a group of 20-25 participants.



Learning Objectives

By the end of the training the participants will:

- have enhanced legal writing/drafting skills;



- be able to identify facts and apply law to the facts of the case;
- know how to explain the findings and elaborate the reasoning; and
- gain increased skills in drafting judgements/decisions.

To address this, the training programme should, among others, address topics such as:

- Clear writing, taking into account the facts of the case;
- Structure of judgements, standardised templates (advantages and disadvantages) and legal terminology;
- Assessment of evidence;
- Application of the law to the facts;
- Methods of interpreting the law;
- Reflecting fundamental rights in reasoning;
- Arguments categories;
- Citations and research;
- Standard format of judgements/decisions.

It is widely accepted that active learning and applying knowledge ('learning by doing') is more effective than ex-cathedra teaching. Drafting judgements is a practical skill; the same way as riding a bike which cannot be learnt from books, hence legal writing has to be practised. The training should therefore be focused on practical exercises.

The success of the training will hinge on the quality of the exercises offered and the quality of the feedback the participants obtain. Expecting every trainer involved in teaching the legal writing to develop his own exercises is neither realistic nor likely to yield consistent results. Therefore, it will be one of the most important tasks to produce training material that can be used by all trainers for several years. Therefore, it is recommendable to develop one manual/exercise book to be used by participants/trainees and one book containing solutions, suggestions for rewrites et cetera for the trainers. The training will be piloted first and after fine-tuning will be delivered through cascade to reach wider audience.

Extracts from judgements should be chosen and the participants should discuss whether they are clear and how they could be improved. Participants should be asked to rewrite the extracts, present their results in class, where they could be critiqued by other participants.

Positive examples should be developed as part of the teaching material. That means that some of the extracts from judgements should be rewritten as an example of good practice. This could serve as a yardstick against which the rewrites produced by the participants could be measured; it could also be handed out to participants as good examples.

Regarding training format, face-to-face training is proposed. At a later stage, some modules that include lecture type presentation could be transformed into e-learning format.

Local (National) trainers to be engaged in the training on legal writing should be carefully selected. There is a risk that the training will extend or exacerbate shortcomings which currently characterise legal writing in Turkey. For this reason, it seems advisable not to pay too much attention to the length of experience of potential trainers in the selection process. It should be considered a significant asset if trainer has undergone part of his legal training abroad or had significant exposure to legal writing in other countries in a different form. Trainers from the 7 RAC regions should have priorities in the selection process, in order to maintain the sustainability of the trainings provided in their regions.

ToT trainer's profile



International consultant with at least 10 years of work in the judiciary. He/she should be a trainer in legal reasoning and judgement drafting skills and familiar with adult training methodology. Experience as a practicing judge should be considered as a significant asset. Ideally the ToT trainer should be involved in the design of this training course. The international consultant together with one local consultant (ideally from the two involved in the design of the training course) should jointly implement the ToT.

The use of templates to standardize decisions in the administrative judiciary and improve the quality of reasoning part, were mentioned on several occasions during the focus group sessions. Such standardization processes can be important for the use of the ECtHR's decisions and jurisprudence in the national judicial system.

Selected trainers should undergo a training of trainers during which they could familiarise with the teaching material, discuss exercises and the way to go about the training. A specialized ToT will be provided to 20 potential trainers.

In total maximum 320 participants could be trained through this course in 13 two-day training actions. The first training event will be a ToT but also serve as a pilot training and



will be delivered in 2,5 days to potential trainers.¹¹ The other 12 events will be replicated through cascade training actions. The number of participants by training event should be in a range of 20-25, which might evidently lead to slightly bigger total number of participants overall.

	ToT LRLD Course	LRLD Course	Total	
Duration	2,5 days	2 days	Total duration	4,5 days
No of Participants	20	25	No. of trainers trained	20
			No. of Judges trained	300
No. of Training Actions	1	12	Total No. of training actions	13
Total No. of trainees	20	300	Total No. of trainees	320

2 ECtHR and Constitutional Court Rulings in the Case Law of Administrative Justice (ECtHR and TCC)

Just as important as knowing the standards developed by the European Court of Human Rights, understanding the process and the interpretative mechanisms used for establishing them is crucial to their correct implementation at national level, especially since national courts have an important role in the interpretation of the Convention through the cases that are brought before them, in light of the principle of subsidiarity.

Stemming from the Convention character as a living instrument, following recent developments is of crucial importance to keep up with the evolving nature of the ECtHR case law.

Therefore, this training topic is recommended to address, in a face-to-face training format, judges and president of courts which are involved in legal research. Lawyers could be a part of this training, too. The training should be implemented in two days to a group of 25-30 participants. Peer-to peer meetings are recommended for senior judges in higher court instances.

This training will provide participants with a detailed insight into the recent case law of the ECtHR and the TCC with a focus on the most important recent judgements in the area of administrative justice. The training will provide the participants with the necessary tools

¹¹ See also Training Methodology - ToT chapter

to identify and address human rights violations and apply the legal provisions correctly in domestic proceedings.

The course modules should be fine-tuned by trainers to address different levels of knowledge of the specific target group. Senior judges could be addressed separately in a peer-to-peer, or round table training format while young judges could also benefit from an introductory module such as “Applicability of the European Convention on Human Rights in domestic law”.

The first module of this course could also be replaced by the e-learning module developed through the HELP Programme “Introduction to the ECHR” and “Asylum and ECHR” which is already available in Turkish language. Also HELP e-learning course on “Property Rights” could be incorporated as one of the modules within this training course.



Learning Objectives

By the end of the training, the participants should:

- be able to recognise the relevance of direct implementation of human rights standards at a national level and to link national case law with the possible implementation of the ECHR;
- be familiarized with the most common violations before the ECtHR and the Constitutional Court in administrative justice;
- be able to identify facts and apply legal qualification to the facts of a case in light of ECtHR and Constitutional Court decisions;
- gain skills as to how to explain findings and elaborate reasoning of judgments in the light of the case law of the ECtHR; and
- improve skills in drafting judgements/decisions to prevent principles and fundamental rights violations and assumption of innocence; and
- have increased awareness on gender issues in administrative justice.

The training course should, among others, cover topics such as:

- Introduction to the ECHR and the scope of its applicability in the domestic law;
- Introduction to the ECHR and the scope of its applicability in the domestic law;
- Importance of gender awareness on access to justice;



- The most common violations brought before the ECtHR in regard to Right to Property under Article 1 of Protocol No. 1, Right to a Fair Trial under Article 6, Freedom of Expression, Right of Access to Information under Article 10, Right to Data Protection under Article 8 of the European Convention on Human Rights and etc.;
- Criteria applied by the ECtHR in dispute resolution (legitimate aim, legitimacy, proportionality and necessity in democratic society) in the trial phase of the domestic law;
- Reasoning of judgments in light of the jurisprudence of the ECtHR;
- Gender stereotypes and gender mainstreaming in court proceedings;
- Identification of the facts and legal qualification of cases in light of ECtHR and Constitutional Court decisions; and
- Drafting decisions, writing techniques and terminology to prevent principles and fundamental rights violations.

A study visit including observing hearing in the ECtHR, as well as temporary appointment to the Constitutional Court, could also be part of this training.

Each and every Member State of the Convention has its own tradition in respect of the administration of justice. Drafting court judgments is part of that tradition and therefore subject to certain practices, modes and patterns that cannot easily be altered and should not be changed just for the sake of adopting something different, which may or may not be better than the existing standards in a state. A special attention in the training should be aimed at highlighting certain elements of judicial technique, which can be distilled from the ECtHR's and the TCC's case law as useful topics for comparing national practices and discussions within the framework of the dialogue of jurisdictions. Comparison of the national and international standards and modes of proceedings with the laborious task of drafting judgments may turn out to be the way to improve some of the techniques or patterns arising thereof. Discussing the quality of judgements/decisions, their structure and elements should not be a separate module but enhancing skills for drafting judgement/decision should be streamlined through case study work throughout the training session. This should also be considered in line with the training modules prepared within the special course on "Legal reasoning and judgement drafting".

Local trainers to be engaged in this training could be former judges of the ECtHR, Government agents, Constitutional Court rapporteurs, experienced judges and academics with at least 10 years of relevant experience. For this training course experience of potential

trainers matters; it should be considered a significant asset if trainer has been involved in analysing the ECtHR case law especially with regard to cases brought before the ECtHR against Turkey. Trainers from 7 RAC regions and competent judges from the Constitutional Court, the Council of State, the Directorate of Human Rights and the CJP should have priorities in the selection process.

ToT trainer’s profile:



International consultant with at least 10 years of experience in the judiciary. He/she should be a trainer in ECtHR jurisprudence and familiar with adult training methodology. Experience as a practicing judge should be considered as a significant asset. Ideal candidate for a ToT trainer will include working experience in the ECtHR. Ideally the ToT trainer should be involved in the design of this training course. The international consultant together with one local consultant (ideally from the two involved in the design of the training course) should jointly implement the ToT.

Selected trainers should undergo a training of trainers during which they could familiarise with the teaching material, discuss exercises and the way to go about the training. A specialized ToT will be provided to 20 potential trainers.

Regarding the training format, a blended learning is proposed as the most adequate training format to meet the expected learning outcomes. For some of the modules in the course, as mentioned earlier, the available e-learning courses of the CoE HELP Programme could be used. For those modules that deal with skills enhancement face-to-face will be the most appropriate training format based on learning by doing approach, face-to-face will be the most appropriate training format. This training should be implemented in a two consecutive days training event.

Roughly 220 participants could be trained through this course in 9 two-day training actions. The first training event will be a ToT but will also serve as a pilot training and will be delivered in 2,5 days to potential trainers.¹² The other 8 will be replicated through cascade training sessions. The number of participants by training event should be in a range of 20-25, to benefit the best from the interactive approach. At least four of the training actions should be provided in a peer-to-peer format and addressing only senior judges in line with the DoA activity A.2.5. Few joint trainings with lawyers are also recommended to be implemented.

12 See also Training Methodology - ToT chapter



	ToT ECtHR and TCC Course	ECtHR and TCC Course	Total	
Duration	2,5 days	2 days	Total duration	4,5 days
No of Participants	20	25	No. of trainers trained	20
			No. of Judges trained	200
No. of Training Actions	1	8	Total No. of training actions	9
Total No. of trainees	20	200	Total No. of trainees	220

3 Fair Trial - Reasonable Time (FTRT)

Every year hundreds of applicants complain before the European Court of Human Rights asserting that judicial proceedings before their domestic courts have taken too much time; they are too lengthy and thereby violate Article 6 of the ECHR. This single issue still accounts for more judgments of the Court than any other and that is also the case in Turkey. It is clear why speedy judicial proceedings are deemed essential from a human rights perspective. “Justice delayed is justice denied” is a maxim that is often used in this regard. If society considers that judicial settlement of disputes functions too slow, it will lose its confidence in the judicial institutions. Even more importantly, slow administration of justice will undermine the confidence society has in the peaceful settlement of disputes. For example, in administrative law, one may refer to the undesirability of prolonged uncertainty for (failed) asylum seekers.

This training course should be provided to presidents of courts, judges and some clerks from the registry. Lawyers could also be invited in few of the training actions.

The training should be implemented in two days to a group of 20-25 participants. Peer-to-peer meetings as a training format are recommended for senior judges in higher court instances.

The course modules should be fine-tuned by trainers to address different level of knowledge of the specific target group. Senior judges could be addressed separately in a peer-to-peer, or round table training format while young judges could also benefit from an introductory module such as “Applicability of the European Convention on Human Rights in domestic law”. The first module of this course could also be replaced by the e-learning module developed through the HELP Programme “Introduction to the ECHR” and “Asylum and ECHR”

which is already available in Turkish language. Also HELP e-learning course on “Property Rights” could be incorporated as one of the modules within this training course.



Learning Objectives

By the end of the training, the participants should:

- understand legal provisions regarding the right to a fair trial and its sub-element, the reasonable time;
- learn types of cases to which reasonable time requirement applies;
- be familiarized with the most common violations of Article 6 before the ECtHR and the case law of the ECtHR and the Constitutional Court;
- be able to identify facts and legal qualification of cases in light of the ECtHR and the Constitutional Court decisions;
- have increased awareness on gender issues in administrative justice; and
- improve skills in elaborating reasoning and drafting judgments in the light of the case law of the ECtHR.

The training course should, among others, cover topics such as:

- The ECHR in the domestic legal framework;
- The importance of gender awareness on access to justice;
- The scope of reasonable time requirement (*Subsidiarity and the margin of appreciation; Principle of effectiveness; Positive obligations; Autonomous concepts*)
- Types of proceedings to which reasonable time requirement applies;
- Equality of arms principle;
- The meaning of independent and impartial tribunal,
- Ex-officio investigation/action principle applied by the ECtHR under the right to a fair trial of ECHR
- Calculating the duration of proceedings;
- Timeliness and timeframe targets;
- Start and end of proceedings;
- Criteria for reasonableness of the length of the proceedings: the complexity of the

case; the behaviour of the applicant; the behaviour of the national authorities; and reasons for special diligence;

- Legal aid;
- Effects and remedies of unduly lengthy proceedings;
- Problematic aspects of Law No. 6284 (e.g. compensation cases),
- Execution of ECtHR judgments.

Local trainers to be engaged in this training course could be experienced judges, rapporteurs, and academics with at least 10 years of relevant experience. It should be considered a significant asset if a potential trainer has been involved in analysing the ECtHR case law especially in the area of administrative justice.

ToT trainer's profile:



International consultant with at least 10 years of work in the judiciary. He/she should be a trainer in the topics related to Fair Trial or ECHR Article 6 and familiar with adult training methodology. Experience as a practicing judge should be considered as a significant asset. Ideal profile will include working experience in the ECtHR. Ideally the ToT trainer should be involved in the design of this training course. The international consultant together with one local consultant (ideally from the two involved in the design of the training course) should jointly implement the ToT.

Regarding training format, face-to-face training is proposed. Having in mind the immense available literature on the subject matter, pre-training preparation using electronic tools such as handbooks and guidebooks already developed and translated as well as videos of recorded hearings could accompany the course. This material should be part of the trainees set.

Around 220 participants could be trained through this course in 9 two-day training actions. The first training event will be a ToT but will also serve as a pilot training and will be delivered in 2,5 days to potential trainers.¹³ The other 8 will be replicated through cascade training sessions. The number of participants by training event should be in a range of 20-25, to benefit from the interactive approach. At least two of the training actions should be provided in a peer-to-peer format, addressing only senior judges.

¹³ See also Training Methodology - ToT chapter

	ToT FTRT Course	FTRT Course	Total	
Duration	2,5 days	2 days	Total duration	4,5 days
No of Participants	20	25	No. of trainers trained	20
			No. of Judges trained	200
No. of Training Actions	1	8	Total No. of training actions	9
Total No. of trainees	20	200	Total No. of trainees	220



Target Group :

Chief Clerks, Clerks, Bailiffs

One training topics was identified as the most relevant to meet the objective of the project which at the same time has primacy in the eyes of the clerks, too.

4 Case & Time Management (CTM)

Effective case management makes justice possible not only in individual cases but also across judicial systems and courts, both at trial and appellate. The quality of justice is enhanced when judicial administration is organized around the requirements of effective case management.

A court must supervise the progress of a case from the time a person or organization files a case until its final disposition to judgment, settlement, dismissal or withdrawal. A final disposition means that a case requires no further action from the court. Court case management allows the court to begin monitoring a case as soon as the necessary documents are filed with the court. In the key stages of the judicial process, court clerks are usually not visible and are only present in the background. The judge is the key figure, positioned at the centre of the judicial process. However, on the other side, behind the scenes, court staff play a vital role in all the stages of the judicial process. Efficient case management system is a precondition for avoiding delays in delivering justice. Use of efficient systems in judicial administration and in case management contributes to strengthening the judicial system and an increase of public trust to justice.



The purpose of this training module is to provide essential information about court case management, to introduce crucial issues that impact the effective movement of cases in the court and enhance analytical skills of clerks in order to provide more efficient case management.

Therefore, this training topic is recommended to address court clerks in the front office, registry and dealing with judicial statistics. The training should be implemented in 2,5 days to a group of 20-25 participants.

The course is compiled from a three independent but intercorrelated training topics: case management; time management and judicial analytics (judicial statistics).



Learning Objectives

By the end of the training the participants will:

- Be able to understand concept and importance of case management;
- Learn the case flow and file management processes;
- Gain skills how to collect and analyse statistical data;
- Embrace elements of efficient time management;
- Increase awareness of gender sensitive communication; and
- Apply a good management in their working practice.

The training course should among other cover topics such as:

- What is case flow management? The aim and importance of the case flow management.
- Crucial issues that impact the effective movement of cases from filing to closure
- Procedural and practical aspects of case flow;
- Basic case management standards/elements;
- Significance of gender awareness on access to justice;
- Data processing and reporting, respecting timelines, monitoring and ensuring uniformity in administrative practices;
- ECHR and its relation to case management (based on administrative case)
- Principles of case flow management (judicial commitment; court control of cases; goals, standards and monitoring for performance; planning; adapting to change; consultation,

education and training of users and day-to-day communication between users)

- Symptoms of poor time management (Poor planning; Crisis management; Interruptions; Not delegating; Unnecessary meetings; Disorganization; Poor physical setup; Poor networking; Bad attitude; Negative people)
- Elements of effective time management (Organization, Prioritization, Streamlining)
- Timeliness and target time;
- Application of court's technology and the court's research, data;
- Guidelines on judicial statistics (GOJUST);
- Collecting, understanding analysing statistical data;
- Drafting Analytical Reports.

Local Trainers to be engaged in this training course could be president of courts, academics, experts and experienced clerks with at least 10 years of relevant experience. It should be considered a significant asset if a potential trainer has been involved in the administrative justice area.

ToT trainer's profile:



International consultant with at least 10 years of work in the judiciary. He/she should be a trainer in the topics related to case and time management, judicial statistics, aware of the CoE CEPEJ standards under Article 6 of the ECHR and familiar with adult training methodology. Experience of working in the administrative court or Ministry should be considered as a significant asset. Ideally the ToT trainer should be involved in the design of this training course. The international consultant together with one local consultant (*ideally from the two involved in the design of the training course*) should jointly implement the ToT. The profile for the national consultants is explained in the paragraph above.

Approximately 245 participants should be trained through this course in 10 training actions. The first training event will also serve as pilot training and will be delivered to potential trainers in a ToT format. The other 9 will be replicated through cascade training sessions. The number of participants by training event should be in a range of 20-25. This should incorporate the training envisaged in the DoA activity A.4.1.



	ToT CTM Course	CTM Course	Total	
Duration	2,5 days	2 days	Total duration	4,5 days
No. of Participants	20	25	No. of trainers trained	20
			No. of clerks trained	225
No. of Training Actions	1	9	Total No. of training actions	10
Total No. of trainees	20	225	Total no. of trainees	245

ALTERNATIVE 2

The second alternative includes two instead of three courses and one online course. The second and third course are proposed to be merged in one course, namely Fair Trial and ECtHR and TCC Rulings. The merging of the two courses will make the training dense and focused on advanced content. The introduction to the topic is reduced to minimum, hence the same could be achieved through home reading or enrolling in the introductory CoE HELP online courses such as “*Introduction to the ECHR*”.

This table below is an overview of the maximum number of days, participants and training actions for the alternative 2.

The first table presents data by the number of participants, duration of training and the number of training actions. In the second table the same data are presented by each training course.

	ToT Specialized Courses	Peer to Peer	Training Courses	Total
Duration	2,5 days	2 days	2 days	73.5 training days
No. of Participants per event	20	25	25	20-25 participants per event
No. of Training Actions	3	4	29	36 training actions
Total No. of trainees	60	100	725	885 trainees

	Duration	No of Participants per event	No. of Training Actions	Total
Specialized ToT's	2,5 days	20	3	60 participants
LRLD Course	2 days	25	12	300 participants
FT ECtHR and TCC Course	2 days	25	14	350 participants
CTM Course	2 days	25	7	175 participants
Total			36	885 participants

1 Legal Reasoning and Legal Drafting (LRLD)

Legal drafting is an essential skill for judges. This typically pre-service training topic is considered as the most important topic for training due to the fact that a significant percentage of practicing judges who have limited work experience (0-5 years) attended the reduced pre-service training programme.

Another reason is the quality of the reasoning part of the decision, which is often a ground for appeals and considered as a violation of Article 6 under the ECHR.

Therefore, this training topic is recommended to address young judges and some senior clerks which are involved in the judicial decision-making process as elaborated in the CCJE Opinion n°22. The training should be implemented in two days to a group of 20-25 participants.



Learning objectives

By the end of the training, the participants will:

- have enhanced legal writing/drafting skills;
- be able to identify facts and apply law to the facts of the case;
- know how to explain the findings and elaborate the reasoning; and
- gain increased skills in drafting judgements/decisions.



To address this, the training programme should, among others, address topics such as:

- Clear writing, taking into account the facts of the case;
- Structure of judgements, standardised templates (advantages and disadvantages) and legal terminology;
- Assessment of evidence;
- Application of the law to the facts;
- Methods of interpreting the law;
- Reflecting fundamental rights in reasoning;
- Arguments categories;
- Citations and research;
- Standard format of judgements/decisions.

It is widely accepted that active learning and applying knowledge ('learning by doing') is more effective than ex-cathedra-teaching. Drafting judgements is a practical skill; the same way as riding a bike, which cannot be learnt from the books, hence legal writing has to be practised. The training should therefore be focused on practical exercises.

The success of the training will hinge on the quality of the exercises offered and the quality of the feedback the participants obtain. Expecting every trainer involved in teaching the legal writing to develop his own exercises is neither realistic nor likely to yield consistent results. Therefore, it will be one of the most important tasks to produce training material that can be used by all trainers for several years. Therefore, it is recommendable to develop one manual/exercise book to be used by participants/trainees and one book containing solutions, suggestions for rewrites et cetera for the trainers. The training will be piloted first and after fine-tuning will be delivered through cascade to reach wider audience.

Extracts from judgements should be chosen and the participants should discuss whether they are clear and how they could be improved. Participants should be asked to rewrite the extracts, present their results in class, where they could be critiqued by other participants. Positive examples should be developed as part of the teaching material. That means that some of the extracts from judgements should be rewritten as an example of good practice. This could serve as a yardstick against which the rewrites produced by the participants could be measured; it could also be handed out to participants as good examples.

Regarding training format, a face-to-face training is proposed. At a later stage, some modules that include lecture type presentation could be transformed into e-learning format.

Local (National) trainers to be engaged in the training on legal writing should be carefully selected. There is a risk that the training will extend or exacerbate shortcomings which currently characterise legal writing in Turkey. For this reason, it seems advisable not to pay too much attention to the length of experience of potential trainers in the selection process. It should be considered a significant asset if trainer has undergone part of his legal training abroad or had significant exposure to legal writing in other countries in a different form.

ToT trainer's profile:



International consultant with at least 10 years of work in the judiciary. He/she should be a trainer in legal reasoning and judgement drafting skills and familiar with adult training methodology. Experience as a practicing judge should be considered as a significant asset. Ideally the ToT trainer should be involved in the design of this training course. The international consultant together with one local consultant (ideally from the two involved in the design of the training course) should jointly implement the ToT. The profile for the national consultants is explained in the paragraph above.

The use of templates to standardize decisions in the administrative jurisdiction and improve the quality of reasoning part, were mentioned on several occasions during the focus group sessions. Such standardization processes can be important for the use of the ECtHR's decisions and jurisprudence in the national judicial system.

Selected trainers should undergo a training of trainers during which they could familiarise with the teaching material, discuss exercises and the way to go about the training. A specialized ToT will be provided to 20 potential trainers.

In total maximum 320 participants could be trained through this course in 13 two-day training actions. The first training event will be a ToT but also serve as a pilot training and will be delivered in 2,5 days to potential trainers.¹⁴ The other 12 events will be replicated through cascade training actions. The number of participants by training event should be in a range of 20-25, which might evidently lead to slightly bigger total number of participants overall.

¹⁴ See also Training Methodology - ToT chapter



	ToT LRLD Course	LRLD Course	Total	
Duration	2,5 days	2 days	Total duration	4,5 days
No. of Participants	20	25	No. of trainers trained	20
			No. of Judges trained	300
No. of Training Actions	1	12	Total No. of training actions	13
Total No. of trainees	20	300	Total No. of trainees	320

2 Fair Trial and Rulings of ECtHR and TCC (FT ECtHR and TCC)

Every year hundreds of applicants complain before the European Court of Human Rights asserting that judicial proceedings before their domestic courts have taken too much time; they are too lengthy and thereby violate Article 6 of the ECHR. This single issue still accounts for more judgments of the Court than any other and that is also in the case of Turkey. It is clear why speedy judicial proceedings are deemed essential from a human rights perspective. “Justice delayed is justice denied” is a maxim that is often used in this regard. If society sees that judicial settlement of disputes functions too slow, it will lose its confidence in the judicial institutions. Even more importantly, slow administration of justice will undermine the confidence society has in the peaceful settlement of disputes. In administrative law, one may refer to the undesirability of prolonged uncertainty for (failed) asylum seekers.

Knowledge on the standards developed by the European Court of Human Rights, the process and the interpretative mechanisms used is crucial to their correct implementation at national level, especially since national courts have an important role in the interpretation of the Convention through the cases that are brought before them, in light of the principle of subsidiarity. Stemming from the Convention character as a living instrument, following recent developments is of crucial importance to keep up with the evolving nature of the ECtHR case-law. Cases dealing with violation of Article 6 of the ECHR in the administrative justice should be used as case studies during the delivery of the training.

Therefore, this training topic is recommended to address, in a face-to-face training format, judges, president of courts and some senior clerks which are involved in legal research. Lawyers could benefit from this training, too. Therefore, the same training should be offered to lawyers too in few joint training actions. The training should be implemented in

two days to a group of 20-25 participants. Peer-to-peer meetings as a training format should be organized for senior judges in higher court instances taking into consideration training envisaged under A.2.5 of the DoA.

This training will provide participants with a detailed insight into the recent case law of the ECtHR with a focus on the most important recent judgements in the area of administrative justice, specifically cases dealing with violations under Article 6 of the ECHR. The training will provide the participants with the necessary tools to identify and address human rights violations and apply the legal provisions correctly in domestic proceedings.

The course modules should be fine-tuned by trainers to address different levels of knowledge of the specific target group. Senior judges could be addressed separately in a peer-to-peer, or round table training format while young judges could also benefit from an introductory online course “Introduction to the ECHR” and “Asylum and ECHR” which are already available in Turkish language.



Learning Objectives

By the end of the training, the participants should:

- be able to recognise the relevance of direct implementation of human rights standards at a national level and to link national case law with the possible implementation of the ECHR;
- learn about the type of cases to which reasonable time requirement applies;
- be familiarized with the most common violations of Article 6 before the ECtHR and the case-law of the ECtHR and Constitutional Court;
- be able to identify facts and apply legal qualification to the facts of a case in light of ECtHR and Constitutional Court decisions;
- gain skills as to how to explain findings and elaborate reasoning of judgments in the light of the case law of the ECtHR;
- have increased awareness on gender issues in administrative justice; and
- improve skills in elaborating reasoning and drafting judgements/decisions to prevent principles and fundamental rights violations and presuming innocence.



The training course should, among others, cover topics such as:

- Introduction to the ECHR and the scope of its applicability in the domestic law;
- The most common violations brought before the ECtHR in regard to Right to Property under Article 1 of Protocol No. 1, Right to a Fair Trial under Article 6, Freedom of Expression, Right of Access to Information under Article 10, Right to Data Protection under Article 8 of the European Convention on Human Rights and etc.;
- Criteria applied by the ECtHR in dispute resolution (legitimate aim, legitimacy, proportionality and necessity in democratic society) in the trial phase of the domestic law;
- The scope of reasonable time requirement (Subsidiarity and the margin of appreciation; Principle of effectiveness; Positive obligations; Autonomous concepts)
- Types of proceedings reasonable time requirement applies;
- Equality of arms principle;
- Ex-officio investigation /action principle applied by the ECtHR under the right to a fair trial of ECHR
- Timeliness and timeframe targets;
- Criteria for reasonableness of the length of the proceedings: the complexity of the case; the behaviour of the applicant; the behaviour of the national authorities; and reasons for special diligence;
- Effects and remedies of unduly lengthy proceedings;
- Execution of ECtHR judgments;
- Reasoning of judgments in the light of the jurisprudence of the ECtHR;
- Gender stereotypes and gender mainstreaming in court proceedings;
- Identification of the facts and legal qualification of cases in light of ECtHR and Constitutional Court decisions; and
- Drafting decisions, writing techniques and terminology to prevent principles and fundamental rights violations.

A study visit including observing hearing in the ECtHR, as well as temporary appointment to the Constitutional Court, could also be part of this training.

Each and every Member State of the Convention has its own tradition in respect of the administration of justice. Drafting court judgments is part of that tradition and therefore subject to certain practices, modes and patterns that cannot easily be altered and should not be changes just for the sake of adopting something different, which may or may not be better than the existing standards in a state. A special attention in the training should be aimed at highlighting certain elements of judicial technique, which can be distilled from the ECtHR's and the TCC's case law as useful topics for comparing national practices and discussions within the framework of the dialogue of jurisdictions. Comparison of the national and international standards and modes of proceedings with the laborious task of drafting judgments may turn out to be the way to improve some of the techniques or patterns arising thereof. Discussing the quality of judgements/decisions, their structure and elements should not be a separate module but enhancing skills for drafting judgement/decision should be streamlined through case study work throughout the training session. This should also be considered in line with the training modules prepared within the special course on “*Legal reasoning and judgement drafting*”.

Local trainers to be engaged in this training could be former judges of the ECtHR, Government agents, Constitutional Court rapporteurs, experienced judges and academics with at least 10 years of relevant experience. For this training course experience of potential trainers matters; it should be considered a significant asset if trainer has been involved in analysing the ECtHR case law especially with regard to cases brought before the ECtHR against Turkey.

ToT trainer's profile:



International consultant with at least 10 years of in the judiciary. He/she should be a trainer in ECtHR jurisprudence and familiar with adult training methodology. Experience as a practicing judge should be considered as a significant asset. Ideal candidate for a ToT trainer will include working experience in the ECtHR. Ideally the ToT trainer should be involved in the design of this training course. The international consultant together with one local consultant (ideally from the two involved in the design of the training course) should jointly implement the ToT. The profile for the national consultants is explained in the paragraph above.

Selected trainers should undergo a training of trainers during which they could familiarise with the teaching material, discuss exercises and the way to go about the training. A specialized ToT will be provided to 20 potential trainers.

Regarding the training format, a face-to-face training format is proposed. Having in mind the immense available literature on the subject matter, pre-training preparation using electronic tools such as handbooks and guidebooks already developed and translated as well



as videos of recorded hearings could accompany the course. This material should be part of the trainees set. Young judges could also benefit from an introductory online course “Introduction to the ECHR” and “Asylum and ECHR” which are already available in Turkish language as mentioned earlier.

Roughly 370 participants could be trained through this course in 13 two-day training actions. The first training event will be a ToT but also serve as a pilot training and will be delivered in 2,5 days to potential trainers.¹⁵ The other 12 will be replicated through cascade training sessions. The number of participants by training event should be in a range of 25-30, to benefit from the interactive approach. At least four of the training actions should be provided in a peer-to-peer format and addressing only senior judges in line with the DoA activity A.2.5. Few joint trainings with lawyers are also recommended to be implemented.

	ToT FT ECtHR and TCC Course	FT ECtHR and TCC Course	Total	
Duration	2,5 days	2 days	Total duration	4,5 days
No. of Participants	20	25	No. of trainers trained	20
			No. of Judges trained	350
No. of Training Actions	1	14	Total No. of training actions	15
Total No. of trainees	20	350	Total No. of trainees	370

3 Property Rights - online course

The Property Rights¹⁶ CoE HELP online course, is identified as the most adequate for training judges as the main target group in this assessment. This training course is already translated and adapted to Turkish legal environment, if there is a need the content of the training could be further reduced and adapted. Having in mind that this course could address different target groups within the judiciary, the Ministry of Justice would seem as the most adequate host.

¹⁵ See also Training Methodology - ToT chapter

¹⁶ <https://www.coe.int/en/web/help/-/now-available-free-online-help-course-on-the-right-to-property>

Hence, as this course is already developed, the content and the learning objectives of the course will not be elaborated here. However, the issue of administration of the course, the process of enrolling and the target group will be slightly mentioned. After the end of the project, in-vocational and on the job trainings for the judges and the court staff could be delivered by the Regional Administrative Courts. They will be able to embed the course in both in-vocational and pre-vocational training curriculum. This will secure the sustainability of the project outcomes.

Judges from the Tax Courts are the most adequate participants to the course. They could all be invited to participate to the course.

Local trainer - tutor for this training should be the expert that developed the course. At least two more tutors could be trained by the expert to share the burden of work. The other two tutors could be judges, Government agents, Constitutional Court rapporteurs and academics with at least 10 years of relevant experience. They should be IT literate and willing to learn new e-learning tools.

Moreover, during training implementation, participants should be encouraged to enrol to other existing CoE HELP online courses such as “Access to Justice for Women” and “Violence Against Women and Domestic Violence”.



Target Group:

Chief Clerks, Clerks, Bailiffs

One training topics was identified as the most relevant to meet the objective of the project which at the same time has primacy in the eyes of the clerks too.

4 Case & Time Management (CTM)

Effective case management makes justice possible not only in individual cases but also across judicial systems and courts, both at trial and appellate. The quality of justice is enhanced when judicial administration is organized around the requirements of effective case management.

A court must supervise the progress of a case from the time a person or organization files a case until its final disposition to judgment, settlement, dismissal, or withdrawal. A final disposition means that a case requires no further action from the court. Court case management allows the court to begin monitoring a case as soon as the necessary documents are filed with the court.



In the key stages of the judicial process, court clerks are usually not visible and are only present in the background. The judge is the key figure, positioned at the centre of the judicial process. However, on the other side, behind the scenes, court staff play a vital role in all the stages of the judicial process.

Efficient case management system is a precondition for avoiding delays in delivering justice. Use of efficient systems in judicial administration and in case management contributes to strengthening of the judicial system and an increase of public trust to justice.

The purpose of this training module is to provide essential information about court case management, to introduce crucial issues that impact the effective movement of cases in the court and enhance analytical skills of clerks in order to provide more efficient case management.

Therefore, this training topic is recommended to address court clerks in the front office, registry and dealing with judicial statistics. The training should be implemented in 2,5 days to a group of 20-25 participants.

The course is compiled from a three independent but intercorrelated training topics: case management; time management and judicial analytics (judicial statistics).



Learning Objectives

By the end of the training the participants will:

- Be able to understand concept and importance of case management;
- Learn the case flow and file management processes;
- Gain skills how to collect and analyse statistical data;
- Embrace elements of efficient time management;
- Increase awareness of gender sensitive communication; and
- Apply a good management in their working practice.

The training course should among other cover topics such as:

- What is case flow management? The aim and importance of the case flow management.
- Crucial issues that impact the effective movement of cases from filing to closure

- Procedural and practical aspects of case flow;
- Basic case management standards/elements;
- Significance of gender awareness on access to justice;
- Data processing and reporting, respecting timelines, monitoring and ensuring uniformity in administrative practices;
- Importance of sex disaggregated data;
- ECHR and its relation to case management (based on administrative case)
- Principles of case flow management (judicial commitment; court control of cases; goals, standards and monitoring for performance; planning; adapting to change; consultation, education and training of users and day-to-day communication between users)
- Symptoms of poor time management (Poor planning; Crisis management; Interruptions; Not delegating; Unnecessary meetings; Disorganization; Poor physical setup; Poor networking; Bad attitude; Negative people)
- Elements of effective time management (Organization, Prioritization, Streamlining)
- Timeliness and Timeframe target;
- Application of court technology and the court's research, data;
- Guidelines on judicial statistics (GOJUST);
- Collecting, understanding analysing statistical data;
- Drafting Analytical Reports.

Local Trainers to be engaged in this training course could be president of courts, academics, experts and experienced clerks with at least 10 years of relevant experience. It should be considered a significant asset if a potential trainer has been involved in the administrative justice area. Trainers from the pool of the MoJ should have priorities in the selection process.



ToT trainer’s profile:



International consultant with at least 10 years of work in the judiciary. He/she should be a trainer in the topics related to case and time management, judicial statistics, aware of the CoE CEPEJ standards under Article 6 of the ECHR and familiar with adult training methodology. Experience of working in the administrative court or Ministry should be considered as a significant asset. Ideally the ToT trainer should be involved in the design of this training course. The international consultant together with one local consultant (ideally from the two involved in the design of the training course) should jointly implement the ToT. The profile for the national consultants is explained in the paragraph above.

Approximately 195 participants should be trained through this course in 8 training actions. The first training event will also serve as pilot training and will be delivered to potential trainers in a ToT format. The other 7 will be replicated through cascade training sessions. The number of participants by training event should be in a range of 20-25. This should be linked with the training envisaged in the DoA activity A.4.1.

	ToT CTM Course	CTM Course	Total	
Duration	2,5 days	2 days	Total duration	4,5 days
No. of Participants	20	25	No. of trainers trained	20
			No. of clerks trained	175
No. of Training Actions	1	7	Total No. of training actions	8
Total No. of trainees	20	175	Total No. of trainees	195



Note: In terms of training content “Legal Reasoning and Legal Drafting” and the “Case & Time Management” courses are the same in both approaches. They only differ in the number of proposed training actions/participants.

Training Methodology and Training of Trainers (ToT)

To empower potential trainers with knowledge and skills necessary for a good trainer, to implement the training activities foreseen within the project, a pool of trainers specialised in administrative justice will be established. The selected candidates will be trained through ToTs, to enhance their substantive knowledge and methodological skills to further disseminate the knowledge and skills gained.

The aim is to increase the capacity of candidate trainers to work in adult professional learning environment and be able to connect, in a pragmatic way, the goals and their specific objectives with the participants and not only with the topic. There are many excellent professionals who do not have the appropriate skills to transfer efficiently the knowledge and skills in a learning environment. Going beyond lecture and going beyond a list of topics to be lectured goes with a strategy and recruitment/selection of the trainers. Therefore, the importance of the recruitment of the adequate trainers who deliver trainings in accordance with the needs assessed to obtain results, should not be underestimated.



When selecting potential trainers following criteria should be taken into consideration.

Criteria for selection of a candidate trainer:

- At least 10 years of work experience, out of which at least three years as a judge handling cases in the administrative justice area
- At least 1 year of experience as a trainer in human rights training topics, (only for Human Rights related modules)
- Excellent legal drafting skills
- Good knowledge of international human rights standards, in particular those of the CoE, with a focus on ECHR
- Highly motivated in employing innovative interactive training techniques and methodologies in relation to adult education
- Excellent communication skills, with the ability to motivate people and explain complex ideas in a convincing and clear manner
- Experienced in using IT tools, including the Internet, Power Point Presentation and social media platforms
- Being fluent in English or French will be considered as an asset
- When selecting trainers, due attention should be paid on representation of the three levels of courts as well as adequate gender balance
- Paying due attention that the trainers are selected in a manner to that all of the Regional Administrative Courts are covered
- Trainers already trained through CoE projects or on the list of the trainers of the HELP Programme, should have priorities to secure synergy of projects and programmes

In addition, when selecting a trainer for a particular training session, the objectives of the training as well as the role and position of the participants and their learning needs should also be taken into account. Besides the criteria numbered above, a trainer should be respected by the participants, being seen and accepted as an expert with relevant knowledge and experience and of an appropriate level to instruct and guide the participants and fit to serve as a role model. Therefore, it is, for example, unlikely that a first instance judge would be

acceptable as a trainer for highest instance judges. The most important is to choose the appropriate trainer for every course, that each level of jurisdiction requires other trainers, ensuring expertise in the specific role of the judge at each level and acceptance of the trainer's authority over the participants. For example, the trainers of the judges of first instance courts would be judges/presidents of courts of the first instance courts or higher.

The judges from the RACs would be trained by judges of RAC, the Council of State or the Constitutional Court. More precisely, judges should be trained by judges at the same or higher level of jurisdiction.

After potential trainers are selected, a training of trainers (ToT) program for the trainers should be developed and delivered. It is proposed that the ToTs are implemented in a two and a half day specialized training, for each training course/topic. Mixed or specialized ToTs are proposed to be delivered to meet the expected learning outcomes. Each ToT should cover training methodology in a total of one-day and one and a half-day thematic training. However, the training methodology should not be artificially inserted and delivered as a theory. On the contrary, it should be collated in the training agenda together with the thematic topics. For example, when a group work on a case study is envisaged as an exercise, the theory and exercise of how to identify and develop a case study will precede the case study group work. This approach should secure unified cascade training sessions later on.

The training methodology part should answer questions such as: How do adult professionals learn? Which training methods are recommended to be used with adult professionals and for achieving particular learning outcome? What are the advantages and disadvantages of combining traditional lectures with other, interactive, training methods? Are there any criteria to be adopted when choosing a training method? How do we combine training methods? The training methodology part of the ToT should include practical exercise of all training methods and techniques streamlined through the specific training theme.

Prior to the implementation of ToTs, detailed curricula and training materials (activity A.2.2 of the DoA) for all training courses should be developed by specialists in each area. It is recommended that those involved in the development of training curricula and training materials are also involved in the training delivery. When selecting cases for the case study work, cases related to mobbing, harassment, and gender-based discrimination in the field of administrative jurisdiction should also be considered.

Though the project document DoA foresees 4 ToTs in a two-day duration training for approximately 80 future trainers, the consultant proposes 2,5 days specialized intensive ToTs for approximately 40 future trainers, having in mind that some of the trainers will inevitably have knowledge and skills to cover two, if not all of the proposed training topics.



For all identified training courses (details given under the chapter training courses and the Training Action Plan) subsequently tailored ToTs should be developed and delivered, one per each training course. The proposed number of participants for each specialized ToT should not be more than 20 participants. However, this does not necessarily mean 80 different individuals, hence some of the trainers will be trained to deliver two-three training courses as mentioned above.



Note on the curricula development

Having in mind the current restriction for gatherings imposed as a result of the measures taken due to COVID-19, the process of curricula development should include as much as possible working from home instead of group work. Therefore, the recommendation will be that the team for the course development includes one international and one-two local consultants. The team communicating through electronic tools should jointly draft the course which should include the Trainer's and Trainees' toolkit.

The Trainer's toolkit should principally include course outline, programme/agenda exercises (including guidelines for its use), list of relevant cases for case studies, ppt, training methodology handbook and compilation of training materials/literature.

The Trainees' toolkit should be a slightly reduced set of the Trainer's toolkit. It should include course brief, course programme/agenda, exercises, list of relevant cases for the case studies, ppt and compilation of training materials/literature.

The draft curricula set should be sent to the MoJ for comments. If feasible, the project in cooperation with the MoJ should organize a round table with experts from the CoS, the Constitutional Court and the MoJ Human Rights Department, experienced judges, to further improve the course content. After comments are incorporated each course should be piloted as proposed through ToT. If necessary, fine-tuning of the course could be done after each specialized ToT is delivered and the course piloted.

The development of each training course should be organized in the period of two months.

The consultants engaged for the development of training course should also be involved in the ToT.

In the courses where online module is envisaged the local consultant should also act as a tutor to the adapted module. The CoE HELP online modules already adapted and translated in Turkish language should be used.

Consultants engaged for the development of the training courses should have at least 10 years of work in the judicial area. He/she should be a trainer in the relevant topics, aware of the International and CoE standards and familiar with adult training methodology. Experience of working in the administrative court or Ministry of Justice should be considered as a significant asset. Ideally, they should be educational specialist within the judiciary.



Note on the training materials

As for all training courses, two sets of training materials should be developed; one for the trainers and one for the trainees (participants). The trainees' set should include a reader (compilation of training materials to be used in the training, presentations handouts, exercises, case studies, templates, etc.) that trainee can refer to any time after the training.

Furthermore, training materials already available in Turkish language¹⁷ should be part of the participants reader/toolkit as well as the handbooks developed by the CoE¹⁸. Also, other documents and guidebook that will be developed in the course of this project, such as the guidebook under DoA activity A.2.6 “Casebook on European Fair Trial Standards”, should be included in the training materials wherever relevant.

The Trainer's toolkit should primarily include course outline, programme/agenda exercises (including guidelines for its use), list of relevant cases for case studies, ppt, training methodology handbook and compilation of training materials/literature.

The Trainee's toolkit should primarily include course brief, course programme/agenda, exercises, list of relevant cases for the case studies, ppt and compilation of training materials/literature.

When there are higher ranking judges, then the training exercises case studies should be made relevant. And from the volume of selected cases this should be left to the trainers to select for each individual groups the adequate exercises. See also the note on the selection of participants.

Furthermore, it is also recommended to include in the case list, (best and misguided practices) cases which show clearly the evidence of the key role of gender in the decision-making process. Gender issues and statistics should be integrated into training materials developed, wherever possible.

¹⁷ Right to Fair Trial in TR: http://www.inhak.adalet.gov.tr/Resimler/Dokuman/10122019113922adil_yargilanma.pdf
 Protocol 1-Property Rights in TR : http://www.inhak.adalet.gov.tr/Resimler/Dokuman/10122019114221mulkiyet_hakki.pdf
 Protecting to right to fair trial in TR : http://www.inhak.adalet.gov.tr/Resimler/Dokuman/10122019114424adil_yrglnma_korunmasi.pdf

¹⁸ <https://www.coe.int/en/web/human-rights-rule-of-law/human-rights-handbooks>

The set for the trainers on the other side, besides the materials for trainees, should also have explicit guidelines on how materials, exercises and case studies should be used, and the trainer’s toolkit should also include training methodology manual (HELP Handbook on training methodology), that is already available in Turkish language (which was developed under the Project on Improving the Effectiveness of Investigation of Allegations of Ill-Treatment And Combating Impunity)



Note on the composition of the groups of participants

The choice of participants will influence the communication and cooperation in the group. In training judges, court clerks, lawyers and other personnel of the court, choices regarding the selection of participants should be made based on:

- the level of experience (beginners/advanced)
- participants from the same or from different courts or regions
- the hierarchic level (first instance courts, RACs and constitutional courts)

In general, participants are most at ease in homogeneous groups with people of their own hierarchic level and the same level of pre-existing knowledge and experience. In mixed groups they would be more reluctant to express their opinions and ask questions.

The composition of the group is also related to the aim of the training. For example, if you intend to inform large numbers of judges about a theoretical topic and delivered through a lecture type, a larger seminar with participants from all levels of hierarchy and knowledge could be organized. In that situation the interaction between participants would be very little and the learning process would not really be hampered by heterogeneity of the participants. But if the focus would be on developing skills or influencing attitude, which is the case in all proposed training courses in this Report (except the online courses), it would be better to organise a training activity in a small group, in which interaction between the trainer and participants and between participants is a primary condition for success. In these groups, the composition of the group will be decisive, therefore, the groups should preferably be homogeneous in both hierarchic level and pre-existing knowledge and experience.

A mixed training with beginners and advanced participants makes it more likely that the participants have different learning needs and the training risks being either too difficult or boring for some part of the participants. For instance, judges in constitutional or higher courts have other learning needs than judges from lower instances. They would always be seniors in their field of expertise. They are not confronted with first instance issues, related to the application of the law in ‘real life’ situations. The Constitutional Court role in most juris-

dictions focuses on providing a unifying interpretation of law, consolidating legal security and examining constitutionality of laws and their conformity with international obligations. Given these special tasks the learning needs are fundamentally different from that of other court instances.

One should also bear in mind the delicate position of judges from higher instances, as their work entails assessing the work of the lower instance judges. This position involves distance to the other court levels and makes it less natural to openly express opinions or ask questions in a heterogeneous group.

For these reasons, training activities for the higher instances should be designed with respect for their experience, role and position. In practice that would often mean that separate training events should be organised for this target group and mostly in a peer-to-peer format or round table discussion.

When mixing groups of judges, lawyers and senior clerks, the selection should be made considering the level of experience, knowledge, position and reputation of individuals. Furthermore, priorities for training should be given to judges and court clerks from the pilot courts.

Furthermore, when selecting the participants for each training action, special attention should be paid on keeping gender representation numerically.

Training Course	Learning Objectives	Number and Position of Participants	Training Format	Number of Training Actions	Trainer's Profile	Training Duration	2021															
							2020		1	2	3	4	5	6	7	8	9	10	11	12		
							11	12														
Legal Reasoning and Judgement Drafting	<ul style="list-style-type: none"> have enhanced legal writing/drafting skills; be able to identify facts and apply law to the facts of the case; know how explain the findings and elaborate the reasoning; and gain heighten skills in drafting judgements/decisions. 	20-25 young judges and some senior clerks which are involved in the judicial decision-making process	Face-to-face	12	Academics, Judges and experts with 10 years' experience. Asset: legal training abroad or exposed to legal writing in other countries in a different form.	2 days																
	<ul style="list-style-type: none"> be able to recognise the relevance of direct implementation of human rights standards at a national level and to link national case law to the possible implementation of the ECHR; be familiarized with the most common violations before the ECHR and TCC in administrative justice; be able to identify facts and apply legal qualification to the facts of a case in light of ECHR and Constitutional Court decisions; gain skills how to explain findings and elaborate reasoning of judgments in the light of the case-law of the ECHR; and improve skills in drafting judgements/decisions to prevent principles and fundamental rights violations and presuming innocence. 	20-25 Judges, president of courts and some senior clerks which are involved in legal research. Lawyers too could be part of this training.	Face-to-face E-learning modules (HELP) Peer-to-peer meetings are recommended for senior judges in higher court instances.	8 (including peer-to-peer under A.2.5 of the DoA)	Former judges of the ECHR, Government Agents, Constitutional Court rapporteurs, experienced judges and academics with at least 10 years of relevant experience. Asset: involvement in analysing the ECHR case-law especially with regard to cases brought before the ECHR against Turkey.	2 days																



Project Training Action Plan - Alternative 2

Training Course	Learning Objectives	Number and Position of Participants	Training Format	Number of Training Actions	Trainer's Profile	Training Duration	2020															
							1	2	3	4	5	6	7	8	9	10	11	12				
ToT in Legal Reasoning and Judgement Drafting	<ul style="list-style-type: none"> have enhanced knowledge of the adult training methodology; recognizing the most adequate training methods to reach a particular learning outcome; gain skills to replicate the referenced training course 	20	Face-to-face	1	Expert/trainer in referenced training topic and training methodology	2,5 dasy																
ToT in FTECHR and TCC Rulings	<ul style="list-style-type: none"> Il - 	20	Face-to-face	1	• Il -	2,5 dasy																
ToT in Case & Time Management	<ul style="list-style-type: none"> Il - 	20	Face-to-face	1	• Il -	2,5 dasy																

Training Course	Learning Objectives	Number and Position of Participants	Training Format	Number of Training Actions	Trainer's Profile	Training Duration	2020		2021														
							11	12	1	2	3	4	5	6	7	8	9	10	11	12			
Legal Reasoning and Judgement Drafting	<ul style="list-style-type: none"> have enhanced legal writing/drafting skills; be able to identify facts and apply law to the facts of the case; know how to explain the findings and elaborate the reasoning; and gain heightened skills in drafting judgements/decisions. 	20-25 young judges and some senior clerks which are involved in the judicial decision-making process	Face-to-face	12	Academics, Judges and experts with 10 years' experience. Asset: legal training abroad or exposed to legal writing in other countries in a different form.	2 dasy																	





Annexes

Annex 1 Agendas

Annex 2 Questionnaires

Annex 3 Focus Group Work 1

Annex 4 Focus Group Work 2



ANNEX 1 - AGENDAS

(A.2.1. Activity) Training Needs Assessment First Meeting

17 - 18 December 2019, Ankara Swissotel

Meeting Objective: This event will serve as a preliminary assessment of the training needs (TNA) of judges and court staff of the first instance administrative courts, RACs and the CoS to identify the key areas, in which additional training will assist the courts to deliver judgments whose clear reasoning results in fewer appeals and greater public confidence.

Council of Europe Consultants who will Contribute to the Event:

Marina Naumovska, *Former Vice Minister of Justice of Macedonia, Former Consultants to Minister of Justice of Macedonia, CoE International Consultant*

Prof. Cemil Kaya, *Istanbul University Law Faculty, CoE National Consultant*

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AGENDA

First Day - 17 December 2019

Current State of Affairs

- | | |
|---------------|--|
| 10:00 - 10:30 | Opening Remarks
<i>Metin Engin, Ministry of Justice, Directorate General of Legal Affairs</i>
<i>Marina Naumovska, Consultant, Council of Europe</i>
<i>Hakan Oztatar, Director General, Ministry of Justice- Directorate General of Legal Affairs</i> |
| 10:30 - 10:45 | Coffee Break |
| 10:45 - 11:15 | Training Needs of Administrative Judges and Court Staff:
Needs Identified
During Inspections
<i>Ercan Akpınar, Chief Inspector of CJP Inspection Board</i> |
| 11:15 - 11:45 | Presentation: Current training work and training plans of CoS |

	Emine Tuba YILMAZOĞLU, <i>Seconded Judge, General Secretariat of CoS</i>
11:45 - 12:30	Discussion and Q&A
12:30 - 13:45	Lunch
13:45 - 14:30	Presentation: Current pre-service and in-service training programmes and plans for next term training of candidate administrative judges Seda Uçar Akbulut, <i>Seconded Judge, Judicial Academy of Turkey</i>
14:30 - 15:00	Presentation: Current pre-service and in-service training programmes and future plans for training of administrative court staff Yusuf Oncirak, <i>Rapporteur Judge, Training Department, MoJ</i>
15:00 - 15:15	Coffee Break
15:15 - 16:00	Discussion: Current Pre - Service Trainings for Administrative Judges and Court Staff - Shortcomings / Challenges / Approaches
16:00	Concluding Remarks

Second Day - 18 December 2019
Needs and Methodology

10:00 - 10:20	Training Needs in Administrative Judiciary Prof. Dr. Cemil Kaya, <i>Consultant, Council of Europe, Istanbul University Law Faculty</i>
10:20 - 10:40	Current Training Work and Plans of UTBA on Administrative Judiciary Representative of UTBA
10:40 - 11:40	Opinions and Recommendations of Court Presidents on Areas to be Focused in In-Service Trainings for Administrative Judges and Court Staff
11:40 - 12:00	Coffee Break
12:00 - 12:30	Training Needs Assessment (TNA) Methodology, (qualitative and quantitative methods&tools) milestones and outcomes - Possible Approaches and International Experiences Marina Naumovska, <i>Consultant, Council of Europe</i>
12:30 - 13:45	Lunch



13:45 - 14:30	Group Work: Training Needs (Knowledge) / Training Needs (Skills) Training Methodology
14:30 - 15:00	Presentations of Group Works
15:00 - 16:00	Discussion on Key Areas / Training Needs / Proposed Methodology
16:00	Concluding Remarks

(A.2.1. Activity)
Training Needs Assessment
Second Meeting

26 - 27 February 2020, Ankara Hilton Hotel
(Anadolu Room, -1 Floor)

Meeting Objective: This event will serve as a final assessment of the training needs (TNA) of judges and court staff of the first instance administrative courts, RACs and the CoS and lawyers to identify the key areas, in which additional training will assist the courts to deliver judgments whose clear reasoning results in fewer appeals and greater public confidence.

Council of Europe Consultants who will Contribute to the Event:

Marina Naumovska, Council of Europe International Consultant, Former Deputy Minister of Justice and Former Adviser to the Minister of Justice of Northern Macedonia

Prof. Bahtiyar Akyılmaz, Council of Europe National Consultant, Ankara Hacı Bayram Veli University

AGENDA

(Hilton Hotel, Anadolu Room, -1 Floor)

First Day - 26 February 2020

Survey Findings and Action Plan

09:30 - 09:45	Opening Remarks Sn. Özlem Demirel Cook, , <i>Council of Europe, Project Manager</i> Metin Engin, <i>Ministry of Justice, Directorate of Legal Affairs</i>
09:45 - 10:15	Presenting the results from the First TNA Focus Group Work on <i>Marina Naumovska, Consultant, Council of Europe</i>

10:15 - 11:00	Discussion and Q&A
11:00 - 11:15	Coffee Break
11:15 - 11:30	Presentation: Survey process - first broad (general) feedback <i>Sn. Metin Engin, Ministry of Justice, Directorate of Legal Affairs</i>
11:30 - 12:15	Presenting Survey Data & Analysis - relation with the results from the Focus Group Work <i>Marina Naumovska, Consultant, Council of Europe</i>
12:15 - 13:30	Lunch
13:30 - 14:15	Training Action Plan - proposal <i>Marina Naumovska, Consultant, Council of Europe</i>
14:15 - 14:45	Prioritizing Key Training Areas <i>Brainstorming session</i>
14:45 - 15:00	Kahve Arası
15:00 - 15:45	Discussion: Target Groups/Training Key Areas
16:00	Concluding Remarks

Second Day - 27 February 2020

Learning Objectives

09:30 - 09:45	Learning Objectives - Introduction <i>Marina Naumovska Milevska, Consultant, Council of Europe</i>
09:45 - 10:45	Group Work: Defining Learning Objectives for Key Training Areas part 1
10:45 - 11:00	Coffee Break
11:00 - 12:00	Group Work: Defining Learning Objectives for Key Training Areas part 2
12:00 - 13:30	Lunch
13:30 - 14:30	Presenting the Results from the Group Work
14:30 - 14:45	Coffee Break
14:45 - 15:30	Discussion on Key Training Areas and Proposed Training Methodology <i>Marina Naumovska Milevska, Consultant, Council of Europe</i>



ANNEX 2 - QUESTIONNAIRES

Questionnaire - 1 *President of Courts and Judges*

Dear Respondent,

Thank you for participating in the Training Needs Assessment Survey. The main goal of this survey is to identify training needs for different target groups within administrative justice in Turkey. The questionnaire is developed within the framework of activities of the joint project “Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State”, which is implemented jointly by the Ministry of Justice of Turkey and the Council of Europe. The This Project is co-funded by the European Union, Republic of Turkey and the Council of Europe.

Please note that the questionnaire is anonymous, and it will only take 7-8 minutes of your time. The Ministry of Justice would be thankful if you could fill in the questionnaire latest by 12 February 2020 (until 24:00) After deadline date the software will automatically close the survey.

I.Part One - Demographics				
1. What is your current position?	President of Court	Member	Seconded Judge / Rapporteur	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Where do you work?	First Instance Court	Regional Administrative Court	Council of State	Other (Ministry of Justice, CJP, Constitutional Court)
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. How long do you work on this position?	(0-5 y)	(6-10 y)	(10-15 y)	(<15 y ve more)
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. What is your educational background?	PhD	Master's	Bachelor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



(Please rank the importance of the following skills & knowledge statements in relation to your job description/work tasks, using the scale below: (5);(4);(3);(2);(1), where 1=not important and 5=very important)

II. Part Two - General Skills	(5)	(4)	(3)	(2)	(1)
1. Leadership Skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Management Skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Communication Skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Public Relations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Protocol Rules	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Interpersonal Relations (among staff inter court/institution)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Time Management Skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Team Building Techniques	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Performance Evaluations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Total Quality Management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Language skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Turkish Grammar and Correspondence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Stress Management& Combating Anxiety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Crisis Management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Techniques for Increasing Group Motivation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Computer Operation, Including Application of Software	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. UYAP Applications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Office Management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Report Writing Skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Case Management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Judicial Data Gathering&Analysis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Knowledge of Freedom of Information & Open Records Acts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. Judicial Ethics and Deontology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. Recruitment & Selection of Personnel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25. Career Development of Personnel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26. Implementing Disciplinary Policies & Procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27. Legal Regime of Personnel (Investigation Procedures)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28. Recognizing, Understanding, & Preventing Violence in the Workplace	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29. Budget Preparation, Revision & Presentation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30. Changes in the Administrative Structure and Personnel Regime Introduced with the Presidential System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



III. Part Three - Specific Skills	(5)	(4)	(3)	(2)	(1)
1. Legislation update	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. ECtHR case law - recent developments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Fundamental Rights and Freedoms in the Light of Constitutional Court and ECHR Case Law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Constitutional Limit of Administrative Jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Technical and Legal Dimension of Zoning Plan and Applications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Zoning and Environmental Law -Planning, parcelling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Custom Disputes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. General Accounting/Analysis of Tax Disputes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Tax refund and calculation concepts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Excise Tax	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Municipal Revenues and Property Tax	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Procurement / Expropriation /Ancient Art	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. CoAP Art. 31 and CPC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Court Registry Legislation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Notification Law , regulation on notifications and e-notification regulation and its Applications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Administrative Proceedings against Military Persons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Foreigners' Law and Deportation Proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Objections arising from Law No. 4483	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Research/Data collection process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Reasonable time& Timeframe targets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Legal Research & Legal Drafting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Reasoning and Judgment Drafting Skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. Draft Reasoned judgements in Compensation Cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. Judicial Role	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25. Fair trial & Reasonable time	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26. Negotiation & Mediation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV. Part Four - Training Methodology	(5)	(4)	(3)	(2)	(1)
1. Please state what type of training format in your opinion is the most suitable to reach best learning results?					
a. Training outside working place	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Peer to peer meetings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. On job training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Coaching	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. E-learning course	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Other - please specify					
2. Please state what is your preferred trainer's profile?					
a. University teacher - Academic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Trainer from the Academy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Judge/President of Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. External expert/consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Other - please specify					
3. What is the most effective duration of a training event? - please specify					
a. Half a day event	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. One day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Two days	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. More	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Other - please specify					
4. Will you be willing to participate on trainings during weekends?	Yes <input type="checkbox"/>	No <input type="checkbox"/>			
5. Will you be willing to participate in joint trainings?	Yes <input type="checkbox"/>	No <input type="checkbox"/>			



V.Part Five - Training Quality & Importance

1. How do you rate the quality of training you attended before?
 - Great
 - Adequate
 - Mediocre
 - Very good
 - Insufficient
 - Other
2. Has training provided so far responded to your real needs?
 - Yes
 - Not sure
 - No
3. How relevant is continuous training for performing your duties?
 - Very relevant
 - Not relevant
 - Other
 - Relevant
 - Not at all relevant
4. When was the last time you participated to a training?
 - More than a month ago
 - More than six month ago
 - More than a year ago
5. How interested are you in attending new training courses?
 - Extremely interested
 - Not so interested
 - interested
 - Not at all interested
6. Should attendance at training courses be made compulsory?
 - Yes
 - Not sure
 - No
7. Should training be relevant to career advancement?
 - Strongly agree
 - Disagree
 - Agree
 - Strongly disagree

VI.Part Six - Individual Training Needs

8. To perform your current job competently, what training in your opinion do you still need to take administrative law and administrative procedural law (Please explain briefly)
9. What training have you attended within the last three years? (list all relevant training)

Questionnaire - 2

Court Clerks

Dear Respondent,

Thank you for participating in the Training Needs Assessment Survey. The main goal of this survey is to identify training needs for different target groups within administrative justice in Turkey. The questionnaire is developed within the framework of activities of the joint project “Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State”, which is implemented jointly by the Ministry of Justice of Turkey and the Council of Europe. The This Project is co-funded by the European Union, Republic of Turkey and the Council of Europe.

Please note that the questionnaire is anonymous, and it will only take 7-8 minutes of your time. The Ministry of Justice would be thankful if you could fill in the questionnaire latest by 12 February 2020 (until 24:00) After deadline date the software will automatically close the survey.

I.Part One - Demographics				
1.Where do you work?	First Instance Court	Regional Administrative Court	Council of State	Other (Ministry of Justice, CJP, Constitutional Court)
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. What is your current position?	Chief Clerk	Clerk	Bailiff	Other (please specify)
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. How long do you work on this position?	(0-5 y)	(6-10 y)	(10-15 y)	(<15 y and more)
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. What is your educational background?	PhD	Master's	Bachelor	High School
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



(Please rank the importance of the following skills & knowledge statements in relation to your job description/work tasks, using the scale below: (5);(4);(3);(2);(1), where 1=not important and 5=very important)

II. Part Two - Soft Skills	(5)	(4)	(3)	(2)	(1)
1. Communication Skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Public Relations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Interpersonal Relations (staff inter court/institution)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Time Management Skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Team Building Techniques	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Turkish Grammar and Correspondence Skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Stress Management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Computer Operation, Including Application of Software	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. UYAP Applications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Office Management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Organizational skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. First Aid	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

III. Part Three - Core Skills	(5)	(4)	(3)	(2)	(1)
1. Basic Concepts of Administrative Proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. CoAP and CPC Training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Legal Ethics & Confidentiality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Records and file management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Case Management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Archive and File Management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. General Research & Legal Research Skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Calendar & Docketing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Videoconferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. File Completion process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Knowledge of Freedom of Information & Open Records Acts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Familiarity with legal documents and terminology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Court Registry Legislation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Notification Law, regulation on notifications and regulation on e-notifications and its Applications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Trial Expenses and Fees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1. Role of the Judiciary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV. Part Four - Training Methodology	(5)	(4)	(3)	(2)	(1)
1. Please state what type of training format in your opinion is the most suitable to reach best learning results?					
a. Training outside working place	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Peer to peer meetings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. On job training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Coaching	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. E-learning course	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Other - please specify					
2. Please state what is your preferred trainer's profile?					
a. University teacher - Academic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. g. Clerk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Judge/President of Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. External expert/consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Other - please specify					
3. What is the most effective duration of a training event? - please specify					
a. Half a day event	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. One day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Two days	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. More	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Other - please specify					
4. Will you be willing to participate on trainings during weekends?	Yes <input type="checkbox"/>	No <input type="checkbox"/>			
5. Will you be willing to participate in joint trainings?	Yes <input type="checkbox"/>	No <input type="checkbox"/>			



V. Part Five - Training Quality & Importance

1. How do you rate the quality of training you attended before?
 - Great
 - Adequate
 - Mediocre
 - Very good
 - Insufficient
 - Other
2. Has training provided so far responded to your real needs?
 - Yes
 - Not sure
 - No
3. How relevant is continuous training for performing your duties?
 - Very relevant
 - Not relevant
 - Other
 - Relevant
 - Not at all relevant
4. When was the last time you participated to a training?
 - More than a month ago
 - More than six month ago
 - More than a year ago
5. How interested are you in attending new training courses?
 - Extremely interested
 - Not so interested
 - interested
 - Not at all interested
6. Should attendance at training courses be made compulsory?
 - Yes
 - Not sure
 - No
7. Should training be relevant to career advancement?
 - Strongly agree
 - Disagree
 - Agree
 - Strongly disagree

XII. Part Six - Individual Training Needs

8. To perform your current job competently, what training in your opinion do you still need to take (eg, trainings on administrative law and administrative procedural law)? (Please explain briefly)
9. What training have you attended within the last three years? (list all relevant training)

ANNEX 3 - FOCUS GROUP WORK 1

Training Needs - Focus Group Studies - Group 1

Target Group	Topic:	Training format	Trainers' profile	Duration	Participants' profile	Joint training
Court presidents	<ul style="list-style-type: none"> - Protocol training - Court registry legislation for recent appointees - Writing techniques of decisions aimed at resolving case law differences are important - In light of the decisions of the Constitutional Court, there should be uniformity in the decisions - Implementation of the legislation should be discussed in case of legislative amendments - Training in cases involving zoning, taxes, etc. (beginning of the profession) - Decisions should be more elaborate - Writing techniques of the provision clause of the decisions (especially in cases of compensation) - Communication Skills - Stress management 	<ul style="list-style-type: none"> - Workshop - Seminar - Questionnaire 	<ul style="list-style-type: none"> - Academics from faculty of communication - Judges/Prosecutors - Academics - Psychologist 	2 days		
Judges	<ul style="list-style-type: none"> - Writing techniques of decisions aimed at resolving case law differences are important - In light of the decisions of the Constitutional Court, there should be uniformity in the decisions - Implementation of the legislation should be discussed in case of legislative amendments - Training in cases involving zoning, taxes, etc. (beginning of the profession) - Decisions should be more elaborate - The writing techniques of the provision clause of the decisions (especially in cases of compensation) - The writing techniques of the provision clause of the decisions (especially in cases of compensation) - Communication Skills - Stress management - Protocol training - Court registry legislation for recent appointees 	<ul style="list-style-type: none"> - Workshop - Seminar - Questionnaire 	<ul style="list-style-type: none"> - Academics from faculty of communication - Judges/Prosecutors - Academics - Psychologist 	2 days		
Court staff	<ul style="list-style-type: none"> - Notification - Grammar - Communication Skills - Stress management - Court registry personnel 	<ul style="list-style-type: none"> - Workshop - Seminar - Questionnaire 	<ul style="list-style-type: none"> - Academics - Turkish language experts - Psychologist 	2 days		





Training Needs - Focus Group Work - Group

Target Group	Topic	Training format	Trainers' profile	Duration	Participants' profile	Joint training
Court presidents	<ul style="list-style-type: none"> - Protocol Rules - Turkish Grammar and Official Correspondence Rules - Negotiation and Management and Effective Communication - Leadership and Management - File review, Presentation, Decision Writing Technique - Constitutional Limit of Administrative Jurisdiction - Examination of ECHR and Constitutional Court Decisions - Technical and Legal Dimension of Zoning Plan and Applications - General Accounting/Analysis of Tax Disputes - Administrative proceedings against military persons - Foreigners' Law and Deportation Proceedings - Objections arising from Law No. 4483 	Face to face	<ul style="list-style-type: none"> - Judges and experts - Judges and academics - Judges and academics - Judges and experts - Judges - Judges and academics - Judges and academics - Technical experts and members - Judges - Judges - Judges and experts - Judges 	<ul style="list-style-type: none"> - 1 day - 1 day - 1 day - 1 day - 1 day - 1 day - 2 days - 2 days - 1 day - 2 days - 2 days - 2 days - 2 days 	PRESIDENTS AND JUDGES	
Judges	<ul style="list-style-type: none"> - Consolidation Legislation - Procurement / Expropriation /Ancient Art - Customs Law Practices - Excise Tax - Municipal Revenues and Property Tax - CoAP Art. 51 and CPC - Court registry legislation - Notification Law - UYAP Applications - Ethical Norms 		<ul style="list-style-type: none"> - Judges - Experts - Judges - Judges - Judges - Judges - Judges - Judges - Judges - Expert users 	<ul style="list-style-type: none"> - 2 days - 2 days - 2 days - 2 days - 2 days - 2 days - 2 days - 2 days - 2 days - 2 days 	PRESIDENTS AND JUDGES	
Court staff	<ul style="list-style-type: none"> - Court registry legislation - Notification Law - Archive and File Management - UYAP Applications - Turkish Grammar and Official Correspondence Rules - Effective communication - First Aid - Stress Management and Anger Management - Ethical Norms 		<ul style="list-style-type: none"> - Judges - Registrar - Judges - Registrar - Judges - Registrar - Expert user - Judges - Academics - Expert - Expert - Expert - Judges - experts 	<ul style="list-style-type: none"> - 1 day - 1 day - 1 day - 1 day - 1 day - 1 day - 1 day - 1 day - 1 day 	<ul style="list-style-type: none"> - Registrar - 2. Clerk - Bailiff 	

Training Needs - Focus Group Work - Group 3

Target group	Topic	Training format	Trainers' profile	Duration	Participants' profile	Joint training
Court presidents	<ul style="list-style-type: none"> - Changes in the Administrative Structure and Personnel Regime Introduced with the Presidential System - Zoning - Customs disputes - Accounting Information - File Review and Narration Techniques, Decision Writing Techniques - References to CCP at Co-AP - Human Rights Law Education 	<ul style="list-style-type: none"> - Seminar - Workshop - Workshop - Workshop - Applied Training - Workshop - Seminar, Workshop, Conference / Study Visit / Distance Training 	<ul style="list-style-type: none"> - Academics - Competent Technical Staff - Experts from the administration - Experts from the administration - Court Presidents/Members of the Supreme Court / Senior Rapporteur Judges - RAC Chamber President - Academician / ECHR Experts / Ministry 	<ul style="list-style-type: none"> - 1 day - 3 days - 3 days - 3 days - 1/2 day - 1/2 day - 1/2 day 	<ul style="list-style-type: none"> - President of the Court/ Judges - President of the Court/ Judges - President of the Court/ Judges - President of the Court/ Taxation Judges - Judges with seniority of less than 5 years - President of the Court/ Judges - All Personnel 	<ul style="list-style-type: none"> - Yes (President of the Court/ Judges) - Yes (President of the Court/ Judges) - Yes (President of the Court/ Judges) - Yes (President of the Court/ Judges) - Yes (President of the Court/ Judges) - No - Yes - Yes
Judges	<ul style="list-style-type: none"> - Awareness Training on The Role of the Judiciary - Judicial Ethics Training - Awareness Training on The Necessity of Training - UYAP Training 	<ul style="list-style-type: none"> - Seminar - Seminar /Workshop / Distant Training - Seminar /Workshop / Distant Training - Distant Training / On-Site Training 	<ul style="list-style-type: none"> - Senior Colleague / Academics - Academics / Subject Experts / Senior Colleagues - Academics / Subject Experts / Senior Colleagues - Technical Staff 	<ul style="list-style-type: none"> - 1/2 day - 1/2 day - 1/2 day - 1/2 day 	<ul style="list-style-type: none"> - President of the Court/ Judges + Court Registry Staff - President of the Court/ Judges - President of the Court/ Judges - President of the Court/ Judges 	<ul style="list-style-type: none"> - Yes - Yes - Yes - Yes
Court staff	<ul style="list-style-type: none"> - UYAP Applications - Co-AP and CPC Training - Notification Training - Correspondence Rules Training - Turkish Language and Spelling Education - Personal Development topics Training 	<ul style="list-style-type: none"> - Seminar / Distant Training - Seminar - Seminar - Seminar - Seminar 	<ul style="list-style-type: none"> - Technical Staff - Judges / Court Presidents - Judges / Court Presidents - Judges / Court Presidents - Expert Personnel - Expert Psychologist 	<ul style="list-style-type: none"> - 1/2 day - 1/2 day - 1/2 day - 1/2 day - 1/2 day - 1/2 day 	<ul style="list-style-type: none"> - Court staff - Court staff - Court staff - Court staff - Court staff - Court staff 	<ul style="list-style-type: none"> - No - No - No - No - No - No



ANNEX 4 - FOCUS GROUP WORK 2

Group 1	
Training Topic: ECtHR rulings in the case-law of administrative justice	
1	Learning objectives/outcomes (<i>minimum 3 max 8</i>)
	Information is gained regarding the place, value and applicability of the European Convention on Human Rights in domestic law.
	Implementation of the criteria applied by ECtHR in the dispute resolution (legitimate aim, legitimacy, proportionality and necessity in democratic society) in the trial phase of domestic law.
	Information is gained about the most common violations faced in ECtHR. (Right to Property, Right to A Fair Trial, Freedom of Expression, etc.)
	As part of the training, the incumbent judges are temporarily appointed to the Constitutional Court and work on a case.
	Participants are granted with the opportunity to observe and review hearings and negotiations in ECtHR and to prepare a report within this scope.
	In the writing of the decision, writing techniques and terminology are learned to prevent principles and fundamental rights violations such as the presumption of innocence.
	Skills to refer to correct ECtHR and Constitutional Court decisions in terms of identification of the facts and legal qualification.
2	Target audience (<i>target group relevant for this training</i>)
	Presidents of Courts and Judges
3	Number of participants
	Groups of 50
4	Forms of training (<i>face-to-face (workshop, seminar, conference); peer-to-peer meeting; e-learning or blended learning. . .</i>)
	It is ensured that a concrete ECtHR ruling is examined with claim and defence dimensions, through group works conducted after a seminar within a face to face model.
5	Trainer's profile
	Practitioners with ECtHR experience, Constitutional Court Rapporteurs and expert academics on human rights.
6	Training duration
	Minimum 2 days (In situ trainings 3 months in Constitutional Court, 1 week in ECtHR)
7	Evaluation method (<i>evaluation questionnaire, interview, observation. . .</i>)
	The training program and the success of the participants must be evaluated separately. In this context; questionnaires to be performed before and after the training programme; practical studies (such as decision writing) and examinations can be done for participants. Furthermore, participants may be required to record their referrals to the training program.



Grup 1

Training Topic: Reasoning and drafting judgements

1 Learning objectives/outcomes (*minimum 3 max 8*)

It is ensured that the legal notion (a common legal terminology, transfer of legal language to the decision) is gained in terms of decision writing

To know that the party's claims are included in all elements of the right to a fair trial and that they have been met

To know that the issues that are not claimed by the parties within the framework of the ex officio research principle will also be included in the decision and to improve the ability to implement

To develop the capacity to implement the correct determination of the relevant part of the fact and the legislation to be applied to the fact

It is learned that the fundamental rights and freedoms as well as the universal legal principles are protected before the third parties to be referred in the decision and parties of the case. (For example, how to implement the principle of protection of personal data)

The implementation of legal methodology and interpretation techniques in achieving the justification and in resolution of the dispute is aimed.

The ability to establish the ruling provision of the court decision in full, including the trial costs and power of attorney fees; in compliance with the claim, fact and the grounds of the decision is gained.

The issues in the list of recommendations published by the CJP Inspection Board are learned and implemented.

2 Target audience (*target group relevant for this training*)

Presidents of Courts and Judges (with priority to those proposed by the Board of Inspection, the volunteers) and the court personnel in terms of Articles 7 and

3 Number of participants

Groups of 50

4 Forms of training (*face-to-face (workshop, seminar, conference); peer-to-peer meeting; e-learning or blended learning...*)

Face-to-face training by applying interactive methods

5 Trainer's profile

Members of the profession who are entitled to certificates by receiving ToTs

6 Training duration

Minimum 2 days (*On-site training on the basis of the Regional Administrative Courts*)

7 Evaluation method (*evaluation questionnaire, interview, observation...*)

The training program and the success of the participants must be evaluated separately. In this context; questionnaires to be performed before and after the training programme; practical studies (such as decision writing) and examinations can be done for participants. Furthermore, participants may be required to record their referrals to the training program.

Group 2

Training Topic: Judicial Ethics

1 Learning objectives/outcomes (*minimum 3 max 8*)

- To increase knowledge of the basic principles of universal and Turkish judicial ethics
- To raise awareness of the judge's social role (ethical leadership)
- To learn the practices of the principle of independence and impartiality
- To learn that competence and professional care are indispensable
- To raise awareness that honesty and consistency will be the basis of trust in the judiciary
- To raise awareness of the difference between discipline and ethical rules

2 Target audience (target group relevant for this training)

All judges, with priority to judges with 0-3 years experience

3 Number of participants-Katılımcı sayısı

20-25

4 Forms of training (*face-to-face (workshop, seminar, conference); peer-to-peer meeting; e-learning or blended learning...*)

Face-to-face Socrates training model-based supported with case studies

5 Trainer's profile

A judge, whose ethical leadership has become known among colleagues
An expert who can explain examples of international good practices

6 Training duration

2 or 3 days

7 Evaluation method (evaluation questionnaire, interview, observation...)

Concrete case study (interview or written text)
Periodic evaluation of the number of ethical complaints about judges before and after training
Measurement with electronic survey stands to be put in the courts (Courttools-USA)



Group 2

Training Topic: Fair trial - reasonable time

1 Learning objectives/outcomes (*minimum 3 max 8*)

Learns the provisions of normative regulations (Constitution, European Convention on Human Rights) regarding the right to a fair trial and its sub-element, the reasonable period of time

Learns which types of cases apply to the provisions of the European Convention on Human Rights (Eskelinen-Finland, Pellegrin-Italy)

Learns the criteria to consider in determining whether the time is reasonable

To increase knowledge about the case law of European Court of Human Rights and the Constitutional Court on the matter

To raise awareness about the consequences of violating the right to a fair trial (Compensation, Recourse, International reputation of our country, etc.)

2 Target audience (*target group relevant for this training*)

All Judges

3 Number of participants

20-25

4 Forms of training (*face-to-face (workshop, seminar, conference); peer-to-peer meeting; e-learning or blended learning...*)

Workshop (such as concrete case reviews)
Distant Training

5 Trainer's profile

Constitutional Court Rapporteurs, judges from Human Rights Department, judges and experts known for their work in the field of human rights

6 Training duration

Periodic continuous training for periods of 2-3 days

7 Evaluation method (*evaluation questionnaire, interview, observation...*)

Concrete case study (interview or written text)
Periodic evaluation of the number of individual applications and decisions on violations before and after training
Informing judges about the decisions on violations through UYAP screen and assessing violations in subsequent decisions



Grup 3

Training Topic: *Property Rights, (ECHR Protocol 1)*

1 Learning objectives/outcomes (*minimum 3 max 8*)

To bring the ability to the judges to apply triple testing system created by ECtHR and Constitutional Court within the scope of ECHR regarding the right to property

To bring the practice to the judges in relation to access to ECtHR case law (Effective use of the HUDOC System.)

Conduct case studies on leading decisions on the subjects on which the most violation decisions are given in relation to the decisions of administrative and tax courts.

2 Target audience (*target group relevant for this training*)

All administrative and tax court judges separately, regardless of seniority

3 Number of participants

20

4 Forms of training (*face-to-face (workshop, seminar, conference); peer-to-peer meeting; e-learning or blended learning...*)

Face to face

5 Trainer's profile

Practitioners from ECtHR and the Constitutional Court

6 Training duration

2 days

7 Evaluation method (*evaluation questionnaire, interview, observation...*)

To ask the participants through survey whether they have referred to ECtHR and Constitutional Court case laws in their decisions following 2 years after the termination of training.



Grup 3

Training Topic: Principles of ex-officio examination

1 Learning objectives/outcomes (minimum 3 max 8)

*Effective protection of the right to a fair trial

*Accurate determination of the subject of the case and the facts

*What information and documents to be requested according to the type of dispute

*Observing the equality of arms and of contentious trial principles in relation to the information and documents provided in accordance with the principle of ex officio research

2 Target audience (*target group relevant for this training*)

Judges with professional seniority for less than 5 years

3 Number of participants

20

4 Forms of training (*face-to-face (workshop, seminar, conference); peer-to-peer meeting; e-learning or blended learning...*)

Case based, practical, face-to-face training

5 Trainer's profile

Preferably with knowledge in the field of human rights, with a certain professional seniority, experienced in different types of cases, presidents of the administrative and tax courts or head or member of chamber of regional administrative court

6 Training duration

2 days

7 Evaluation method (evaluation questionnaire, interview, observation...)

Presentation of group study for implementation on a case



Group 4 - Court staff

Training Topic: Effective Communication Skills

1 Learning objectives/outcomes (*minimum 3 max 8*)

Learns about the types of communication. (*Verbal / non-verbal / interpersonal*)

Grasps the basic principles of active listening.

Knows what communication barriers are.

Understands the negative impact of prejudice on good communication.

Understands the importance of an empathetic approach.

Uses the body language correctly and effectively.

2 Target audience (*target group relevant for this training*)

Newly appointed contracted personnel or permanent staff

Front office staff

Personnel working in the court registry

Other Personnel (Officer, Servant, Security Personnel)

3 Number of participants

25 to 30

4 Forms of training (face-to-face (*workshop, seminar, conference*); peer-to-peer meeting; e-learning or blended learning...)

Face-to-face training (U shape classes if possible)

Seminar or conference

Face-to-face training + web based

5 Trainer's profile

Psychologist, Pedagogue, Sociologist, Social Service Expert, academics

6 Training duration

1 to 2 days

7 Evaluation method (evaluation questionnaire, interview, observation...)

Participant survey, trainer opinion survey



Group 4 - Court staff

Training Topic: Notification challenges

1 Learning objectives/outcomes (*minimum 3 max 8*)

Understands the importance of accurate and timely data entry.

Informed about the overall and features of the Notification Law.

Learns about the e-notification procedure.

Learns about the importance of articles 21 and 35 of Notification Law.

Knows the procedures for notification abroad.

Knows the procedures for notification to legal entities.

Understands the importance of timely notification procedures and processing them on the case cover

2 Target audience (target group relevant for this training)

Chief clerk; Clerk and Bailiff.

3 Number of participants

25 to 30 people

4 Forms of training (face-to-face (*workshop, seminar, conference*); *peer-to-peer meeting; e-learning or blended learning...*)

Face-to-face training (applied on UYAP test screen)

5 Trainer's profile

Competent Chief Clerks and Clerks who have received ToT

6 Training duration

2 days (up to 6 hours)

7 Evaluation method (evaluation questionnaire, interview, observation...)

Participant survey, trainer opinion survey, pre-test and final test



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This Training Needs Assessment (TNA) Report and its Action Plan were developed in the framework of the Joint Project on “Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State.”

This assessment report evaluates the training needs of the Turkish administrative judiciary under the project with a combination of quantitative and qualitative research tools. It was conducted in the period of December 2019 – February 2020. Main tools for the assessment included, surveys; focus group sessions; review of legislation, reports and strategic documents; and analysis of available statistical data. Stakeholders contributions were gathered through workshops and meetings organised by the Council of Europe, in cooperation with the Ministry of Justice, the Council of State, the Turkish Constitutional Court, the Council of Judges and Prosecutors, the Ombudsman, the Justice Academy of Turkey, the Union of Turkish Bar Associations, Regional Administrative Courts, first instance administrative and tax courts and other project stakeholders.

The findings and the results of each stage of the TNA process are presented as separate chapters in this report. This report is planned to serve as a guiding document for the planning and design of the training activities envisaged within the Project. The key recommendations made in the report will also guide the future training actions not only by the project, but by Turkish authorities as well.

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