

Annex-1- Terms of Reference for Feasibility Expert

1. Background

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

As a means of access to justice, legal aid is a primary issue of human rights law which concerns fundamental principles such as equality of arms and right to a fair trial. Furthermore, legal aid should not be merely seen as a service provided by bar associations but, also as a part of civil and criminal justice policy. Thus, the European Court of Human Rights and UN Commission on Crime Prevention and Criminal Justice foresees that the states have full responsibility for the operation and nature of legal aid systems. Despite the initiatives for improvement of the legal aid services in Turkey, both EU progress reports as well as international and national analyses addresses the need to improve the legal aid system in Turkey, especially in terms of its procedures, quality and impacts on citizens.

In order to address the gaps in legal aid practices for disadvantaged groups, UNDP, the Union of the Turkish Bar Associations (UTBA) and the Ministry of Justice (MoJ) initiated a joint project entitled '*Support to the Improvement of Legal Aid Practices for Access to Justice for All in Turkey – Phase I*' in September 2015. The Project aims to eliminate the gaps and needs for an effective functioning legal aid system and ultimately improve access to justice in Turkey. The project focuses on institutional and individual capacity development activities for the benefit of Union of the Turkish Bar Associations, local bar associations and attorneys practicing legal aid. The project aims to achieve the following results for enhancing the efficiency of the legal aid system in Turkey:

- Improved Automation System for Appointment of Code of Criminal Procedure (CCP) Attorneys
- Enhanced Capacity of the Attorneys Practicing Legal Aid for Disadvantaged Groups
- Improved Performance Evaluation System for Legal Aid Services
- Enhanced Coordination and Cooperation Among the Attorneys Practicing Legal Aid
- Legal aid needs underpinned, and services improved in southern border province of Turkey namely Gaziantep, Hatay, Osmaniye, Kilis, Şanlıurfa and Kahramanmaraş

The main target group of the project is disadvantaged groups including but, not limited to women who have been subjected to sexual and gender-based violence, children who are victims of forced marriage or forced labor, and persons with disabilities.

In the light of the successful results and achievements of the Project, a follow up "*Support to the Improvement of Legal Aid Practices for Access to Justice for All in Turkey Phase II*" has been under preparation whose implementation is foreseen to start in April 2019. Building on the results of the ongoing Project, the new Phase aims to develop more coordinated, qualified and systematic approach into legal aid practices in Turkey, enhance coordination between NGO's, lawyers and bar associations in legal aid provision and further support capacity building of lawyers providing legal-aid and increase awareness among bar associations in Turkey for operationalization of performance management tools and automation system of CCP lawyers. The second Phase will instrumentalize Ankara Bar Association's Poppy Practices by analyzing and further improving its challenges to design a systematic and structured approach for legal aid services and establish the designed system in 7 Bar Associations in Turkey.

Towards the end of Phase I and preparations for Phase II, an inception period was designed to bridge Phase I and Phase II and strengthen the sustainability effect of Phase I. In that period between January & March 2019, a list of studies will be conducted by a group of experts to make a comprehensive synthesis of Phase I findings, conduct complimentary studies to enrich those findings and provide sound inputs in order to bridge Phase I and Phase II. Inception period analysis and assessment reports will be used as basis for implementation of Phase II activities. The Inception Period will conduct below studies and produce listed outputs:

1) Assessment study to understand the gaps, potentials and barriers for strengthening coordination between bar associations and NGOs in providing legal-aid

- **Output:** Current Situation Mapping and Needs Assessment Report on the Coordination between NGOs, providing services towards gender-based violence victims especially women, lawyers, bar associations and UTBA in Turkey attached with brief evaluation reports for each province on the basis of site visits

2) Analysis of Poppy Practice experience to determine system requirement for provision of legal aid services to disadvantaged groups especially gender-based violence victims including legal frameworks, capacity building and infrastructure needs, communication and awareness raising activities including web pages

- **Outputs:** 1) An Evaluation Report of the Current Poppy Project within the Ankara Bar Association including legislative and regulatory framework, institutional infrastructure (technological details as hardware, software, bandwidth, etc.), human resources and capacity development and processes, as well as lessons learned, best practices, bottlenecks and operating procedures with an attachment of a guideline/ToR for the piloting practices 2) A Pilot Review: review of legal aid practices, needs assessment and situation analysis report on each selected pilot Bar association 3) A Road Map for each pilot bar association.

3) Analysis of dissemination needs to improve the ownership of automation system and performance criteria developed in Phase I and development of a communication plan for dissemination of automation systems, performance criteria and evaluation model to Bar Associations and lawyers

- **Output:** Communication Plan for Dissemination and Awareness Raising.

The mentioned studies will be planned and conducted in 7 pilot provinces with the supervision of Union of Turkish Bar Associations. The feasibility expert will provide expertise in conducting feasibility study for establishment of Poppy Practices in 7 pilot bar associations in Turkey.

2. Scope of Work

The objective of the assignment is to provide technical inputs for the planning, conducting and reporting of mainly one of the above listed studies of the Inception Period in close cooperation and collaboration between all experts, project partners and UNDP:

Analysis of Poppy Practice experience to determine system requirement for provision of legal aid services to disadvantaged groups especially gender-based violence victims including legal frameworks, capacity building and infrastructure needs, communication and awareness raising activities including web pages.

Feasibility expert is expected to participate into analysis of Poppy practice of Ankara Bar Association and conduct 7 field visits to the pilot bar associations to analyze the infrastructure needs of each pilot bar association and prepare a “Feasibility Report” based on the findings as part of Pilot Reviews and Road Maps to be prepared for establishment of Poppy Practices in each pilot bar association in close cooperation with Long-term Law Expert and other experts of the team. The expert is also expected to participate into

coordination meetings to be held in Ankara and site visit to Ankara Bar Association.

3. Duties and Responsibilities

The feasibility expert is expected to fulfill and achieve the following duties and objectives:

- Take part into the Analysis of Current Poppy Project within the Ankara Bar Association and provide inputs to the analysis report including assessments of infrastructure requirements as well as lessons learned, best practices, bottlenecks and operating procedures with an attachment of a guideline/ToR for the piloting practices in close cooperation with Long-term Law Expert and other experts of the team
- Contribute the planning and conducting field visits in 7 pilot provinces together with other experts of the team, UNDP and project partners to map the current situation and find the needs and infrastructure requirements in 7 pilot provinces for establishment of Poppy Practices, integrate findings and suggestions into and submit 1) A Pilot Review: review of legal aid practices, needs assessment and situation analysis report on each selected pilot Bar association 2) A Road Map for establishment of Poppy Practices in each pilot bar association
- Contribute the planning, conducting and reporting of Coordination Meetings in Ankara in collaboration with other experts of the team, UNDP and project partners

4.Expected Outputs and Deliverables

Deliverables/ Outputs	Estimated # of working days to be invested by IC	Indicative Deadlines (post-review)	Review and Approvals Required
1. First draft of feasibility report	7	20 February 2019	UNDP Project Manager, in consultation with UTBA and MoJ
2. Second draft of feasibility report	7	20 March 2019	UNDP Project Manager, in consultation with UTBA and MoJ
3. Final feasibility report	8	29 March 2019	UNDP Project Manager, in consultation with UTBA and MoJ
Total Estimated Number of Working Days		22 Days	

5. Institutional Arrangement

UNDP Turkey CO will;

- Provide the Consultant with relevant documents,
- Provide the Consultant with full support in any further analysis of the data where necessary,
- Facilitate communication with other stakeholders,
- Give feedback to the draft, final reports and all other deliverables prepared by the Consultant.

All documents and data provided to the consultant are confidential and cannot be used for any other purposes or shared with a third party without any written approval from UNDP.

The consultant will be under the direct supervision of the Project Manager and IDG Portfolio Manager.

6. Timing and Duration

The Assignment is expected to start in **12 February 2019** and be completed by **29 March 2019**. The consultant is estimated to invest (at maximum) **22** working days to fulfil the required tasks as per specific service requests to be made by UNDP throughout contract validity.

7. Place of Works

The place of work will be Ankara and may require several travels to other cities with respect to project needs and the duties and responsibilities of the consultant stated in Article 3. Consultant may invest less/more than expected number of working/days for works but the actual number of days invested in excess of 22 days will not change the amount of payment which is the equivalent of 22 working/days.

The travel, accommodation costs (bed and breakfast) and living costs (intra-city travel costs, lunch, dinner, etc.) of the missions to other provinces will be borne by the UNDP. UNDP will arrange flight tickets through its contracted travel agency.

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

- Arranged and covered by UNDP from the respective budget without making any reimbursements to the Consultant, through UNDP's official Travel Agency 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 is subject to the following constraints/conditions provided in below table or,
- Covered by the combination of both options.

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

Cost item	Constraints	Conditions of Reimbursement
Travel (intercity transportation)	Full-fare economy class tickets	1- Approval by UNDP of the cost items before the initiation of travel 2- Submission of the invoices/receipts, etc. by the consultant with the UNDP's F-10 Form 3- Acceptance and Approval by UNDP of the invoices and F-10 Form.
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	

8. Required Qualifications

The consultant should have the following experience and qualifications:

Minimum Requirements		Assets
General Qualifications	<ul style="list-style-type: none"> Bachelor's degree in civil engineering, architecture, interior design or related fields. Very good command of both written and spoken English and Turkish 	<ul style="list-style-type: none"> Higher degree in civil engineering, architecture, interior design or related fields.
Professional Experience	<ul style="list-style-type: none"> Minimum ten (10) years of professional experience. 	<ul style="list-style-type: none"> More than ten (10) years of professional experience is an asset.
Specific Experience	<ul style="list-style-type: none"> At least 5 years of experience in project design, preparation of construction plans/projects and/or feasibility studies in construction and architectural projects. Substantive knowledge in analysis of construction plans and preparation and conducting of feasibility analysis and reports 	<ul style="list-style-type: none"> Proven experience in coordinating and working with public institutions, local authorities and stakeholders is an asset
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.		

The consultant should avoid any kind of discriminatory behaviour including gender discrimination and ensure that:

- Human rights and gender equality is prioritized as an ethical principle within all actions;
- Activities are designed and implemented in accordance with "Social and Environmental Standards of UNDP";
- Any kind of diversities based on ethnicity, age, sexual orientation, disability, religion, class, gender are respected within all implementations including data production;
- Differentiated needs of women and men are considered;
- Inclusive approach is reflected within all actions and implementations, in that sense an enabling and accessible setup in various senses such as disability gender language barrier is created;
- Necessary arrangements to provide gender parity within all committees, meetings, trainings etc. introduced.

10. Payments

Payments will be made within 30 days upon the approval of each deliverable and UNDP Certificate of Payment Form (COP) based on actual number of days invested by the Expert for the respective deliverable. While the Consultant may invest less or more than estimated number of working/days for each deliverable different than table which is given in Section 3 & 4. The total amount of payment to be affected to the Consultant within the scope of this contract cannot exceed equivalent of **22 days throughout the contract validity**.

Consultant will be hired under an Individual Contract (IC). The price proposal will be given in TRY and the Consultant will be paid in TRY upon submission of the deliverables as detailed above.

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.

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

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.