

Annex-1: Terms of Reference (ToR)

International Consultant on Improvement of Legal Aid Practices for Syrian Population and Host Communities in Turkey (REF: IC-LA-2015)

Support to the Improvement of Legal Aid Practices for Access to Justice for All in Turkey

1. Background and Context

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 meant essentially 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 Bars but it should be seen 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 foresee 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, it is addressed by both EU progress Reports as well as international and national analysis that legal aid system in Turkey need to be improved in terms of its procedures, quality and impacts on citizens.

Within this framework, addressing the gaps in legal aid practices for disadvantaged groups, UNDP, Union of Turkish Bar Associations (UTBA) and Ministry of Justice (MoJ) initiated a joint Project for "*Support to the Improvement of Legal Aid Practices for Access to Justice for All in Turkey*" in September 2015. The Project aims for the elimination of the gaps and needs for an effective functioning legal aid system and ultimately better access to justice in Turkey. The main target group of the Project is disadvantaged groups including women, children, youth and disabled and local, age and gender specific approaches to legal aid will be developed under the Project.

The project focuses on institutional and individual level capacity enhancement activities for Union of Bar Associations of Turkey, local bar associations and attorneys practicing legal aid and plans to achieve the following results for enhancing the effectiveness and efficiency of the legal aid system in Turkey:

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

The Terms of Reference at hand is for the *International Consultant* who will support UNDP Project for the achievement of Result 5, specifically for the assessment and improvement of legal aid services provided in provinces where Syrian population mostly exist. The International Consultant will closely work with the Local Consultant to be recruited by UNDP, UTBA, MoJ and Advisory Committee of the Project under the leadership of UTBA.

2. Objectives

The objective of the assignment is to provide technical support for the activities to be carried out under Result 5 of the Project on underpinning the legal aid needs and improvement of the services in southern border province of Turkey where Syrian population mostly exit.

The International Consultant is expected to support the Project teams in terms of exploring locality specific legal aid needs of the host communities and Syrian population of international protection, which would include the identification of and attempts to overcome the specific obstacles in front of asking for legal aid in the local contexts. Besides, relying on the specific needs, capacity of service providers on legal aid to these groups will be enhanced through a series of tailor-made training programs.

3. Description of Responsibilities

The International Consultant will work closely with Local Consultant to be recruited under the Project, UNDP, Union of Turkish Bar Associations and Ministry of Justice and the local bar associations in Gaziantep, Hatay, Kilis, Şanlıurfa and Kahramanmaraş. Together with the Local Consultant to be recruited, the International Consultant will be responsible for the following:

- Conduct visits to local bar associations and interviews with attorneys, residents of the referred provinces including muhktars, officials from local authorities and national and international NGO representatives to assess the current situation and needs for effective legal aid service delivery
- Develop a needs assessment and recommendations report responding to locality-specific legal aid needs and for better functioning legal aid delivery model for the relevant target group.
- Conduct 8 one-day technical trainings, in accordance with the needs assessment and recommendations report, targeting 200 Code of Criminal Procedure (CCP) attorneys. In each province there will be 2 trainings conducted.
- Develop a strategy paper and road map for UTBA for improvement of legal aid services in referred provinces
- Where needed by UTBA and UNDP, provide international expertise and advice on matters related to the issues raised by Advisory Committee of the Project

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Expected Outputs

- Needs assessment and recommendations report drafted responding to locality-specific legal aid needs and for better functioning legal aid delivery model for the relevant target group
- Strategy paper and road map for UTBA for improvement of legal aid services in referred provinces
- Tailor made training modules for technical trainings targeting 200 CPP attorneys responsible of legal aid provision in the referred provinces

The reports will be drawn up in consultation with UTBA, UNDP Turkey and also Ministry of Justice, in case of need.

Reporting Line

The consultant will be responsible to Human Rights and Rule of Law Cluster Lead for the completion of the tasks and duties.

Reporting Language

The reporting language is English.

Title Rights

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4. Timing, Duration and Place of Work

The assignment will start in October 2015 and be completed in October 2016. The table below outlines the number of working days that are allocated to the International Consultant to carry out the assignment. The assignment is planned to be launched on 26 October 2015 and be completed by 1 October 2016.

Activity and Timing	International Consultant
Conduct visits to local bar associations and interviews with attorneys, residents of the referred provinces including muhtars, officials from local authorities and national and international NGO representatives to assess the current situation and needs for effective legal aid service delivery	35 w/d Gaziantep, Hatay, Kilis, Şanlıurfa and Kahramanmaraş
Develop a needs assessment and recommendations report responding to locality-specific legal aid needs and for better	10 w/d

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functioning legal aid delivery model for the target group	Place of Residence
Conduct 8 one-day technical trainings, in accordance with the needs assessment and recommendations report, targeting 200Code of Criminal Procedure (CCP) attorneys in the referred provinces. In each province there will be 2 trainings conducted.	20 w/d Gaziantep, Hatay, Kilis, Şanlıurfa and Kahramanmaraş
Develop a strategy paper and road map for UTBA for improvement of legal aid services in referred provinces	15 w/d Place of Residence Gaziantep, Hatay, Kilis, Şanlıurfa and Kahramanmaraş
Where needed by UTBA and UNDP, provide international expertise and advice on matters related to the issues raised by Advisory Committee of the Project	5 w/d Place of Residence
Total Days Allocated for the Assignment	85 w/d

5. Services and Facilities to be provided by UNDP

UNDP will provide project documents and background information. The meetings and workshops planned for the assignment will be organized by the Project.

6. Conditions of Payment

The International Consultant will be hired under an Individual Contract (IC) and be paid in USD on daily basis upon submission and approval of the deliverables listed below. The payments schedule for the Consultant is set out in the table below.

Deliverables	Payment Conditions
International Consultant	
Submission of needs assessment and recommendations report focusing on locality-specific legal aid needs and better functioning legal aid delivery model for the relevant target group	45 working days of the contracted amount*

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Submission of a strategy paper and road map for UTBA for improvement of legal aid services	20 working days of the contracted amount*
Submission of tailor made training modules and delivery of the technical trainings targeting 200 CPP attorneys responsible of legal aid provision in the referred provinces	15 working days of the contracted amount*
Submission of the recommendations notes on the issues raised by Advisory Committee	5 working days of the contracted amount*

* The payment conditions indicated herein represents the **maximum amount** to be paid for the particular deliverable and will be based on the **actual number of working days** invested for the development of each deliverable.

The amount paid shall be gross and inclusive of all associated costs such as social security, pension and income tax. Assignment-related travel and accommodation costs will be arranged through UN contracted travel agent and borne by UNDP.

7. Required Qualifications

Education:

S/he shall have a bachelor degree in law and advanced degree preferably in human rights, law, international law or other fields relevant to the assignment

General professional experience:

- S/he should have a minimum of ten (10) years professional international experience including at least 5 years of experience in providing consultancies for better access to justice services
- The International Consultant shall have proven experience in working with government, bar associations and civil society organisations

Specific professional experience:

- At least 5 years of hands-on work experience in developing tailor made training modules and its delivery for improvement of legal aid services for disadvantaged groups
- Experience in working on access to justice issues in conflict and conflict affected geographies is an asset
- Understanding the dynamics of human rights systems and related access to justice programs promoted by UNDP is an asset

Language Requirements:

- Full proficiency in English
- Proficiency in Arabic 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.
- 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).