

# United Nations Development Programme

Country: Turkey

## Project Document

**Project Title:** Development of Preventive Justice Programs for Legally Empowered Citizens and Increased Access To Justice for All in Turkey

### UNDAF Outcome(s):

Outcome 1: By 2010, strengthen individual and institutional capacity for both democratic and environmental governance at local and central levels.

Outcome 1.1. Increased individual collective and institutional capacity for participation at all levels of decision making.

Outcome 1.2. Mechanisms for the implementation and monitoring of international norms and standards on human rights strengthened.

### Expected CP Outcome(s):

CP Outcome 1.1: Increased individual, collective and institutional capacity for participation at all levels of decision-making

CP Outcome 1.2: Mechanisms for the implementation and monitoring of international norms and standards on human rights, including the judicial system strengthened and reformed.

### Expected Outcome(s):

Legally empowered citizens who have enhanced access to justice in Turkey

### Expected Output(s):

(Those that will result from the project)

Output 1: Mapping on the current status of preventive justice completed by the realized situation analysis

Output 2: Individual and institutional awareness is raised through different means and mechanisms developed including a holistic public awareness/ outreach strategy and user friendly law manual addressed particularly to vulnerable groups

Output 3: Institutional ground set for the preventive justice measures for the students at primary and high school level by the drafted and launched curriculum of "Introduction to Law Course"

Output 4: Different approaches of preventive justice initiated through pilot practices and exchange of experiences

**Executing Entity:** Ministry of Justice

**Implementing Agencies:** UNDP Turkey

### Brief Description

The Project at hand aims to support the endeavors of the Government of Turkey within the scope of the justice reform in the country for legally empowered citizens who have enhanced access to justice. The Project will achieve this through upstream level activities for institutional and individual capacity assessment in the justice sector and ii) downstream level activities for public awareness on legal rights. In that respect the project is expected to address the needs and gaps with regard preventive justice for better access to justice; contribute to increased legal awareness and enhanced efficiency of the justice system in Turkey.

Programme Period: 2006-2010

Key Result Area (UNDAF):

"By 2010, strengthened individual and institutional capacity for both democratic and environmental governance at local and central levels."

Atlas Award ID: \_\_\_\_\_

Start date: 1 March 2010

End Date 31 Dec 2011

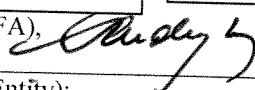
PAC Meeting Date

Management Arrangement: NIM

Total resources required **USD 475,000**  
GMS (3%) USD 10,922

Total allocated resources:

- Government Cost Sharing **USD 375,000**
- UNDP TRAC **USD 100,000**

Agreed by Ministry of Foreign Affairs (MFA), 

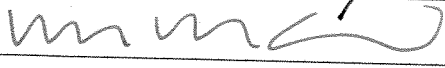
Sibel MUDERRISOĞLU  
Head of Department

01.03.2010, Ankara

Agreed by Ministry of Justice (Executing Entity):

Dursun Murat CEVİER

28.04.2010

Agreed by (UNDP): 

Hâkim  
Strategic Planning

---

## I. SITUATION ANALYSIS

### I.A. Background

An effective access to justice is one of the fundamental conditions for the establishment of the Rule of Law (ROL). The right to access judicial protection meant essentially the aggrieved individual's formal right to litigate or defend a claim. Effective access to justice has since increasingly been accepted as a basic social right in modern societies.

The focus on access to justice by all is a recent approach in development cooperation. It supports, and is supported by, a human rights based approach to development: access to justice is a fundamental right, as well as a key means to defend other rights. A human rights based approach provides a necessary framework for action on human development. The focus on human rights brings two important values to development work: firstly, it provides a framework for policies and programmes. Secondly, the attainment of human rights enhances a key capacity needed by the vulnerable to overcome his or her deprivation- the capacity to demand accountability.

Access to justice is, therefore, much more than improving an individual's access to courts, or guaranteeing legal representation. It must be defined in terms of ensuring that legal and judicial outcomes are just and equitable. According to a human rights-based approach to development, it is important to identify the grievance that calls for a remedy or redress. A grievance is defined as a gross injury or loss that constitutes a violation of a country's civil or criminal law, or international human rights standards.

Within this framework, as an alternative, more comprehensive and balanced approach to access to justice is preferred in recent years: *preventive justice*—the use of legal services and related development activities to increase particularly disadvantaged populations' control over their lives. This alternative paradigm, a manifestation of community-driven and human rights-based development, is grounded in grassroots needs and activities but can translate community-level work into impact on national laws and institutions. It prioritizes civil society support because it is typically the best route to strengthening the legal capacities and power of the poor. But preventive justice engages government wherever possible and does not preclude important roles for dedicated officials and ministries. It also addresses a central reality that the rule of law overlooks: In many developing countries, laws benefiting the poor exist on paper but not in practice unless the poor or their allies push for the laws' enforcement.

Within this perspective, preventive justice stems from the view that improving the functioning of the justice institutions requires broadening their accessibility and legitimacy while simultaneously making them more cost and time-effective. Therefore, it ensures the use of the legal rights by the citizens and disadvantaged populations, mainly via legal services and often in combination with other activities to directly improve governance and otherwise increase the control over their lives. In that respect, it is also important to note that the measures taken for preventive justice differ depending on the context of the country but in general creates the necessary environment for the delivery of the following judicial services to the citizens, in particular the disadvantaged groups:

- Providing information on rights and procedures,
- Assisting individuals to deal with public authorities,
- Mediating disputes,
- Legal advice and representation,
- Community organizing.

The scope of the concept of preventive justice changes in different countries and in the context of Turkey, the Project will promote the concept of preventive justice as legal consciousness and

awareness raising among the public and enhancing the implementation capacity. In particular, preventive justice in Turkey will serve the achievement of the following objectives:

- Increased awareness of rights
- Increased knowledge of specific legal rights and issues.
- Increased public confidence and higher expectations.
- Greater access to the legal system and increased participation in public decision-making processes.
- Successful participation in legal implementation and government decision making.
- Greater sensitivity, responsiveness, and accountability on the part of government officials.

Within this framework, the project at hand is based on the need to strengthen the administrative and judicial infrastructure as a requirement for the principle of democratic governance and preventive justice for the disadvantaged groups for better access to justice. In that respect, the project will benefit from UNDP's extended experience in the field of access to justice for all, in particular preventive justice, legal aid and legal awareness.

## **I. B. Situation in Turkey**

Judicial reform is one of the high priority issues for Turkey. As a candidate country for the EU, in recent years the Government of Turkey (GoT) has undertaken comprehensive constitutional and legal changes. Turkey's strong commitment to judicial reforms is expressed in various national policy framework documents such as the 9th Development Plan, 2008 National Programme of Turkey and the recently adopted Judicial Reform Strategy. In this regard, there are important steps to be taken for enhancing the efficiency and effectiveness of the judiciary and facilitating access to justice for all. These efforts mostly take the form of comprehensive legal and constitutional arrangements but of formal nature which has no basis for effective and successful implementation of the legal reforms. There are several reasons behind this: i) On a wider scale, the reform efforts have been carried out to address urgent needs but lacked a solid working plan; ii) Although the Ministry of Justice and the judicial actors have strong commitment in the full-fledged implementation of the justice reform in the country, capacity and knowledge to introduce these reform initiatives into practice should be enhanced. Moreover, the lack of public awareness regarding legal rights also represents an obstacle in the reform processes as also indicated in **2009 EU Progress Report on Turkey**: "Effective legal assistance is limited and a number of criminal defendants remain unrepresented. Defendants' awareness on the availability of free legal assistance needs to be raised"<sup>1</sup>.

*The Judicial Reform Strategy*, which was finalized in September 2009 indicated the commitment of Turkey in full-fledged implementation of the justice reform in line with EU standards. To this end, the rationale behind the strategy is closely linked to the EU accession process and the screening meetings related with the *Chapter 23: Judiciary and Fundamental Rights*. The Screening Report that was prepared by the European Commission, opening benchmarks was identified for the opening of the related Chapter. One of these benchmarks is the Judicial Reform Strategy to be developed for strengthening the independence, impartiality and efficiency of the judiciary. Therefore, the Strategy was emerged as a need for continuation of reform initiatives under a framework of a plan and principle of envisioning. Consultative approach followed during the

---

<sup>1</sup> EU Progress Report on Turkey, 2009, pg. 16

development of the referred Strategy is also seen as a positive step in judicial reform process of Turkey. (EU Progress Report on Turkey, 2009)

Within this framework, the Strategy refers to the commitments of Turkey to the EU accession process, the 9th Development Plan and the report of a “*Special Expertise Committee of Judicial Service*”, which was developed under the coordination of State Planning Organization and been composed of participants from universities, judicial institutions, civil society and Ministry of Justice. The Strategy is based on fundamental principles such as the independence, impartiality and efficiency of the judiciary.

The ten main objectives of the “Judicial Reform Strategy” are:

- Strengthening the Independence of the Judiciary
- Promoting the Impartiality of the Judiciary
- Enhancing Efficiency and Effectiveness in the Judiciary
- Enhancing Professionalism in the Judiciary
- Improving Management System of the Judicial Organization
- Enhancing Confidence in the Judiciary
- Facilitating Access to Justice
- Introducing Measures for Prevention of Disputes and Increasing the Effectiveness of Existing Measures

To increase legal awareness, the Judicial Reform Strategy points at some new and innovative measures; in cooperation with the Ministry of National Education, basic legal knowledge will be provided as part of primary education. Research will be conducted in order to determine what legal needs people have and necessary follow up will be carried out in accordance with the findings. Within this perspective, the following sections of the Judicial Reform Strategy reinforce the commitment of the GoT of Turkey in increasing the awareness of the public in general about legal rights and obligations for ones who enjoy public services:

- ***Strategy Objective 8.1. “Providing basic legal knowledge trainings from the elementary school age”***: It is foreseen that a working group composed of jurists and the experts in relevant fields will be established to prepare a curriculum on basic legal knowledge in cooperation with the Ministry of National Education (MoNE). Moreover, it is also stated that the relevant curriculum will be put it into the text books.
- ***Strategy Objective 8.2. “Informing the individuals by using certain methods about their rights, duties and legal procedures before public institutions”***: Development of the necessary tools for information the citizens who benefit from services of public institutions and organizations about their legal rights and obligations. In order to achieve this objective, the Strategy foresees the conduct of a research and study in order to determine what must be done in pursuance of this objective and realization of necessary activities to be carried out in accordance with the obtained results.
- ***Strategy Objective 7.1. “Reviewing legal aid system to enable effective access to the system”*** focuses on the improvement of the legal aid system in the country. In order to achieve this objective, the Strategy foresees a review of the legal aid practices in Turkey to simplify the system in order to ensure legal aid for those who cannot afford to pay for legal assistance and court fees. Today there are 60.000 attorneys and 78 bar-associations in the provinces. However, few of them offer legal aid pro bono. In criminal proceedings the prosecutors control the appointment of attorneys for the defendant and the pay is low. Some

young lawyers take on too many of these cases just to make a decent salary, however, this situation compromises the quality of their services. The Bar Association is embarking on a public legal aid project in selected provinces together with the EC with the objective of benefiting those in most need. However, there is a clear need for assessing the need for a public legal aid system supported and run by the Government.

In addition to the *Judicial Reform Strategy*, there are also some other strategies and plans of relevance to the justice system in Turkey. 2008 National Programme of Turkey, which is the framework document, used during the negotiations for EU membership, the priority 23.1 focuses on “Increasing the efficiency, Efficacy and Functionality of the Judiciary” emphasizing the framework of judicial reform; enabling possibility for the trials in a faster, simpler, effective way and with a minimum cost, and resolution of certain disputes through non-contentious jurisdiction, compromise, and conciliation instead of contentious jurisdiction. Moreover, Measure 268 of **2010 National Programme of Turkey** also emphasizes the need of simplifying the procedures for legal aid and developing law manuals for vulnerable groups for better access to justice in the country.

Similarly, the **9th National Development Plan** which represents a new philosophy and methodology of state planning in Turkey, takes a holistic and integrated approach to different sectors and public service areas instead of institutional stand alone approach for each area. The Plan is based on certain principles that speak well in democratic governance and human development such as social dialogue and participation, human-focused development and management, effective public administration and democratic civil society, transparency, accountability, efficiency and citizen satisfaction. Accordingly, the Report that was prepared by the “**Special Expertise Committee of Judicial Service**” and sets the ground for relevant parts of the 9<sup>th</sup> Development Plan on justice sector, points out the measures those are defined for access to justice: “*Within the scope of the heading on access to justice and legal aid in European Union, in particular the information campaigns and publication of the manuals for access to justice; development of an information system on legal issues and judicial network; studies on the minimum standards of legal aid; preparation of multi-language standard statement of claims should be arranged*”<sup>2</sup>

In line with the above mentioned national documents, Ministry of Justice has been implementing several projects with European Union, UNDP and some other donors. Some of the projects that has been developed and implemented by the Ministry of Justice in the field of access to justice are stated as follows:

- **Technical Assistance for Better Access to Justice Project** funded by European Commission aiming to strengthen the rule of law in Turkey and guarantee all citizens’ access to justice in line with EU *acquis* standards, was implemented from 2007 to 2009. The referred project has Legal Aid, ADR and IT components. The Legal Aid component aims at improving access to justice by increasing the utilization of the Legal Aid system with trainings of lawyers, promotion of service itself and checking the service qualities.. The ADR component focuses on making ADR more applicable in the Justice system, strengthening the functioning of the judiciary, and increasing awareness of both the legal community and general public to the existence and benefits of ADR and “Mediation” in particular. The IT training component has the purpose of training professionals of the Ministry of Justice to use the technical infrastructure. *Within this framework, the Project at hand will benefit from the overall results of the TA Project of Ministry of Justice on better access to justice, particularly in the field of legal awareness and legal aid.*
- **Development of Practice of Mediation in Turkey Project** which has been implemented in cooperation with Ministry of Justice and UNDP, is the first step towards a new and quite bold legal procedure and method in the Turkish justice system. There is a need for increased

---

<sup>2</sup> Report of Special Expertise Committee of Judicial Service, pg. 33

knowledge and awareness regarding this practice for the public and the users of the system - the justice actors. The Ministry of Justice is spearheading this process and UNDP is supporting the Ministry in developing the practice with the objective of ensuring better access to justice for all. *Within the framework, the Project at hand will benefit from the results of referred Project, in particular the pilot mediation practices in 6 provinces and the awareness raising campaign to be conducted on mediation.*

---

## II. **STRATEGY**

The Government and the Justice Sector Institutions of Turkey are facing complex challenges in the process of restructuring the justice system and strengthening the capacity of its institutions. The Turkish Government has responded to the situation with an impressive and sophisticated strategy. These efforts constitute centre-pieces of the EU accession process and its requirements particularly those responding to the Copenhagen political criteria. However, this has also created high expectations for actual delivery. This in turn has given reason for the Turkish Government and representatives of the Justice Sector to intensify the cooperation with international partners to maximize the use of all resources available to provide the best response possible.

Within this perspective, UNDP's special niche in the field of access to justice and strengthening of the rule of law in Turkey is to provide technical assistance on institutional capacity-building based on its global experience and technical expertise in providing country experiences in judicial systems restructuring for strengthening the rule of law, as well as capacity to embed human rights-based approaches to all fields of service delivery and acts of duty bearers. This provides the upstream level activities for judicial actors aiming to enhance institutional and individual capacity to coach reform efforts in the field. In addition, in order to increase public awareness to have sufficient understanding of the legal arrangements and its proper application in daily life, UNDP also focuses on downstream activities in its own programming in the field of access to justice and strengthening of the rule of law in Turkey.

Based on such holistic approach, this project addresses gaps and needs in preventive justice for better access to justice in Turkey. In other words, the project focuses on both upstream and downstream level activities as follows:

- Upstream level activities for institutional and individual capacity assessment in the justice sector: i) Situation analysis about the preventive justice measures in Turkey; ii) Implementation of pilot initiatives based on the results of the situation analysis; iii) Development of the law curricula that includes basic legal knowledge as part of primary education contributing to education of responsible citizenry aware of own rights; iv) Development of a holistic public awareness strategy on preventive justice that aims to ensure better ties between the justice institutions and citizenry, thereby creating an environment free from bias and of increased public trust towards the judiciary in Turkey.
- Downstream level activities for public awareness on legal rights: i) Operating preventive justice website, ii) Launch of the nationwide legal awareness campaign, and iii) Investment in the process through introducing preventive justice to the primary and high schools curricula.

In light of the Strategy mentioned above, the Project will have the following outputs for the expected outcome of legally empowered people who have enhanced access to justice in Turkey:

## **Output 1: Mapping on the current status of preventive justice completed by the realized situation analysis**

The concept of preventive justice is relatively new in Turkey, so in order to introduce the concept and obtain an overview of the current situation, the project will commence with a survey and situation analysis, which will help identify policy, legal, and institutional issues, as well as assets and gaps in capacity, and tools for preventive justice. In that sense, institutional capacity of the Ministry of Justice will be enhanced through individual capacity enhancement of the justice actors on preventive justice. Assessments analyzing the current situation and needs with regard to the preventive justice will be conducted and depending on the findings of this situation analysis, which will be discussed with the justice actors and the representatives of the civil society in a workshop, the strategies for the preventive justice programs will be developed. The situation analysis will focus on both formal and informal institutions, the way they work and their interactions. As a result, findings of the situation analysis and the survey are expected to set forth the policy framework required for the Judicial Reform Strategy in Turkey.

The Initiation Plan which has been implementing from December 2009 has been contributing to the achievement of the mapping study on current status of preventive justice through the following activities:

- ***Compile, translation and analysis of the relevant documents*** for the review of the general context of the preventive justice in Turkey including measures for better access to justice, legal aid and preventive justice such as opening and standardizing websites of the courthouses and providing its effective usage; standardizing interpretation services in the courts and the introduction of alternative dispute resolution mechanisms to the civil and criminal justice system of Turkey. The previous research studies conducted by the international organizations and European Union have also been benefitted.
- ***Carry out semi-structured and extensive interviews*** with fundamental resource people including representatives of relevant organizations, Turkish Bar Associations, Heads of Justice Commissions, chief prosecutors, academicians and representatives of the civil society organizations at both local and national level about the current situation and certain needs for preventive justice
- ***Coordination Meetings for the development of the Questionnaire Form on legal rights and situation analysis on preventive justice measures*** were conducted with all the stakeholders included in the Project. The main objective of the coordination meetings was to provide input for the survey on needs and perceptions of the citizens on legal rights, introduce the Project and ensure the smooth cooperation between a wide range of stakeholders. Moreover, the coordination meetings also provided an opportunity for UNDP and MoJ to coordinate the remaining project activities. In total 3 coordination meetings were planned to be organized with the participation representatives of relevant civil society organizations, relevant units of the Ministry of Justice including Strategy Development Board, General Directorate of Laws, General Directorate of Criminal Affairs and Justice Academy; Union of Bar Associations, universities, Ministry of National Education, General Directorate for Women Status, Administration for Disabled Persons, Institute for Social Services and Child Protection, and media organizations.

Based on the results of the above listed activities realized within the scope of the Initiation Plan, remaining activities listed below will be carried out for the achievement of Output 1:

- ***Conduct a survey on perception and needs assessment on preventive justice:*** The main objective of this activity is to set out the needs and perceptions of the citizens with respect



to preventive justice. In that respect, the survey is expected to set out the perception of the ordinary citizens regarding legal rights and will provide input to the curriculum on the law course, which is planned to be proposed to the Ministry of National Education within the scope of the project at hand. Instead of focusing on one aspect of preventive justice such as housing or property rights, the project will provide the baseline on preventive justice in Turkey. To this end, the referred survey would be a useful tool to receive the perceptions on the basic justice services for the citizens such as i) providing information on rights and procedures; ii) assisting individuals to deal with government authorities; iii) mediating disputes; iv) legal advice and representation; v) community organizing.

The survey will be realized in 14 selected provinces of which include 2 provinces from each one of the 7 regions, namely Aegean, Marmara, Central Anatolia, South East Anatolia, Eastern Anatolia, and Mediterranean. The optimum number of the interviewers will be determined based on the sampling made based on the population of the selected provinces.

- **Arrange a workshop on the preventive justice** with the participation of all stakeholders including the justice actors and the representatives of the national and local civil society organizations where the results of the situation analysis will be discussed.
- **Develop a situation analysis report identifying policy, legal, and institutional issues, as well as gaps in capacity and tools with regard to preventive justice**

The mapping on current status of preventive justice will be conducted in close cooperation with a wide range of stakeholders including the universities, Bar Associations, justice practitioners, departments of the Ministry of Justice (Strategy Development Board, General Directorate of Laws, General Directorate of Criminal Affairs and Justice Academy), other public institutions such as General Directorate for Women Status, Administration for Disabled Persons, Institute for Social Services and Child Protection, organized and unorganized civil society organizations at local and national level, local administrators, City Councils and media organizations. Based on the findings of the situation analysis, the number of the stakeholders involved in the process may be increased.

## **Output 2. Individual and institutional awareness raised through different means and mechanisms developed including holistic public awareness strategy and user friendly law manual addressed particularly to vulnerable groups**

There has been a series of legislative reforms for organizational administration of the judiciary in order to enhance capacity of judicial actors and institutions in Turkey. However, perceptions and needs of the citizens, in particular the vulnerable groups, including women, children, disabled and elderly, with regard to the judiciary are often overlooked. They thus cannot seek remedies for injustice when they do not know what their rights and entitlements are under the law. In that respect, strategies to promote legal awareness should be undertaken by both government and non-governmental actors. Although they seek to provide information targeted toward disadvantaged groups, their impact is often limited by uncoordinated efforts, dispersion, unsustainable programmes.

Addressing these gaps, the project will follow a systematic and holistic approach in order to increase the institutional and individual awareness on preventive justice in reference to the following national documents: i) *Measure 268 of the 2010 National Programme* of Turkey points out the need of simplifying the procedures for legal aid and developing law manuals for vulnerable groups for better access to justice; ii) *Objective 8.2. "Informing the individuals by using certain*



*methods about their rights, duties and legal procedures before public institutions*” under Judicial Reform Strategy;

Within this framework, the following activities will be carried out in order to achieve the related output:

- ***Develop and publish a user-friendly “Law Manuals” for different vulnerable groups including but not limited to women, disabled, youth and children and the foreign residents or tourists living in Turkey:*** Law manuals targeting different vulnerable groups of children, youth, elderly, women and disabled will be developed and each manual will include practical information for the use disadvantaged groups on the legal rights and entitlements under the law. In this regard, different UN agencies will be contacted. For instance, for the development of the law manual for children, the Project will benefit from extended experiences of UNICEF in the area of children empowerment in Turkey.

In addition, in order to inform the foreign residents and /or tourists in Turkey about their legal rights and entitlements within the timeframe that they are staying in Turkey, another Law Manual will be developed within the lifetime of the Project. The referred manual will be a useful tool for foreign residents / tourists to increase their knowledge about specific legal rights and issues and thus have a greater access to the legal system in Turkey, when needed.

For the broad dissemination of the manuals developed for different vulnerable groups in all around the country, the close cooperation with the Governorates, Universities, Court Houses, Bar Associations, local and national civil society organizations will be applied. Turkish Consulates abroad will also be contacted and UNDP’s Project entitled “Dissemination of E-Consulate Module for Increased Efficiency in the Service Delivery of the Ministry of Foreign Affairs” will be benefitted in this regard.

- ***Develop and launch a holistic public awareness / outreach strategy on preventive justice for the judicial actors in Turkey*** focusing on how to incorporate and institutionalize preventive justice issues in communicating with the citizens at right holders. Based on the issues indicated in this Strategy, the project will also develop an Action Plan for its implementation. In this context, it is aimed to regulate ensure better ties between the justice institutions and citizenry, thereby creating an environment free from bias and of increased public trust towards the judiciary in Turkey. In that respect, Strategy will be directed to the target groups of women, children and youth and gender based sensitivity will be ensured in the development of the Outreach Strategy.
- ***Launch of a countrywide legal awareness campaign*** based on the findings of the mapping study on preventive justice and issues raised in public awareness strategy. The main target will be the disadvantaged groups of women, children and youth. In the scope of the campaign, 1,000,000 brochures and booklets and 100,000 posters will be prepared and disseminated.
- ***Launch of preventive justice website*** that will be owned by the Ministry of Justice. The website will be the interactive instrument for the Ministry of Justice in its guidance to the practitioners as well as the citizens for preventive justice practices. The website will also include the basic reference documents relevant to the field of preventive justice and basic information on legal issues.
- ***Organize community meetings*** at representative provinces of seven regions in Turkey with the participation of organized and unorganized civil society organizations and public in

general. Through this, it is aimed to provide basic knowledge about legal rights of the citizens and functioning of the justice system in Turkey

- **Organize a national conference** with the participation of all relevant stakeholders included in the process such as Bar Associations, civil society and public institutions etc. With the referred conference it is aimed to discuss the findings of the pilot practices and share the main outputs of the Project such as the curriculum of law course, law manual for vulnerable groups and web portal. The Conference where the international community shares the best practices in the field of preventive justice, will provide an opportunity to discuss the further needs and measures for better access to justice for all.

### **Output 3: Institutional ground set for the preventive justice of the students at primary and high school level by the drafted and launched curriculum of “Introduction to Law Course”**

In order to develop awareness of law in the society from the early ages the curriculum of “Introduction to Law Course” is planned to be developed to be proposed to the Ministry of National Education for their possible use in their primary and high school education program. This will be a crucial investment into a better future contributing to education of responsible citizenry aware of their rights. Moreover, the Ministry of Justice also emphasized the importance of increasing the legal consciousness from the early ages of education in *Objective 8.1. “Providing basic legal knowledge trainings from the elementary school age” of the Judicial Reform Strategy.*

Within this perspective, in cooperation with the Ministry of National Education, both national and international consultants will work on the draft curriculum to be submitted to the Government. In that respect, there will be a wide range of consultations with different stakeholders including the relevant departments of the universities, Bar Associations, civil society organizations and other public institutions if required. Moreover, UNICEF’s extended experiences in the area of children empowerment and education in Turkey will also be benefitted, if required.

### **Output 4. Different approaches of preventive justice initiated through pilot practices and exchange of experiences**

Following the situation analysis through a series of workshops, interviews with relevant stakeholders and baseline survey on perception and needs assessment with regard to preventive justice, there will be pilot implementations at the selected provinces on preventive justice. In order to create ground for high-level support to pilot implementations at least one study tour as a platform of exchange of experience with one relevant country which has close similarities with Turkey and successful preventive justice practices will be arranged.

In order to achieve the related output, the following activities will be carried out:

- **Conduct study tour to at least one country** whose judicial system has close similarities with Turkey and has an experience in the field of preventive justice in order to see the experiences in this crucial field. Ideally the study tour will be arranged before the start of the pilot implementations and different experiences of both Anglo-Saxon and Continental Europe systems will be benefitted. The group of 10 participants will be composed of representatives from the Ministry and practitioners who serve at provincial level and directly relevant to issue.
- **Conduct three pilot preventive justice initiatives in selected provinces** in coordination with respective courthouse based on the findings of the mapping study on preventive justice and the needs identified. The pilots will be built around the idea of ‘quick wins’ in areas where

these are feasible. In this way, some initial success can be demonstrated and credibility of the preventive justice can be built. Different factors are at play in the selection of pilot provinces such as its being a metropolitan city, economic and social conditions of the provinces and intensity of the endeavors to embed the preventive justice programmes in different courthouses.

Main target groups of the pilot practices which are expected to serve the achievements of the *Objective 7.1. "Reviewing legal aid system to enable effective access to the system"* and *Objective 8.2. "Informing the individuals by using certain methods about their rights, duties and legal procedures before public institutions"* of the Judicial Reform strategy are the vulnerable groups of women, children and youth who have limited access to justice and knowledge about their individual rights and proceedings of law. In that respect, through the pilot practices, it is aimed to reach 3,000 people both representing youth, children, elderly and disabled. The representative sampling among those will be determined based on the population of the pilot sides and workload of the courthouses. The gender based sensitivity will be ensured in pilot preventive justice practices.

The pilot provinces and respective courthouses will be identified within the lifetime of the project based on the workload of the courthouse and the social and economic conditions of the selected provinces. Building on the experiences in the pilot phase it is aimed to scale-up phase to reform the organizations and rules that shape the institutional context.

Within the perspective of the above referred strategy, the pilot preventive justice initiatives will focus on the disadvantaged groups in order to improve the conditions for them to claim their rights. In particular, the sub-activities would be determined depending on the findings of the situation analysis in the selected province with regard to the measures of preventive justice including i) legal protection of freedom of expression and right to information; ii) Mechanisms of legal information; iii) services present in legal infrastructure that provide for disadvantaged groups and iv) quality and reach of professional legal education

## Results and Resources Framework

<p><b>Intended Outcome as stated in the Country Programme Results and Resource Framework:</b></p> <p>CP Outcome 1.1: Increased individual, collective and institutional capacity for participation at all levels of decision-making</p> <p>CP Outcome 1.2: Mechanisms for the implementation and monitoring of international norms and standards on human rights, including the judicial system strengthened and reformed.</p> <p><b>Outcome indicators as stated in the Country Programme Results and Resources Framework, including baseline and targets:</b></p>			
<p><b>Applicable Key Result Area (from 2008-11 Strategic Plan):</b> <i>Strengthening accountable and responsive governing institutions</i></p>			
<p><b>Partnership Strategy:</b> Partnerships with national and international stakeholders were established in order to contribute to the endeavors by the GoT particularly in the area of justice reform</p>			
<p><b>Project title and ID (ATLAS Award ID):</b></p>			
INTENDED OUTPUTS	OUTPUT TARGETS FOR (YEARS)	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES
<p><b>Output 1 – Mapping on the current status of preventive justice completed by the realized situation analysis</b></p> <p><u>Indicator:</u> The number of interviewees participated to the survey</p> <p>The number of interviews made with all relevant stakeholder including different justice institutions and civil society</p> <p>The number of the CSOs and judicial actors participated to the workshop</p> <p><u>Baseline:</u> No baseline</p>	<p>Use this column for more complex projects where an output takes more than one year to produce.</p> <p>N/A</p>	<p>1.1. Conduct a survey on perception and needs assessment on preventive justice in 7 regions</p> <p>1.2. Arrange a workshop on the preventive justice where the findings of survey and desk review will be discussed</p> <p>1.3. Develop a situation analysis report identifying policy, legal, and institutional issues</p>	<p><b>INPUTS</b></p> <p><u>International consultants:</u></p> <ul style="list-style-type: none"> <li>- Supporting the development of the survey form</li> <li>- Making the desk review with regard to the international and national framework on preventive justice</li> <li>- Carry out interviews with relevant stakeholders</li> <li>- Support the facilitation of the workshop</li> <li>- Compile the information gathered through the survey.</li> </ul>

<p><b>Output 2 - Individual and institutional awareness is raised through different means and mechanisms developed including a holistic public awareness strategy and user friendly law manual addressed particularly to vulnerable groups</b></p> <p>Indicator: Number of manuals disseminated at local and national level</p> <p>Number of references to the manual</p>	<p>N/A</p>	<p>2.1. Develop, publish and disseminate Law Manuals for the vulnerable groups and the foreign residents or tourists living in Turkey indicating the legal rights and entitlements under the law</p> <p>2.2. Develop a holistic public awareness / outreach strategy on preventive justice for the judicial actors in Turkey</p> <p>2.3.Launch of a countrywide legal awareness campaign</p>	<p>MoJ UNDP Respective Courthouses Justice Institutions</p>	<p>desk review, interviews and discussions in the workshop into an assessment report</p> <p><u>National consultants :</u></p> <ul style="list-style-type: none"> <li>-Providing support to the international consultants in the assessment of the current situation</li> <li>-Contributing to the draft report on the situation analysis on preventive justice</li> </ul> <p><u>Professional Services for the conduct of the survey</u></p> <p><u>Organizational Expenses</u></p> <p><u>Flight and accommodation</u></p> <p><u>Translation expenses</u></p>
				<p><u>International &amp; National Consultants:</u></p> <ul style="list-style-type: none"> <li>-Contribute to drafting the law manual and public awareness strategy</li> <li>-Coach the awareness raising Campaign</li> <li>-Develop a participatory M&amp;E system</li> <li>- <u>Facilitate the community meetings at the regions and national conference</u></li> </ul>

<p>Smooth relationships between the justice institutions and citizenry creating an environment free from bias</p> <p>Number of press news about legal rights</p> <p>Number of TV programs about legal rights</p> <p>Number of stakeholder meetings</p> <p>Number of courthouses using printed materials</p> <p>Number of bar associations using printed materials</p> <p>Frequency of legal aid applications</p> <p>Baseline: Judicial Reform Strategy and National Programme emphasizing the importance of effective coordination between different justice institution and measures for raising the public awareness on legal rights</p>		<p>2.4. Launch of preventive justice website</p> <p>2.5. Organize community meetings</p> <p>2.6. Organize a national conference on preventive justice</p>		<p>Printing and broad dissemination of the Manual and campaign materials</p> <p>Travel and Accommodation</p>
<p><b>Output 3: Institutional ground set for the preventive justice of the students at the primary and high school level by the drafted and launched curriculum of "Introduction to Law Course"</b></p> <p>Indicator: Inclusion of the draft curriculum of Law course in primary and high school education program</p> <p>Baseline: No baseline</p>	<p>N/A</p>	<p>3.1. Develop the law curricula including basic legal knowledge as part of primary and high school education contributing to education of responsible citizenry aware of own rights</p>	<p>MoJ UNDP MoNE</p>	<p><b>International / National Consultants</b> Develop the draft curriculum of introduction to law course based on the findings of the consultation with different stakeholders including MoNE</p>
<p><b>Output 4. Different approaches of preventive justice initiated through pilot practices and exchange of experiences</b></p> <p>Indicator: Application of different country experiences with regard to issues of preventive justices at pilots</p> <p>Number of the stakeholder / community meetings at the pilots</p>	<p>N/A</p>	<p>4.1 Conduct study tour to at least one country</p> <p>4.2. Launch of three pilot preventive justice initiatives in selected provinces</p>	<p>MoJ UNDP Respective Courthouses</p>	<p><b>International Consultants:</b> Orientation/coaching of the pilots and monitoring of the process</p> <p>Travel and accommodation expenses</p> <p>Translation</p>

<p>Number of the trainings provided to the justice actors in respective courthouses of pilots</p> <p>Scale -up of the pilot preventive justice initiatives</p> <p>Baseline; Situation analysis and findings of the baseline Survey on preventive justice</p>				
--	--	--	--	--



# Annual Work Plan

Year: 2010

EXPECTED OUTPUTS And baseline, indicators including annual targets	PLANNED ACTIVITIES <i>List activity results and associated actions</i>	TIMEFRAME				RESPONSIBLE PARTY	Funding Source	PLANNED BUDGET	
		Q1	Q2	Q3	Q4			Budget Description	Amount
<b>Output 1 – Mapping on the current status of preventive justice completed by the realized situation analysis</b>	1.1. Conduct a survey on perception and needs assessment on preventive justice in 7 regions	X				MoJ UNDP	UNDP	Professional Services	40,000 \$
	1.4. Arrange a workshop on the preventive justice where the findings of survey and desk review will be discussed		X			MoJ UNDP	Government Cost Sharing	Travel & accommodation	31,000 \$
	1.5. Develop a situation analysis report identifying policy, legal, and institutional issues		X			MoJ UNDP	Government Cost Sharing	Organizational expenses (printing, stationary, lunch, dinner and other miscellaneous expenses)	5,000 \$
								International Consultant	10,000 \$

<b>Output 2 - Individual and institutional awareness is raised through different means and mechanisms developed</b>	2.1. Develop Law Manuals for the vulnerable groups and the foreign residents or tourists living in Turkey indicating the legal rights and entitlements under the law					X	X	MoJ UNDP	Government Cost Sharing	International Consultant	10,000 \$
	2.2 Print and disseminate the law manuals					X		MoJ UNDP	Government Cost Sharing	National Consultant	5,000 \$
							X			Printing costs	
<b>Output 4. Different approaches of preventive justice initiated through pilot practices and exchange of experiences</b>	4.1 Conduct a study tour	X						MoJ UNDP	Government Cost Sharing	Dissemination costs (cargo, etc. costs)	1,000 \$
									UNDP	Travel and Accommodation	35,000 \$
										Translation costs	
<b>Project Staff Salary</b>								MoJ UNDP	UNDP	Contractual Services – Individual	12,000 \$
									Government Cost Sharing	Contractual Services – Individual	8,000 \$
	Overheads: General Management Services								Government Cost Sharing		2,184 \$
<b>TOTAL</b>											<b>175,000 \$</b>

Year: 2011

EXPECTED OUTPUTS <i>And baseline, indicators including annual targets</i>	PLANNED ACTIVITIES <i>List activity results and associated actions</i>	TIMEFRAME				RESPONSIBLE PARTY	PLANNED BUDGET		
		Q1	Q2	Q3	Q4		Funding Source	Budget Description	Amount
<b>Output 2 - Individual and institutional awareness is raised through different means and mechanisms developed</b>	2.1. Develop Law Manuals for the vulnerable groups and the foreign residents or tourists living in Turkey indicating the legal rights and entitlements under the law	X	X			MoJ UNDP	Government Cost Sharing	International Consultant	10,000 \$
							National Consultant	5,000 \$	
	2.2. Print and disseminate the law manuals	X	X			MoJ UNDP	Government Cost Sharing	Printing costs	17,000 \$
							Dissemination costs (cargo, etc. costs)	2,000 \$	
<b>Output 3: Institutional ground set for the preventive justice of the students at primary and high school level</b>	3.1. Develop the law curricula including basic legal knowledge as part of primary and high school education contributing to education of responsible citizenry aware of own rights	X	X			MoJ UNDP MoNE	Government Cost Sharing	International Consultant	20,000 \$
							National Consultant	10,000 \$	
							Travel and Accommodation	35,000 \$	
<b>Output 4. Different approaches of preventive justice initiated through pilot practices and exchange of experiences</b>	4.1. Conduct of a study tour	X				MoJ UNDP	Government Cost Sharing	Translation costs	3,000 \$
							National Consultant(s)	10,000 \$	
	4.2. Conduct of three pilot preventive justice initiatives in selected provinces	X				MoJ UNDP	Government Cost Sharing	International Consultant(s)	20,000 \$



	100.000 posters							Printing costs	7,263 \$
	2.4. Organize community meetings at representative provinces			X		MoJ UNDP Respective Courthouses Governorates	Government Cost Sharing	Travel and Accommodation expenses	10,000 \$
	2.5. Organize a National Conference to increase the legal awareness and introduce the by-products of the Project			X		MoJ UNDP	Government Cost Sharing	Organization expenses	3,000 \$
	2.6. Launch of preventive justice website							Travel and Accommodation expenses	35,000 \$
	- Broadcast of the website							Organization expenses(printing, stationary, lunch, dinner and other miscellaneous expenses for the meetings organized)	5,000 \$
	- Update of the website							Translation Costs	5,000 \$
	Engagement of an internationally-acknowledged auditing company for auditing the project accounts (4,000\$)				X	MoJ UNDP	Government Cost Sharing	National Consultant on IT Technologies	7,000 \$
Independent Audit							Government Cost Sharing		4,000 \$



---

## Management Arrangements

The project is considered as a joint initiative of the Government of Turkey and UNDP. The project will be executed by the Ministry of Justice (MoJ). Within the Ministry of Justice the project focal point is the Strategy Development Board.

UNDP will act as the implementing agency. UNDP will provide its relevant knowledge and expertise in facilitating the capacity building and technical know-how activities. UNDP will be the responsible party to coordinate the activities with the relevant stakeholders and complying with the monitoring and evaluation reporting requested by the Ministry of Justice.

The costs of all project staff and personnel will be met from the resources of the project at hand. The costs of the UNDP program management will be borne by UNDP. The UNDP will implement the entirety of project activities in line with UNDP financial rules and regulations and report to the national designated agency (the Ministry of Justice) on quarterly expenditures through the Combined Delivery Report.

Depending on the requirements of the work, both short term international and national consultants will be recruited.

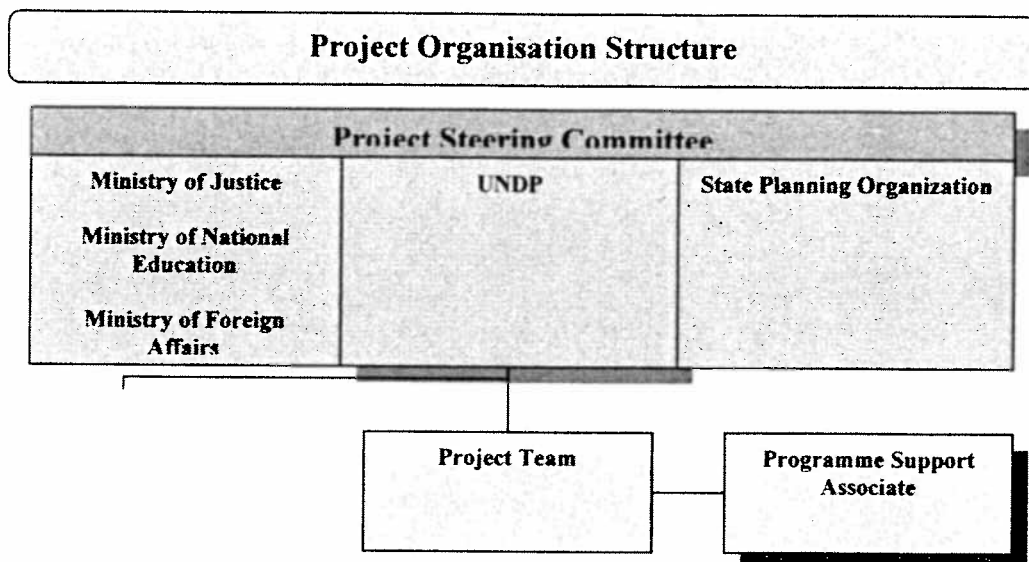
The Steering Committee, which will comprise of the Turkish Ministry of Justice, Ministry of National Education, Ministry of Foreign Affairs, State Planning Organization and UNDP Turkey will provide the overall guidance to the project; monitors the project's outputs and their contribution to overall national development goals.

Day-to-day management shall be done by the Project Associate to ensure that the project produces the results (outputs) within the specified time lines and budget. Quality ensurance will be ensured by the Democratic Governance Programme Manager with overall oversight and decision making provided by the Steering Committee.

Project activities that will be conducted with UNDP contribution and government cost sharing will be carried out in accordance with the timeframe indicated in Annual Work Plan. The timetable will be revised in case of a possible contribution of other donor organizations.

The project will be audited, in line with the UNDP audit requirements, once in its lifetime at a minimum. Adequate financial provisions for the audit are included in the project annual work plan. When possible, UNDP's cost recovery shall be applicable.





## Monitoring Framework And Evaluation

In accordance with the programming policies and procedures outlined in the UNDP User Guide, the project will be monitored through the following:

### Within the annual cycle

- An Issue Log shall be activated in Atlas and updated by the Project Team to facilitate tracking and resolution of potential problems or requests for change.
- Based on the initial risk analysis submitted (see annex 1), a risk log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation.
- Based on the above information recorded in Atlas, a Project Progress Reports (PPR) shall be submitted by the Project Team to the Project Steering Committee through Project Assurance, using the standard report format available in the Executive Snapshot.
- a project Lesson-learned log shall be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the Lessons-learned Report at the end of the project
- a Monitoring Schedule Plan shall be activated in Atlas and updated to track key management actions/events

### Annually

- **Annual Review Report.** An Annual Review Report shall be prepared by the Project Team and shared with the Project Steering Committee.
- **Annual Project Review.** Based on the above report, an annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the

performance of the project and appraise the Annual Work Plan (AWP) for the following year. In the last year, this review will be a final assessment. This review is driven by the Project Steering Committee and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.

---

## Legal Context

The project document shall be the instrument envisaged in the Supplemental Provisions to the Project Document, attached hereto.

Consistent with the above Supplemental Provisions, the responsibility for the safety and security of the executing agency and its personnel and property, and of UNDP's property in the executing agency's custody, rests with the executing agency.

The executing agency shall:

- a) put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
- b) assume all risks and liabilities related to the executing agency's security, and the full implementation of the security plan.

UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of this agreement.

The executing agency agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.

# ANNEXES

## ANNEX I: OFFLINE RISK LOG

(see Deliverable Description for the Risk Log regarding its purpose and use)



Project Title:		Award ID:		Date:					
#	Description	Date Identified	Type	Impact & Probability	Countermeasures / Mngt response	Owner	Submitted, updated by	Last Update	Status
1	Success of the pilot implementations remain limited due to low ownership of the institutions	During the preparation	Environmental Implementation	Low level of trust between the citizens and justice institutions P= 2	Identify the source of low ownership and trust and develop response strategies accordingly	MoJ UNDP			No change
2	Limited use and reference of the Law Manual	During the preparation	Implementation	Below standards implementations P= 3	Awareness raising and literacy on Law Manual	MoJ UNDP			
3	Curriculum of Law not included to the Primary and high school program	During the preparation	Implementation	Below standards implementations P= 3	Awareness raising and activities increased in order to show the impact of the curriculum on lives of the ordinary citizens	MoJ UNDP			

## ANNEX II:

**Special Clauses.** In case of government cost-sharing through the project which is not within the CPAP, the following clauses should be included:

Payment Schedule by SPO:

2010 April: USD 75,000

Payment Schedule by MoJ:

2011 April: 300,000 USD

To the following Bank Account of UNDP:

<i>Bank Name:</i>	<i>Bank of America</i>
<i>Address:</i>	<i>1401 Elm St., Dallas TX 75202</i>
<i>Account Number:</i>	<i>3752207404</i>
<i>Account Title:</i>	<i>UNDP Representative in Turkey (USD) Account</i>
<i>ACH Routing Number:</i>	<i>111000012 [to be used only by US-based banks using</i>
<i>ACH payment type]</i>	
<i>Wire Routing Number:</i>	<i>026009593</i>
<i>SWIFT Code:</i>	<i>BOFAUS3N</i>

The value of the payment, if made in a currency other than United States dollars, shall be determined by applying the United Nations operational rate of exchange in effect on the date of payment. Should there be a change in the United Nations operational rate of exchange prior to the full utilization by the UNDP of the payment, the value of the balance of funds still held at that time will be adjusted accordingly. If, in such a case, a loss in the value of the balance of funds is recorded, UNDP shall inform the Government with a view to determining whether any further financing could be provided by the Government. Should such further financing not be available, the assistance to be provided to the project may be reduced, suspended or terminated by UNDP.

The above schedule of payments takes into account the requirement that the payments shall be made in advance of the implementation of planned activities. It may be amended to be consistent with the progress of project delivery.

UNDP shall receive and administer the payment in accordance with the regulations, rules and directives of UNDP.

All financial accounts and statements shall be expressed in United States dollars.

If unforeseen increases in expenditures or commitments are expected or realized (whether owing to inflationary factors, fluctuation in exchange rates or unforeseen contingencies), UNDP shall submit to the government on a timely basis a supplementary estimate showing the further financing that will be necessary. The Government shall use its best endeavors to obtain the additional funds required.

If the payments referred above are not received in accordance with the payment schedule, or if the additional financing required in accordance with paragraph [ ]above is not forthcoming from the Government or other sources, the assistance to be provided to the project under this Agreement may be reduced, suspended or terminated by UNDP.

Any interest income attributable to the contribution shall be credited to UNDP Account and shall be utilized in accordance with established UNDP procedures.

In accordance with the decisions and directives of UNDP's Executive Board:

The contribution shall be charged:

- (a) [3%]cost recovery for the provision of general management support (GMS) by UNDP headquarters and country offices
- (b) Direct cost for implementation support services (ISS) provided by UNDP and/or an executing entity/implementing partner.

Ownership of equipment, supplies and other properties financed from the contribution shall vest in UNDP. Matters relating to the transfer of ownership by UNDP shall be determined in accordance with the relevant policies and procedures of UNDP.

The contribution shall be subject exclusively to the internal and external auditing procedures provided for in the financial regulations, rules and directives of UNDP.”

