



## **Terms of Reference**

**for**

### **National Short-Term Senior Expert on Crime Prevention in Turkey**

#### **1. BACKGROUND**

The IPA II Indicative Strategy Paper for Turkey (2014-2020), which was revised in August 2018 targets the improvement of the capacities of institutions, including CSOs, in charge of protecting and guaranteeing the respect and defense of fundamental rights. Developing the capacity to conduct independent, impartial and effective investigations into allegations of misconduct by security forces is thereby defined as one of the actions to achieve this result. In addition, strengthening the cooperation between institutions and stakeholders engaged in the area of human rights is fundamental to overcome the challenges in the field. Turkey's New EU Strategy also states that the implementation of legal arrangements in the security sector is among the primary objectives for ensuring the full enjoyment of fundamental rights and freedoms. The 2014 Action Document on "Support to Fundamental Rights" also refers to the need for enhancement of the administrative capacities of the authorities concerning the implementation of legislation in order that rights are respected in full and in practice, with proper accountability and control systems which involve the civil society.

The importance of the transformation of civil–military relations with a focus on civilian/democratic oversight of the internal security sector has also been emphasised in EU Progress Reports, acknowledging the contribution of the first two phases of the Project. The 2018 EU Progress Report recognised the revision of the legal framework governing civil-military relations and the increase of the powers of the executive over the military as significant, thereby strengthening civilian oversight. However, it was also noted that improvements are needed for Parliamentary, administrative and judicial oversight and accountability of security and intelligence forces. In addition, the effectiveness of the law enforcement oversight commission needs to be increased.

A set of measures for reform in the field of expanding human rights and a zero-tolerance policy against torture and ill-treatment have been adopted by Turkey since 2002. Broad modifications of the competence areas of the Police and the Gendarmerie, and annulment of the Protocol on Cooperation for Security and Public Order that was conflicting with the law on public administration are among the important steps taken by the Government.

The Project for the Civilian Oversight of Internal Security Sector Phase I, which was implemented jointly by Ministry of Interior and UNDP in 2007-2010, aimed to raise the awareness of the MoI about the concept of civilian oversight. The 1<sup>st</sup> Phase also assessed the gaps vis-à-vis EU standards in MoI and developed the concept of "local governance of ISFs". The 2<sup>nd</sup> Phase of the Project was implemented in 2012-2014 and designed to expand and institutionalize the introduced approaches and piloted structures of 1<sup>st</sup> Phase. Second Phase was implemented from the perspective of improving (1) the capacity of MoI staff and provincial-sub provincial administrators to exercise oversight of policing and the homogeneity of the laws regulating the internal security forces; (2) the coherence of oversight arrangements that govern interactions between, on the one hand, the civilian administrators at provincial levels, sub provincial levels and, on the other hand, the Police and the Gendarmerie and Coast Guards; and, (3) the temporary coordination and consultation mechanisms by the Governors

and District Governors so that the current oversight systems can expand rights and freedoms enjoyed by citizens.

The two phases of the Project have identified the main requirements for an effective and human centred civilian oversight mechanism over the internal security sector. Building on the recommendations and results of the former phases, the 3rd Phase of the Project at hand is designed to deepen Phase I and II results in terms of organisational changes and put pilot local boards into practice in most provinces of Turkey. This new Phase will also support the Government in establishing the best model for ISF and its effective functioning under MoI in line with international principles and best practices in the EU. This new Phase is also in conformity with the priorities of the Accession Partnership and EU/Commission policies by supporting the ongoing work of Turkey. Assessment of various progress reports of the European Commission along with the policy endeavors of Turkey to address gaps in the civilian oversight and the outputs of the partnership of Turkey jointly achieved with UNDP and the Delegation of the European Union to Turkey (EUD) are the basis of the 3<sup>rd</sup> Phase.

The Phase III Project (CO III) is accepted under the 2014 Action Document for Fundamental Rights Sub-Field prepared by the Directorate for EU Affairs (DEUA) Department of Political Affairs under the Ministry of Foreign Affairs as the Lead Institution. The target groups are the Ministry of Interior GDPA, including provincial administrations and internal security forces and the Grand National Assembly of Turkey (GNAT). The MoI General Directorate for Provincial Administrations is the main beneficiary of the Project, whereas the UNDP provides technical assistance to the MoI for efficient and effective implementation of the Project.

Phase III is composed of 4 components:

**Component A - Legislative and Institutional Framework:** This component aims to improve, the training curriculum, strategies and the basic legislative and regulatory framework governing the Police, Gendarmerie and Coast Guard as well as the Local Security System in the light of civilian/democratic oversight and accountability principles. It is also planned that the performance evaluation system of MoI over ISFs will be strengthened through the Project.

**Component B - Parliamentary Oversight:** This component aims to develop a strategy to systematically oversee the work of ISFs through the work of relevant Commissions of the Grand National Assembly of Turkey.

**Component C - Scaling Up of the Pilot Security Governance Structures:** This component aims to scale up the pilot security governance structures nationwide and support their effective functioning through capacity development and technical assistance.

**Component D - Individual and Institutional Capacity Building:** This component aims to build institutional and individual capacities of the Governors, District Governors and citizens to enhance the understanding and internalization of citizen-focused security services.

Under component A (A.3), preparation of a draft legal framework for the establishment of “National Crime Prevention Office” under Ministry of Interior, a National Short-Term Senior Expert (National STE) will be mobilized to develop and finalize the draft legal framework on the establishment of National Crime Prevention Office on the results of the related workshops, compliance analysis with EU and international standards and best practices.

## 2. SCOPE OF WORK

The overall objective of this assignment is to support the realization of Activity A.3 **“Preparation of a draft legal framework for the establishment of “National Crime Prevention Office” under Ministry of Interior.”**

The second phase of the project assisted the Ministry of Interior in designing the legal framework and structures for the improvement of a “local governance system of internal security” through the establishment of Local Prevention and Security Boards (LPSBs). Relying on the results of the second phase of the Project, the third phase will address this main need for institutionalisation of the LPSBs and strengthening the MoI at the central level through the establishment of a “National Crime Prevention Office” under Ministry of Interior. This new unit aims to enhance national efforts for civilian/democratic oversight of internal security, mainly by coordinating the work of LPSBs at local level. For the establishment of a National Crime Prevention Office, the Ministry of Interior will promote the decentralised organisation and effectiveness of the LPSB and the provision of funds to District Boards for preventive actions selected by governors. It will also serve as a national platform for exchanging and disseminating best practices by all appropriate means, and specifically create a website to promote crime prevention and help local security partnership. It is expected that the Office shall also be in contact with the European Crime Prevention Network (EUCPN) in Brussels, and other international initiatives such as the International Centre for the Prevention of Crime (ICPC-Montreal). It will be the addressee for the annual “local prevention and security” reports drafted by the LPSB and circulate the best practices to the public.

In order to develop the draft legislation on the National Crime Prevention Office for Ministry of Interior, *a Legislation Drafting Committee (LDC)* will be established under the chairmanship of Ministry of Interior. It will be composed of MoI, Police, Gendarmerie, Coast Guard, representatives of 8 existing LPSBs (deputy governors and district governors), academicians and specialised experts working in the field of security sector reform and civilian/democratic oversight. The criteria for the selection of LDC member academicians and experts have been identified during the Inception Phase of the Project. The number of the members of the LDC will not exceed 12 in total to ensure efficiency during the process.

To this end, National and International STEs will identify and analyze the local boards, current crime prevention functioning of MoI and related law enforcement institutions and develop a legal framework on the possible establishment of a National Crime Prevention Office under the MoI in line with EU and international standards and best practices.

The National STE will analyse the findings of the consultative meetings in light of the European and international standards and best practices of civilian and democratic oversight, human rights and protecting fundamental rights. The analysis will be made on a consultative basis with the Project Team (PT) and considering the findings and recommendations of the former analysis of legal framework and structures for the improvement of a “local governance system of internal security” through the establishment of LPSBs that was carried out in Phase II. The national STE will update the findings of Phase II and carry out an additional analysis in light of the meetings/workshops and LDC meetings.

## 3. DUTIES AND RESPONSIBILITIES

National STE is expected to perform the following tasks for realization of the Activity A.3:

### **Under Component A:**

- Support organization and participate in (if required by UNDP) 5 two-day consultation meetings in Ankara with the participation of LDC members (12 participants + 3 PT members) to discuss the

roles and responsibilities, as well as possible structuring, of the National Crime Prevention Office and its coordination with LPSBs.

- Support the development of the first draft legal framework for the establishment of the “National Crime Prevention Office” by the LDC
- Support organization and participate in (if required by UNDP) 5 two-day workshops to share the draft legal framework and receive substantial inputs by stakeholders. Relevant stakeholders at national and local level will participate in these 5 workshops (including academia, CSOs and the GNAT; approximately 50 participants for each workshop). The venues of two of the workshops will be Ankara, while the other three will be held at pilot provinces where LPSBs already exist.
- Support organization of technical visit to an EU member state which will be selected by UNDP, with the aim of reflecting international experience in legal framework drafting processes on institutions similar to the envisaged National Crime Prevention Office. Contribute to the report which will cover the findings of the technical visit that addresses the comparative/compliance analysis on the subject matter.
- Support finalization of the draft legal framework, together with STEs and PT, on the establishment of a National Crime Prevention Office based on the results of the workshops, compliance analysis with EU and international standards and best practices, as well as the technical visit.

#### 4. EXPECTED OUTPUTS AND DELIVERABLES

The Consultant is expected to develop and submit to UNDP below listed deliverables;

Activity	Deliverable	Estimated Maximum Number of Person/days to be Invested by IC*	Target Date for Submission to UNDP
Support the development of the first draft legal framework report	Draft Legal Framework Report	6 days (Home-based) 2 days (Ankara and/or other pilot provinces)	January 15 <sup>th</sup> , 2020
Supporting preparation of the report of the technical visit to be made an EU member state selected by UNDP and supporting preparation workshops reports (if needed by UNDP)**	Speech/Presentation/ Input to the programme/agenda, technical visit report	6 days (Home-based) 2 days (Ankara and/or other pilot provinces)	June 30 <sup>th</sup> , 2020
Final draft legal framework report on the establishment of National Crime Prevention Office based on the results of	Final Draft Legal Framework Report	6 days (Home-based) 2 days	August 30 <sup>th</sup> , 2020

workshops, compliance analysis with EU and international standards along with best practices		(Ankara and/or other pilot provinces)	
<b>Estimated Maximum Total</b>		<b>24 Person/days</b>	

\*The “Estimated Maximum Number of Person/Days” indicated herein represent the maximum person/days that will be the basis of the payment to the Consultant throughout the contract validity. The payments to the Consultant will be based on the actual number of person/days invested for the development of each specific deliverable. The total person/days of the consultant (consecutive or non-consecutive person/days) dedicated to the assignment shall be at a **maximum of 24 person/days between December 2019 and September 2020. The Consultant is estimated to work at most 24 person/days.**

\*\*These activities/deliverables may be requested at the sole discretion of UNDP.

## 5. TIMING AND DURATION

The Assignment will cover the period in between 15 December 2019 and 29 September 2020 and the IC is expected to invest an estimated maximum of 24 person/days throughout Contract Validity. The number of person/days invested to carry out the assignment and to fulfill the required tasks detailed in this Terms of Reference shall not exceed 24 person/days throughout the Contract duration.

## 6. INSTITUTIONAL ARRANGEMENTS

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.

Neither UNDP nor any of the project partners are required to provide any physical facility for the work of the Consultant. However, depending on the availability of physical facilities (e.g. working space, computer, printer, land telephone lines, internet connection, etc.) and at the discretion of UNDP and/or the relevant project partners, such facilities may be provided at the disposal of the Consultant. UNDP and/or the relevant project partners will facilitate meetings between the Consultant and other stakeholders, when needed.

**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 of UNDP.**

The consultant will be under the direct supervision of and will report to the Project Manager of Civilian Oversight of Internal Security Forces Phase III Project.

## 7. PLACE OF WORK

The duty stations for this assignment are Home-based and Ankara, Turkey. The IC might be asked to travel to pilot provinces of the Project in Turkey for conduct of project activities. **Up to 6 person/days of this assignment are expected to be in Ankara or other provinces within Turkey and 18 person/days are expected to be home-based.**

Travel, accommodation and living expenses (terminal expenses, inter-city, intra-city travels, living costs such as breakfast, lunch, dinner, etc.) in the duty stations will be borne by the consultant and these expenses should be taken into consideration by the Consultant whilst determining his/her price proposal. No further payment will be affected to the Consultant within the scope of this Assignment for whatsoever reason (travel, accommodation, terminal, lunch, breakfast, dinner, etc.). **Throughout the whole assignment period, a maximum of 2 economy class round-trip flight tickets from the residential city of the Consultant to Ankara, Turkey will be borne by UNDP.**

Assignment-related travel and accommodation costs, which are pre-approved by UNDP outside of the duty stations will be borne by UNDP in line with UNDP's corporate rules and regulations. The costs of these missions may either be;

- Arranged and covered by UNDP CO from the respective project 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	<ol style="list-style-type: none"><li>1. Approval by UNDP of the cost items before the initiation of travel</li><li>2. Submission of the invoices/receipt, etc. by the consultant with the UNDP's F-10 Form</li><li>3. Acceptance and approval by UNDP of the invoices and F-10 Form.</li></ol>
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

	Minimum Qualification Requirements	Assets
<b>Qualifications and Skills</b>	<ul style="list-style-type: none"> <li>• University degree in law or social sciences focusing on law.</li> <li>• Excellent command of spoken and written Turkish and English.</li> </ul>	<ul style="list-style-type: none"> <li>• Master's or Ph.D. Degree in public law, security studies, human rights law or any other relevant field within social sciences.</li> <li>• Excellent spoken and written command of an EU language.</li> </ul>
<b>General Professional Experience</b>	<ul style="list-style-type: none"> <li>• Minimum 10 (ten) years of professional experience in academia, public, private or civil society institutions working on the security sector.</li> </ul>	<ul style="list-style-type: none"> <li>• More than 10 (ten) years of professional experience in academia, public, private or civil society institutions working on the security sector</li> <li>• Former experience in EU funded projects.</li> <li>• Former experience in drafting laws and regulations.</li> <li>• Former experience in working in areas that involve democratic oversight of the security sector or police-citizen relations or international human rights standards and principles.</li> <li>• Experience in working with government institutions/ security sector organizations of Turkey and /or EU countries.</li> <li>• Knowledge of Turkish penal law-related projects and/or activities.</li> </ul>

<b>Specific Professional Experience</b>	<ul style="list-style-type: none"> <li>• Minimum 5 (five) years of professional experience in the field of public administration system and/or legislation on the internal security sector and/or human rights and/or European principles and standards in public administration reform on civilian oversight of internal security and/or law enforcement.</li> <li>• Advanced knowledge of functioning of internal security sector in Turkey and law enforcement.</li> </ul>	<ul style="list-style-type: none"> <li>• Having publications on legal review.</li> </ul>
<b>Notes:</b> <ul style="list-style-type: none"> <li>• Internships (paid/unpaid) are not considered professional experience.</li> <li>• Obligatory military service is not considered professional experience.</li> <li>• Professional experience gained in an international setting is considered international experience.</li> <li>• Experience gained prior to completion of undergraduate studies is not considered professional experience.</li> </ul>		

## 9. PAYMENTS

Payments will be made within 30 days upon approval of deliverables and UNDP Certificate of Payment Form (COP) on the basis of actual number of person/days invested by the Individual Consultant for development of that respective deliverable and the pertaining Certification of Payment document signed by the Consultant and approved by the responsible Project Manager. While the Consultant may invest less or more than estimated number of person/days for each deliverable different than the estimated person/days stipulated in the table in Article 4, the total amount of payment to be affected to the Consultant within the scope of this Assignment cannot exceed equivalent of 24 person/days throughout the contract validity.

If the deliverables listed in Article 4 of this Terms of Reference are not produced and delivered by the expert in due time and to the satisfaction of UNDP, no payment will be made even if the expert has invested person/days to produce and deliver such deliverables.

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

The daily fee to be paid to the Consultant is fixed regardless of changes in the cost components. The daily fee amount should be indicated in gross terms and hence should be inclusive of costs related to tax, social security premium, pension, visa (if needed), 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.