ANNEX C1: Twinning Fiche

**Project title:** Strengthening the Institutional Capacity of Court Experts  
**Beneficiary administration:** The Republic of Turkey, the Ministry of Justice  
**Twinning Reference:** TR 15 IPA JH 08 18  
**Publication notice reference:** EuropeAid/159014/ID/ACT/TR

EU funded project  
*TWINNING INSTRUMENT*
1. Basic Information

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

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

1.3 EU funded budget: 2,000,000 Euro

2. Objectives

2.1 Overall Objective(s):
Improvement of the court expert system in line with the EU standards with a view to ensure the right to a fair trial under Article 6 of the ECHR by accelerating trial proceedings and thus strengthening the efficiency and effectiveness of the judiciary

2.2 Specific objective:
To contribute to efficiency and effectiveness of the judiciary by institutionalization of the court expert system

2.3 The elements targeted in strategic documents i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reform strategy and related Action Plans
Improving the efficiency of the judiciary is specified among the priorities, both in the National Plans and in the Accession process. The overusing of court experts, the quality of court expert reports which are direct impact on effectiveness of judiciary are issues focused on Strategy Papers. In order to accelerate judicial process and to enjoy the right to a fair trial, institutionalization of court expert system is a central component of the objective of improving the overall efficiency of the judiciary

Accession Partnership - National Programme of Turkey for the Adoption of EU Acquis (NPAA) Priority No. 23.1 of Chapter 23 of the NPAA based on the Council Decision of 18 February 2008 on the Accession Partnership with the Republic of Turkey, focuses on “increasing the efficiency and functionality of the judiciary” based on schedules for legislative alignment and institution building.

- TURKEY 2016 PROGRESS REPORT (COMMISSION STAFF WORKING DOCUMENT)

The court expert system should be revised. Excessive recourse to court experts by judges, the low quality of expert reports and low fees remained problematic. A draft law to overcome these issues is yet to be adopted. (the Law no 6754 on Court Experts entered into force upon being published in the Official Gazette on 24.11.2016.) Court experts should be subject to cross-examination in practice. Frequent changes to the internal organisation of judicial bodies and to the court network, criminal courts in particular, risk impeding their efficiency.
• **10th DEVELOPMENT PLAN (2014-2018)**

2.1.3. Justice

a. **Current situation:** Despite these developments, there is need to increase the number of judges and auxiliary judicial personnel, to determine ethical rules for judicial staff according to universal principles, to accelerate judicial processes, to increase the accessibility of justice services, to enhance the debt collection offices and the expert mechanism and to increase the quality of law education.

c. **Policies:** Expert mechanism will be reviewed and a new and efficient system will be introduced.

• **JUDICIAL REFORM STRATEGY (2015-2019)**

Turkey has the highest number of court experts among European countries. However, there are serious criticisms concerning overusing court experts during judicial proceedings and the overall quality of the system. In order to provide an institutional framework to court experts, the Law no 6754 on Court Experts entered into force upon being published in the Official Gazette (OJ 29898 of 24 November 2016), which took into account the outputs of the ‘Twinning Project on Improved Court Expert System’ implemented to develop a comprehensive and effective solution to the problem of court experts. Thus, not only quality of the reports drafted by court experts would be improved, but also period of judicial process would accelerate and court expenses would reduce. The Forensic Medicine Institute, operating under the Ministry of Justice and providing official court expert services, has a direct impact on faster, effectively and efficiently functioning of the judiciary. In this respect, the Institute drafted some amendments to the Law on Council of Forensic Medicine and this draft enacted and entered into force under the scope of Law no 6754 on Court Experts. With the abovementioned amendment in the law, the number of specialized departments was increased and higher boards were established within the Forensic Medicine Institute to ensure a better management and distribution of the workload. The aim is to strengthen the capacity of the Institute in the upcoming period.

**Goal 3 – Improving the Civil and Criminal Justice Systems:**
It is also planned for the following term that the court expert system will be addressed considering the significance it holds for the trial course. This is because, it is aimed to enable more efficient and effective contribution by the experts to the judicial services and the identification and solution of some issues arising from the practice.

**Objective 3.4 – Revising and Restructuring the Court Expert System:**
The court experts contribute to the establishment of justice and judges’ efficient performance of their duties by delivering true and scientific point of views regarding the genuine and complicated issues that they are supposed to handle. While there are various models regarding the selection of the court experts, they are selected by the courts or ministries of justice in many countries.

According to the data provided by the 2014 report of The European Commission for the Efficiency of Justice (CEPEJ), there are 252.6 court experts per 100,000 people, while 23.5
court experts per one judge. Turkey is on the top of the list of European countries with regard to the number of court experts.

In Turkey, along with the criticisms regarding the court expert system, some criticisms that have been included within the scope of progress reports state that the court expert institution appears like a different judicial system which is an alternative of judiciary and also it fails to increase the quality of judiciary. The criticisms were concentrated on the following points: i) judges apply to the opinion of court expert even within the scope of legal questions, ii) large number of court experts, depending on the plea from the litigants, provide opinions for the same case, iii) the mentioned points prolong the trials and, iv) the opinions of court experts are copied directly to the reasoning of decisions by the judges.

Regarding the solution for these problems, “Project of Improved Court Expert System”, co-financed by the European Union and Ministry of Justice, was implemented and by taking into account the outputs of this project Law no 6754 on Court Experts, that regulates i) the establishment of an effective court expert audit system ii) providing of an institutional structure to manage the accreditation and certification procedures when compiling a judicial expert list or registry especially in terms of court expert institution, was enacted.

Furthermore in this respect, the works for the identification and solution of the problems arising from the court expertise are aimed to conduct and trainings about the court expertise concerning the judges and the public prosecutors are intended to be carried out.

- **SECTOR PLANNING DOCUMENT (2014-2017)**

  **Time management on courts** requires to determine ideal periods of judicial proceedings both in the country and in the courts and to make a time commitment per each case to the parties. It is necessary to establish a ongoing system for the delaying cases and to find solutions for such cases. The important developments were took place related to the increased number of the specialized courts (Labour, Family, Commercial Courts and Consumer Courts). However major efforts are still required to dissolve the backlog and to develop indicators to measure the justice system's efficiency.

  Another major complaint in this area concerns the excessive usage of court experts by the judges due to heavy workload and court experts’ acting in a way as if they render final judgment rather than expressing their opinions on issues requiring special technical knowledge and expertise.

- **2015 ACTION DOCUMENT**

  Problems related to overusing of court experts in courts mainly result from practices of local courts, lawyers and high courts as well as the competence of court experts, quality of their reports and the lack of institutional structure allowing for controls in the court experts system. Furthermore, there are no professional organizations of court experts, which could help in controlling court experts. Under the ‘Twinning Project on Improved Court Expert System’, which was completed in June 2015, awareness raising activities were planned to introduce changes in the practices of high courts, local courts and lawyers, and court experts were trained for increasing the quality of reports. One of the most important results achieved by this project was the identification of the level of randomness in this field, which led to the
conclusion that the problem could be best addressed by revising the court expert mechanism and building a new institutional structure.

A well-functioning structure is necessary due to the reasons stated as follows:

1. There is a lack of sufficient selection criteria to allow for functioning of qualified court experts. Unqualified people are still listed as court experts.

2. There are no in-service training curricula or module concerning the legislation and ethical rules to be followed by people working as court experts. Pursuant to Article 6 of the Law no 6754, Department of Court Experts was established and mandated to designate and grant permission to the training providers that will provide compulsory basic trainings to court experts before they start working as court experts.

3. The Law no 6754 provides for a mechanism for controlling and assessing in detail the performance of court experts during their terms of office and when listing or relisting as a court expert. It is of importance to determine reasonable and applicable criteria for control and performance assessment. The aim is to develop such objective and measurable criteria through project activities.

4. The current system does not provide for standards in court expert fees. Therefore, court expert reports are not of sufficient quality. To this end, the aim is to make use of good practices in EU Member States and improve the system taking into account features such as the nature of the work, its complexity and duration.

5. There is no dedicated agency/organization to contact in case court experts encounter problems in various forms, nor are there professional organizations for court experts relating to their fields of expertise. The aim is to promote establishment of such structures.

The restructuring process, needed for the solution of the abovementioned problems, will be undertaken thanks to this project. Thus, the new structure will allow for the development of objective criteria for the selection of court experts and standards for training and controlling court experts and recording their competence.

- To this end, one of the activities under this project will concern the establishment of a scientific commission under the Ministry of Justice consisting of members of the Court of Cassation and Courts of Appeal, lawyers, academics and court experts. This scientific commission will work for the establishment of standards in line with EU standards necessary for functioning of the new institutional court expert mechanism provided by the Law no 6754, training of relevant actors and revising related secondary legislation regarding court experts system.

3. **Description**

3.1 **Background and justification:**

It is regarded as a rule in the Turkish legal system that it shall be possible to ask for assistance of a competent expert in disputes on technical or specialized matters that go beyond the general and legal knowledge of a judge.

Pursuant to Article 63 of the Code of Criminal Procedure, in matters requiring expertise, special or technical knowledge, the judge may decide for assignment of a court expert either ex-officio or upon the request of parties; however, court expert opinion shall not be asked on matters that can be resolved with the general and legal knowledge required of a judge. As a
rule the judge has discretion to decide for the assignment of a court expert. Nevertheless, some case law of the Court of Cassation or some provisions laid down by the law may require compulsory recourse to court experts. The law provides for compulsory recourse to the court expert, for example in civil courts for diagnosis of mental illness or weakness, declaration of the defective good, appraisal of the immovable property in case of appeal against expropriation price; and in penal courts for the examination of ability to make fair judgement of the accused person, forensic examination and autopsy of the corpse, examination on forged money and valuable papers. Compulsory recourse to the court expert established by the case law of the Court of Cassation include cases on the calculation of the compensation for being deprived of support; allocation of culpability, declaration of rent, determination of forest status.

Despite the important function assumed by court experts, it was observed that there is neither a detailed legislation nor a regulatory authority for the preparation of court expert lists, assignment of court experts, identification of their competence, development of standards concerning the functioning of court experts, setting standards for court expert fees and implementation of the official institution of court experts. Due to these shortcomings, incorrect and misusing occasions might occur during proceedings, which undermine confidence in the judiciary. The problems about court experts are mentioned in the Progress Reports, Judicial Reform Strategy and Peer Review Reports.

To overcome these problems in the court expert system Twinning Project on Improved Court Expert System was implemented under IPA I programming. Under the scope of this project, problems of court expert system were analyzed and general solutions were suggested for cases such as traffic, medical malpractice, land development, labour law and occupational accidents as these are the cases in which recourses to court experts are mostly occurred. Comprehensive efforts under each subject matter resulted in final declarations prepared by court experts, judges, lawyers and academics as stakeholders. The final declarations include competence of court experts, objective criteria to be observed in the selection and assignment of court experts, codes of conduct and ethical rules for court experts and principles to be observed in court expert reports (reporting standards). These final declarations have been made available on the website of the Ministry of Justice (for resort and consultation and further improvement purposes) and they were used as additional training materials in activities organized for judges, court experts and lawyers. Besides, these final declarations were extensively discussed in such meetings and further improved. In order to overcome these problems, training materials were prepared, training courses were developed in pilot courthouses and activities were organized for the dissemination of achieved results. Studies undertaken in the first project concluded that problems encountered in court expert practices result from four main factors in the judiciary, namely the local courts’ practices, lawyers, the High Court and court experts.

Based on the findings explained above, draft legislation on court experts was prepared by the Scientific Commission established under the Ministry of Justice, Directorate General for Legislation. The draft legislation was enacted after being adopted by the Plenary of the Grand National Assembly of Turkey and entered into force upon being published in the Official Gazette dated 24.11.2016. The law no 6754 provides for an institutional structure for court experts, and establishes the Advisory Board comprising of representatives from all relevant
bodies, the Department of Court Experts under the Ministry of Justice and Regional Boards. Taking into account the findings of the first project and best practices in the EU Member States, these boards are expected to identify areas of expertise for court experts and main criteria to be observed in the assignment of court experts in these fields; set out general rules including principles concerning the certification of court experts and their compulsory basic training and principles concerning the audit and performance assessment of court experts. The new law aims at the establishment of a model institutional structure, where all court experts will be represented. This structure is expected to strengthen court experts in terms of association and contribute to the cooperation and coordination needed for the solution of problems encountered by court experts by offering them an opportunity for stronger representation. The law regulating self-employed court experts aims at improving cooperation among all official/legal and private persons and organizations representing court experts. To this end, the Department of Court Experts established to work as the secretariat of the Advisory Board and ensure the effectively, regularly and efficiently functioning of court expert services. The Department will engage in joint efforts with national and international institutions and organizations functioning in this field. Members of the Advisory Board, Regional Boards and staff of Regional Boards, representatives of professional organizations (working as a court experts), judges, prosecutors will be trained for strengthening the institutional capacity of new institutions to be established.

It is worth of mentioning that the Regional Boards of Court Experts is established where regional courts of appeals are located. Each Regional Boards of Court Experts consist of 6 members and there are 7 Regional Court of Appeals for the time being. This number of the Court of Appeals will be 9 on September 2017. It is planned to establish 15 Regional Court of Appeals throughout Turkey. Additionally, Advisory Board consists of 28 members. Related with court expert system, there are 14 professional organization in the nature of a public institution with registered millions of members. In this regard, conducting studies to establish standards in court experts reports and functioning of court experts will directly contribute to the well-functioning of justice.

To summarize, the court expert system does not function in line with the required standards, which leads to longer trial periods, increased workload in courts and increased court expenses due to several unnecessary reports. Consequently, the effectiveness and efficiency of the judiciary is undermined.

A great amount of the violation decisions of the European Court of Human Rights against Turkey concerns long trial periods. Absence of a well-functioning court expert system is one of the main reasons of long trial periods.

There are also criticisms about the practice concerning cases in which court experts comment on legal aspects of the issues rather than technical and specific aspects, and the courts rely on such comments in their judgements. This situation conflicts with the principle of independence and impartiality of the courts and violates the right to a fair trial safeguarded by ECHR article 6.
Lack of standardization in the court expert fees- low or multiple fees- leads to longer trial periods and increase in court expenses. These problems result in a negative perception about access to justice and effectiveness of the judiciary. The first project set out those problematic areas in detail; thus, the new project aims at making further progress through awareness raising and training activities.

In the Judicial Reform Strategy Paper (2015-2019), which is the main policy paper for the judiciary sector,"revising and restructuring the court system" is aimedIn this document, activities such as analyzing problems experienced in the court expert mechanism; training judges and public prosecutors for improving the practice, setting objective criteria for the selection of court experts and developing quality standards; establishing an institutional structure for managing the accreditation and certification process during court expert listing or record keeping, cooperation with universities, bar associations and professional organizations, and establishing an effective court expert control mechanism are listed. This project is designed in line with national strategy papers and would support to put these strategies into effect.

The Law on Court Experts lays down some principles and provides for some sanctions to be imposed in case of violation of those principles. Apparently, the existing court expert system will be addressed with a holistic perspective covering a wide range of areas from legislation to the administrative structure through training activities.

Experiences and practices in EU member states are considered to be beneficial especially in setting the criteria for assignment as a court expert, establishment of the Advisory Board and the operating structure and its principles, training of court experts and other professionals to be involved in the process, development of training curricula and control of assigned court experts.

All planned activities are complementary to the Twinning Project on Improved Court Expert System (Phase I). The new Project, along with the Law no 6754 on Court Experts, is expected to contribute to setting of principles and procedures concerning the competence, training, selection and control of court experts and establishment of an effective and efficient institutional structure.

During the study visits conducted within the scope of the first project, the benefits of the study visits were seen. Study visits are important tools to have better understanding of EU practices. The practitioners are open to exchange of views with their peers and to have information on EU practices and to internalize domestic law.

As experienced in the first project, after a study visit to Germany, members of the Court of Cassation observed German system on the spot and changed the settled decisions of the Chamber in line with German practices and adopted that "culpa" is a legal issue to be determined by the judge not a court expert which contributed directly to the objectives of the project. Therefore, it is considered that study-visits should be added to project activities to a certain extent.
Under the scope of the first project ‘Improved Court Expert System’; only a guideline on ethical conduct was set up by compiling the ethical rules that are contained in the existing procedural law of the expertise regulations such as the ethical rules of the forensic institution, the chambers of institutes and architects, and the Istanbul Chamber of Financial Advisors. Therefore, guideline which was prepared under the first project was lack of binding effect. Under the scope of the first project, a detailed study has not been conducted to determine the ethical principles that experts should comply with the amendment made on the art. 6 of the Law on Court Experts, the Department of Court Experts has assigned as a competent authority to determine the ethical principles which should be obeyed by the court experts while performing their duties.

The ethical principles to be determined within this project would be different from the behavioral principles determined in the first project. The Law on Court Experts stipulates that those who acts contrary to the ethical principles shall be subject to sanctions such as withdrawal from record of court experts and removal from the list. It will not be possible for an expert, who is excluded from court expert record contrary to his/her will to would become a court expert again. Therefore, taking into the consideration of the impact of the new legislation which has binding effect by its nature, it is crucial to revise, identify, develop, promote and introduce ethical principles with a participatory manner in line with EU practices.

Additionally, training of court experts is another central issue to be focused on within the project. With the Law 6754 to be a court expert, it has become compulsory to obtain trainings. Therefore, determining the content of common and specific training curriculum and training materials in order to ensure standardization on training of court experts which has also has direct impact on effectiveness and efficiency of the judiciary is of great importance.

The objective of the training is to inform court experts about their duties and rights; the principles that should be taken into consideration during the preparation of the court expert reports, information on civil, administrative and criminal liability of the court experts. This training aims at increasing the effectiveness of the court experts and will directly contribute to the efficiency of justice.

The materials produced under the scope of the first project would establish a base for the second project and it planned to develop and update the materials in line with legislative amendments and developments.

3.2 Ongoing reforms:

The current project will take into account the outputs of the first project but also will aim at improving the gaps in the first project and to realize overall objectives set in the Judicial Reform Strategy and in the other planning documents.

In order to provide an institutional framework to court experts, the Law no 6754 on Court Experts entered into force upon being published in the Official Gazette (OJ 29898 of 24 November 2016), which took into account the outputs of the ‘Twinning Project on Improved
Court Expert System’ implemented to develop a comprehensive and effective solution to the problem of court experts.

3.3 Linked activities:

Strengthening the Court Management System in Turkey (JP COMASYT) (TR 0801.02)

Strengthening the Court Management System in Turkey Project was implemented by the Ministry of Justice, between May 2011 and May 2013, with the technical assistance provided by the Council of Europe (CoE). Overall objective of this project was to improve the functioning of the judiciary and its efficiency in line with European standards, as required by the Accession Partnership Document and National Programme on the Adoption of the Acquis. The first project was implemented between the years 2007-2009 in 5 pilot courthouses. The follow up project was implemented between the years 2011-2013 in 21 courthouses. After the completion of the second project, the project outputs have been disseminated to Turkey. Reception Desks, Info Desks have been established by the Ministry of Justice. The courthouse architecture was designed and being implemented in new courthouses. The capacity and quality of judicial service has been improved by new measures taken under the scope of the project. The Project provoked, supported and accelerated cultural transformations and achieved considerable results in respect of changes in courthouse practice and policy which in turn led to greater courthouse efficiency. The McKinsey Report on “Efficiency of Civil Courts” prepared under Court Management Project Phase II stated the problems resulting from court experts system among the main reasons for longer trial periods. After the completion of the Project, The MoJ has used its own sources to disseminate project results throughout country. In 2014, the project has started to implement in 25 courthouses. In 2015, project has been implemented in 11 courthouses. In 2016, the project has been implemented 20 courthouses. As of August 2017, the outputs of the Project are being implemented in 111 courthouses.

Improved Court Expert System (TR2010/0136.13)

The Twinning Project was accepted under IPA I 2010 programming year, and it was implemented between 23 February 2013- 23 June 2015 with German IRZ Foundation. The budget was 1.4 million Euros. The purpose of the project was to prevent recourse to court experts on legal matters, reduce the number of court expert reports since they led to longer trial periods, set objective criteria and standards for the selection and assignment of court experts and improving the competence of court experts. Under this project comprehensive studies were undertaken to identify the gaps and needs in criminal law, civil, criminal and administrative jurisdiction. Awareness raising activities were conducted in pilot courthouses. The project trained and certified more than 100 experts as court experts. Draft code of ethics for court experts was prepared. The Project also provided EU support and expertise for drafting the Law no 6754 on Court Experts. This project has laid down the basis for further institutionalization of court experts system in terms of legislation and administrative capacity. In the first project, four areas of which are court experts are widely used have been identified. These has been specified as: traffic accidents, labour disputes, malpractice, and construction cases.
Benefitting from the previous project experiences it is understood that specialization should not be limited to four basic headings since each area of expertise has its own terminology, working principles so on so forth. Therefore, the complexity of the cases and economic, social and technical developments in different disciplines should be taken into consideration. In this project with the participation of representatives of related professional organizations, practitioners, Vocational Qualification Institution, a Working Group will be established. As a result of the studies to held under the scope of the project, it is planned that the qualifications to be carried by the experts according to their expertise areas are determined and the standards for training providers are set.

A new institutional structure has been established in the Law on Court Experts No. 6754. Within this project, it is aimed to strengthen the capacity of this structure established with outcomings of the first project.

Within this context, the capacity of regional boards of court experts which will be directly responsible in selection of, accreditation, certification of court experts and auditing of their performance and, authorized to impose sanctions against those who acts uncontrary to rules and ethical codes such as warning, deleting from registration or exclusion from registration on permanent or temporary basis should be strengthened.

Additionally, it is also known, it has become compulsory to have basic training of expertise in order to make application to be a court expert according to the Law on Court Experts.

Within the scope of the basic training it is aimed that information on principles and procedures that expert examination subject to, civil and criminal liability of court experts and issues to be taken into consideration while preparing a report to be included and contribute to the the effectiveness of the judiciary.

It is worth mentioning to the ownership of Ministry of Justice. Ministry of Justice is willing to sustain outputs of the previous project. Comprehensive amendments were made in recent years after the completion of the first project as mentioned above. Now it is planned to provide effective functioning and cooperation of the newly established structure and professional organizations. In this context; a draft basic training module has been prepared required by the Law numbered 6754 and also started to prepare a basic training Guidebook. It is planned that the prepared draft materials will be developed in line with EU best practices under the scope of the Project. The establishment of cooperation and coordination mechanisms with professional organizational and Boards would be another issue to be focus on.

### 3.4 List of applicable Union acquis stanards/norms:

- ECtHR, Decisions of European Court of Justice,
- CEPEJ reports,
- Council Framework Decision No 2009/905/JAI on accreditation of service providers
- 2010/64/EU on the rights to interpretation and translation in criminal proceedings
- Council Regulation (EC) No 1206/2001 on the taking of evidence on civil and commercial matters,

3.5 Results per component
A court expert system established with accreditation and certification process, control mechanisms of performance of court experts, improved quality is in place

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

The project will be implemented in the form of a Twinning contract between Turkey and a Member State/Member States. The overall duration of the project is envisaged to be 24 months. The Twinning partner(s) will manage all aspects of court expert system described in this project fiche in close cooperation with the MoJ. The Twinning partner(s) will provide a Project Leader (PL) and a Resident Twinning Advisor (RTA) and also secure a pool of short- term experts, who will be called upon whenever necessary to contribute to the achievement of the mandatory results and especially for the purpose of advisory services and training according to the work plan that will be prepared as part of the corresponding contract. Short Term Experts will work together with the staff of the beneficiary institution under the overall direction of the beneficiary institution and the Project Steering Committee. In addition to providing the twinning partner with adequate staff and other resources to operate effectively, the senior management of the beneficiary institution is expected to be involved in the development and implementation of policies and institutional change required to deliver the project results.

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

3.6.1 Profile and tasks of the PL:

The Project Leader from the EU Member State should be a senior civil servant or equivalent staff from a Mandated Body who works in the field relevant to this project (Judiciary) and has been at least three years in a management position within the institution.

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

Profile:
Qualification and skills
- University level education in law or 8 years equivalent professional experience in the related field
- Broad long-term knowledge of all processes in the area of acquis that the project is dealing with
- Excellent written and oral command of English
- Good inter-personal skills
• Good management skills
• Experience in working intercultural projects

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

**Specific professional experience**
• Specific project experience in the field of judiciary and fundamental rights
• Knowledge of the EU Member States’ court expert system

**Tasks:**
• Overall project co-ordination;
• Co-chairing, with the Turkish PL, the regular project implementation steering committee meetings;
• Mobilizing short term experts;
• Executing administrative issues (i.e. signing reports, administrative order etc.).

### 3.6.2 Profile and tasks of the RTA:

The RTA will be in charge of the day-to-day implementation of the Twinning project in the Republic of Turkey. She will coordinate the implementation of activities according to a predetermined work plan and liaise with the RTA counterpart in the Republic of Turkey.

The RTA will bring in a significant professional input, especially at the beginning of the Twinning project. The RTA is expected to co-ordinate all activities of the project. He/she will be located at the MoJ in Ankara, General Directorate for Civil Affairs. He/she has to be a person with significant experience as a manager and should have a capacity for managing projects and coordinating large-scale capacity building projects.

The RTA must be highly qualified in public affairs and the field of enforcement covered by the twinning contract, and must possess good management skills.

**Profile**

**Qualification and skills**
• University level education in law or 8 years equivalent professional experience in the related field
• Excellent written and oral command of English
• Good PC literacy (Word, Excel, PowerPoint)
• Good inter-personal and diplomatic skills
• Good management skills

**General professional experience**
• At least 3 years of experience in working with *Union acquis* concerning judiciary and fundamental rights with a strong focus on court expert system.
• Strong initiative, analytical and team working skills
Specific professional experience

- Experience in preparation / revision of major strategic documents and policy papers in the area of judiciary and fundamental rights
- Experience in developing, co-ordinating and conducting capacity building activities, preparation / revision of legal documents and training programmes
- Knowledge of court expert systems in any of EU Member State
- Experience of working outside of the home country administration, would be considered an asset
- Recent experience in a senior position in a public institution\mandated body responsible for court expert systems, as an asset

Duration of RTA secondment: 21 months.

Tasks:

- To design a work plan for the implementation of the programme;
- To assist in the preparation of all strategic project documents [inception study, sector strategy/policy/plan, quarterly monitoring reports, final project report, training manuals etc.]
- To ensure continuity of implementation through: the enforcement of the day to day management; working on a daily basis with the MoJ staff to implement the project;
- To plan and coordinate outputs;
- Together with the Project Leader: to nominate and mobilize the short term experts;
- To supervise the short term experts;
- To ensure proper quality of outputs;
- Co-ordination - together with MoJ for the organization of consultation process and awareness raising activities;
- Co-ordination - together with MoJ in the design and delivery of a training programme and provision of technical and operational advice;
- Facilitation of EU member states to transfer best practices and high quality potential inputs for their implementation in the court expert system in Turkey;
- To provide detailed reports on the impact of the project.

3.6.3 Profile and tasks of Component Leaders:

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

Qualifications and skills:

- University level education in law or 8 years equivalent professional experience in the related field
- Good written and oral command of English
- Capacity to integrate into a large expert team;
- Willingness to work in a different cultural environment.

General professional experience:

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

3.6.4 Profile and tasks of other short-term experts:

A pool of short-term experts is required to implement the project activities covering the following indicative subjects:
Survey methodology
Assessment/evaluation report writing
Conducting consultation process and awareness raising activities
Conducting institutional needs assessment with EU comparison
Conducting training need assessment particular attention to EU experience
Developing training programmes and materials
Delivery of training sessions
Strong law background with an extensive experience on court expert systems
Auditing and audit standards on court expert system
Ethics and code of conduct on court experts
Quality Management System on court expert system (developing / revising quality manuals and guidelines, delivery of training etc.)
Institutional capacity building
Strategy development and policy paper preparation

Indicative General Profile of the Short Term experts

Qualifications and skills:
- University level education in law or 8 years equivalent professional experience in the related field
- Good written and oral command of English;
- Proven contractual relation to public administration or mandated body;
- Capacity to integrate into a large expert team;
- Willingness to work in a different cultural environment.

General professional experience:

At least 3 years of professional experience in the relevant field, 5 years experience is considered to be an asset

Tasks
- To contribute to the project activities with a short term provision of inputs with specialised knowledge in the area of judiciary and court expert system
- To provide inputs for the consultation process and awareness raising as well as design and implementation of new court expert model
- To prepare training programme and materials and delivery of sessions;
- To provide advice and backstopping from a national EU Ministry of Justice and other relevant stakeholders.

4. Budget

Maximum Budget available for the Grant

<table>
<thead>
<tr>
<th>Strengthening the Institutional Capacity of Court Experts</th>
<th>EU Contribution</th>
<th>National Contribution</th>
<th>Total</th>
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<td>Twinning</td>
<td>100 % 2.000.000 Euro</td>
<td>-</td>
<td>2.000.000 Euro</td>
</tr>
</tbody>
</table>
5. Implementation Arrangements

5.1 Implementing Agency responsible for tendering, contracting and accounting (AO/CFCE/PAO/European Union Delegation/Office):
Mr. M. Selim USLU
PAO and CFCU Director
Central Finance and Contracts Unit
Phone: + 90 312 295 49 00
Fax : + 90 312 286 70 72
İnönü Bulvarı No: 36 E Blok 06510
Emek - Ankara / TURKEY

5.2 Institutional framework

Ministry of Justice Directorate General for Civil Affairs will be the main end beneficiary of the project. During the technical implementation of the project the supervision/coordination will also be conducted by DG for Civil Affairs. DG for Civil Affairs will be responsible for ensuring close cooperation with stakeholders such as professional organizations, Advisory Board and Regional Board of Court Experts.

The MoJ Directorate General for Civil Affairs is the main responsible executive institution for forming the justice policy including court expert system. Within the scope of the power granted by the Law on Court Experts the Directorate General for Civil Affairs is responsible for taking all kinds of legal and administrative measures with regard to the issues concerning the functioning of court expert system.

Similarly, during the IPA II term, the Ministry of Justice Directorate General for EU Affairs has overtaken the lead institution role in judiciary sector. As a leading institution in justice sector, the MoJ Directorate General for EU Affairs is given important responsibilities and powers to ensure efficient and effective utilization of the IPA funds. Within the framework of the lead institution role, Directorate General for EU Affairs is entitled and authorized to ensure the general coordination of the projects to be implemented in the sector. In this framework, it will also support the technical implementation of the court expert project and ensure that all stakeholders participate in the project activities within the main objective of the project.

5.3 Counterparts in the Beneficiary administration:

5.3.1 Contact person:
Mr. Umut İlhan Durmuşoğlu
Judge
DG for Civil Affairs
E-mail: umutdurmusoglu@gmail.com
Tel: +90 0 312 414 10 28
Fax: 00 90 312 419 38 91
Address: Adalet Bakanlığı
Vekaletler Caddesi
No:6 Kızılay Ankara Türkiye
5.3.2 PL Counterpart
Mr. Feyzullah Taskin
Director General
MoJ Directorate General for Civil Affairs
Adalet Bakanlığı Ek Bina Milli Müdafaa Caddesi No: 22
Bakanlıklar/Ankara

5.3.3 RTA Counterpart
Mr İzzet Başara
Judge
Head of Department
Directorate General for Civil Affairs
Adalet Bakanlığı Ek Bina Milli Müdafaa Caddesi
No:22 Bakanlıklar/Ankara

6. Duration of the project
Duration of the execution period 24 Months

7. Sustainability

The project will assist the Turkish judiciary to try and adopt new solutions in institutionalization of court expert system considering the lessons learned from the first phase, which would lead to more effective judicial services through qualified court expert and shorter durations.

Additionally, establishment of several institutions associated with the court expert system (a dedicated Department, Advisory Board and Regional Boards), definition of operating principles and relationships between these institutions and professional organizations, regulation of conditions for inclusion in and removal from court expert lists and development of code of ethics will contribute to the solution of major problems identified in this area.

Setting standards for monitoring court experts’ performance will contribute to the improved quality of court expert services, and higher quality court expert reports will contribute to improvement of functioning of the judiciary and conclusion of trials within a reasonable time period with less amount of litigation costs. The project will directly contribute to the access to justice and the right to a fair trial and the principle of procedural economy.

All training materials will be benefitted to transfer information and may also be institutionalized for regular trainings.

Strong committment of the beneficiary and close cooperation with the Project partners will increase the efficiency and effectiveness. All lessons learned from various projects and programmes will be taken into consideration to avoid any repetitions too. Ministry of Justice ensures required financial sources after the implementation of the project to strengthen the sustainability. The project will be implemented by DG for Civil Affairs of Ministry of Justice.

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

- 17 -
Participation in the project will be ensured on the basis of equal access regardless of gender, race or ethnic origin, religion or faith, disability, age or sexual orientation in the light of the principles of promoting equality, qualification, competence and anti-discrimination.

9. **Conditionality and sequencing**

NA.

10. **Indicators for performance measurement**

Activity 3.9.1 Institutionalized court expert system is in place (SPD 2014-2017)(2015 Action Document)

Through another Activity, the institutional capacity of court experts will be strengthened through setting of principles and procedures concerning the competence, training and selection and control of court experts and establishment of an effective and efficient institutional structure for court experts.

Trial period in the first instance courts
Baseline Year(2014): 246 days
Milestone Year(2017): 240 days
Final Target Year (2020): 230 days (statistics released by CEPEJ, MoJ)

11. **Facilities available**

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

- Office facilities for the RTA and the RTA assistant(s) for the entire duration of their secondment, with a level of equipment at least comparable to that in use in the Beneficiary administration.
- Adequate conditions for the short-term experts to perform their work while on mission to the Beneficiary.
- Training and conference venues, catering if appropriate and presentation and interpretation equipment.
ANNEXES TO PROJECT FICHE
1. Logical framework matrix in standard format (compulsory)
ANNEX 1: Logical framework matrix in standard format

The activities listed hereunder represent the minimum activities to be implemented in the course of the Twinning project. Member State(s) may propose additional activities in line with the methodology elaborated in its proposal. Total number of study visits and internships are maximum 5 as indicative.

<table>
<thead>
<tr>
<th>Logical Framework Matrix</th>
<th>Programme name and number</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project:</strong> Strengthening the Institutional Capacity of Court Experts</td>
<td><strong>Contracting period expires</strong></td>
<td><strong>Execution period expires</strong></td>
</tr>
<tr>
<td></td>
<td>Contracting period expires 3 years following the date of conclusion of the Financing Agreement</td>
<td>Execution period expires 6 years following the date of conclusion of the Financing Agreement</td>
</tr>
<tr>
<td></td>
<td>17.03.2019</td>
<td>17.03.2022</td>
</tr>
<tr>
<td></td>
<td>Total budget</td>
<td>2.000.000 Euro</td>
</tr>
<tr>
<td></td>
<td>IPA budget</td>
<td>2.000.000 Euro</td>
</tr>
<tr>
<td>Overall objective</td>
<td>Objectively verifiable indicators (OVI)</td>
<td>Sources of Verification</td>
</tr>
<tr>
<td>Improvement of the court expert system in line with the EU standards with a view to ensure the right to a fair trial under Article 6 of the ECHR by accelerating trial proceedings and 5% Decrease in the trial period in the first instance courts</td>
<td>Number of statistics released by MoJ and CEPEJ</td>
<td>The project is strongly supported by the Ministry of Justice, experts, judges and prosecutors, Close cooperation and full commitment of all stakeholders is provided.</td>
</tr>
</tbody>
</table>
thus strengthening the efficiency and effectiveness of the judiciary

<table>
<thead>
<tr>
<th>Project Purpose</th>
<th>Objectively verifiable indicators (OVI)</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>To contribute to efficiency and effectiveness of the judiciary by institutionalization of the court expert system</td>
<td>1.10% increase in the number of certificated court experts 2.10% increase in the number of developed and published criteria/standards for selection and audit of court experts.</td>
<td>Reports, documents developed under the project. Documents gathered from courthouses Statistics of Department of Court Experts DG for Civil Affairs</td>
<td>1. The project is strongly supported by the experts, judges, prosecutors. 2. Close cooperation and full commitment of all stakeholders</td>
</tr>
<tr>
<td>Results</td>
<td>Objectively verifiable indicators (OVI)</td>
<td>Sources of Verification</td>
<td>Assumptions</td>
</tr>
<tr>
<td>---------</td>
<td>----------------------------------------</td>
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<td>-------------</td>
</tr>
<tr>
<td>A court expert system established with accreditation and certification process, control mechanisms of performance of experts, improved quality of services in place</td>
<td>1.10% increase in the number of certificated and accredited court experts 2.10% increase in number of developed and published criteria/standards for selection and audit of court experts</td>
<td>1. Reports, statistics released by MoJ. 2. Statistical data obtained from related institutions 3. Statistics of MoJ (Department of Court Experts) 4. Reports of MoJ 5. A copy of training materials (Hard copy, soft copy) produced under the Project 6. Reports and event satisfaction surveys</td>
<td>1. Close cooperation and full commitment of all stakeholders is provided. 2. Sufficient number of personnel in the Department of Court Expert and the Regional Board are assigned 3. Sustainability in utilisation of the outputs of the Project.</td>
</tr>
</tbody>
</table>