



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 03.05.2017

Country: Turkey

Description of the assignment: International Consultant for UNDP Project: “Strengthening Transparency and Code of Ethics for Enhanced Public Confidence in Court of Cassation in Turkey

REF: UNDP/TUR-CoC/IntCon1

Project name: Strengthening Transparency and Code of Ethics for Enhanced Public Confidence in Court of Cassation in Turkey

Period of assignment/services: 68 DAYS UPON CONTRACT SIGNATURE

Proposal should be emailed to tr.ic.proposal@undp.org no later than **15 May 2017**.

Any request for clarification must be sent in writing, or by standard electronic communication to the address or e-mail indicated above. UNDP will respond in writing or by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all consultants. **Only short-listed candidates will be contacted.**

1. BACKGROUND

Please see Annex 1(Terms of Reference).

2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

Please see Annex 1(Terms of Reference).

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Please see Annex 1(Terms of Reference).

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

1. Proposal:

- (i) A one-page Letter of Interest, explaining why they are the most suitable for the work
- (ii) Personal CV including past experience in similar projects and at least 3 references

5. FINANCIAL PROPOSAL

The candidates will be requested to submit 'Financial Proposals' upon completion of technical evaluation.

The financial proposals shall be submitted in UNDP's standard format which will be communicated to successful candidates. The financial proposal shall specify the daily fee, travel expenses and per diems quoted in separate line items, and payments are made to the Individual Consultant based on the number of days worked.

6. EVALUATION

Applicants meeting the minimum requirements listed in the Terms of Reference will be short-listed and asked for price proposals. The selection of the Consultant will be made in accordance with the quality- cost based selection method (70 % technical component and 30% price component). Only short-listed candidates will be contacted.

ANNEX

ANNEX 1- TERMS OF REFERENCES (ToR)

ANNEX 2- P11 FORM

Terms of Reference (ToR)

International Consultant for UNDP Project: “Strengthening Transparency and Code of Ethics for Enhanced Public Confidence in Court of Cassation in Turkey”

1. Background and Context

It is globally recognized that there are strong links between establishing democratic governance, securing human rights and access to justice for all. This recognition has led to the acceleration of justice reforms worldwide as one of the essential prerequisites of sustainable human development. In line with this perspective, for a global organization founded on the principles of peace, freedom, human rights and rule of law, access to justice for all is a vital part of the UNDP’s mandate to strengthen democratic governance and reduce poverty. Within the broader context of justice sector reform, UNDP’s specific niche lies in supporting justice and related systems so that they work for all, particularly for the disadvantaged.

In the context of Turkey, judicial reform is one of the highest priority issues and as a candidate country for the EU accession, in recent years the Government of Turkey has undertaken comprehensive constitutional and legal amendments. Turkey’s strong commitment to judicial reforms is expressed in various national policy framework documents and these efforts mostly take the form of comprehensive legal and constitutional arrangements. However, there has been some challenges for its full-fledged formulation and implementation mainly due to the lack of consensus oriented policy making, limited institutional capacities and public awareness.

UNDP Turkey, in view of its global experience and technical expertise, has been associated with the judicial reform process in Turkey through a series of projects on access to justice and strengthening the rule of law. In that respect, a special niche of UNDP in the field of access to justice and strengthening of the rule of law in Turkey is to provide technical assistance for individual and institutional capacity-building based on its global experience and technical expertise in strengthening the rule of law for judicial systems in countries throughout the world.

The strong partnership between the UNDP and the Court of Cassation in Turkey started in late 2009 with the aim of improving the institutional and administrative capacity of the high courts in Turkey to conform to international standards. Since then, two comprehensive Programs have been implemented, and the present Project builds on the results achieved from these two projects.

Past projects continuously related experiences of different countries’ high courts to the CoC and have paved the way for the creation of seminal documents in the area of judicial ethics and transparency. For instance, the Report on the Comparative Analysis on the Functioning of High Courts included a review of 25 country experiences on how the high courts functioned as regards quality, education, diversity, judicial powers, transparency and structural safeguards, thereby providing policy options for the restructuring of high courts in Turkey. The First International Summit of the High Courts was then organized on 1-2 November 2010 with the participation of chief justices of 19 countries along with high level representatives of the international judicial community including the Special Rapporteur of the UN Secretary General on the Independence of Judges and Lawyers. The First International Summit resulted in a guiding principles of reforms, restructuring and improvement of the functioning of the judicial system to aid the judicial reform process in Turkey.

The UNDP – CoC cooperation in the past years also saw the drafting of a **Code of Judicial Conduct** for judges, prosecutors and court personnel based on the Bangalore Principles, the dissemination and use of which is one of the pillars to be dealt with in the current project.

Significantly, the Second International Summit of High Courts, organized around the theme of judicial transparency in 2013, resulted in the **“Istanbul Principles of Transparency on Judicial Processes”**. This landmark document was approved by 20 Chief Justices participating in the Summit from around the world, and has been referenced by the Special Representative on Independence of Judges and Lawyers. The project at hand will address its adoption and use not only at the national but also the international level.

The Project therefore builds on these three identified areas of need and aims to enhance the level of public knowledge on and confidence in the working of the Court of Cassation through strengthening the measures for transparency and the adoption of a code of ethics specifically designed for the high court.

The above-mentioned objective is planned to be achieved via 3 outcomes:

1. Enhancement of institutional capacity for the adoption of code of ethics by CoC
2. Development of required policies and implementation measures to strengthen transparency in judicial processes
3. Raised confidence on the functioning of the CoC

The Project also will benefit continuously from the extended expertise and experience of the UNDP Bureau for Policy and Programme Support, Council of Europe, European Commission and UN Special Rapporteur on Independence of Judges and Lawyers in the field of judicial reform during the implementation period.

2. Objectives

The work of the IC will fall under the first two objectives of the Project, namely “Enhancement of institutional capacity for the adoption of a Code of Ethics by the Court of Cassation”, and “Development of required policies and implementation measures to strengthen transparency in judicial processes”.

A “Code of Judicial Conduct” had already been produced for judges, prosecutors and court personnel in 2013 as an output of the previous project cycle by a group of experts and in consultation with the ad-hoc ethics committee established by the CoC. The current project aims to disseminate this Code within the CoC as well as facilitate and encourage its implementation, while establishing a Personnel Ethics Commission for ethical issues related to personnel, and an Ethics Advisory Supreme Board targeting the ethical issues brought up by judges and prosecutors.

Concerning the second specific objective, the Second International Summit of High Courts, organized in 2013 again as part of the cooperation between the CoC and the UNDP, resulted in the “Istanbul Principles on Transparency on Judicial Processes”, the first of its kind that has been referenced by the Special Representative of UN Secretary General on Independence of Judges and Lawyers. This project will conduct a comprehensive public survey to show the level of confidence in Turkey today, and couple it with research to create the “Draft Strategy to Increase Confidence and Transparency in High Judiciary”. Following deliberations in consultation meetings with stakeholders, the Strategy and Action Plan will be Finalized.

3. Description of Responsibilities

The International Consultant, together with other team members, under the supervision of the Lead Consultant and the UNDP Project Management Team in close collaboration with the Court of Cassation, will be responsible for:

- i. Conducting a desk review of different country practices on implementation of code of conducts in their high courts,
- ii. Assisting in the organization of and participating in two technical visits to selected countries to see on spot the structure and functioning of ethics advisory supreme boards and personnel ethics commissions within the high courts,
- iii. Contributing to the drafting of a comprehensive comparative assessment report based on the findings of the desk review and the study visits, specifying the different measures used to implement judicial ethics at the level of high courts, including recommendations for the structure and functions of the Ethics Advisory Supreme Board and Personnel Ethics Commission,
- iv. Contributing to the development of tailor-made training modules on ethics for judges, prosecutors and personnel of the Court of Cassation,
- v. Developing guidelines on ethics for the use of judges, prosecutors and personnel of the CoC, including practical information and guidelines for the adoption and mainstreaming of ethics in the CoC.
- vi. Introducing the code of ethics in public awareness activities, such as conferences,
- vii. Aiding in the content of visibility materials on code of ethics to be widely disseminated to the public at large.
- viii. Preparing a comparative country analysis report on transparency in judicial processes such as public relations, legal regulations and other precautions in relevant fields in selected countries.
- ix. Analyzing survey study results to evaluate the satisfaction level on CoC services,
- x. Presenting the country analysis report and survey analysis to stakeholders in international conference and contributing to the conference process by delivering his/her experiences in relevant fields,
- xi. Developing a Draft Strategy on “Transparency in High Judiciary and Increasing Trust”,
- xii. Contributing to the consultation meetings for the Draft Strategy Paper to renew or adjust the draft strategy paper to ease the realization of the strategy and present the report to relevant stakeholders.
- xiii. Finalizing the strategy and action plan based on the findings of consultation meeting.

4. Duration and Deliverables

Deliverables/ Outputs	Estimated # of working days to be invested by IC	Indicative Deadlines (post-review)	Review and Approvals Required
1. Tailor-made training modules on ethics for judges, prosecutors and personnel of the Court of Cassation	15	09.06.2017	UNDP Cluster Lead in consultation with CoC Project Director
2. Contribute to the comparative assessment report based on the findings of the desk review and the study visits, specifying the different measures used to implement judicial ethics at the level of high courts, including recommendations for the structure and functions of the Ethics Advisory Supreme Board and Personnel Ethics Commission	20	30.06.2017	UNDP Cluster Lead in consultation with CoC Project Director
3. Guidelines on ethics for the use of judges, prosecutors and personnel of the CoC, including practical information and guidelines for the adoption and mainstreaming of ethics in the CoC	10	14.07.2017	UNDP Cluster Lead in consultation with CoC Project Director
4. Preparing a comparative country analysis report on transparency in judicial processes such as public relations, legal regulations and other precautions in relevant fields in selected countries	15	21.08.2017	UNDP Cluster Lead in consultation with CoC Project Director
5. 8 one-day knowledge sharing programs on ethics targeting 400 selected judges, prosecutors and personnel of the CoC	10	15.09.2017	UNDP Cluster Lead in consultation with CoC Project Director
6. Analysis of survey study results to evaluate the satisfaction level on CoC services,	7	25.09.2017	UNDP Cluster Lead in consultation with CoC Project Director
7. Presentation of the country analysis report and survey analysis to stakeholders in international conference and contributing to the conference process,	3	05.10.2017	UNDP Cluster Lead in consultation with CoC Project Director
8. Develop a Draft Strategy on “Transparency in High Judiciary and Increasing Trust”, discuss the Draft Strategy in consultation meetings and contribute to finalizing the Draft Strategy based	20	17.11.2017	UNDP Cluster Lead in consultation with CoC Project Director

on the feedback received.			
9. Contingency*	10	01.12.2017	UNDP Cluster Lead in consultation with CoC Project Director
Overall indicative number of days	110		

* Contingency: Depending upon the additional requirements of the assignment, UNDP may/may not request investment of an additional **10 w/days** during the same period.

In order to fulfill required tasks for the development of deliverables as defined and listed in the table above, the **estimated** number of days to be invested are provided. This estimation is provided merely to facilitate the provision of a **lump-sum price proposals**. The number of days presented as ‘estimated number of working days to be invested’ is **indicative**. The ICs may invest less/more than the expected number of days to finalize each output. The actual number of days invested will not change the amount of payments. The amount paid shall be gross and inclusive of all associated costs such as social security, pension and income tax.

5. Institutional Arrangement

If requested, UNDP Turkey in Ankara shall provide the International Consultant with an office space equipped with a PC and access to the Internet and a local telephone line during his/stays in Turkey. The Consultant will report to Cluster Lead of Inclusive Democratic Governance Portfolio.

6. Place of Work and Guidance for Price Proposal

The position is home – based with several travels to Ankara. The place of work will be the IC’s place of residence.

The travel, accommodation costs (bed and breakfast) of the missions will be borne by the UNDP. UNDP will arrange flight tickets through the travel agency it works with. However, living costs (intra-city travel costs, lunch, dinner, etc.) will be covered by the IC during these missions. It is expected that the IC will need to make **five** trips to Ankara.

In case of need of additional travels that are unforeseen in the ToR, the respective travels of the consultant may either be;

- Arranged and covered by UNDP CO from the respective project budget without making any reimbursements to the IC or
- Reimbursed to the consultant upon the submission of the receipts/invoices of the expenses by the consultant and approval of the UNDP. The reimbursement of each cost item subject to following constraints/conditions provided in below table;
- covered by the combination of the above options

The following guidance on travel compensation is provided per UNDP practice.

Cost item	Constraints	Conditions of Reimbursement
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Travel (intercity transportation)	Full-fare economy class tickets	1- Approval of UNDP before the initiation of travel 2- Submission of the invoices/receipt, etc. by the consultant with the UNDP's F-10 Form 3- Approval of UNDP
Accommodation	Up to 50% of the effective DSA rate of UNDP for the respective location	
Breakfast	Up to 6% of the effective DSA rate of UNDP for the respective location	
Lunch	Up to 12% of the effective DSA rate of UNDP for the respective location	
Dinner	Up to 12% of the effective DSA rate of UNDP for the respective location	
Other Expenses (intra city transportations, transfer cost from /to terminals, etc.)	Up to 20% of effective DSA rate of UNDP for the respective location	

7. Required Qualifications

Education:

- S/he shall have a bachelor degree in law or related field.
- Advanced degree preferably in human rights, law, international law or other fields relevant to the assignment will be an asset
- Additional educational background in socio-legal studies, psychology, sociology or other social sciences will be considered an asset.
- Knowledge on gender equality issues would be an asset.

General professional experience:

- At least 5 years of international experience working in justice sector reform and working for/with international organizations, international high-level platforms or in non-governmental institutions on the issues of international justice, democracy, or human rights.

Specific professional experience

- Substantial experience in working on capacity building of judicial professionals such as judges, prosecutors, lawyers as well as public awareness activities on gender equality or human rights,
- Knowledge on the judicial systems of different countries,

- Knowledge of recent international developments in areas of judicial independence and judicial accountability, and in strengthening judicial integrity will be an asset,
- Proven ability to train judicial professionals on judicial ethics will be an asset

Language Requirements:

- Full proficiency in English

Notes:

- Internships (paid/unpaid) are not considered professional experience.
- Obligatory military service is not considered professional experience.
- Professional experience gained in an international setting is considered international experience.
- Experience gained prior to completion of undergraduate studies is not considered professional experience.

8. Evaluation of Applications

Applicants meeting the minimum requirements listed in the Terms of Reference will be short-listed and asked for price proposals. The selection of the Consultant will be made in accordance with the quality-cost based selection method (70% technical assessment and 30% price assessment).

9. Payments

The consultant shall be paid in USD if he/she resides in a country different than Turkey. If he/she resides in Turkey, the payment shall be realized in TL through conversion of the USD amount by the official UN exchange rate valid on the date of money transfer.

The amount paid to the consultant shall be gross and inclusive of all associated costs such as social security, pension and income tax etc.

Payments will be made within 30 days upon the approval of the corresponding deliverable and UNDP Certificate of Payment Form (COP) (Attachment 1) on a lump sum basis irrespective the number of days invested by the consultant for this particular deliverable. The UNDP may have comments and request revisions on the deliverables submitted by the Consultant. The Consultant should respond to these comments and make necessary revisions within 10 calendar days.

If the deliverables are not produced and delivered by the consultant to the satisfaction of UNDP, no payment will be made even if the consultant has invested working/days to produce and deliver such deliverables.

Tax Obligations: The IC is solely responsible for all taxation or other assessments on any income derived from UNDP. UNDP will not make any withholding from payments for the purposes of income tax. UNDP is exempt from any liabilities regarding taxation and will not reimburse any such taxation to the IC.

Annex II: Price Proposal Guideline and Template

The prospective ICs should take the following explanations into account during submission of his/her price proposal.

- You are asked to propose your professional **daily fee rate**, which will be multiplied by the number of working/days indicated in the Terms of Reference to establish the **total contract amount**.
- The fee rate should be indicated in USD.
- UNDP will not make any further clarification on costs related to tax, social security premium, pension, visa etc. It is the applicants' responsibility to make necessary inquiries on these matters.
- The payments to be made will be calculated on the actual number of working/days to be invested and reported by the consultant for fulfillment/delivery of corresponding activities/deliverables. The number of working/days to be reported by the consultant cannot be more than the number of working/days allocated for the fulfillment/delivery of corresponding activities/deliverables.
- The price proposal shall take into account various expenses incurred by the consultant/contractor during the contract period (e.g. tax, social security premium, pension, visa, consultancy fee, health insurance, vaccination, personal security needs and any other relevant expenses related to the performance of services). Once proposed and accepted, **the fee rate cannot be changed**.
- As per UNDP corporate procurement rules and regulations, in case a candidate over 62 years of age and required to travel for the completion of tasks described in the TOR is identified for contract award, the candidate shall at his/her own expense undergo a full medical examination, including x-rays, as well as obtaining medical clearance from an UN-approved doctor prior to taking up his/her assignment.” **The cost of the medical clearance shall be taken into consideration while calculating and submitting the price proposal**. UN approved doctor list including contact information will be provided to the successful candidate.
- Please (a) copy the below text into a word processor, (b) indicate your daily fee rate as explained above, (c) do not change any part of the standard text (changing the standard text may lead to disqualification), (d) sign the document, (e) scan the signed version of the price proposal, and (f) send it as an attachment back to UNDP by replying to this email.

Price Proposal Submission Form for ICs

To: United Nations Development Programme

Ref: International Consultant for UNDP Project: “Strengthening Transparency and Code of Ethics for Enhanced Public Confidence in Court of Cassation in Turkey

Dear Sir / Madam,

I, the undersigned, offer to provide professional consulting services to UNDP within the scope of the referred Assignment.

I, the undersigned, offer to provide Professional Consulting Services as an Individual Contractor, to carry out the duties spelled out in the attached Terms of Reference for the sum as detailed below:

Daily consultancy fee:USD [A]

Total number of working days: 110 working days [B]

Total price proposal:USD [AxB]

My daily fee rate will be multiplied by the applicable number of units to establish the contract amount.

The number of working/days indicated in the terms of reference, allocated for each payment/deliverable is the *maximum* number of working days, and I agree to fulfill/deliver the relevant activities/deliverables at most within those maximum amounts of working/days.

I confirm that the price (daily fee rate) that I quote is **gross**, and is inclusive of all legal expenses, including but not limited to all legal expenses (social security, income tax etc.), which will be required by local law.

I agree that my proposal shall remain binding upon me for 60 days.

I understand that you are not bound to accept any proposal you may receive.

[Signature]

Date:

Name:

Address:

Telephone/Fax:

Email: