

## **Annex-1: Terms of Reference (ToR)**

### **Local Consultant on Improvement of Legal Aid Practices for Syrian Population and Host Communities in Turkey (REF: LC2-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 *Local 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 Local Consultant will closely work with the International 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.

Together with the International Consultant, the Local 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 Local Consultant will work closely with International 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 International Consultant to be recruited, the Local 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 the referred provinces. (In each province there will be 2 trainings conducted)
- Support to the facilitation of 6 coordination meetings (2meetings in each year) of Project's Advisory Committee with the NGOs at referred provinces
- Develop a strategy paper and road map for UTBA for improvement of legal aid services in referred provinces

### 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**

The title rights, copyrights and all other rights whatsoever nature in any material produced under the provisions of this TORs will be vested exclusively in UNDP.

## **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 Local Consultant to carry out the assignment. The assignment is planned to be launched on 26 October 2015 and be completed by 1 October 2016.

<b>Activity and Timing</b>	<b>Local Consultant</b>
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	30 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 functioning	10 w/d

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legal aid delivery model for the relevant 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	20 w/d Place of Residence Gaziantep, Hatay, Kilis, Şanlıurfa and Kahramanmaraş
Support to the facilitation of 6 coordination meetings (2meetings in each year) of Project's Advisory Committee with the NGOs at referred provinces -	12 w/d Gaziantep, Hatay, Kilis, Şanlıurfa and Kahramanmaraş
<b>Total Days Allocated for the Assignment</b>	<b>92 w/d</b>

### 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 Local Consultant will be hired under an Individual Contract (IC) and be paid in TRY equivalent of 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
<b>Local Consultant</b>	
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	40 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 in referred provinces	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	20 working days of the contracted amount*
Submission of the reports of the Advisory Committee meetings with NGOs	12 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's 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 local experience including at least 5 years of experience in providing consultancies for legal aid services at local context
- S/he should have a proven record in working as legal aid attorney in Turkey
- The Local Consultant shall have proven experience in working with civil society organisations and bar associations in Turkey

### Specific professional experience:

- Proven experience in developing tailor made training modules and its delivery for improvement of legal aid services in Turkey
- Experience in working on access to justice issues in conflict affected sites in Turkey is an asset

### Language Requirements:

- Full proficiency in English and Turkish
- 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).