ANNEX C1Bis: Twinning Light Fiche

**Project title:** Empowerment of the Role of Ombudsman Institution in the Protection and Promotion of Human Rights

**Beneficiary administration:** The Ombudsman Institution of Republic of Turkey

**Twinning Reference:** TR 15 IPA JH 09 18 TWL

**Publication notice reference:** EuropeAid/159877/ID/ACT/TR

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EU funded project

TWINNING INSTRUMENT

(It is recommended that the Twinning Fiche should not exceed 10 pages, excluding annexes)
1. Basic Information

1.1 Programme:

The management mode of this Project is indirect management with ex-post control.

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/Fundamental Rights Sub-Field)

1.3 EU funded budget: € 250,000.00

2. Objectives

2.1 Overall Objective(s):
To contribute to the further strengthening of respect for fundamental rights and freedoms in Turkey for all individuals without discrimination, in line with the European Convention on Human Rights and the case law of the European Court of Human Rights; and in this regard, to empower of the role of Ombudsman Institution in the protection and promotion of human rights.

2.2 Specific objective:
To enhance the capacity of the Ombudsman Institution of Turkey in the protection of fundamental rights and freedoms in line with the international standards and best practices.

2.3 The elements targeted in strategic documents i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reform strategy and related Action Plans
The 2013 and 2014 EU Progress Report for Turkey acknowledges the establishment of the Ombudsman Institution as an important step towards safeguarding citizens’ rights. However, it also notes that further efforts are needed to bring the Ombudsman Institution further in line with the EU standards. On the other hand, the 2015 and 2016 progress reports encouraged further reform and adjustments in the following fields:

- Further capacity development with regard to the initiation of investigations and intervene in cases with legal remedies,
- Further strengthening of Ombudsman to increase its effectiveness and contribution in the fields of human rights and good governance,
- Empowering mechanisms and systems to ease the follow up of Ombudsman’s recommendations and increasing effectiveness of redress in the case of human rights violations.
Within the last decade, Turkey has established human rights institutions, adopted comprehensive strategies (Judiciary Reform Strategy and Action Plan on the Prevention of Violations of European Convention on Human Rights), undertook judicial reform and introduced democratization packages. Here, the main motivation was to enhance the protection and promotion of fundamental rights and freedoms. Furthermore, the Action Plan on the Prevention of Violations of European Convention on Human Rights was adopted on 1 March 2014. The 2016 Turkey report points out to concerns with regard to the level of execution of court rulings delivered in line with the case law of European Court of Human Rights; and to the need for the revision of the action plan referred to above.

In line with national priorities and in order to be able to conform fully to global standards, the Ombudsman Institution has developed a strategic plan for the years 2017-2021. The priorities set therein are compliant with the weaker points of the system pointed out by the EU progress reports and they will undoubtedly serve to overcome these challenges. According to the strategic plan, the following two aspects are the main components for the long terms success of the Ombudsman Institution.

- To improve the complaints taking procedures and practices.
- To improve awareness raising and human rights promotion capacity.

According to the Strategic Plan, the Ombudsman Institution will invest further in human resources, information technologies and corporate identity to record improvement in the two fields mentioned above. In line with the above-said main components, this twinning light project will contribute to increasing effectiveness of complaints taking procedures through transfer of expertise, training and study visits.

3. **Description**

3.1 Background and justification:

The Ombudsman Institution of Turkey was established with the adoption of the Law No. 6328 published in the Official Gazette No. 28338 dated 29/6/2012. As per Article 5 of the Law No. 6328 referred to above, “The Institution shall be responsible for examining, investigating, and submitting recommendations to the Administration with regard to all sorts of acts and actions as well as attitudes and behaviours of the Administration upon complaint on the functioning of the Administration within the framework of an understanding of human rights-based justice and in the aspect of legality and conformity with principles of fairness”. The Ombudsman Institution, which is under the Turkish Grand National Assembly, has legal personality, has a separate budget and it is centrally based in Ankara.

The Institution comprises the Office of the Chief Ombudsman and the Office of the Secretary General. The Office of the Chief Ombudsman comprises the Chief Ombudsman and five Ombudsmen. The Office of the Secretary-General performs the secretarial, administrative and financial affairs of the Institution. The Office of the Secretary-General consists of the Secretary-General and other administrative staff members.

The tenure of the Chief Ombudsman and Ombudsmen is 4 years. A person who has served as a Chief Ombudsman or Ombudsman may be re-elected to the same office for 1 term only.

In the Strategic Plan of the Institution (2017-2021), some of the strengths of the Institution are:
Variety of application methods available,
The Institution is under the Grand National Assembly of Turkey
The Institution is independent from the executive
Applications to the Institution suspend the term of litigation; therefore, individuals can apply to the Institution without losing their right to file a case before the courts.
Ability to act as intermediary between the applicant and the public authorities
Ability to conduct investigations from the perspective of both legality and conformity with the principles of fairness.

On the other hand, some of the weaknesses of the Institution according to the Strategic Plan are as follows:

- Level of information and knowledge about the Institution among the public is low
- Communication with stakeholders requires further improvement
- Human resources capacity of the institution requires further improvement.

In line with the above-mentioned strengths and weaknesses, the priorities of the Institution are to increase the effectiveness of complaints taking procedures and to increase awareness on the role and functions of the Institution. The Institution, toward this aim, is developing and implementing plans and projects. This twinning light project proposed is important to improve the institutional capacity required to reach above-said objectives. Since the project is a twinning light project and the time and scope has to be limited, the project does not aim to bring in a substantial change in the legal framework in which the institution is working. The objective here is rather to increase the efficiency and effectiveness of the Institution through the capacity building activities envisaged in the Project.

The Monitoring Report on the Principles of Public Administration published by SIGMA on November 2017 pointed out that the rate of implementation of the Ombudsman’s recommendations increased compared to 2014, but level of the implementation rate was evaluated as moderate (45%) and lack of ex officio investigation power and right to challenge the constitutionality of laws at the Turkish Constitutional Court was emphasized. In addition, nonpresentation of annual reports of OI in the Parliament during plenary sessions was criticized in the Report. However, there have been some positive developments on the criticized areas after publication of the monitoring report of SIGMA. The rate of implementation of the Ombudsman’s recommendations increased to %65 at the end of 2017 and reports prepared by joint commission consisting of members of the Petition Commission and the Human Rights Inquiry Commission of Parliament on annual reports of OI for the years 2013, 2014, 2015 and 2016 was discussed at plenary session of the Parliament on 11 January 2018.

On the other hand, The Monitoring Report of SIGMA highlighted that the independence of the OI was ensured by the Ombudsman Institution Law numbered 6328 which states that no authority, organ, institution or person may issue orders, instructions, circulars or advice to the Ombudsman in the exercise of their duties. The report also stated that The Ombudsman’s independence from the executive is ensured.

As highlighted in the 2016 Turkey report, the EU strongly and immediately condemned the attempted coup of 15 July 2016, which represented a direct attack on democracy in Turkey, and expressed its solidarity to the Turkish democratic institutions. However, the report also underlined the importance of the recently created ad hoc appeal commission becoming an effective administrative review mechanism for suspended or dismissed civil servants.
With regard to the measures taken after the attempted coup, the Ombudsman Institution of Turkey has accepted more than 900 applications mainly from civil servants who were expelled or suspended from civil service, on the grounds of suspected membership in terrorist organisations. Dismissals from civil service by decree law do not fall under the jurisdiction of Ombudsman Institution of Turkey. These complaints are sent to the Commission on Examination of the State of Emergency Procedures and could be handled by the Ombudsman Institution after the examination of said Commission.

3.2 Ongoing reforms:

The European Commission has defined the scope of public administration reform as covering six core areas: the strategic framework for public administration reform, policy development and co-ordination, public service and human resource management, accountability, service delivery, and public financial management.

Public administration is specified as one of six priority areas as well as democracy and justice, education, radical changes in real economy, preferred change programmes and public finance in the 65th Government Programme of Republic of Turkey which was adopted on 24 May 2016. Increasing efficiency of implementation of some principles such as accountability in public institutions is established as an objective.

The purpose of the Ombudsman Institution of Turkey is to establish an independent and efficient complaint mechanism regarding the delivery of public services and investigate, research and make recommendations about the conformity of all kinds of actions, acts, attitudes and behaviours of the administration with law and fairness under the respect for human rights. The Institution contributes to the consolidation of the principle of the rule of law and good governance, promotion of human rights, spreading culture of right to legal remedies, increasing service quality of the administration and establishing transparent, accountable and human based administration. A total of 41.982 complaint applications were lodged to OI for a period of 5 years since its establishment while 17.131 complaint applications were filled in 2017. Ombudsman Institution issued 422 recommendations to administrations and solved 1575 complaint application through amicable solution in 2017. Within this respect, Ombudsman Institution of Turkey has an important function for establishing a transparent and accountable public administration system.

This Twinning Light Project will contribute to improve skills and capacities of the staff of Ombudsman Institution and so ensure execution of its mandate more efficiently through transferring best practices of Member State Institution. A well-functioning Ombudsman Institution serve to consolidation of accountability mechanism and good governance principle in public administrations and so contribute to public administration reform process.

The Law on the Ombudsman entered into force on 29 June 2012 in line with the Constitutional Amendments of 2010. The Law on the Human Rights Institution of Turkey, entered into force on 30 June 2012 and later on the National Human Rights Institution was replaced by the National Human Rights and Equality Institution established in April 2016. While the new Human Rights and Equality Institution has the power to launch investigations of its own initiative, it can no longer accept applications over human rights violations that are in the remit of the Ombudsman. This has clarified the division of tasks between the two institutions.

It is also noteworthy that in accordance with the decision of Council of Ministers dated 28 January 2014, the Human Rights (and Equality) Institution of Turkey is the “national
preventive mechanism” under the OPCAT, i.e. not the Ombudsman. The establishment of Human Rights Department under the Ministry of Justice to monitor the execution of the judgements of European Court of Human rights was a positive development in the field of institutionalisation.

In line with the Strategic Plan of the Institution, the current reform efforts focus on the following fields:

1) Increasing the effectiveness of complaints taking and processing through ensuring ease of applications through mobile platforms, applications and gateways.
2) Further strengthening of an information technologies based system to ensure effective follow up of Ombudsman’s recommendations
3) Strengthening cooperation with other public authorities to increase the effectiveness of Ombudsman’s recommendations
4) Further development of reporting practices
5) Supplying political decision makers and the Parliament with concrete proposals to further strengthen the role of the Ombudsman in the protection and promotion of human rights
6) Further improvement of communication strategy of the Ombudsman in a way to ensure increased awareness among the public on the role and functions of the Ombudsman.
7) Developing specialised communication strategies toward different target groups, such as other public institutions, NGOs, the media, foreigners and disadvantaged groups.
8) Strengthening human resources of the Institution through the development of an effective human resources strategy, delivery of training and transfer of know-how.

To fulfil these objectives, the Ombudsman Institution of Turkey utilises various resources, including its own and also those allocated thanks to international cooperation and funding.

3.3 Linked activities:

In the past years, the Ombudsman Institution implemented the following projects:

**Strengthening the Institutional Capacity of Ombudsman Institution Project**

The overall objective of this SIDA-funded Project is to support Ombudsman Institution in the performance of its duties in line with international standards, to strengthen its capacity and to raise awareness about the duties and operations of the Institution. The implementation period of the Project is March 2015 – December 2017. The Project has a total budget of 750,000 USD and it is implemented in cooperation with the UNDP.

The three main expected results of the project are as follows: Strengthening of the capacity of the Ombudsman Institution, raising awareness about the duties and operations of the Institution and improving exchange of information and cooperation with fellow institutions in Europe.

To meet the above mentioned objectives, a capacity assessment report has been prepared, expert contribution has been ensured to the Strategic Plan development studies, training sessions, Ombudsmanship symposium and regional conferences have been organised and introductory documentation on the Institution have been prepared.
Support to Establishment of Ombudsman Institution in Turkey

The objective of the Project is to strengthen the capacity of Ombudsman Institution in the performance of its duties in line with best practices of the EU Member States and international standards and to raise public awareness about the duties and operations of the Institution through promotional activities.

The Project, which is co-funded by the Republic of Turkey and the European Union under the 2011 Financing Agreement, has a total budget amounting to € 2,134,550.00 and comprises twinning and technical assistance components. Twinning contract was signed in 2014 and its 24-months long implementation period was completed in March 2016. Implementation of the technical assistance contract started in February 2016 and it will end in December 2017.

Twinning Contract (TR 11 IB JH 02): This twinning project, contract of which was signed on 12 March 2014 for a duration of 24 months, aimed to support Ombudsman Institution of Turkey with the experiences and best practices of French and Spanish Ombudsmen, who were project partners. Under the scope of this Contract, 18 training sessions and 8 workshops were organised. In addition, 10 study visits and 2 internship programs were organised to observe, on the spot, the functioning and working principles of French and Spanish Ombudsmen Institutions. Closing ceremony of the Project was hosted at the TGNA Ceremony Hall on 16 March 2016.

Technical Assistance Contract (TR2011/0123.14-02/001): This technical assistance Project aims to increase public awareness on the role and mandate of the Institution and includes activities such as the preparation of documents to introduce public the functioning of the Ombudsman and application procedures, conducting surveys, and organisation of regional conferences to introduce the Institution.

Under the scope of this project, an International Ombudsmanship Symposium was organised, a meeting with the Ambassadors of EU Member States held, a public survey has been conducted and a guidelines on the Ombudsman Institution of Turkey has been prepared.

Empowerment of the Role of Ombudsman in the Protection and Promotion of Human Rights Project - Technical Assistance Component

This project is included in the 2015 Action Document on Fundamental Rights Sub-Field under the Country Action Programme for Turkey 2015. In this scope, the Project aims to improve the knowledge of Ombudsman Institution staff on best practices and experiences through international cooperation and enhance level of awareness on the mandate and functioning of the Ombudsman Institution.

Within the scope of this component, awareness raising activities (regional conferences, international symposiums, surveys…etc) will be organised in order to increase the level of awareness both in public and administration.

Cooperation between Ombudsman Institution of Turkey and SIGMA

Project definition sheet regarding cooperation between OI and SIGMA on the preparation of a manual on “Good Governance” is approved by DG HOME on 28.02.2018. It is being planned to draft a manual of Good Governance for the purposes of improving oversight, increasing the transparency of public administration and awareness on the right to information of the general public. Including international expertise to preparation phase of the Manual and raising awareness of the key institutions as well as public is aimed through this cooperation.
3.4 List of applicable Union acquis/standards:
- Article 20(1) of Treaty on European Union (Lisbon Treaty)
- Charter of Fundamental Rights, Article 51(1)
- Copenhagen Criteria (Accession Criteria) - Political criteria: stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- Case Law of the European Court of Justice, with regard to claims of violation of the Charter of Fundamental Rights
  Acquis referred to in the negotiating chapter no.23 Judiciary and Fundamental Rights

3.5 Results per component

Results to be achieved under this twinning light project will be as follows:

1) Improved skills and capacities of the Ombudsman Institution of Turkey in the execution and promotion of its mandate;

2) Better coordination, exchange of experiences and cooperation with the Ombudsman Institutions in EU Member States

<table>
<thead>
<tr>
<th>Component 1</th>
<th>Objectively Verifiable Indicators:</th>
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<tbody>
<tr>
<td>Improved skills and capacities of the Ombudsman Institution of Turkey in the execution and promotion of its mandate;</td>
<td>• One training needs assessment study will be conducted.</td>
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<td>• At least 80 staff will receive tailored training on complaints taking and complaints processing methods and techniques.</td>
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<tr>
<th>Component 2</th>
<th>Objectively Verifiable Indicators</th>
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<tr>
<td>Better coordination, exchange of experiences and cooperation with the Ombudsman Institutions in EU Member States</td>
<td>• 14 staff (experts and assistant experts) of the Ombudsman Institution in total will attend two study visits to the Twinning Partner EU Member State’s Ombudsman’s Office and will observe and learn its best practices in the protection and promotion of human rights.</td>
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<td>• Seven high-level managers of the Ombudsman Institution of Turkey will attend one study visit to the Twinning Partner EU Member State’s Ombudsman’s Office and will exchange experiences and knowledge on better protection and promotion of human rights.</td>
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3.6 Expected activities:

- **Expected sub-result under Result 1 are as follows:**

  Sub-result 1.1: Training Needs Assessment and Design of Advanced Training Sessions on Complaints Taking and Processing:
Under this activity, training sessions (10 modules in total, with a minimum duration of 3 days) will be designed by the Twinning Partner Member State.

The target group of the training sessions will be the staff Ombudsman Institution (mainly experts and assistant experts) who are responsible for receiving and processing the complaint files lodged to the Ombudsman Institution.

Each expert and assistant expert of the Ombudsman Institution work under the supervision of one of the five Ombudsmen. Each of these five Ombudsmen, and the staff under their supervision, are responsible from receiving and processing the complaints in specific areas that are assigned to them by the Chief Ombudsman. Therefore, staff under each Ombudsman work exclusively on the complaints in the fields that are under the responsibility of the Ombudsman they report to.

The Twinning Partner Member State shall design the training sessions after conducting a training needs assessment study and taking the responsibility areas of each Ombudsman’s Department into consideration. Below, an indicative content of training programmes that might be of interest for the staff of Ombudsman Institution is provided. Twinning Partner Member State may elaborate further on the programs provided below and propose additional programs and content in their proposal. Moreover, Twinning Partner Member State may also choose to focus on a number of topics mentioned under each training session. The final decision will be taken during the contract preparation phase.

<table>
<thead>
<tr>
<th>Module</th>
<th>Topic</th>
<th>Target Department</th>
<th>Indicative Content</th>
<th>Proposed Duration</th>
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</table>
| 1      | Twinning Partner Member State’s and other EU Member States’ best practices with regard to processing and investigating complaints in the field of right to property | Ombudsman’s Department No.1 | - Land, Property and Housing Rights: Legal Framework and Principles  
- Addressing Housing, Land and Property conflicts  
- Cases concerning condemnation | Minimum 3 days |
| 2      | Twinning Partner Member State’s and other EU Member States’ best practices with regard to processing and investigating complaints in the field of law enforcement | Ombudsman’s Department No.1 | - Use of force and measures of pressure  
- Public order and control  
- External monitoring of public and private security forces  
- Demonstrations and maintaining public order | Minimum 3 days |
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<tr>
<th>No.</th>
<th>Twinning Partner</th>
<th>Ombudsman’s Department</th>
<th>Minimum</th>
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<tbody>
<tr>
<td>3</td>
<td>Member State’s and other EU Member States’ best practices with regard to processing and investigating complaints concerning public personnel regime</td>
<td>Ombudsman’s Department No.2</td>
<td>3 days</td>
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<td>Control of compliance with deontological rules in prisons</td>
<td>Complaints with regard to the non-provision of equal opportunities in the process of recruitment to civil service</td>
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<td>Complaints with regard to mandatory (unwilling) duty station changes</td>
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<td>Complaints with regard to unfair/subjective behaviour in the process of assignments to higher posts</td>
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<td>Complaints with regard to disciplinary measures imposed against public personnel</td>
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<td>Complaints with regard to mobbing at workplace</td>
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<td>4</td>
<td>Member State’s and other EU Member States’ best practices with regard to processing and investigating complaints with regard to rights of vulnerable groups</td>
<td>Ombudsman’s Department No.3</td>
<td>3 days</td>
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<td></td>
<td>Rights of children</td>
<td>Women rights</td>
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<td>Rights of the disabled</td>
<td>Rights of refugees</td>
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<td>5</td>
<td>Member State’s and other EU Member States’ best practices with regard to processing and</td>
<td>Ombudsman’s Department No.3</td>
<td>3 days</td>
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<tr>
<td></td>
<td>Pension rights</td>
<td>Complaints about processing and procedures of social security institutions as administrative entities</td>
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</table>
|   | Twinning Partner Member State’s and other EU Member States’ best practices with regard to processing and investigating complaints in the field of social security | • Complaints about decisions on claims for program benefits  
• Complaints about actions taken in connection with the processing of a claim  
• Complaints about retirement benefits  
• Complaints with regard to compulsory health insurance |   |
|---|---|---|---|
|   | Twinning Partner Member State’s and other EU Member States’ best practices with regard to processing and investigating complaints in the field of right to education | • Scope of the right to education  
• Obligation of the state to provide equal opportunities with regard to access to education  
• The principle of non-discrimination  
• Complaints with regard to education fees  
• Complaints with regard to the content of compulsory education  
• Monitoring the right to education, indicators | Minimum 3 days |
| 6 | Ombudsman’s Department No.4 |   |   |
| 7 | Twinning Partner Member State’s and other EU Member States’ best practices with regard to processing and investigating complaints in the field of energy market | • Tasks of the Regulatory Authorities with Respect to Households’ Complaint Handling  
• Institutions Dealing with Energy Related Customer Complaints  
• Complaint Handling | Minimum 3 days |
<p>|   | Ombudsman’s Department No.4 |   |   |</p>
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<th></th>
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<th>Standards</th>
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<td>• Complaints against providers</td>
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<td>• Complaints against market regulators</td>
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<td>• Redress Schemes</td>
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<td>• Regulatory Monitoring of Complaints</td>
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<td>8</td>
<td>Twinning Partner Member State’s and other EU Member States’ best practices with regard to processing and investigating complaints in the field of financial liabilities and banking transactions</td>
<td>Ombudsman’s Department No.5</td>
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<td>• Taxation</td>
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<td>• Financial claims of individuals against the State</td>
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<td>• Banking transactions</td>
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<td>• Public Procurement</td>
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<td>• Tax evasion</td>
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<td>9</td>
<td>Twinning Partner Member State’s and other EU Member States’ best practices with regard to processing and investigating complaints against local administrations</td>
<td>Ombudsman’s Department No.5</td>
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<td>• Functions of local ombudsman, if any)</td>
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<td>• Complaints with regard to municipal procedures and decisions, especially those concern changes in city master plans, authorisations and public transport routes.</td>
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<td>10</td>
<td>Joint training session</td>
<td>All Ombudsman’s Departments</td>
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<td>• Introduction of the Ombudsmanship system and practices in twinning partner member state</td>
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<td>• Written and verbal communication in the process of handling complaints</td>
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<td>• Essentials of written and verbal communication in</td>
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<td>Minimum 3 days</td>
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<td>the process of handling complaints</td>
<td>Twinning Partner Member State will be expected to indicate in their proposal the training content, duration and number of participants per training session mentioned above. The Twinning Partner Member State may propose additional training topics as well to improve the effectiveness of the Project.</td>
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<td>Dealing with “difficult” and controversial applicants and applications.</td>
<td>Sub-result 1.2: Delivery of Advanced Training Sessions on Complaints Taking and Processing:</td>
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<td>Good practices on generating statistical records and reporting;</td>
<td>Twinning Partner Member State will deliver the training sessions content of which are developed under Activity 1.1. The training sessions will aim to provide participants with the crucial skills and confidence to improve their handling of complaints with the goal of reaching a satisfactory solution that will satisfy the complaint owner.</td>
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<td>Annual reporting, (compare 4 EU member state practices)</td>
<td>Short-term experts of the Twinning Partner Member State who will have a background in complaints taking and processing in the field of human rights, and extensive experience in training delivery will deliver the training. The expert(s) will also be responsible for the preparation of a training kit, which will include, at least a power point presentation, a detailed training manual and exercises/case studies to be used during the training. However, the experts may propose and develop additional tools and materials to increase the efficiency of training and prospects for sustainability. The experts will also conduct pre-assessment and post-assessment of the training and</td>
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<td>Best practices in thematic reporting</td>
<td>systems</td>
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prepare a mission report containing their findings, flow of event and activity results to strengthen prospects for sustainability.

Based on the lessons learned from previous twinning projects, the Member State twinning partner will be expected to provide simultaneous interpretation during all training activities. Ombudsman Institution of Turkey will provide the technical infrastructure required for simultaneous interpretation. Therefore, Twinning Partner Member State will be expected to provide simultaneous interpreters.

At least 80 staff of the Institution will be trained in this scope.

- **Expected sub-results under Result 2 are as follows:**

  **Sub-result 2.1 Study Visits for the Staff of Ombudsman Institution of Turkey to the Ombudsman’s Office of Twinning Partner Member State:**

  Under this activity, two study visits will be organised to the Ombudsman’s Office of the Twinning Partner Member State. The target group of these two study visits will be fourteen experts and assistant experts of the Ombudsman Institution of Turkey in total. Seven experts and assistant experts will attend each study visit. The duration of these study visits will be at least three days each, excluding travel.

  The program of the study visits should allow for detailed presentations on advanced practices of the Ombudsman’s Office of the Twinning Partner Member State. The study visit programme should focus especially on the following topics:

  - Complaints taking, assessment and processing: Legal framework and best practices
  - Effective investigation
  - Service standards of the Ombudsman’s Office.
  - Effective communication
  - Effective data management
  - Best reporting practices

  The program of the visit should be developed in close cooperation between the Ombudsman’s Office of the Twinning Partner Member State and the Ombudsman Institution of Turkey. The Twinning Partner Member State’s experts will be expected to conduct an analysis of the expectations and needs of the target group, before the study visit programme is developed, so that the programme responds, in the best possible manner, to the expectations and needs of the target group.

  The Twinning Partner Member State’s experts will develop, in cooperation with the Ombudsman Institution of Turkey, a study visit report template, which will be filled in by study visit participants by the end of the study visit. The expert(s) of the Twinning Partner Member State will analyse these reports and draft a study visit results report after the two study visits are completed.

  **Sub-result 2.2. Study Visit for the High Level Managers of Ombudsman Institution of Turkey to the Ombudsman’s Office of Twinning Partner Member State**

  Under this activity, one study visit will be organised to the Ombudsman’s Office of the Twinning Partner Member State. The target group of this study visit will be seven high level managers of the Ombudsman Institution of Turkey. The duration of this study visit will be at least three days, excluding travel.
The program of the study visit should be developed in a way to address high-level policy issues of interest for high-level managers of both the Ombudsman’s Office of Twinning Partner Member State and Ombudsman Institution of Turkey. An indicative list of topics and issues that may be considered for inclusion in the programme of this study visit is provided below:

- Legal and operational framework that ensures and maintains independence and neutrality of the Ombudsman
- Strategies and best practices that strengthen the role of Ombudsman as an acknowledged, trusted and independent authority on issues relevant to the Ombudsman's mandate
- Best practices that optimise inquiry processes to deal with complaints promptly and effectively.
- Development of systematic follow-up of the outcomes of the Ombudsman’s recommendations and suggestions to maximise compliance.
- Relations between the ombudsman, the parliament, the judiciary and the government.
- Communication, public outreach and awareness raising strategies and activities.
- How the Ombudsman Institution of the Twinning Partner Member State cooperates with external stakeholders, modes of cooperation.

The program of the visit should be developed in close cooperation between the Ombudsman’s Office of the Twinning Partner Member State and the Ombudsman Institution of Turkey. The Twinning Partner Member State’s experts will be expected to conduct an analysis of the expectations and needs of the target group, before the study visit programme is developed, so that the programme responds, in the best possible manner, to the expectations and needs of the target group.

The Twinning Partner Member State’s experts will develop, in cooperation with the Ombudsman Institution of Turkey, a study visit report template, which will be filled in by study visit participants by the end of the study visit. The expert(s) of the Twinning Partner Member State will analyse these reports and draft a study visit results report after the study visit is completed.

Common arrangements and requirements for all study visits: One member of the project team from the Ombudsman Institution of Turkey will participate in each study visit and act as focal communication point. The Beneficiary will also assign a Head of Delegation for each visiting group in order to ensure compliance to the study visit programme and time schedules foreseen.

Based on the lessons learned from previous twinning projects, the Member State twinning partner will be expected to provide two consecutive interpreters per study visit.

The added value of study visits, when compared to alternative methods, is the unique networking and interacting opportunities they provide. It is important that best practices of the Twinning Partner Member State is observed on the spot and that both formal and practical aspects of quality can be directly observed, beyond the limitations of a theoretical training that can be offered elsewhere. In addition, establishing new professional contacts, exchanges of knowledge, information, experience and good practices, increased motivation and confidence of staff of the Ombudsman Institution of Turkey will be other most important benefits of the visits.

3.7 Means/input from the EU Member State Partner Administration:
The project will be implemented in the form of a Twinning Light contract envisaged to provide exchange of experience and know-how with a Member State Institution with good practice in the stated project activities. The Twinning Partner shall provide an adequate team of experts – one Member State Project Leader, responsible for overall coordination of project activities and a pool of Short Term Experts (STEs) with suitable knowledge to carry out the activities described.

The interested Member State Partner Institution shall include in its proposal the CV’s of the designated Project Leader and the proposed Short-term Experts as well as their specific tasks to which they will be assigned.

The MS Partner Administration should demonstrate experience in the delivery of services in the relevant project fields mentioned above. This experience should be described in the proposal. Experience in providing assistance in similar EU projects would be considered as an advantage.

3.7.1 Profile and tasks of the PL:

The Member State Project Leader will manage the implementation of the project with the Project Leader from the Ombudsman Institution of Turkey. The Project Leader will ensure his/her ability to mobilise the necessary staff in support of the efficient implementation of the project. In addition, he/she should coordinate, on the Member State side, the Project Steering Committee. The MS Project Leader will continue to work at his/her Member State administration. As a minimum, the project Leader should be able to dedicate to the project at least 3 days per month. He/she will be supported by his/her Member State administration for logistic, accounting and administrative affairs.

Requirements:

• University degree or equivalent experience of 5 years in a related field;
• At least 3 years of general professional experience;
• At least 3 years of specific professional experience in the area associated to this project;
• Engagement in a similar Member State Ombudsman Institution would be considered an asset;
• Experience in the implementation of at least one international cooperation projects in a managerial or coordinating function;
• Be in a position, which allows him/her to easily contact with the Ombudsman and his/her counterparts in beneficiary institution
• Experience in EU funded projects is an asset;
• Fluent in English;
• Computer literate.

Tasks:

• Conceive, supervise and coordinate the overall thrust of the project;
• Ensure the attainment of the projected outputs;
• Co-manage the implementation of the project with the Beneficiary Country Project Leader;
• Co-ordinate Member State experts’ work and availability;
• Communicate with the Beneficiary, the CFCU and the EUD;
• Ensure the backstopping functions and financial management;
• Co-chair the Project Steering Committee Meetings;
• Organise training sessions;
• Organise study visits;
• Draw up reports in accordance with the Twinning Manual;
• Where necessary, provide technical assistance and advice under the Project.

3.7.2 Profile and tasks of the short-term experts:

Other specialist staff will be made available by the Twinning Light Partner to support the implementation of activities. The proposed pool of short-term experts is expected to cover all relevant areas targeted under this project.

- **Profile of the short-term experts**

**Requirements:**
- University degree or equivalent experience of 5 years in a related field;
- At least 3 years of overall working experience;
- At least 3 years of specific professional experience in the area associated to this project;
- Serving as staff of the Ombudsman is an asset;
- Experience in the fields of needs assessment, training delivery, training assessment;
- Knowledge of international standards and best practices of EU member states;
- Fluency in English;
- Computer literacy.

**Tasks:**
- Conducting training needs assessments and study visit needs assessment;
- Drafting programmes of workshops, training sessions and study visits;
- Conducting pre-assessment and post-assessment of project activities;
- Participation in the round tables- presentation of the experience, best practices and study cases;
- Delivery of training sessions;
- Organisation of study visits;
- Drafting mission reports;
- Provision of information and advice on EU member states’ best practices.

4. **Budget**

\[ \text{€ 250,000.00} \]

5. **Implementation Arrangements**
5.1 Implementing Agency responsible for tendering, contracting and accounting

The Central Finance and Contracts Unit (CFCU) will act as a Contracting Authority for the project, which will be responsible for all aspects for the project’s tendering, contracting and payments.

The contact person on behalf of the CFCU is:

Mr. M. Selim Uslu
PAO and CFCU Director
Central Finance and Contracts Unit
İnönü Bulvarı No: 36 E Blok 06510
Emek - Ankara / TURKEY
Phone: + 90 312 295 49 00
Fax: + 90 312 286 70 72

5.2 Institutional framework

The Ombudsman Institution of Turkey is the Beneficiary of this Project.

The Project will be coordinated by the EU and Foreign Relations Department of the Institution. As the tasks of duties of the Ombudsman have been distributed by the Chief Ombudsman among the five Ombudsmen of the Institution, experts and assistant experts working under the offices of each Ombudsman will contribute to the implementation of activities that fall under their area of competence. Training Department of the Institution will play an active role in the design and implementation of Training Activities.

Due to the nature of twinning light projects, the Project is not expected to change institutional structure of the Institution. Instead, the Project will aim to increase the efficiency and effectiveness of the Institution through the capacity building activities it involves.

"The implementation of each Twinning project is overseen by a Project Steering Committee, whose members are the Contracting Authority, the EUD (if applicable), the Member State PL and the Beneficiary PL”. Within this scope, a Project Steering Committee will be established with the aim of conducting overall supervision of the Project’s implementation, giving strategic direction to the Project’s implementation, developing proposals for increasing the efficiency of implementation and proposing corrective measures when required. Project 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 MEUA Directorate for Political Affairs is the Lead Institution of the Fundamental Rights Sub-Field”

This project was accepted under the IPA II Fundamental Rights Sub-Field 2015 Action Document following the assessments carried out by the Ministry for EU Affairs, Directorate for Political Affairs as the Lead Institution in line with the sector approach. All the activities and outputs are in line with the Action Document.

The MEUA Directorate for Political Affairs as the Lead Institution will review and deliver its comments on project documents according to its responsibilities.
As the end beneficiary under the Fundamental Rights Sub-Field, the Ombudsman Institution is responsible for ensuring compliance with the Cooperation Agreement signed with the MEUA as the Lead Institution as well as the Fundamental Rights Sub-Field Manual of the MEUA.

The MEUA Directorate for Political Affairs as the Lead Institution will be informed by the project team about exact dates/locations of the events/activities in a reasonable time before the event/activity to make possible of its participation in activities and close monitoring of the general implementation of the project.

Ministry for EU Affairs (MEU) Directorate for Political Affairs as the Lead Institution, as well as Directorate for Financial Cooperation as the NIPAC Secretariat and Directorate for Training and Institution Building as the National Contact Point for Twinning in Turkey will participate in the Steering Committee meetings of the Project.

For the success of this assignment, it is important that the Beneficiary is fully involved in the implementation and that recommendations are made in consultation with the relevant local stakeholders. In this context, monthly management meetings will be held in the premises of the Beneficiary with participation of MEUA Directorate for Political Affairs as the Lead Institution.

5.3 Counterparts in the Beneficiary administration:

The PL counterpart will be a public servant of the Beneficiary administration and will be actively involved in the management and coordination of the project.

5.3.1 Contact person:
Ms. Güniz ATEŞ
Ombudsman Institution of Turkey
EU and Foreign Relations Department
Acting Head of EU and Foreign Relations Department
Postal address: Kavaklıdere Mh. Zeytindalı Caddesi No:4 Çankaya / Ankara

5.3.2 PL counterpart
Mr. İbrahim KILINÇ
Ombudsman Institution of Turkey
Secretary-General
Postal address: Kavaklıdere Mh. Zeytindalı Caddesi No:4 Çankaya / Ankara

6. Duration of the project
8+3 months.

7. Sustainability
As also highlighted under the Fundamental Rights Sub-field Action Document, this Project will serve overall strengthening the sub field ‘fundamental rights’ and help further alignment with the EU acquis and standards in this field. The sustainability of the results will be ensured by the improved administrative structure. In addition, this project will serve to consolidation of accountability mechanism and good governance principle in public administrations and so contribute to public administration reform process through increasing capacity of Ombudsman staff.
The Ombudsman Institution of Turkey is fully committed to ensuring the long-term impact of the Twinning Light project. The Twinning Partner Member State shall transfer the expertise necessary to achieve the mandatory results to the Ombudsman Institution of Turkey. During the project, the twinning partner will develop documents/handouts, guidelines that will be easily accessible for later use by the Ombudsman Institution of Turkey.

The development and delivery of training programmes under the scope of this Project will be conducted with an inclusive and needs-based process. Training needs assessment will be conducted to analyse training needs of the Ombudsman Institution of Turkey in depth and the programmes will be developed to meet the identified needs. With this needs-based approach, the local ownership of training results will have been strengthened and prospects for sustainability will have been enhanced.

All training materials to be developed under the scope of the Project will be of high quality; they will be professionally developed and will be easily accessible for later use. Electronic copies of the materials will be uploaded to the Intranet of the Institution as well to ensure ease of Access.

To ensure effective dissemination of results, the experts of the twinning partner member states will draft well-structured reports. Experts of the Ombudsman Institution of Turkey will contribute to the content of these reports through the feedback they will deliver by filling in evaluation and assessment forms. The reports will present the concrete results of the activities and their practical implications for further follow-up by the Ombudsman Institution of Turkey.

The Ombudsman Institution of Turkey will continue to support Professional development efforts of its employees through various capacity building activities and actions to be funded both by the national budget and by international donors. Staff to be trained under this Project will be prioritised to attend other capacity building activities of the Institution.

The Communication Strategy of the Project would aim to highlight that this project contributes to the accession process, i.e. the public administration reform processes as one of the fundamentals of the Enlargement policy and the Fundamental Rights Sub-Field’s objectives. Communication and Visibility Plan of the project will be in line with the overall communication plan of the Fundamental Rights Sub-Field. The visibility materials to be produced will be approved by the Steering Committee.

The final report of the Project will include concrete recommendations and strategies for safeguarding the achievement of the mandatory results/outputs in the Beneficiary administration. Reports will also be submitted to the MEUA Directorate for Political Affairs as the Lead Institution.

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

   Equal participation of women and men will be secured in the implementation stage. Based on fundamental principles of promoting equality and combating discrimination, participation to the activities will be guaranteed on the basis of equal access. Principles and practice of equal opportunity will be guaranteed to ensure equitable gender participation in all activities.
9. **Conditionality and sequencing**

There are no conditionality to affect the commence and implementation of the Project. The project activities will be implemented in the order that will ensure the strongest possible impact.

10. **Indicators for performance measurement**

Indicators of achievement with regard to the Overall Objective of the Project are as follows:

- Number of applications made against Turkey before the European Court of Human Rights (ECtHR)
- Number of judgements of ECtHR finding Turkey in breach of the ECHR
- Number of applications to the Constitutional Court.

These indicators mirror those referred to in the Action Document and this project is expected to contribute to the achievement of these indicators in the longer run.

Indicators of achievement with regard to the specific objective of the Project will be as follows:

- Percentage of administrative responsiveness to the recommendations of the OI is increased by 5% (Administrative responsiveness to the recommendations of OI is %65 as of end of 2017)
- Number of complaints received by the Ombudsman Institution increased by 5%. (Number of complaints received by the OI is 17,131 in 2017.)
- Number of inadmissible complaints is decreased by 5%. (Number of inadmissible complaints is 4,381 in 2017.)

These indicators also mirror those referred to in the Action Document.

Indicators of achievement with regard to the results of the Project will be as follows:

- One training needs assessment study will be conducted.
- 80 staff received tailored training on complaints taking and complaints processing methods and techniques,
- 14 Ombudsman staff (experts and assistant experts) attended the study visits
- 7 high-level managers of the Ombudsman Institution of Turkey attended the study visits.

11. **Facilities available**

The Ombudsman Institution of Turkey possesses sufficient office space for the work of the experts to be assigned under the scope of the Project. Moreover, a conference room and meeting rooms are available. The Institution is equipped with proper IT infrastructure.
ANNEXES TO ACTION DOCUMENT

1. Logical framework matrix in standard format (compulsory)
2. Reference to feasibility /pre-feasibility studies. For all investment projects, the executive summary of the economic and financial appraisals, and the environmental impact assessment should be attached (optional)
3. List of relevant Laws and Regulations (optional)
4. Reference to relevant Government Strategic plans and studies (may include Institution Development Plan, Business plans, Sector studies etc.) (optional)
5. Mapping of related interventions by government and/or other actors (if existing)
6. Existing donor coordination framework (if existing)
7. The project/sector monitoring framework (if existing)
8. Sector assessment reports (if appropriate) of any kind including publically available reports from other International organisations (SIGMA, IMF, etc.)
9. Project/sector relevant publically available Conclusions/agreements between EU and the Beneficiary resulting from the political dialogue
## ANNEXES TO PROJECT FICHE

Logical framework matrix in standard format (compulsory)

### LOGFRAME PLANNING MATRIX FOR Project Fiche

<table>
<thead>
<tr>
<th>Overall objective</th>
<th>Objectively verifiable indicators (OVI)</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
</table>
| To contribute to the further strengthening of respect for fundamental rights and freedoms in Turkey for all individuals without discrimination, in line with the European Convention on Human Rights and the case law of the European Court of Human Rights; and in this regard, to empower of the role of Ombudsman Institution in the protection and promotion of human rights. | ● Number of applications made against Turkey before the European Court of Human Rights (ECHR)  
● Number of judgements of ECHR finding Turkey in breach of the ECHR  
● Number of applications to the Constitutional Court. | ● EU Progress Reports  
● Statistical Records of Constitutional Court  
● Database of European Court of Human Rights (ECHR) | |
| Specific objective | Objectively verifiable indicators (OVI) | Sources of Verification | Assumptions |
| To enhance the capacities of the Ombudsman in the protection of fundamental rights and freedoms and to further promote the visibility of the Ombudsman among the citizens and relevant institutions in line with the international standards and best practices. | ● Percentage of administrative responsiveness to the recommendations of the OI is increased by 5% (Administrative responsiveness to the recommendations of OI is 65% as of end of 2017)  
● Number of complaints received by the Ombudsman Institution increased by 5%. (Number of complaints received by the OI is 17,131 in 2017.)  
● Number of inadmissible complaints is decreased by 5% (Number of inadmissible complaints is 4,381 in 2017.) | ● Strategic Plan of the Ombudsman Institution  
● Activity Reports of the Ombudsman Institution  
● Statistics of the Ombudsman Institution  
● Monitoring Reports of SIGMA | ● Success of human rights protection measures taken by stakeholders other than the Ombudsman Institution  
● Continued support of NGOs  
● Continued public support to human rights protection initiatives  
● Turkish Grand National Assembly passes new laws to further strengthen capacity and independence of human rights institutions, including the Ombudsman. |

<table>
<thead>
<tr>
<th>Results</th>
<th>Objectively verifiable indicators (OVI)</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
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</thead>
<tbody>
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<table>
<thead>
<tr>
<th>Project title and number</th>
<th>Total budget</th>
<th>IPA budget:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Empowerment of the Role of Ombudsman Institution in the Protection and Promotion of Human Rights - TR 15 IPA JH 09 18 TWL</td>
<td>€ 250,000.00</td>
<td>€ 250,000.00</td>
</tr>
</tbody>
</table>

Contracting period expires on 17 March 2019  
Execution period expires on 17 March 2022
1) Improved skills and capacities of the Ombudsman Institution of Turkey in the execution and promotion of its mandate;
2) Better coordination, exchange of experiences and cooperation with the Ombudsman Institutions in EU Member States

- 1 Training needs assessment conducted.
- 80 staff received tailored training on complaints taking and complaints processing methods and techniques.
- 14 Ombudsman staff in total (experts and assistant experts) attended two study visits.
- 7 high-level managers of the Ombudsman Institution of Turkey attended one study visit
- (Maximum 3 study visits shall be realized under the contract.)

### Project Activity Reports
- Project Final Report

### Ombudsman staff attending training activities and study visits continue to work for the Institution in the medium and long run.
### Availability of other cooperation initiatives between Ombudsman Institution of Turkey and Member State Ombudsmen

<table>
<thead>
<tr>
<th>Sub-results to achieve Mandatory results (Components)</th>
<th>Means / contracts</th>
<th>Costs</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-result 1.1: Training Needs Assessment and Design of Advanced Training Sessions on Complaints Taking and Processing. Sub-result 1.2: Delivery of Advanced Training Sessions on Complaints Taking and Processing. Sub-result 2.1: Two Study Visits for the Staff of Ombudsman Institution of Turkey to the Ombudsman’s Office of Twinning Partner Member State Sub-result 2.2: One Study Visit for the High Level Managers of Ombudsman Institution of Turkey to the Ombudsman’s Office of Twinning Partner Member State</td>
<td>Twinning light contract</td>
<td>€ 250,000.00</td>
<td>Continued interest and motivation of Ombudsman staff in project-based capacity building activities EU Member states willing to engage in twinning partnership with the Ombudsman Institution of Turkey EU Member States willing to host visiting Turkish delegations</td>
</tr>
</tbody>
</table>