

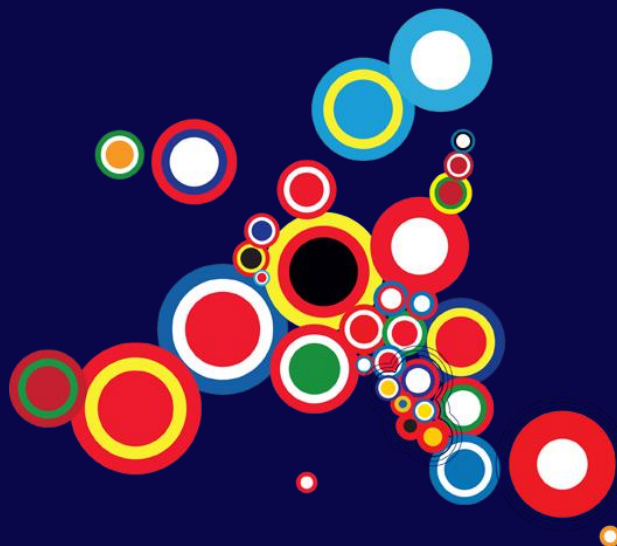


INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

TURKEY

Supporting Fundamental Rights Reforms in Turkey

2017 Action Document



Action summary

Among the numerous priorities in the field of fundamental rights, this action document will concentrate on:

Strengthening the Institutional Capacity of the National Human Rights and Equality Institution of Turkey, including its function as the National Preventive Mechanism under the Optional Protocol to the Convention against Torture;

Promoting Freedom of Expression, Freedom of Media in line with European standards;

Increased child care standards and prevention of child labour;

Increased sector coordination and cooperation for Fundamental Rights in Turkey.

Action Identification	
Action Programme Title	Annual Action Programme for Turkey for the year 2017
Action Title	Supporting Fundamental Rights Reforms in Turkey
Action ID	IPA/2017/040-201/2/Turkey /Supporting Fundamental Rights Reforms in Turkey
Sector Information	
IPA II Sector	Rule of Law and Fundamental Rights
DAC Sector	15160 - Human rights
Budget	
Total cost	13,000.000 €
EU contribution	13,000.000 €
Budget line(s)	
Management and Implementation	
Management mode	Indirect and direct management
Indirect management: National authority or other entrusted entity	Central Finance and Contracts Unit Mr. Selim Uslu Acting PAO-CFCU Director Eskişehir Yolu 4. Km 2180 Cad. (Halkbank Kampüsü) No: 63 C-Blok 06510 Söğütözü - Ankara / TURKEY Lead Institution Mr. Ege ERKOÇAK Head of Lead Institution Ministry for EU Affairs, Directorate for Political Affairs Mustafa Kemal Mah., 2082 Cad. No:4 06530
Direct Management: EU Delegation	EU Delegation to Turkey
Implementation responsibilities	Indirect and direct Management
Location	
Zone benefiting from the action	Turkey
Specific implementation area(s)	Turkey
Timeline	
Final date for concluding Financing Agreement(s) with IPA II beneficiary	At the latest by 31 December 2018
Final date for concluding	N/A

delegation agreements under indirect management			
Final date for concluding procurement and grant contracts	3 years following the date of conclusion of the Financing Agreement, with the exception of cases listed under Article 189(2) of the Financial Regulation		
Final date for operational implementation	6 years following the conclusion of the Financing Agreement		
Final date for implementing the Financing Agreement (date by which this programme should be de-committed and closed)	12 years following the conclusion of the Financing Agreement		
Policy objectives / Markers (DAC form)			
General policy objective	Not targeted	Significant objective	Main objective
Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality (including Women In Development)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Trade development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reproductive, Maternal, New born and child health	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RIO Convention markers	Not targeted	Significant objective	Main objective
Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1. RATIONALE

PROBLEM AND STAKEHOLDER ANALYSIS

The Fundamental Rights Sub-Field Action Document aims at enhancing the full enjoyment of all fundamental rights and freedoms by all individuals without any discrimination through strengthening the institutional capacity of the relevant institutions and enhancing effective cooperation between all stakeholders, including civil society organisations. The non-exhaustive list of thematic areas in the context of Fundamental Rights in Turkey are the protection and promotion of fundamental rights and freedoms, particularly freedom of expression, freedom of thought, conscience and religion, freedom of assembly and association, protection of personal data, women's rights, children's rights, LGBTI, gender equality, protection of vulnerable individuals as well as prevention of torture and ill-treatment.

Case-law of the European Court of Human Rights and the European Convention of Human Rights are taken into account for the Fundamental Rights Sub-Field. Ensuring sustainability of the previous IPA projects and development of complementary projects is attached great importance too.

Out of the various activity proposals on numerous areas of fundamental rights as outlined above and following an in depth analysis of the maturity of available proposals in consultation with key stakeholders, this action document will prioritise thematic areas:

1. Strengthening the institutional capacity of the National Human Rights and Equality Institution including its function as national preventive mechanism under the Optional Protocol to the Convention against Torture¹;
2. Enhancing freedom of expression in line with European standards;
3. The protection of children's rights in line with the UN Convention on the Rights of the Child and the EU guidelines for the promotion and protection of the rights of the child;
4. Strengthening sector coordination for fundamental rights in Turkey.

In this respect, the 2016 Turkey Country Report states, amongst other matters, that the Turkish legal framework includes general guarantees of respect for human and fundamental rights, which need to be further improved. The rights of the most vulnerable groups and of persons belonging to minorities should be sufficiently protected. Regarding Chapter 23, Judiciary and Fundamental Rights, according to the report, Turkey reached some level of preparation to implement the *acquis* and the European standards in this area. The Country Report also outlines a number of shortcomings, *inter alia* allegations of violations of the prohibition of torture and ill-treatment and of procedural rights. In this regard, Turkey should in particular ensure the enforcement of rights stemming from the European Convention on Human Rights and in practice the case-law of the European Court of Human Rights. It should further guarantee procedural rights, the principles of proportionality and the prohibition of retroactivity of punishment, as well as safeguard the full respect for fundamental rights and freedoms, in particular freedom of expression, freedom of association and assembly, and should implement measures to fight against impunity and improve protection of minorities.

Furthermore, the 2016 Turkey Country Report indicates that the National Human Rights Institution was replaced by a National Human Rights and Equality Institution. The Human Rights Institution which was first established in 2012 and has been transformed in 2016 into the National Human Rights and Equality

¹ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx>

Institution and has taken over the role of national preventive mechanism. The role of the National Human Rights and Equality Institution is the protection and promotion of human rights, the prevention of discrimination (non-discrimination policy) and to act as the national preventive mechanism under the Optional Protocol to the Convention against Torture. The new Law on the Human Rights and Equality Institution of Turkey is a step in the right direction. Its board was appointed in March 2017 and is composed of 11 members, eight appointed by the Council of Ministers and three by the President of the Republic. The Chairperson and Vice Chairperson were selected on 25 May 2017.

The logic of EU funding is to provide support to a recently established institution in the field of fundamental rights in Turkey and contribute to its proper functioning in line with the Paris principles on independence and pluralism. The funding logic is further in line with the EU's substantial financial support to the Ombudsman Institution of Turkey in order to contribute turning it into a trusted and reliable remedy for complaints against the public administration.

Free, diverse and independent media are indispensable to promoting and protecting democracy worldwide. A free press and freedom of expression are among the very same foundations of democracy, contribute to stable, inclusive, and resilient societies and can help defuse tensions and contain conflicts. The EU supports the implementation of the 2030 Agenda for Sustainable Development, which includes ensuring universal access to information and protection of freedom of expression.

The European Commission Guidelines for EU Support to Media Freedom and Media Integrity in Enlargement Countries (2014-2020) adopted in 2014 underline three main priorities in the enlargement area:

- Enabling environment for free expression and media;
- Media outlets assuming responsibility for improved internal governance and production;
- increasing capacity and representativeness of journalist professional organisations.

This action document aims to tackle specifically point one together with the Council of Europe.

The Council of Europe released a "Memorandum on freedom of expression and media freedom in Turkey" on 15 February 2017, based on the findings of two visits of its Commissioner for Human Rights with a number of critical remarks. According to the Memorandum, freedom of expression and media freedom have been a major priority in the work of the Commissioner regarding Turkey. According to the statistics published by the ECtHR on violations found by the Court between 1959 and 2015, 258 out of 619 judgments ever rendered by the Court finding a violation of Article 10, concerned Turkey.

With regard to children's rights, 2016 Turkey Country Report states inter alia that there was limited progress in overall policy, legislation, coordination and monitoring on the rights of the child. The special Ombudsperson received more complaints directly from children. There was a high-level commitment to education for Syrian refugee children which needs to be extended to other refugees and vulnerable groups. A parliamentary committee to examine child sexual abuse was established but more efforts are needed to effectively prevent and punish child abuse. As a result of recent legislative amendments, the law increased penalties for sexual abuse of children; however different penalties were applied for cases concerning children below and above the age of 12. The rationale of EU funding lies in supporting a holistic approach to children's rights in Turkey in line with relevant UN instruments and the EU Guidelines on the promotion and protection of the rights of the child.

OUTLINE OF IPA II ASSISTANCE

Through *Strengthening the Institutional Capacity of National Human Rights and Equality Institution of Turkey*, the Action aims at contributing to the improvement of the National Human Rights and Equality Institution's capacity as the National Preventive Mechanism under the Optional Protocol to the Convention

against Torture. Its capability to monitor the implementation of international human rights standards will be strengthened. Its capacity in terms of fighting against discrimination and equality functions will also be enhanced and awareness towards the functions of the institution will be raised.

Through the *Promoting Freedom of Expression, Freedom of Media in line with European Standards*, the Action will directly improve freedom of expression and freedom of the media through trainings and awareness raising seminars for media regulatory bodies, law enforcement officials, judicial bodies and civil society organisations on Council of Europe standards concerning the rights of media and journalists.

The Action document includes an activity on the *rights based protection of children* in Turkey including increasing standards of care services and strengthening combatting child labour, including integrated care services, prevention of child labour, combatting early marriages and sexual exploitation of children as well as capacity building for child care services in line with the principles of the EU guidelines for the Protection and Promotion of the rights of the child. This activity will contribute to the Implementation of the National Programme for the Elimination of Child Labour (2017-2023).

Through *Strengthening Fundamental Rights Sector Coordination*, this action will increase sector coordination and cooperation for Fundamental Rights in line with sector approach by establishing mechanisms for institutional cooperation, acquis alignment, civil society involvement, trainings etc.

This Action will contribute to the Sustainable Development Goal 16.2 *End abuse, exploitation, trafficking and all forms of violence against and torture of children* and 16.10 *Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements*.

The action document is an output of the sector coordination process under IPA II which paves the way for programming.

RELEVANCE WITH THE IPA II STRATEGY PAPER AND OTHER KEY REFERENCES

Within the Indicative Strategy Paper for Turkey which sets out the priorities for EU financial assistance for the period 2014-2020 to support Turkey on its path to accession, “Rule of Law and Fundamental Rights” is defined as one of the priority sectors. Under this sector, “Judiciary and Fundamental Rights” is defined as a sub-sector, which comprises the priorities under Chapter 23.

The Indicative Strategy Paper for Turkey also highlights the importance of the Fundamental Rights and foresees substantial increase of the budget allocations under IPA II.

“As the judiciary and fundamental rights are key strategic priorities for pre-accession assistance to Turkey, IPA II support in this sector will substantially increase, compared to IPA 2007-13.”

The Lead Institution of the Fundamental Rights Sub-Field is the Ministry for EU Affairs as identified in the Prime Ministry Circular No: 2015/15 on Management of Pre-Accession Funds to be provided by the EU.

The Indicative Strategy Paper for Turkey also states that financial assistance under this sub-sector will contribute to strengthening the institutional capacity of the human rights institution and to strengthening of the cooperation between different institutions and stakeholders engaged in the area of human rights. Furthermore, the Indicative Strategy Paper for Turkey attaches great importance to the issue of freedom of expression, prevention of torture and ill-treatment and protection of vulnerable groups including children.

The sector planning developed by the Lead Institution for Fundamental Rights Sub-Field covers the objectives of the Indicative Strategy Paper for Turkey that sets out the priorities for EU financial assistance for the period 2014-2017.

It translates the political priorities as defined in the Enlargement Strategy and the most recent Country Reports into key areas where financial assistance is most needed and useful to meet the accession criteria.

In this context, the overall objective is to achieve measurable progress towards the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination bringing the legal framework in line with European standards in all areas.

The specific objective is to align the implementation in the area of fundamental rights in line with the ECHR and case-law of ECtHR based on three priorities: a) Strengthening the Institutional Capacity in the Field of Fundamental Rights; b) Strengthening the Cooperation between the Institutions and Stakeholders in the Field of Fundamental Rights; c) Protection of Socially Vulnerable Persons. The Action Document addresses all three priorities.

Besides, sector planning by the Lead Institution highlights the need for streamlining institutional setting and capacity and as well as ensuring sector and donor coordination for Fundamental Rights in order to develop a sector approach.

In the framework of the November 2016 consultations carried out by the EU with civil society for the mid-term review of the Country Strategy Paper, the importance of strengthening the National Human Rights and Equality Institution of Turkey and its functioning in line with the Paris Principles was highlighted as one of the priority areas of EU funding. At the same time, in relation to freedom of expression, it was requested that the eradication of hate speech should be included in the Country Strategy Paper.

Likewise, the 2016 Communication on EU Enlargement underlines that the Commission will continue to focus efforts on the rule of law, including security, fundamental rights, democratic institutions and public administration reform, as well as on economic development and competitiveness.

The 2017 programming for Fundamental Rights Sub-Field reflects the December 2016 Presidency conclusions regarding enlargement: "The Council notes the Commission's intention to intensify its efforts to redirect IPA funds to support activities in the sector of the rule of law, human rights and freedom of expression, with a particular focus on civil society."

Furthermore, the equal treatment of men and women has been a fundamental principle of the European Union. In this sense, the Charter of Fundamental Rights of the European Union (2000) states that equality between men and women must be ensured in all areas, including employment, work and pay (Article 23) and reaffirms the ban on discrimination on a wide number of grounds, including sex (Article 21).

The 2016 Turkey Country Report mentions that Turkey has taken a positive step to address systemic problems by adopting an action plan on the prevention of ECHR violations in 2014. However, the legislative scope of the action plan needs to be widened to cover all rights and relevant ECtHR case-law. Monitoring and its implementation need to be further improved.

The activities under this Action on Fundamental Rights are closely related to priorities identified in the existing relevant national strategies and action plans, such as the National Children's Rights Strategy, the National Action Plan to Combat Violence against Children as well as the Action Plan on the Prevention of Violations of the European Convention on Human rights. In particular, this latter includes objectives related to enabling freedom of expression and freedom of media in the widest sense as well as following up on the activities of the National Human Rights and Equality Institution.

The Fundamental Rights Sub-Field has a fragmented structure which includes several policy and strategy documents covering particular areas. Therefore, there is no comprehensive strategic document covering entire field. However, below are the key related strategies and policy documents relevant for the sub-sector.

The **Action Plan on the Prevention of Violations of European Convention on Human Rights** is the main document in this field prepared by the Ministry of Justice. The Action Plan, developed in order to protect fundamental rights and freedoms in a more effective way so as to eliminate the reasons leading to violation of rights safeguarded by the European Convention of Human Rights (ECHR) and to reduce the number of violation judgments against Turkey rendered by the European Court of Human Rights (ECtHR), entered into force as of 1 March 2014. The Action Plan covers Prevention of violations of right to life, Prevention of ill treatment, Effective investigation against violations of right to life and ill treatment, Prevention of violations of freedoms and security, Ensuring fair trial within a reasonable time, Ensuring right to access to justice in an effective way, Enhancing effectiveness of defence, Ensuring effective implementation of judicial decisions, Protection of private and family life, Eliminating restrictions on freedom of thought, conscience and religion, Ensuring freedom of expression and press, Eliminating restrictions on freedom of assembly and association, Prevention of violations on property rights, Continuation of training, research and awareness-raising activities.

The Action Document directly contributes to the objectives of the Action Plan on the Prevention of Violations of the European Convention on Human Rights.

The **National Strategy and Action Plan on the Rights of the Child (2013-2017)** have been prepared for the first time for effective implementation and coordination of children's rights under the coordination of the Ministry of Family and Social Policies and include: Promoting a culture that respects the children and their rights; Ensuring the participation of children in the decisions pertaining to their rights; Protecting the environment where the child is born, grown and raised and improving the physical environment; Developing educational policies and programs within a child rights based culture; Improving health services; Improving support and special protection measures targeting the family and the child; Improving the justice system for children; Promoting a child-friendly media; Establishing an effective control, monitoring and evaluation system.

Implementation of the National Programme for the Elimination of Child Labour (2017-2023) is another National Strategy taken into consideration.

The Action Document contributes to the objectives of the National Action Plan to Combat Violence against Children and the National Strategy and Action Plan on the Rights of the Child. Besides, it will contribute to the implementation of the National Programme for the Elimination of Child Labour (2017-2023). The de-institutionalisation of child care organisations towards community based care will be encouraged and strengthened. Furthermore, the standards of care services focusing on the children with physical and mental disabilities will be further improved in line with a community based approach.

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

As stated in the last Thematic Evaluation on Judiciary and Fundamental Rights in Turkey by the European Commission (2012), "the projects in the portfolio were generally relevant to IPA objectives, in the sense that they addressed judiciary and human rights-related concerns identified in relevant strategy documents. They clearly contributed to enhancing the momentum towards human rights reforms meeting political criteria for EU accession. In particular, the projects addressed key gaps in the understanding and implementation of European human rights instruments by the judiciary and in the promotion and protection of fundamental rights in general". The "Evaluation of the Instrument for Pre-accession Assistance (IPA II) 2017" states that "close alignment between EU Enlargement Strategy and IPA II support (both national and multi-beneficiary programmes), particularly in the area of institution building is also evident. Here a substantial portion of the IPA II funds is devoted to institution building in the sectors of Democracy and Governance and Rule of Law/Fundamental Rights. These are at the core of the 'Fundamentals First' principle that underpins IPA II programme rationale. "

The above mentioned report also mentions that "Operational efficiency is currently still low and behind progress made during the period comparable for IPA I, most notably in national programmes".

Past projects in the field of fundamental rights have been successful in terms of delivering their planned outputs, however further efforts are needed in terms of programme and project design to have a set of measurable objectives and adequate performance indicators.

In this respect, it is essential to achieve a stronger alignment of the relevant programming documents with the IPA II performance framework in terms of developing a meaningful set of realistic and measurable performance indicators in close cooperation with the implementing agencies/Contractors as well the beneficiary institutions. For this purpose, a half day workshop will be organised for each of the activities in order to develop the indicators in a common exercise. This will lead to commonly agreed indicators that can be measured in line with the IPA II performance framework and thus allow for more efficient monitoring and reporting.

On the other hand, given the delays in implementation of assistance, additional measures for better governance need to be taken to improve financial execution through better forecasting, procurement, planning and capacity increase in the national authorities managing the funds.

IPA II (2014-2020) has brought changes regarding financial cooperation mechanisms including new rules and responsibilities and it requires strong planning, cooperation and coordination for all the parties.

Sector definition for Fundamental Rights has been one of the most important challenges taking into consideration the fragmented and complex institutional structure which includes various actors with intersecting roles and responsibilities and taking into account the wide, horizontal and cross-cutting nature of the topics covered by strategies and action plans already in place in the field. There is no comprehensive strategic document covering the entire field. This structure does not provide clear vision for sector development, its priorities, its coordination, as well as its monitoring and evaluation on sector level.

A further lesson learned is to simplify the implementation modalities in order to avoid numerous cumbersome tendering procedures that are likely to cause unnecessary delays. In this respect, in the previous programming exercises frequently applied sequencing of various activity components (i.e. Twinning plus TA, Twinning plus supply) has been avoided since it often turned out that no proper sequencing could be achieved due to various circumstances, often outside the control of the contracting authority/EU Delegation/Sector Lead institution. Furthermore, no more supply or works activities are programmed under Fundamental rights given the prioritisation of funding.

As far as linked activities are concerned various activities implemented under IPA II, Judiciary Sub-Field, Home Affairs and Civil Society Sub-Sectors, Education, Employment and Social Policies Sector and Public Administration area have foreseen results also affecting the Fundamental Rights Sub-Field.

Under the EU-Turkey financial cooperation framework the activity for strengthening the institutional capacity of the National Human Rights Institution programmed under the Fundamental Rights Sub-Field 2014 programming was cancelled at the request of the beneficiary and the Lead Institution due to the legislative amendments transforming that institution into the current National Human Rights and Equality institution.

The EU is providing substantial financial assistance to the Turkish Ombudsman Institution under IPA 2015 Fundamental Rights Sub-Field Action Document with Twinning Light and Technical Assistance in order to enhance the institution's function in investigating complaints against the public administration.

Consequently, with the current programming of substantial support to the National Human Rights and Equality Institution under IPA 2017, the EU-Turkey financial cooperation is targeting the capacity building

of two key institutions in the field of fundamental rights and bringing them in line with European and International standards.

On Freedom of Expression, the EU has supported the Turkish Justice Academy under IPA 2011 programming with an activity implemented by the Council of Europe on developing training curricula for training and pre-service training for judges in line with the European Convention on Human Rights as well as the case law of the European Court of Human Rights.

There is a developing consensus among the Turkish judiciary that old-style lecturing seminars should be abandoned and that the innovative approaches of the Freedom of Expression Project should be used in all future training activities. More important, the Academy repeatedly expressed its interest in revising of all of its training programmes and curricula in accordance with the new training methodologies and techniques employed under the Project. This training methodology is instrumental for the internalisation of human rights standards by the judiciary in a society which endeavours to be built on the principles of rule of law and democracy.

On Children's rights, the EU has financially supported a large number of activities including numerous grants to civil society organisations under the European Instrument for Democracy and Human Rights (EIDHR) as well as the Civil Society Facility (CSF).

Under EU-Turkey financial cooperation, the EU has notably supported the Ministry of Justice under IPA 2010 in developing standards for child friendly interview rooms which are currently piloted in courthouses of more than twenty provinces of Turkey. In addition, under IPA 2012, the Directorate General for Prisons and Detention Houses is supported in developing new methodological approach to probation services for juveniles.

Currently, under IPA 2015 under Fundamental Rights Sub-Field a major activity will be implemented by the Turkish Gendarmerie with the Twinning Instrument to increase the organisational capacity of the women and children sections of the Gendarmerie General Command through the EU support.

In light of the above and the previous focus on the judiciary and law enforcement, this action document under the Fundamental Rights Sub-Field also emphasizes the importance of strengthening institutional capacities and coordination in implementing rights based policies for children.

2. INTERVENTION LOGIC

LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS	SOURCES OF VERIFICATION	
To achieve measurable progress towards the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination in all areas	<p>Progress made towards meeting accession criteria.</p> <p>Qualitative improvement of the human rights situation in Turkey between 2017 and 2020 based on e.g. independent human rights reports.</p>	<p>Country Reports</p> <p>Reports of Peer Review Missions</p> <p>Database of European Court of Human Rights (ECHR)</p> <p>Reports by international monitoring bodies of the Council of Europe and United Nations</p> <p>Reports by domestic and international NGOs</p> <p>National Statistics</p> <p>Independent population based surveys</p>	
SPECIFIC OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS	SOURCES OF VERIFICATION	ASSUMPTIONS
To support the promotion and protection of Fundamental Rights Reforms	<p>Degree of progress in the implementation of the Action Plan on prevention of ECHR violations.</p> <p>Number of Monitoring, Coordination and Consultation mechanisms including civil society with human rights awareness raising capabilities.</p> <p>In relation to the activities, e.g.: 1.a. Improved capacities of the NHREI in compliance with the Paris principles. 1.b. Possible accreditation of NHREI to the Global Alliance of National</p>	<p>Country report</p> <p>Reports by international monitoring bodies of the Council of Europe and United Nations</p> <p>Reports by domestic and international NGOs</p> <p>Activity and case statistics of the institution</p> <p>Independent population based surveys</p>	<p>Stakeholders' dedication to participate and cooperate throughout the process.</p> <p>Continued commitment to the EU accession process and to the political and judicial reform agenda.</p> <p>Ministries and other relevant public institutions lend high level support for the measures.</p>

	<p>Human Rights Institutions, with status C, B or A.</p> <p>2. Number of journalists/media persons finding an improvement in their freedom of expression.</p> <p>3. Number of care services developed and number of children covered by those care services, including for children with physical and mental disabilities.</p> <p>Degree of progress in the implementation of the Action Plan on prevention of ECHR violations.</p>		
RESULTS	OBJECTIVELY VERIFIABLE INDICATORS	SOURCES OF VERIFICATION	ASSUMPTIONS
<p>Result 1: Institutional Capacity for Fundamental Rights reforms improved</p>	<p>The Extent to which Institutional Capacity for Fundamental Rights aligned with the European standards.</p> <p>Number of effective Monitoring, Coordination and Consultation mechanisms including civil society.</p> <p>Number of persons surveyed being familiar with the work of the National Human Rights and Equality Institution.</p> <p>Extent to which implementation and monitoring capacity in the Fundamental Rights increased.</p> <p>Number of staff trained.</p> <p>Functioning of the NHREI in relation</p>	<p>Country report</p> <p>Reports by international monitoring bodies of the Council of Europe and the United Nations</p> <p>Reports by domestic and international NGOs</p> <p>Activity and case statistics of the institution</p> <p>Training certificates</p> <p>Surveys on the functioning of the National Human Rights and Equality Institution</p>	<p>-Stakeholders' dedication to participate and cooperate throughout the process.</p> <p>-Continued commitment to the EU accession process and to the political and judicial reform agenda.</p> <p>-Ownership of the relevant Ministries and other public institutions.</p>

	<p>to the Paris principles.</p> <p>Admissibility rate of complaints received by the NRHEI has increased.</p> <p>Number of visits to places of deprivation of liberty.</p> <p>Number of reports published by NHREI on OPCAT.</p> <p>Number of NGOs engaged in formal/informal consultations with NHREI.</p>		
<p>Result 2: Increased awareness of the rights of media professionals and journalists</p>	<p>Number of law enforcement and judiciary officials trained.</p> <p>Number of staff of regulatory bodies trained.</p>	To be defined during the inception period	
<p>Result 3: Care services for children improved and combatting child labour strengthened in the best interest of the child</p>	<p>Degree of well-being of the children benefiting from child care services.</p> <p>The extent to which the action plan for combatting child labour has been implemented.</p> <p>Number of staff trained.</p> <p>Number of new alternative care services models developed.</p> <p>Number of children receiving care under alternative care models.</p>	<p>Reports by the UN children's rights committee Institutional reports and data on care services and combatting child labour</p> <p>Training certificates</p> <p>Reports by the UN children's rights committee Institutional reports and data on care services</p> <p>Pilot projects</p>	

				<p>Number of NGOs engaged in formal/informal consultation with relevant authorities.</p> <p>Number of cases of child labour.</p> <p>Number of early marriages.</p> <p>Number of detected cases of sexual exploitation of children.</p>		
Result 4: Strengthened Coordination	Fundamental	Rights	Sector	<p>Established sector coordination platform including civil society.</p> <p>Developed data collection mechanism.</p> <p>Handbooks, newsletters and/or compendia prepared.</p>	<p>Reports about the activity.</p> <p>To be further defined during the inception period.</p>	

During the inception period, indicators and sources of verification may be specified and adapted for optimal implementation purposes and accurate verification.

DESCRIPTION OF ACTIVITIES

ACTIVITY 1

Strengthening the Institutional Capacity of National Human Rights and Equality Institution of Turkey

The objective of the activity is to strengthen the capacity of the National Human Rights and Equality Institution to apply international and European standards and methodology, including domestic legislation in the area of protection of rights of persons deprived of liberty and to strengthen its capacity to deal with human rights violations.

Sub-activities

The following activities will be implemented (indicative list):

- To develop improved and more operational legal regulations strengthening the role of the National Human Rights and Equality Institution - including its National Preventive Mechanism (NPM) function under the Optional Protocol to the Convention against Torture (OPCAT);
- To develop a comprehensive training programme for NPM staff;
- Trainings to conduct preventive visits to places of deprivation of liberty;
- To develop high quality training materials on different Articles of the ECHR available for NPM staff;
- Enhance quality of Annual plan on visits to places of deprivation of liberty;
- Enhance quality of reports in line with European Committee for the Prevention of Torture (CPT) standards;
- Develop operational internal procedures for dealing with individual complaints on alleged discrimination practices (Immediate increase of admissibility rate of individual complaints);
- Implement awareness raising activities on the National Preventive Mechanism mandate among relevant stakeholders in Turkey (prisons and police staff, psychiatric hospitals personnel, judges and prosecutors);
- Create links with relevant NGOs to foster cooperation and formalised consultation processes with an informed civil society;
- To foster the establishment of formal/official arrangements for the participation of the independent civil society organisations so they are involved in law and policy-making processes;
- To improve the capacities of the NHREI in data collection and monitoring on human rights standards, commitments and violations.

Implementation arrangements: Pillar Assessed Grant with the UNDP

Indicative IPA budget: 4.34 million Euros - 24 Months

ACTIVITY 2

Promoting Freedom of Expression, Freedom of Media in line with European standards

The objective of the activity is to improve freedom of expression and media through trainings and awareness raising seminars for media regulatory bodies, law enforcement officials, judicial bodies and civil society organisations on Council of Europe standards concerning the rights of media and journalists, as well as providing tools for journalists on the Council of Europe standards.

Sub-activities:

The following activities will be implemented (indicative list):

- Seminars and conferences on the role of journalists and other media actors in digital age based on the Council of Europe standards;
- Series of seminars for law enforcement and judiciary officials on Council of Europe standards concerning rights of media and journalists in line with the European Convention on Human Rights and the European Court of Human Rights case law;
- Series of trainings and awareness raising seminars with the regulatory bodies on Council of Europe standards on the role of media and journalists and their rights in a democratic society;
- Creating a sustainable platform of dialogue among the relevant stakeholders by means of organising series of round tables with the participation of regulatory authorities, CSOs, media professionals, etc.;
- Supporting the development and improvement of codes of conduct, glossaries and handbooks for journalists, photographers and editors on the relevance of Council of Europe standards with relevant stakeholders (self-regulatory body or NGOs dealing with media issues).

Implementation arrangements: Grant with CoE

Indicative IPA budget: 3.6 million Euros - 36 Months

ACTIVITY 3

Support for children's rights in Turkey

The objective of the activity is to improve the standards of the social service for children and to combat child labour in the best interest of the child by supporting the Ministry of Family and Social Policies in implementing holistic rights based policies to the benefit of children in Turkey in various fields in line with the national children's rights strategy and action plan (and its revisions) as well as the United Nations Convention on the Rights of the Child and the EU Guidelines for the Promotion and Protection of the Rights of the Child.

Sub-activities:

The following activities will be implemented (indicative list):

- Capacity-building for the Ministry of Family and Social Policies to enhance internal and inter-institutional coordination (in particular with the Ministries of Labour and Social Security as well as National Education) of the actions for the prevention of child labour, including protection of refugees and most vulnerable children from abusive and exploitative labour situations;
- Improving the standards of child care services including for children with physical and mental disabilities inside and outside care institutions in line with the UN Convention on the Rights of Persons with Disabilities, the UN guidelines for the alternative care of children as well as the EU Guidelines for the Promotion and Protection of the Rights of the Child;
- Intensify the fight against early marriages (including refugee/migrant children) both in vulnerable urban and rural areas, by a set of comprehensive targeted inter-institutional measures both in the field of education, awareness raising and law enforcement;
- Definition of a risk scale of suitable service modalities in child care;
- Pilot scheme and modelling of an integrated care institution with a high number of children with disabilities and chronic illnesses;

- Improving monitoring and evaluation system for the capacity of the institutions to host children with disabilities;
- To identify all the children living and working in the streets and to refer them to social services in the best interest of child;
- Planning and organizing treatment, rehabilitation and training programmes towards children living and working in the streets at national and local level;
- Conducting work analysis on the improvement of the assessment scale and determining appropriate criteria for the staff working with the child;
- Capacity building for the institutions which provides child protection and care services;
- Improving institutional capacity in the field of planning, managing, coordinating, implementing and monitoring for combatting child labour;
- Dissemination of best practice examples in combatting child labour across Turkey;
- Improving relationship with Civil Society Organisations specialising in children's rights and provide support with a view at enhancing public-NGO cooperation as well as strengthening public advocacy capacity of the NGOs and strengthen the capacity of civil society organisations to monitor and advocate children's rights with the relevant public institutions;
- To encourage civil society organisations taking an active role in awareness raising activities at community level;
- Increasing awareness of the general public on combatting child labour;
- Increasing cooperation and communication between public institutions, social partners and non-governmental organisations (NGOs) in the field of child care and combatting child labour.

Implementation arrangements: Technical Assistance

Indicative total budget: 3.4 million Euros - 36 Months

ACTIVITY 4

Strengthening Fundamental Rights Sector Coordination

The objective of the activity is to strengthen institutional coordination and cooperation including stakeholders in the field of Fundamental Rights.

Sub-activities:

- Establishment of a sector coordination platform including civil society; reporting on results in line with objectives and enhancing cooperation between fundamental rights stakeholders in programme implementation;
- Streamlining national strategies;
- Developing a data collection mechanism;
- Supporting civil society activities for Fundamental Rights;
- Establishment of a joint mechanism with the European Commission for following the EU acquis on fundamental rights as well as establishment of a joint mechanism with the Turkish institutions for following the developments in Turkish legislation in the alignment process with the EU acquis;
- Supporting the establishment of a cooperation framework with European Union Agency for Fundamental Rights;
- Translation of the EU Acquis, Fundamental Rights Agency (FRA) studies/reports/analyses as well as ECHR case-law in thematic topics and publishing/printing/dissemination as well as translation of

Turkish legislation, strategies/action plans regarding Fundamental Rights;

- Conducting comparative studies on EU member states' best practices by thematic areas;
- Delivery of trainings on fundamental rights for law enforcement forces and other bodies in contact with public;
- Carrying out surveys, campaigns;
- Preparation of handbooks and newsletters, compendiums;
- Supporting the Lead Institution functions in programming, monitoring, reporting and evaluation functions, including lessons learned from previous IPA programmes;
- Delivery of formal and on-the-job trainings as well as on-the-job support to the Lead Institution including on-the-spot checks and monitoring visits as well as trainings for end beneficiaries;
- Preparation of the Communication and Visibility Plan of the Fundamental Rights Sub-Field (in line with EU visibility guidelines under indirect management mode).

Implementation arrangements: Technical Assistance

Indicative total budget: 1.4 million Euros - 24 Months

RISKS

The assumptions are as follows:

- Stakeholders' dedication to participate and cooperate throughout the process; implementation arrangements require strong, reliable and committed partners among Turkish institutions.
- Continued commitment to the EU accession process and to the political and judicial reform agenda.
- Ministries and other relevant public institutions lend high level support for the measures.
- Adequate number of staff appointed for the trainings and for the management of the support mechanisms.

The risks are as follows:

- Insufficient ownership of the relevant Ministries and other public institutions.
- Reduced administrative capacity within recipient institutions following dismissals in a State of Emergency situation.
- Shortage of qualified staff.
- High turnover rate of the dedicated staff.
- Political developments in Turkey, including potential further extensions of the State of Emergency, may affect the already difficult context of fundamental rights and freedoms and thus have a strong negative impact on the activities including potential suspensions and closures.

Mitigation measures are as follows:

- High level discussions in the framework of the Turkey-EU dialogue will represent a mitigation factor for the above mentioned risks.
- Lead Institutions' strong involvement in the pre-project phase, will help develop a sufficient sense of ownership.

CONDITIONS FOR IMPLEMENTATION

The implementation of the action requires continued commitment by the Turkish authorities, including political support to achieve the actions objectives and expected results as well as sufficient and stable staffing of the beneficiary institutions allocated to project implementation. Activities 1 and 2 are conditional upon the strong commitment of the UNDP and the Council of Europe; on allocation of sufficient own staff resources to prepare and implement the activities; assignment of direct counterparts per activity at the Headquarters as high level responsible for overall implementation. Activities 3 and 4 are conditional upon

the strong coordination with stakeholders on behalf of the lead institution in this sector.

Failure to comply with the requirements set out may lead to a recovery of funds under this programme and/or the re-allocation of future funding.

Activity 1

The National Human Rights and Equality Institution must be on the way to become fully operational and shall act in line with the Paris principles. The basis for the relevant analysis will be the Country Report as well as assessments by relevant international institutions and civil society organisations.

Activity 2

The activity is conditional upon strong political support for implementation by all key stakeholders including law enforcement, judicial bodies and the regulatory authorities. The sector lead institution will be in charge of providing the necessary assessment of this pre-condition in the form of a report. Relevant international institutions (including the Council of Europe) and civil society organisations will provide additional evaluations in this regard.

Activity 3

The activity should be implemented taking into account the major elements of the rights-based approach and focus on the best interest of the child. Synergies with the Human Resources Development Operational Programme should be monitored in the design and implementation of the activity.

Providing alternative care in line with the relevant UN instruments and guidelines as well as the EU Guidelines for the Promotion and Protection of the Rights of the Child is recommended. Furthermore, the commitment of the Ministry to work with civil society organisations is essential. The sector lead institution will be in charge of providing the necessary assessment of this pre-condition. Relevant international institutions (including the Council of Europe) and civil society organisations will provide additional evaluations in this regard.

Activity 4

The activity is conditional upon strong political support for implementation by all key stakeholders including law enforcement bodies and other bodies in contact with the public and civil society. The lead institution will be in charge of providing the necessary assessment of this pre-condition in the form of a report.

3 IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

The Lead Institution of the Fundamental Rights Sub-Field is the Ministry for EU Affairs as identified in the Prime Ministry Circular No: 2015/15 on Management of Pre-Accession Funds to be provided by the EU. The CFCU is the Contracting Authority.

Main responsibilities of the Lead Institution in this regard include preparation of Action Documents and revision when deemed necessary; technical implementation, monitoring and evaluation; submission of

information, documents and reports to the relevant institutions and authorities regarding the projects and the activities; Establishing protocols for defining duties and responsibilities with end beneficiaries.

Agreements and contracts under the action document is subject to the provisions of the Framework Agreement between Turkey and the EC on IPA II, Prime Ministry Circular No: 2015/15 on Management of Pre-Accession Funds to be Provided by the EU as well as the Agreements between Lead Institution (LI) (Ministry for EU Affairs Directorate Political Affairs and End Beneficiaries (EB) for the management and implementation of action Fundamental Rights Sub-Field financed by the Instrument for Pre-accession Assistance II (IPA II).

Activity	Main Beneficiary	Co-beneficiary
Activity 1: Strengthening the Institutional Capacity of National Human Rights and Equality Institution of Turkey	<i>National Human Rights and Equality Institution of Turkey</i>	<i>Related Public Institutions and Civil Society Organisations</i>
Activity 2: Promoting Freedom of Expression, Freedom of Media in line with European standards	<i>Law enforcement and judicial bodies Regulatory bodies (RTÜK) DG Press and Information TRT Journalists and media related CSOs</i>	<i>Related Public Institutions, Professional Media Organisations and Civil Society Organisations</i>
Activity 3: Supporting children's rights in Turkey	<i>Ministry of Family and Social Policies (DG Child services)</i>	<i>Related public institutions and civil society organisations.</i>
Activity 4: Strengthening Fundamental Rights Sector Coordination	<i>Ministry for EU Affairs (Directorate for Political Affairs)</i>	<i>Related public institutions including Ministry of Justice and Ministry of Interior End Beneficiaries for Fundamental Rights Sub-Field Civil Society Organizations</i>

IMPLEMENTATION METHOD(S) AND TYPE(S) OF FINANCING

Four activities within this action will be implemented under indirect management by the IPA II beneficiary, Turkey.

Activity 1 is implemented through a Pillar assessed grant with the UNDP Activity 2 is implemented through a Pillar assessed grant with the Council of Europe Activity 3 is implemented as Technical Assistance - Service Contract. Activity 4 is implemented as Technical Assistance - Service Contract.

In addition, a contract planned for the evaluation of activities within this action will be carried out under direct management by the European Commission.

JUSTIFICATION OF A PILLAR ASSESSED GRANT WITH THE UNDP FOR ACTIVITY 1:

With its extensive experience and expertise in human rights issues, design and implementation of capacity development programs, project management, its well-established network, coordination and organization

capacities for the conduct of such projects, the joint work of UNDP and OHCHR will play a vital role for the success of the proposed project.

In summary, the following justifies a pillar assessed grant agreement with UNDP, under the joint work of UNDP and OHCHR:

- The Project falls under the globally established human rights based approach of the UN in general. The UN has an important role in assisting the development of independent and effective National Human Rights Institutions (NHRIs). There is significant potential for strengthened cooperation between the UN and NHRIs in promoting and protecting human rights. The more the UN system works closely with and through independent, credible NHRIs, the greater are the chances of success in ensuring the sustainability of democratic governance, the effective application of the rule of law and the respect of human rights. As a result of this global cooperative practice, the UN have operationally oriented and user-friendly methodological tools for knowledge sharing and capacity-building which are of use for the services of the NHRIs.
- As a center of knowledge on human rights, UNDP and OHCHR can capitalize on the global best practices in the manner foreseen in the 2014 Action Document, and with the agility and quality that efficient and effective project management requires. Working in close cooperation with the over 80 NHRIs in the world, OHCHR and UNDP have global experience and capacity to lay grounds for the establishment and protection of national human rights systems those are shaped by the dynamics, diversity and experiences of the countries. The project will thereby utilize this unique experience contributing to the establishment and effective functioning of sustainable human rights infrastructure in Turkey for the implementation of international norms.
- OHCHR, which is the lead human rights authority in UN system, accords high priority to the establishment and strengthening of national human rights institutions with due regard for the Principles relating to the status of national institutions (the Paris Principles), adopted by the General Assembly in 1993. OHCHR, as being the partner UN agency of the Project, will therefore play a critical role in ensuring the achievement of the Project results with highest quality and in line with the Paris Principles. The OHCHR's presence will also ensure the sustainability of the results and enhanced visibility of the NHRI in the international community.
- To ensure that national human rights institutions are established in compliance with the Paris Principles and work as credible and effective guarantors of human rights at the country level, UNDP and OHCHR works cooperatively with more than 80 NHRIs worldwide and provides legal and technical assistance to national stakeholders; the International Coordinating Committee of National Institutions and its Subcommittee on Accreditation; and coordinating bodies of the regional national human rights institution networks. In that sense, relying on this long-standing partnership and unique experience as well as its with its neutral stance, the UN will support NHRI in actively addressing core human rights concerns, contributing to the rule of law, and establishing partnerships with civil society.
- The UN involvement in the Project as the implementing partner will play a vital role in increasing the outreach of NHRI at the international level, including by encouraging its participation in the United Nations human rights system (i.e., the Human Rights Council, United Nations treaty bodies and special procedures mandate holders), thus increasing their visibility as authoritative human rights actors.
- Along with UNDP and OHCHR, the UN is in a position to mobilize expertise on thematic fields of human rights such as children's rights, women's rights, refugee's rights, etc., when needed. In that respect, close cooperation with other UN Agencies such as UNICEF, UNHCHR, UN Women will be ensured.

As in indirect management the entrusted entity (CFCU) cannot further delegate Budget Implementation Tasks, UNDP must only use its own staff to implement the technical assistance and studies foreseen in the description of the action of the pillar assessed grant.

JUSTIFICATION OF A GRANT WITH THE COUNCIL OF EUROPE FOR ACTIVITY 2:

Freedom of expression and information is essential for the functioning of a democratic society. This freedom is guaranteed by Article 10 of the European Convention on Human Rights. The Convention itself is enforced by the European Court of Human Rights (ECtHR) which has developed a substantial case-law in the process

of the Convention interpretation.

Article 10, the relevant case-law of ECtHR and other Council of Europe standards in the field of freedom of expression and information, serve as the basis on which member states need to set up and implement a legal framework meant to guarantee this freedom. The Council of Europe standards and results of the organisation's monitoring and feedback from its co-operation and assistance programmes are also used by the European Commission as part of their political (Copenhagen) criteria for evaluating the eligibility of states for the EU membership.

The Council of Europe has developed a comprehensive set of standards guaranteeing the right to freedom of expression and information. These include the Committee of Ministers recommendations and declarations on protection of journalists and their sources of information, media pluralism and diversity, media in times of crisis, public-service media, independence of broadcasting regulators, professional and responsible journalism, freedom of expression and the respect of privacy and human dignity, access to public information, media coverage of elections.

The Preamble of the Committee of Ministers Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors, adopted on 13.04.2016, provides the most comprehensive list of principles related to the protection of journalism and the safety of journalists, as well as guidance concerning measures for states to fulfil their obligations.

The Commissioner for Human Rights and the Parliamentary Assembly also regularly address the question of freedom of expression and media in a democratic society. The Committee of Ministers of the Council of Europe follows developments, including through its supervision of the execution of judgments of the European Court of Human Rights, and the Secretary General has set up a cross-secretariat task force to ensure the gathering and dissemination of information on freedom of expression concerns to maximise the impact and coordination of our action.

Thanks to these standards, its moral authority, know-how and extensive network of experts and partners, the Council of Europe is uniquely placed to provide assistance to member and non-member states to ensure the respect of fundamental human rights, notably the right to freedom of expression and information. The Council of Europe will ensure sufficient human resources for the efficient management of the activities.

The co-operation activities of the Council of Europe in the media field respond to the specific requests of each Member State. Working in close cooperation with the national authorities and stakeholders allows the Council of Europe to define co-operation priorities and projects, identify the most adapted parameters of implementation and management, monitor and evaluate the progress. The aim of this cooperation is to bring the legislative framework on freedom of expression and information, its implementation as well as media professionalism in the target countries in line with the Organisation's standards, based on shared European aims and values.

As in indirect management the entrusted entity (CFCU) cannot further delegate Budget Implementation Tasks, Council of Europe must only use its own staff to implement the technical assistance and studies foreseen in the description of the action of the grant.

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING (AND EVALUATION)

The Ministry of EU Affairs is designated as the Lead Institution for the Fundamental Rights in accordance with the IPA II Framework Agreement between Turkey and the EC. As the Lead Institution, Ministry for EU Affairs is responsible for overall programming, monitoring and evaluation in the sub-field.

The Ministry for EU Affairs (MEUA) is designated as the Lead Institution for the Fundamental Rights in accordance with the Framework Agreement, the Prime Ministry Circular No. 2015/15 on Management of Pre-Accession Funds entrusted the Ministry of EU Affairs as the Lead Institution for the Fundamental Rights Sub-Field.

In line with the IPA II Implementing Regulation 447/2014, an IPA II beneficiary who has been entrusted budget implementation tasks of IPA II assistance shall be responsible for conducting evaluations of the

programmes it manages.

In line with the DG Near Guidelines, a percentage is earmarked within the Annual Action Programme for Turkey under the Instrument of Pre-accession assistance (IPA II) for the year 2017 in order to carry out evaluation activities.

The European Commission will carry out a mid-term, a final or an ex-post evaluation for this Action or its components via independent consultants, through a joint mission or via an implementing partner. For this purpose an amount of EUR 260,000 is planned, which will be directly managed by the EU. The evaluations will be carried out as prescribed by the DG NEAR guidelines for evaluations. In addition, the Action might be subject to external monitoring in line with the European Commission rules and procedures set in the Financing Agreement.

As for the monitoring of this sub-field, the Reform Monitoring Group (RMG) has been replaced by the Reform Action Group (RAG) with the approval of the Council of Ministers and shall continue to closely monitor the further developments and needs in the field of fundamental rights. The already established strong coordination between the participating Ministries in RAG will be supporting the future new and comprehensive reform initiatives as a strong platform. The RAG, established on this platform, will no longer just monitor the political reforms, but it will also take on an active role in the whole cycle of the reform agenda contributing to the preparation, adoption and implementation phases.

On the other hand, the Ministry for EU Affairs is coordinating the Sub-Committee for Political Affairs which is composed of high level officials of main institutions and authorised to direct, identify and assess the steps to be taken to further enhance the implementation regarding fundamental rights. The Sub-committee which convened lastly in 9 March 2017 submits its recommendations to the RAG.

Furthermore, the sub-field will be governed by the main strategies in place, particularly the Action Plan on the Prevention of Violations of European Convention on Human Rights. Since IPA II is based on the sector approach, in line with the IPA II FWA, a sectoral monitoring committee will convene on a regular basis, co-chaired by the NIPAC and representatives of the EC.

The Sectoral Monitoring Committee (SMC) meeting was organised by the Lead Institution in cooperation with the EUD on 6th of June 2017. Participation of 35 different institutions including the key actors of the IPA II system, project beneficiaries, International Organisations as well as civil society representatives is an indication of the challenges and opportunities for the Fundamental Rights.

As for activity level monitoring, “steering committees” for each activity will serve for this purpose. The Steering Committees will monitor the implementation of activities, achievement of results against indicators in the action document, and to agree on corrective actions as appropriate. The Steering Committees will be composed of the representatives of end beneficiaries, Ministry for EU Affairs as the Lead Institution, Central Finance & Contracts Unit and the European Union. Participation of other stakeholders, in particular civil society, will be ensured when deemed necessary.

INDICATOR MEASUREMENT

Indicator	Baseline (2017)	Target 2020	Final Target (2023)	Source of information
Degree of progress in the implementation of the Action Plan on prevention of ECHR violations	to be defined during the inception period	to be defined during the inception period	to be defined during the inception period	to be defined during the inception period
Extent to which implementation and monitoring capacity in the Fundamental Rights increased	To be defined during the inception period	To be defined during the inception period	To be defined during the inception period	Country report self-assessment reports of the institutions for implementation capacities MEUA, EC and the CoE assessments Training certificates
Number of Monitoring, Coordination and Consultation mechanisms including civil society	0	4	6	Rules of procedures on Monitoring, Coordination and Consultation mechanisms agreed by the institutions Sector Approach Road Map for Fundamental Rights under IPA II
Degree of well-being of the children benefitting from different kinds of child care services	to be defined during the inception period	to be defined during the inception period	to be defined during the inception period	Institutional reports and data on care services
The extent of the implementation of the action plan for combatting child labour	to be defined during the inception period	to be defined during the inception period	to be defined during the inception period	Institutional reports and data on combatting child labour
Number of staff with increased skills	0	1500	2000	Training certificates

5. SECTOR APPROACH ASSESSMENT

Sector Policy/Context

In the context of Fundamental Rights, national strategies have been put into place so as to align the standards of Turkey with the EU and international standards. In this respect, priorities identified in the national development plans, strategies and action plans as well as in other existing relevant strategies in the field of fundamental rights are taken into account during programme preparations.

The sector planning developed by the Lead Institution for Fundamental Rights Sub-Field covers the objectives set out in the Indicative Strategy Paper for Turkey that sets out the priorities for EU financial assistance for the period 2014-2017.

It translates the political priorities, as defined in the Enlargement Strategy and the most recent Annual Progress Reports, into key areas where financial assistance is most needed and useful to meet the accession criteria.

In this context, the overall objective is to achieve measurable progress towards the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination bringing the legal framework in line with European standards in all areas.

The specific objective is to align the implementation in the area of fundamental rights in line with the ECHR and case-law of ECtHR based on three priorities: a) Strengthening the Institutional Capacity in the Field of Fundamental Rights; b) Strengthening the Cooperation between the Institutions and Stakeholders in the Field of Fundamental Rights; c) Protection of Socially Vulnerable Persons.

Institutional Arrangements

The lead institution is the Ministry for EU Affairs. Key institutions such as the Ministry of Family and Social Affairs, Ombudsman Institution, Radio TV Supreme Council and National Human Rights and Equality Institution are closely associated in this sub-field as well as other key stakeholders.

Sector and Donor Coordination

The developments and needs in this field are closely monitored by the Reform Action Group (RAG). The Sub-committee for Political Affairs, composed of high level officials of key institutions, is authorised to direct, identify and assess the steps to be taken to further enhance the implementation regarding fundamental rights. The Sub-committee submits its recommendations to the Reform Action Group.

In this regard, the Ministry for EU Affairs as the lead institution is already carrying out studies as regards the preparation of the sector planning for Fundamental Rights Sub-Field in close cooperation with the Ministry of Justice and the EU, with the contribution of representatives from line institutions as well as rights-based NGOs in Turkey.

A sector coordination meeting was organised by the Lead Institution on 24 February 2017 and planning for 2017-2020 period was started on 15 March 2017 with a broad participation of the relevant institutions. Indeed, the action document is an output of this process.

The relevant international organisations in this field are as follows: The Council of Europe and UN Agencies (e.g. UNDP, IOM, UNFPA, UNICEF, UNHCR) who have provided substantial support, together with relevant Turkish and international NGOs working on human rights, civil society development and other right-based areas, such as Union of Bar Associations, bar associations, trade unions and NGOs (Gender Equality Monitoring Association- CEID-, ICMPD, the Joint Platform for Human Rights-IHOP-, Civil Society Development Center- STGM-, etc.)

On regular IPA assistance, with the aim of improving donor coordination at sector level, the European Union presents yearly the draft programmes to representatives of Member States embassies and also organises additional ad-hoc information sessions at sector level. These meetings include exchanges about complementary of bilateral funding from Member States, even though bilateral grant financing is very limited compared with the IPA allocations. In fields of joint interest, technical level meetings are organised.

The European Union has been holding meetings with Member States on a bi-yearly basis to focus on specific topics covered by IPA.

Mid-Term Budgetary Perspective

Turkey's Public Financial Management and Control Law no: 5018, requires the annually preparation of the Medium Term Programme (MTP) for a three-year perspective. Moreover, Medium Term Fiscal Plans (MTFP) is developed by the Ministry of Finance in line with Medium Term Program. These documents take into account EU accession requirements as well.

6. CROSS-CUTTING ISSUES

GENDER MAINSTREAMING

Gender equality is a key issue for Turkey, which ranks very low in the gender equality index with low levels of participation of women in economic, political and social life. Levels of violence against women remain persistently high. Therefore, the design and implementation phase of the activities also need to take into account equal participation of women and men. This action will contribute to the mainstreaming of the issue of gender into strategic plans and annual budgets of key public institutions in Turkey.

Gender balance will be sought on all the managing bodies and activities of the Action and importance will be given during all stages. Equal participation of women and men will be secured in the design of activities and access to the opportunities they offer. Promotion of gender equality and equal opportunities will be considered. The gender dimension of the activities will also be closely monitored by the European Union in terms of compliance with the Gender Action Plan.

EQUAL OPPORTUNITIES

The right based approach principles of transparency, inclusiveness and non-discrimination will be applied in each activity and taken into consideration at each steps of the implementation. The UNDP, the Council of Europe as implementing agencies for activities one and two as well as the contractor for activity three and four will be requested to provide monitoring data, recording the participation of men and women in terms of expert inputs and of trainees/beneficiaries benefiting under the project as an integral component of all narrative progress reports. Equal participation will also be monitored by the European Union.

MINORITIES AND VULNERABLE GROUPS

According to the Turkish Constitutional System, the word minority encompasses only groups of persons defined and recognized as such on the basis of multilateral or bilateral instruments to which Turkey is a party. The activities supported under this Action will contribute to the enjoyment of fundamental rights and freedoms without any discrimination. Throughout the Action vulnerable groups will be observed for active participation in and benefiting from the activities. The participation of children, women and groups with low-income level will be promoted along with other groups of civil society in all of the activities through the democratic processes and appropriate measures.

It contributes to the Protection of Socially Vulnerable Persons in line with the sector planning developed by the Lead Institution.

ENGAGEMENT WITH CIVIL SOCIETY (AND IF RELEVANT OTHER NON-STATE STAKEHOLDERS)

Relevant national and international civil society organisations working on Fundamental Rights will be actively encouraged to participate in the activities of this Action Document.

For each of the activities, a concrete plan for involving civil society organisations will be drawn up at the stage of detailed preparations and contracting in order to ensure their meaningful participation in consultation mechanisms as well as to enhance the information flow between public authorities and CSOs.

The Fundamental Rights Sub-Field, and in particular its 2017 programming, was presented by the MEUA at the IPA Seminar: Achievements and Opportunities organised by the Ministry of EU Affairs in Ankara under the TA for IPA II project with the participation of a high number civil society organizations. This opportunity enabled the MEUA to present the Fundamental Rights Sub-Field priorities and the programming process for 2017. Civil society involvement in programming and implementation processes was promoted and the CSOs were also invited to submit activity proposals during the seminar.

The participation of children, women and groups with low-income level will be promoted along with other groups of civil society in all of the activities through the democratic processes and appropriate measures.

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

N/A

7. SUSTAINABILITY

The range of activities under this Action will serve the overall strengthening of ‘fundamental rights’ and help further align with the EU acquis and standards in this field as well as support the implementation of Turkey's own related strategies and actions plans.

Under Activity 1:

The methodology and inclusiveness of the Project will ensure that latter's outputs are fully “owned” by Human Rights and Equality Institution of Turkey (HREI), the local human rights bureaus and other project's beneficiaries, safeguarding also sustainability of results. This will be primarily achieved by active involvement of main partners and other stakeholders in: 1) identifying their operational needs; 2) in developing project's outputs and procedures linked to improving their work and 3) taking active role in commenting trainings materials (curricula and HELP based methodology) for its staff. Furthermore, to enhance in the sustainability effects, these outputs, being agreed with partners, will be further incorporated in: HREI's internal regulations, methodology of work and procedures for conducting visit and assessing individual complaints, Annual plan for visits will be approved by the HREI's management, and the in-service (continuing) training scheme will be part of HREI's curricula together with pool of trainers created under the Project. Finally, the Project's aim at establishing regular cooperation meetings with relevant stakeholders in Turkey with a view of exchange of information and mutual support would have sustainable effect in context of continuation of the Project's output and further strengthening the coordination between relevant stakeholders after the lifetime of this project.

Under Activity 2:

The project envisages support for the promotion of European standards through a series of activities which aim at bringing long-lasting and sustainable results:

- by raising the awareness of the rights of journalists and other media actors among key stakeholders (e.g. law enforcement bodies), the beneficiaries will be less exposed to a violation of their rights or to judicial complaints and their consequences and the overall media environment will improve;
- strengthening their capacities on reporting technics and developing supporting materials, will equip them with the necessary tools to improve the overall media environment;
- Developing connections between media professionals' organisations and CSOs will create a sustainable network of solidarity and support among the media community which can easily function beyond the scope of the project.

The preconditions for a successful completion of the project are mostly linked to political willingness of the authorities to actively participate to the activities and subsequently incorporate the newly

acquired knowledge and standards into their everyday work.

Under Activity 3:

The planned activities will have a direct positive impact on the Ministry of Family and Social Policies capacity to implement policies directly benefiting vulnerable children in Turkey in line with national strategy documents and international legal instruments. Furthermore, the monitoring role of civil society organisations will be more prominent and will contribute to sustainability.

Under Activity 4:

Strengthening institutional coordination and cooperation including with stakeholders such as civil society in the field of human rights will in itself be sustainable for the overall objective of reaching measurable progress towards full enjoyment of all fundamental rights and freedoms. More efficient and effective inter-institutional cooperation and more efficient and effective cooperation with other actors such as civil society will have longer-term effects for the enjoyment of fundamental rights of individuals.

8. COMMUNICATION AND VISIBILITY

Communication and visibility will be given high importance during the implementation of the Action. The implementation of the communication activities shall be funded from the amounts allocated to the Action.

All necessary measures will be taken to publicise the fact that the Action has received funding from the EU in line with the Communication and Visibility Manual for EU External Actions. Additional Visibility Guidelines developed by the European Commission (DG NEAR) will have to be followed.

In this sense, in line with the Lead Institution roles and responsibilities identified in the Cooperation Agreements signed between the Lead Institution and End Beneficiaries for each programming year, a Communication and Visibility Plan for the Fundamental Rights Sub-Field should be prepared by the Lead Institution. Thus, the Lead Institution and the End Beneficiaries will be jointly responsible for fulfilment of IPA II Visibility and communication requirements and sustainability of the visibility of the project outputs.

Communication and Visibility Plans of the Individual Activities must be in line with the overall of Communication and Visibility Plan of the Fundamental Rights Sub-Field. Visibility and communication actions shall demonstrate how the intervention contributes to the agreed programme objectives and the accession process. Actions shall be aimed at strengthening general public awareness and support of interventions financed and the objectives pursued. The actions shall aim at highlighting to the relevant target audiences the added value and impact of the EU's interventions and will promote transparency and accountability on the use of funds.