



ANNEX C1: Twinning Fiche

Project title: Improvement of the Efficiency of Pre-service Trainings for Candidate Judges and Prosecutors

Beneficiary administration: Turkish Ministry of Justice

Twining Reference: TR 15 IPA JH 10 19

Publication notice reference: EuropeAid/162288/ID/ACT/TR

EU funded project

TWINNING TOOL

1. Basic Information

- 1.1 Programme: IPA II 2015 Programming Year/ Indirect management with ex-post control
Financing Decision number: IPA/2015/038-404 (EC)- IPA National Programme for Turkey 2015- Objective 1

For British applicants: Please be aware that eligibility criteria must be complied with for the entire duration of the grant. If the United Kingdom withdraws from the EU during the grant period without concluding an agreement with the EU ensuring in particular that British applicants continue to be eligible, you will cease to receive EU funding (while continuing, where possible, to participate) or be required to leave the project on the basis of Article 12.2 of the General Conditions1 to the grant agreement.

- 1.2 Twinning Sector: Justice and Home Affairs, (Rule of Law and Fundamental Rights/ Judiciary and Fundamental Rights Sub-sector/ Judiciary Rights Sub-Field)

- 1.3 EU funded budget: IPA Total Budget Contribution, 2.000.000 Euro

2. Objectives

2.1 Overall Objective(s):

To improve the efficiency of the training and internship of candidate judges and prosecutors in line with the European standards with a view of enhancing the independence, quality, effectiveness and efficiency of the judiciary.

2.2 Specific objective:

To establish the pre-service training and internship model for candidate judges and prosecutors in line with the European standards in order to ensure objective, impartial and competent performance after they take up their duties.

2.3 The elements targeted in strategic documents i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reform strategy and related Action Plans

With reference to the fundamental documents of the EU and also in parallel with the National Documents, strengthening the rule of law and human rights and creating an effective, independent and impartial judicial system are considered as basic requirements to come closer to the EU for a candidate country.

2008 Accession Partnership Document for Turkey sets out significant number of priorities regarding the Chapter 23- Judiciary and Fundamental Rights. Priority No. 23.1 of the Chapter 23 of the National Programme of Turkey for the Adoption of EU Acquis (NPAA) based on the Council Decision of 18 February 2008 on the Accession Partnership with the Republic of Turkey, focuses on “increasing the efficiency, efficacy and functionality of the judiciary” based on schedules for legislative alignment and institution building which would also direct impact on the judiciary.

One of the main aims of **the Indicative Strategy Paper for Turkey (2014-2020)** is on enhanced efficiency and effectiveness of the Rule of Law including the judiciary, and increasing the independence of the judiciary; improving impartiality of the judiciary; increasing awareness on human rights among members of the judiciary.

As the judiciary and fundamental rights are complementary areas and are key strategic priorities for pre-accession assistance to Turkey, IPA II assistance which has been formulated within the framework of the Indicative Strategy Paper, has also been designed to be fully consistent and compliant with the main objectives set out in various national strategies, judicial bodies' institutional strategic and action plans, (i.e. **10th National Development Plan, the Judicial Reform Strategy, the Action Plan** etc.), as presented below.

Turkey's 10th National Development Plan (2014-2018) identifies the main priorities in the field of judiciary as follows: to maintain improved quality of judicial proceedings; to continue to carry out legal and institutional measures in the context of principal of rule of law; to further improve the judicial system in line with international standards; to ensure the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination. The Development Plan also confirms that improvements are still needed on the rule of law and the full enjoyment of fundamental rights and freedoms by all individuals, without discrimination. This has been encouraged by a series of judicial reform packages, which are also acknowledged by Turkey's efforts to significantly make reforms in the judiciary. However, there is still room for improvement for ensuring fast, fair, efficient, reliable and proper functioning of the judicial procedures. There is still a need to increase the number of judges and auxiliary judicial personnel, to determine ethical rules for judicial staff according to universal principles, to accelerate judicial processes, to increase the access to justice to enhance the debt collection offices and the expert mechanism and to increase the quality of law education.

Strategic Plan of Ministry of Justice

Strategic Objective 4: Strengthening the Capacity of Human Rights and Professional Competence: Providing pre-service and in-service training for the members of judiciary carries great importance in terms of the qualified judicial activities. The Recommendation of the Council of Europe's Committee of Ministers to member states on judges: independence, efficiency and responsibilities points that the judges should be provided an appropriate training before and after being appointed. Candidatship education of the judges and prosecutors is the first step to begin to the profession. The education provided by the academicians and practitioners enables the candidates to begin with the necessary information and contributes to the professional culture to form.

In line with the developments in contemporary legal systems, the legal issues and disputes also undergo significant changes with regard to the quality and quantity and get more and more complex. Considering the mentioned developments, efficient internship and in-service training of the members of judiciary will ensure efficient execution of their duties.

In 2018 Country Report, it is stipulated that "Concerns remain over the lack of objective, merit-based, uniform and pre-established criteria for recruiting and promoting judges and prosecutors. No measures were taken to address concerns regarding the lack of objective,

merit-based, uniform and pre-established criteria for recruiting and promoting judges and prosecutors. In the coming year, Turkey should: create a political and legal environment that allows the judiciary to perform its duties independently and impartially; strengthens judicial responsibilities, with the executive and legislature fully respecting the separation of powers; and ensures that judgments by the Constitutional Court, whose decisions should follow European Court of Human Rights (ECtHR) jurisprudence, are respected by lower courts..."

3. Description

3.1 Background and justification:

The importance of the training of judges is recognised in international instruments such as the UN Basic Principles on the Independence of the Judiciary, adopted in 1985, and Council of Europe texts adopted in 1994 (Recommendation N° R (94) 12 on the independence, efficiency and role of judges) and 1998 (European Charter on the Statute for Judges) and was referred to in paragraph 11 of the CCJE's (Consultative Council of European Judges) Opinion N° 1. It is essential that judges, selected after having done full legal studies, receive detailed, in-depth, diversified training so that they are able to perform their duties satisfactorily. Such training is also a guarantee of their independence and impartiality, in accordance with the requirements of the Convention for the Protection of Human Rights and Fundamental Freedoms. Training is a prerequisite if the judiciary is to be respected and worthy of respect. The trust citizens place in the judicial system will be strengthened if judges have a depth and diversity of knowledge which extend beyond the technical field of law to areas of important social concern, as well as courtroom and personal skills and understanding enabling them to manage cases and deal with all persons involved appropriately and sensitively. Training is in short essential for the objective, impartial and competent performance of judicial functions, and to protect judges from inappropriate influences.

In view of the diversity of the systems for training judges in Europe, the CCJE recommends that all appointees to judicial posts should have or acquire, before they take up their duties, extensive knowledge of substantive national and international law and procedure, that these theoretical and practical programmes should not be limited to techniques in the purely legal fields but should also include training in ethics and an introduction to other fields relevant to judicial activity, such as management of cases and administration of courts, information technology, foreign languages, social sciences and alternative dispute resolution (ADR) and that the training should be pluralist in order to guarantee and strengthen the open-mindedness of the judge.

The similar approach has been reflected by the European Judicial Training Network (EJTN) which brings together judicial training institutions from all European Union (EU) Member States and supports the interests of over 120,000 European judges, prosecutors and judicial trainers across Europe. The fundamental importance of EJTN within the sphere of European Judicial training is recognized by the Council of the European Union in 2014. Turkey, being a member of Council of Europe and candidate country to the EU, shares and respects the standardization of the judicial training in Europe.

As mentioned above, today, all developed countries take efforts to admit well-trained law graduates into profession as judges and prosecutors and make sure that they receive individual practical knowledge and skills required by the profession in addition to knowledge on court management, interpersonal communication as well as theoretical knowledge during their training period.

Also in Turkey, great efforts are made for ensuring that judges and prosecutors are well-trained. Their training starts from their candidacy period with the pre-service training process and continues afterwards with in-service training courses for sitting judges and prosecutors to update their knowledge and skills regularly.

Turkey uses two channels for the selection of candidate judges and prosecutors; new graduates of law schools and practicing lawyers. The candidacy period is two years for judges and prosecutors in Turkey (except for the practicing lawyers for which the candidacy period is six months without any internship at courts). This period consists of three consecutive periods, namely the preparatory (theory based) training period for 3 months, internship period for 17 months and final training period for 4 months. The duration of these periods are being regulated by by-Laws. The main focus of this project will be on the internship period. While the preparatory training and the final training are being delivered by the Training Center for Judges and Prosecutors (until 10/07/2018 by the Justice Academy), the internship period takes place at the first instance courts, prosecution offices, appeal courts and High Courts. Candidates are not separated as judges and prosecutors during the preparatory training; they receive the common curriculum. Candidates choose their profession after preparatory training and receive different curricula during their final training.

The candidacy period is aimed at equipping the candidates with relevant practical knowledge and experience necessary for their admission into the profession after receiving the necessary theoretical and academic knowledge at the Law Schools. In the past, the Justice Academy of Turkey, which was abolished recently with all responsibilities transferred to a Training Center for Judges & Prosecutors established under the Ministry of Justice, has been supported through EU projects with special emphasis on the theoretical training periods but no efforts have been made for improving the internship of candidates at the courts, prosecution offices and high courts. The major project in this field i.e. "Towards an Effective and Professional Justice Academy" twinning project implemented between the years 2012-2014 has provided a main recommendation as that the training at the Academy (at the moment the Training Center for Judges and Prosecutors) and the internship period in the practical phase should be coordinated only by one institution to reach efficiency and that the practical phase should be spent only in qualified courts where instructors have enough time and should be accompanied by regular lessons.

In line with this recommendation through this project it is planned to work on development of an efficient internship period of candidates in courts and strengthening the quality of internship duration by preparing standardized training modules and trainings for different categories of actors in the system (candidates, judges/prosecutors, coordinators, inspectors, auxiliary staff...).

The current system is criticized for the following reasons.

Multiple Actors Involved in the Process:

The responsibility of admissions into candidacy and personnel affairs of candidates lies with the Ministry of Justice. Security of tenure of judges is ensured by the individual Justice Commissions established in the independent courts. And finally Training Center for Judges and Prosecutors (former Justice Academy) is mandated for the pre-service training of the candidates. This structure gives the impression that there are several leaders in the process. It is considered that close monitoring of candidates during internship cannot be performed. Thus, the current system has to be reviewed; and in order to make candidacy period more efficient and effective either the process must be managed and supervised by one institution or better coordination must be achieved among institutions involved in the process.

No Established Standards for Designation of Internship Courts

The domestic legislation provides that Council of Judges and Prosecutors shall designate courts of internship for placing candidate judges and prosecutors in heavy penal court jurisdictions for candidates of civil/criminal judiciary and in regional administrative courts for candidates of administrative judiciary. It has been observed however that in practice, all these courts are designated as "internship courts". Thus, there are 139 internship courts for civil/criminal and 25 internship courts for administrative judiciary. It is considered that spending the practical phase in qualified courts, designated for the candidates where they could be supervised and, as appropriate, mentored by their peers would secure the aim of the internship which is to equip the candidates with competences to be achieved during internship period such as judge craft as well as communication skills with fellow citizens and external actors.

No Established Standards for Judges/Prosecutors Supervising Candidates

In every heavy penal court jurisdiction, there are varying numbers of courts, judges and prosecutors, auxiliary personnel, other institutions established and different levels of physical facilities. However, despite different conditions, candidate judges and prosecutors should receive theoretical and practical knowledge in a format as standardized as possible so that they will be better equipped and able to work in better harmony when they take office. The same applies to regional administrative courts where candidates of administrative judiciary fulfil their internship.

No effort has been taken so far focusing on the courts of internship and judges and prosecutors working at courts and prosecution offices of internship. It will be useful to work with judges and prosecutors working at courts of internship and representatives of relevant institutions (hospitals, police and gendarmerie, governorates, the council of forensic medicine....) to identify problems faced and offer solutions. It is considered useful to develop a manual for court judges and prosecutors and candidate judges and prosecutors.

Today it is observed that not all judges and prosecutors working at jurisdictions of internship present the same level of sensitivity for teaching the profession to candidate judges and prosecutors mainly due to heavy workload and there are other problems such as lack of working space. There is no instrument listing internship objectives to be achieved

by candidate judges and prosecutors at jurisdictions of internship or providing information to judges and prosecutors on how to provide mentoring to candidates.

Therefore, through this project, it is aimed to develop criteria for courts to be designated as courts of internship; to train judges and prosecutors in office in these jurisdictions on supervising the candidates; to determine competences and skills to be achieved by candidates at courts of internship and to work on designated positions for judges and prosecutors to deal with the internship process of candidate judges and prosecutors.

In addition, candidate judges and prosecutors are not provided with sufficient knowledge on how they will be assessed by inspectors on their personal characteristics and professional performance, how the court, prosecution offices and clerical offices will be inspected; and how evidence units, execution offices, notaries and cashier's offices will be inspected. Moreover, following the recent establishment of Appeal Courts in the judicial system, it is considered useful to review internship periods at Appeal Courts and High Courts in the EU and to set standards for internship at these jurisdictions..

In line with the problems cited above, the project will aim to provide a holistic approach for the entire training cycle, i.e. from theoretical training at the Training Center for Judges and Prosecutors to practical training at the judicial institutions during the internship period, and mainly focusing on this internship period; to establish an efficient and well-structured training model.

3.2 Ongoing reforms:

Justice Academy was established on 23/07/2013 with Law number 4954 to ensure the competent, professional, independent, impartial and efficient implementation of judicial services through effective training of candidate judges and prosecutors. With the Constitutional amendments adopted by the 2017 referendum, the Presidential Government System was put into effect in Turkey on 24/06/2018. Many important structural changes have taken place in the Turkish public administration and judicial institutions, one of which was the abolishment of the Justice Academy and the establishment of the Training Center for Judges and Prosecutors under Department of Training of Ministry of Justice. All the tasks of the Justice Academy were transferred to the Training Center for Judges and Prosecutors. Since July 2018, the pre-service training of candidate judges & prosecutors, in-service training of sitting judges & prosecutors as well as notaries and lawyers (upon their request) are being organized at this Training Center. In the meantime the preparations on re-establishing an autonomous training center for judges and prosecutors are ongoing.

Under the current Judicial Reform Strategy and the Strategic Plan of the Ministry, improving the professional competence of judicial professionals is one of the most important goals. In order to ensure a fair, effective and reliable judiciary which is an essential factor of the state of law, judges and prosecutors should be trained in the best way. It should be ensured through this training that candidates have necessary knowledge and skills to practice their profession, their sense of impartiality and understanding of professional dignity and justice are improved, they perceive the basic legal principles, they are attached to ethical principles of the profession, they gain research and examination skills, they perceive the basic legal principles and they can interpret and solve legal

conflicts.

This is also one of the priorities of the work currently ongoing for the revision of the Judicial Reform Strategy. It is foreseen to establish Judicial assistants in order to increase the efficiency of the internship period as well as to increase the duration of the internship to 3 years or more depending on the needs assessment.

Strengthening the human resources and professional capacity are the most important objectives under new Strategic Plan and draft Reform Strategy Plan. In this context, Turkey, being a member of European Commission for the Efficiency of Justice (CEPEJ) aims to provide European standards in terms of the number of the judges/public prosecutors per 100.000 inhabitants. The average number of judges and public prosecutors in CEPEJ Reports are 20.9 and 11.7 respectively. In Turkey, the numbers are 16,5 for judges and 7.5 for public prosecutors. Therefore, it is planned to recruit 3 521 judges and 6901 public prosecutors until 2023 and plans were made accordingly. 1000 candidate judges/prosecutors from new graduates of law schools and 500 candidates from practicing lawyers (1500 candidates for ordinary courts) and 100 candidates for administrative courts will be selected by a competitive examination to be held on 29 th of December 2018. There are currently 2874 candidates who are receiving training.

It is also worth mentioning that many important transformations are expected in the judiciary in the coming years such as the introduction of a “Legal Professions Entrance Exam” for bachelors of law wanting to become judge and prosecutor assistants or lawyers or notaries.

Turkey, leaving behind the exceptional circumstances recently experienced throughout the country, as a founding member of the Council of Europe, and a candidate country to the EU, wants to develop its legislation and its practice in line with EU standards.

As a result of these efforts mentioned above, it is considered that if this project would be implemented in a timely manner, it would directly contribute to Turkish judicial system by providing standardized training modules for candidates, judges, prosecutors, coordinators and it would contribute to the strengthening the rule of law.

3.3 Linked activities:

Strengthening the Court Management System (Phase I and II):

There have been several efforts to improve the quality of judicial services and human resources for many years. The two EU projects implemented with the CoE and the Ministry of Justice fostered, supported and accelerated cultural transformations and achieved considerable results in respect of changes in courthouse practice and policy which in turn led to greater courthouse efficiency. The first project was implemented between the years 2007-2009 in 5 pilot courthouses. The follow up project was implemented between the years 2011-2013 in 21 courthouses. After the completion of the second project, the project outputs have been disseminated throughout Turkey. Through these joint projects, the Ministry of Justice and other project stakeholders have made significant improvements by initiating new policies and practices in line with European standards (e.g. Financial Organization, Information Desks, auxiliary staff, time

management, civil procedures). Now the outputs of the project are being implemented in 111 courthouses as of 20 July 2017. However the results of projects components regarding Court Managers (CM) and Judicial Assistants (JA) remained comparatively weak. The candidate judges and prosecutors were designated as "Judicial Assistants" in courts and the results were promising. Awareness was raised on CM and JA. The process of introducing the JA function, which is described as the permanent position of assistants to judges and prosecutors in order to increase the efficiency of the judicial system and to diminish the huge current workload and backload of judges and prosecutors, was not completed, though prescribed already by the October 2008 Strategy Plan. The internship period of candidate judges and prosecutors serving in a judicial assistant function was too short for achieving significant tangible benefits – both in terms of experience gained through the on-the-job-training by interns and in terms of the latter providing actual support to mentor judges and prosecutors.

This project may trigger the studies of the previous project. Under the studies regarding the new Judicial Reform Strategy, the establishment of judicial assistants cadre is planning to be put as an objective in order to increase the efficiency of the internship period. This would also ensure the outputs of the CM Joint Project.

Towards an effective and professional Justice Academy Project:

The project aimed at ensuring the proper functioning, effectiveness and efficiency of the judiciary in line with the EU standards. The project purpose was to contribute to the Academy becoming a strong and independent training provider for the entire judiciary by attaining a high degree of professionalism.

One component of the project dealt with the strengthening of the institutional capacity of the Justice Academy of Turkey through - inter alia - law assessments and recommendations for amendments, the establishment of an impact assessment unit and the improvement of public relation service. The project was also contributed to Justice Academy on strengthening its capacity on human rights'.

The other component worked on the improvement of the academic capacity of the Justice Academy of Turkey with the revision of trainings strategies, the design of new trainings curricula and the establishment of a human rights unit. A training manual on human rights was designed.

3.4 List of applicable *Union acquis*/standards/norms:

At the EU level, the entry into force of the Lisbon Treaty has not only given a boost to areas of EU law and legislation, which are of particular relevance for the judiciary (such as the integration of the former third pillar areas of criminal law and police cooperation in the traditional "Community" acquis, while granting primary law status to the Charter of Fundamental Rights), but has also created a legal basis for EU action to "support the training of the judiciary and judicial staff" as enshrined in articles 81 and 82 of the TFEU.

In parallel, judicial training has been further prioritised on the political agenda of the EU institutions. The European Parliament has several times called for the enhancement of judicial training and has now provided funding for a pilot project, which is in the process

of being implemented.

The Stockholm Programme¹ and Action Plan² as well as the recent Commission Communication on judicial training³ have set extremely ambitious targets, the latter aiming at enabling “...half of the legal practitioners in the EU to participate in European judicial training activities by 2020”.

The European standards derived mainly from the following sources: The European Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the Strasbourg Court; the Charter of Fundamental Rights of European Union; Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges independence, efficiency and responsibilities, adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies; Recommendation (1994)12 adopted by the Committee of Ministers of the Council of Europe on 13 October 1994 and its explanatory memorandum on Independence, efficiency and role of judges; Opinion n°. 1 of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers of the Council of Europe on standards concerning the independence of the judiciary and the irremovability of judges; Opinion no. 3 of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers of the Council of Europe on the principles and rules governing judges' professional conduct, in particular ethics, incompatible behaviour and impartiality; Opinion n°. 4 of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers of the Council of Europe on appropriate initial and in-service training for judges at national and European levels; Opinion n°. 10 of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers of the Council of Europe on the Council for the Judiciary at the service of society; Opinion n°.11 (2008) of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers of the Council of Europe on the quality of judicial decisions; the European Charter on the Status of Judges, adopted by participants from European countries and two judges' international associations meeting in Strasbourg on 8-10 July 1998; United Nations Basic Principles on the Independence of the Judiciary, endorsed by the United Nations General Assembly in November 1985; report on European standards as regards the independence of the judicial system: part I- the independence of judges, adopted by the Venice commission at its 82nd plenary session, in Venice on 12-13 March 2010; Recommendation Rec(2000)19, adopted by the Committee of Ministers of the Council of Europe on 6 October 2000 on “The role of public prosecution in the criminal justice system”; the “Budapest Guidelines” adopted in Budapest on 31 May 2005 by the Conference of Prosecutors General of Europe; report on European standards as regards the independence of the judicial system: part II – the prosecution service, adopted by the Venice commission at its 85th plenary session, in Venice, on 17-18 December 2010.

¹The Stockholm Programme- An open and secure Europe serving and protecting citizens O.J 4.5.2010 C 115/ 1

²Action Plan Implementing the Stockholm Programme COM (2010) 171 final 20.4.2010

³Building trust in EU wide justice- A new dimension to European Judicial Training com(2011) 551 final 13.9.2011

3.5 Components and results per component

Mandatory Result 1 (Component 1): Contribution to setting up a new internship system in line with European standards and best practice, implemented and disseminated in the 10 pilot courts;

Mandatory Result 2 (Component 2) Contribution to the improvement of professional skills of the candidates in the courts, and enhanced effectiveness of newcomer judges/public prosecutors.

3.6 Means/input from the EU Member State Partner Administration(s)*:

The project will be implemented in the form of a Twinning contract between Turkey and a Member State/Member States. The overall duration of the project is envisaged to be **24 months**. The Twinning partner(s) will manage all aspects of the trainings and components described in this project fiche in close cooperation with the MoJ and Council for Judges and Public Prosecutors.

The Twinning partner(s) will provide a Project Leader (PL) and a Resident Twinning Advisor (RTA) and also secure a pool of short-term experts, who will be called upon whenever necessary to contribute to the achievement of the mandatory results and especially for the purpose of advisory services and training according to the work plan that will be prepared as part of the corresponding contract.

Short Term Experts will work together with the staff of the beneficiary institution. In addition to providing the Twinning partner with adequate staff and other resources to operate effectively, the senior management of the beneficiary institution is expected to be involved in the development and implementation of policies and institutional change required to deliver the project results.

The EU Twinning partner will be a Member State institution directly involved in the trainings of the candidates or a consortium which could result in a wide range of qualified senior experts gathered from the public administrations or mandated bodies, provided that national approaches can be harmonized within this consortium.

3.6.1 Profile and tasks of the PL:

The Project Leader from the EU Member State should be a senior civil servant or assimilated agent with a sufficient rank to ensure an operational dialogue at political level, who works in the field relevant to this project and has been at least three years in a management position within the institution/mandated body.

The Project Leader will be responsible for achievement of project results, ensuring the activities for the co-operation and information exchange between EU Member States side and Beneficiary side, ensuring that all the required support of the management and staff of the EU side are available. S/he will coordinate the Project Steering Committee meetings on the EU Member State side.

Profile:

Qualification and skills

- University level education or 8 years equivalent professional experience in the related field
- Fluency in English,
- Broad long-term knowledge of all processes in the area of *acquis* that the project is dealing with
- Good inter-personal skills
- Good management skills
- Experience in working intercultural projects

General professional experience

- At least 3 years' experience in working with *Union acquis* concerning judiciary and fundamental rights
- Experience in project management
- Strong initiative, analytical and team working skills

Specific professional experience

- Specific experience in the field of judicial training
- Knowledge of the EU Member States' judicial training methodology and system

3.6.2 Profile and tasks of the RTA:

The RTA will be in charge of the day-to-day implementation of the Twinning project in the Republic of Turkey. S/he will coordinate the implementation of activities according to a pre-determined work plan and liaise with the RTA counterpart in the Republic of Turkey.

The RTA will bring in a significant professional input, especially at the beginning of the Twinning project.

RTA will provide technical and operational assistance to the MoJ during the implementation period. The RTA is expected to co-ordinate all activities of the project. He/she will be located at the MoJ in Ankara; He/she has to be a person with significant experience as a manager and should have a capacity for managing projects and coordinating large-scale capacity building projects.

Qualification and skills

- At least 3-year experience in EU legislation related to judiciary and fundamental rights,
- University degree in a related field or equivalent experience of 8 years in a pertinent field;
- Have recent experience and knowledge in a governmental body/competent authority/mandated body that is in charge of organising / providing assistance for pre-service trainings of candidate judges and prosecutors.
- Have strong analytic and team work skills,
- Have knowledge about *Union acquis* and the documents of the Council of Europe related to the pre-service trainings of candidate judges and prosecutors,

- Preferably have comparative knowledge of the other EU Member States' practices in the field of pre-service trainings of candidate judges and prosecutors,
- Have experience in developing, coordinating and implementing training programs,
- Have experience in project management,
- Have strong written and verbal communication skills in English,

General professional experience

- At least 3 years' experience in working with Union acquis concerning judicial training

Specific professional experience

- Recent experience in a state institution\mandated body in judiciary
- Experience in preparation of major strategic documents
- Experience in developing, co-ordinating and conducting capacity building activities, legal amendments and training programmes.

Duration of RTA secondment: 24 months

3.6.3 Profile and tasks of Component Leaders:

Component leaders will ensure the implementation of project components and plan the agreed activities in a timely manner with high quality. They report to the RTA and liaise with the RTA counterpart.

Qualifications and skills:

- University level education in law or 8 years equivalent professional experience in the related field
- Working knowledge of English.
- Good inter-personal and communication skills.

General professional experience

At least 3 years of professional experience in the relevant field.

3.6.4 Profile and tasks of other short-term experts:

A pool of short term experts is required to implement the project activities covering the following indicative subjects:

- Conducting needs assessment with EU comparison
- Developing Training of Trainers and roll out trainings
- Strong professional background with an extensive experience on judicial training
- Institutional development
- Strategic Planning
- Sampling methodology and guidelines
- Preparation of Draft Laws
- Training and Guideline Sampling

General Profile of Short Term Experts

Qualifications and skills:

- Have a university degree in a relevant field or equivalent experience of at least 8 years in a pertinent field;
- Have minimum 3 years specific experience in the fields and subject areas they are selected for in addition to general professional experience,
- Have a good command of written and verbal English,
- Proven employment contract with a public body or a competent authority/mandated body,
- Have the capacity of integrating with a wide team of experts,
- Have the willingness to work in a different cultural environment.
- Previous working experience in different cultures and countries will be an asset.

General professional experience

- At least 3 years of professional experience in the relevant field, 8 years' experience is considered to be an asset

Tasks:

- To contribute to the project activities with a short term provision of inputs with specialised knowledge in the area of judicial training
- To provide inputs for the consultation process, meetings and workshops,
- To prepare training programme and materials and delivery of sessions,
- Advice and backstopping from a national EU Ministry of Justice and other stakeholders

4. Budget

Maximum Budget available for the Grant

Twining Project Title	EU Contribution	National Contribution	Total
Improvement of the Efficiency of Pre-service Trainings for Candidate Judges and Prosecutors	100% 2.000.000€	-	2.000.000 €

5. Implementation Arrangements

5.1 Implementing Agency responsible for tendering, contracting and accounting (AO/CFCE/PAO/European Union Delegation/Office):

Central Finance and Contracts Unit (CFCU)

Mr. M. Selim Uslu

PAO and CFCU Director

Central Finance and Contracts Unit

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5.2 Institutional framework

The end beneficiary is the Ministry of Justice and in particular the Directorate General for Personnel Affairs. The Directorate General for Personnel is responsible for coordinating the selection process of candidates and Training Center for Judges and Prosecutors is responsible to provide theoretical pre-service training for candidates.

During the IPA II term, the Ministry of Justice Directorate General for EU Affairs has overtaken the lead institution role in judiciary sector. The Directorate has merged with DG for International Law and Foreign Affairs and it became DG for International Law and EU Affairs. As the lead institution in justice sector, DG for International Law and EU Affairs is given important responsibilities and powers to ensure efficient and effective utilization of the IPA funds. Within the framework of the lead institution role, it is entitled and authorized to ensure the general coordination of the projects to be implemented in the sector. In this framework, it will also support the technical implementation of this project and ensure that all sub-beneficiaries participate in the project activities within the main objective of the project.

5.3 Counterparts in the Beneficiary administration:

The PL and RTA counterparts will be staff of the Beneficiary administration and will be actively involved in the management and coordination of the project.

5.3.1 Contact person:

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Justice Expert
Director General for Personnel Affairs
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5.3.2 PL counterpart

Mr. Mehmet Arı
Director General of Personnel Affairs
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5.3.3 RTA counterpart

Mr. Faruk Gökçe
Judge
Directorate General for Personnel Affairs
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6. Duration of the project

24 Months

7. Management and reporting

The project activities will be carried out and their sustainability will be ensured by means of the Directorate General for Personnel of the Ministry of Justice. Furthermore, the efficiency of pre-service trainings for candidate judges and prosecutors will be ensured on a continuous basis due to the legal grounds to be stipulated through the legislative amendments that are aimed by the project. The materials will be made available for users.

Strong commitment of the beneficiary and close cooperation with the Project partners will increase the efficiency and effectiveness. All lessons learned from various projects and programmes will be taken into consideration to avoid any repetitions too.

DG for Personnel Affairs will be responsible for the allocation of the required financial sources after the implementation of the project to ensure the sustainability and will make sure the sufficient resources are allocated.

During the implementation of the Project, 10 courthouses/ or courts will be selected as pilots schema. A model which does not need legal amendment will be set up and put into the practice within the lifetime of the project. The related legislation will be analyzed and a draft will be prepared and submitted to the decision-makers before the implementation period lasts. The candidates and the senior judges/ prosecutors in the pilot courthouses will be trained in accordance with the new model. The implementation will be monitored closely and necessary measures will be taken in order to ensure effective implementation of the Project. The seniors who will be acting as trainers will be selected upon their request. In the selection of the pilot courthouses, the physical and human resources capacity of the courts/courthouses, the number of the candidates etc. ... will be taken into consideration. A coordinator judge/prosecutor whom will be chosen among trainers will be assigned for the pilot courthouses. The candidates will be granted an opportunity to access to the coordinator judges/ prosecutors when deemed necessary. The coordinators of the pilot courthouses will prepare report on the implementation. The content of the report will be determined by the Project team and standardized. The findings and recommendations of the reports will be used in drafting legislation.

7.1 Language

The official language of the project is the one used as contract language under the instrument (English). All formal communications regarding the project, including interim and final reports, shall be produced in the language of the contract.

7.2 Project Steering Committee

A project steering committee (PSC) shall oversee the implementation of the project. The main duties of the PSC include verification of the progress and achievements *via-à-vis* the mandatory results/outputs chain (from mandatory results/outputs per component to impact), ensuring good coordination among the actors, finalising the interim reports and discuss the updated work plan. Other details concerning the establishment and functioning of the PSC are described in the Twinning Manual.

7.3 Reporting

All reports shall have a narrative section and a financial section. They shall include as a minimum the information detailed in section 5.5.2 (interim reports) and 5.5.3 (final report) of the Twinning Manual. Reports need to go beyond activities and inputs. Two types of reports are foreseen in the framework of Twinning: interim quarterly reports and final report. An interim quarterly report shall be presented for discussion at each meeting of the PSC. The narrative part shall primarily take stock of the progress and achievements *via-à-vis* the mandatory results and provide precise recommendations and corrective measures to be decided by in order to ensure the further progress.

8. Sustainability

The project activities will be carried out and their sustainability will be ensured by means of the Directorate General for Personnel of the Ministry of Justice. Furthermore, the efficiency of pre-service trainings for candidate judges and prosecutors will be ensured on a continuous basis due to the legal grounds to be stipulated through the legislative amendments that are aimed by the project. The materials will be made available for users.

Strong commitment of the beneficiary and close cooperation with the Project partners will increase the efficiency and effectiveness. All lessons learned from various projects and programmes will be taken into consideration to avoid any repetitions too.

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recommendations of the reports will be used in drafting legislation.

9. Crosscutting issues (*equal opportunity, environment, climate etc...*)

The main crosscutting theme of the project is to contribute confidence to judiciary by increasing the competence of candidate judges/ prosecutors. The well-functioning of the judicial system and improved efficiency of the Turkish system are fundamental to ensure that human rights are in accordance with the Copenhagen criteria and the European Convention on Human Rights.

Participation in this project will be open to both males and females involved in the sector.

The principle of equal opportunity will also be integrated into all stages of the project implementation. The Beneficiary respects the rights of equal opportunity of all genders, groups (i.e. disabled persons) and ages for employment. Appropriate professional qualifications and experience will be the main factors of personnel recruitment and evaluation. Both women and men have identical prospects. Nevertheless, all periodical progress review reports and other interim reports will include a specific explanation on measures and policies taken with respect to participation of women and equal opportunity for women and men and will provide measurements of achievement of this goal.

10. Conditionality and sequencing

N/A

Commitment towards the realisation of independency of the judiciary training and human resources system is highly important for the implementation of the project.

11. Indicators for performance measurement

<i>Levels</i>	<i>Indicators</i>
<i>Overall objective</i> To improve the efficiency of the training and internship of candidate judges and prosecutors in harmony with the European standards with a view to enhancing the independence, quality, effectiveness and efficiency of the judiciary.	% 5 increase in the approval rate of the Court of Appeals and/or Court of Cassation of the decisions of the newly appointed judges/public prosecutors who were trained under the scope of the project within 5 years after the finalisation of the project
<i>Project Purpose</i> To establish the pre-service training and internship model for candidate judges and prosecutors in line with the European standards in order to ensure objective, impartial and competent performance after they take up their duties.	Number of judges and prosecutors obtained positive scores during senior colleague assessments and inspection.

<p><i>Results</i></p> <p>Mandatory Result 1 (Component 1): Contribution to setting up a new internship system for candidate judges/prosecutors in line with European standards and best practice, implemented and disseminated in the 10 pilot courts;</p>	<ul style="list-style-type: none"> - A new internship model in line with EU practices for candidate judges/prosecutors is adopted and implemented. - Criteria available for designation of qualified courts and appeal courts - Systematic structure for supervision of candidates in place - Manual/Guidelines developed for internship court judges & prosecutors (mentors)& inspectors - Manual/Guidelines developed to determine the competences and skills to be achieved by the candidates - Training models for judges & prosecutors & inspectors (first instance courts, appeal courts and Supreme Courts will be taken into consideration) - Training models for candidate judges & prosecutors (first instance courts, appeal courts and Supreme Courts will be taken into consideration) - Primary and secondary legislative amendment proposal
<p>Mandatory Result 2 (Component 2): Contribution to the improvement of professional skills of the candidates in the courts, and enhanced effectiveness of newcomer judges/public prosecutors</p>	<ul style="list-style-type: none"> - Training material for different target groups developed - 250 judges/prosecutors trained as trainers. -1000 candidates under pilot courthouses in total trained. - 50 Coordinator Judges. have been trained on communication skills with candidates - 2000 judges/prosecutors have been trained - 100 inspectors have been trained.

Indicator	Baseline	Milestone 2017	Final Target 2020	Source of Information
Number of judges and prosecutors obtained positive scores during senior colleague assessment and inspections	Baseline data to be constructed through the Activity itself at the beginning of the implementation			Statistics released by MoJ and HCJP

12. Facilities available

The Beneficiary commits itself to make free of any charges available for the project:

- Office facilities for the RTA and the RTA assistant(s) for the entire duration of their secondment, with a level of equipment at least comparable to that in use in the Beneficiary administration.
- Adequate conditions for the short-term experts to perform their work while on mission to the Beneficiary.
- Training and conference venues, catering if appropriate and presentation and interpretation equipment.

ANNEXES TO PROJECT FICHE

1. The Simplified Logical framework matrix as per Annex C1a (compulsory)

Simplified Logical Framework

	Description	Indicators (with relevant baseline and target data)	Sources of verification	Risks	Assumptions (external to project)
Overall Objective	To improve the efficiency of the training and internship of candidate judges and prosecutors in harmony with the European standards with a view to enhancing the independence, quality, effectiveness and efficiency of the judiciary.	% 5 increase in the approval rate of the Court of Appeals and/or Court of Cassation of the decisions of the newly appointed judges/public prosecutors who were trained under the scope of the project within 5 years after the finalisation of the project	1. Monitoring reports of the projects, monitoring by the beneficiary 2. Evaluation of the candidates by senior judges 3. Inspection reports 4. Statistics released by CJP	Changes in the political situation of the country	1. The Project is strongly supported by the Ministry of Justice, experts, judges and prosecutors as well as the stakeholders of the project. 2. All stakeholders collaborate closely and are devoted.
Specific (Project) Objective(s)	To establish the pre-service training and internship model for candidate judges and prosecutors in line with the European standards in order to ensure objective, impartial and competent performance after they take up their duties.	Number of judges and prosecutors obtained positive scores during senior colleague assessments and inspection.	1. Quarterly reports, final report 2. Other Reports	Rotation of judges, including general turnover of court staff in all levels of the administrative courts and transfer of administrative	1. The Project is strongly supported by the Ministry of Justice, experts, judges and prosecutors as well as the stakeholders of the project. 2. All stakeholders collaborate closely and are devoted.

<p>Mandatory results/ outputs by components</p>	<p>1. Contribution to setting up a new internship system for candidate judges/prosecutors in line with European standards and best practice, implemented and disseminated in the 10 pilot courts;</p>	<ul style="list-style-type: none"> - A new internship model in line with EU practices for candidate judges/prosecutors is adopted and implemented. - Criteria available for designation of qualified courts and appeal courts - Systematic structure for supervision of candidates in place - Manual/Guidelines developed for internship court judges & prosecutors (mentors)& inspectors - Manual/Guidelines developed to determine the competences and skills to be achieved by the candidates - Training models for judges & prosecutors & inspectors (first instance courts, appeal courts and Supreme Courts will be taken into consideration) - Training models for candidate judges & prosecutors (first instance courts, appeal courts and Supreme Courts will be taken into consideration) - Primary and secondary legislative amendment proposal 	<ol style="list-style-type: none"> 1. Baseline data survey 2. Gap Analysis Report 3. Surveys, 4. Statics released by Court of Cassation and Court of Appeals 5. Training modules, 6. A standardized internship model 7. Draft Legislation 8. The number of trainings 9. Number of participants 	<p>Lack of sufficient support and/or means of related institutions</p>	<ol style="list-style-type: none"> 1. The Project is strongly supported by the Ministry of Justice, experts, judges and prosecutors as well as the stakeholders of the project. 2. All stakeholders collaborate closely and are devoted. 3. The institutions that will be trained and the experts who will deliver the training have the sufficient technique know-how and skills. 4. The pre-determined number of judges and prosecutors received the training of trainers. 5. The required number of staff members for the coordination and execution of the project were provided by the Ministry of Justice.
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	<p>2. Contribution to the improvement of professional skills of the candidates in the courts, and enhanced effectiveness of newcomer judges/public prosecutors</p>	<p>- Training material for different target groups developed - 250 judges/prosecutors trained as trainers. -1000 candidates under pilot courthouses in total trained. - 50 Coordinator Judges have been trained on communication skills with candidates - 2000 judges/prosecutors have been trained - 100 inspectors have been trained.</p>	<p>1. Baseline data survey 2. Gap Analysis Report 3. Surveys, 4. Statics released by Court of Cassation and Court of Appeals 5. Training modules, 6. A standardized internship model 7. Draft Legislation 8. The number of trainings 9. Number of participants</p>	<p>Lack of sufficient support and/or means of</p>	<p>1. The Project is strongly supported by the Ministry of Justice, experts, judges and prosecutors as well as the stakeholders of the project. 2. All stakeholders collaborate closely and are devoted. 3. The institutions that will be trained and the experts who will deliver the training have the sufficient technique know-how and skills. 4. The pre-determined number of judges and prosecutors received the training of trainers. 5. The required number of staff members for the coordination and execution of the project were provided by the Ministry of Justice.</p>
<p>Sub-results per component (optional)</p>					

