Terms of Reference

for

National Short-Term Senior Expert on Performance Evaluation of Internal Security Forces

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 emphasized in EU Progress Reports, acknowledging the contribution of the first two phases of the Project. The 2018 EU Progress Report recognized 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 1st Phase also assessed the gaps vis-à-vis EU standards in MoI and developed the concept of "local governance of ISFs". The 2nd Phase of the Project was implemented in 2012-2014 and designed to expand and institutionalize the introduced approaches and piloted structures of 1st 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 3rd 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 National Short-Term Senior Expert on Performance Evaluation of the ISFs will be mobilized for improvement of the performance evaluation system and the consistency of the control system by the Ministry of Interior over internal security forces.

2. SCOPE OF WORK

The overall objective of this assignment is to support the realization of Activity A.2 **"Improvement of the performance evaluation system and the consistency of the control system by the Ministry of Interior over internal security forces".**

Activities of internal security staff are evaluated within the scope of organization in which they work, and these evaluations are taken into consideration in the advancement and promotion of staff. The promotion of the staff is made in accordance with their seniority and merit, which has been regulated in the Law 3201 dated 04.06.1937 on Police Organization (Law 3201, Art. 55). In the same regulation, it is also emphasized that the main aim of the performance evaluation system is to measure the success level of staff with regards to the fulfillment of the designated strategic plan, objectives and duties undertaken by the National Police Department and to maximize the efficiency of the Department.

Before the direct affiliation of the Gendarmerie to the Ministry of Interior in 2016, Turkish Armed Forces Personnel Law No. 926 had been applied to the Gendarmerie personnel. With the introduction of the state emergency decree after the failed coup attempt in 2016, the responsibility of performance evaluation of all internal security forces was granted to Ministry of Interior. Decree Law No/682 on Disciplinary Provisions of Law Enforcement Officials regulates disciplinary provisions of staff of the General Directorate of Security, the Gendarmerie General Command and the Coast Guard Command. It also establishes disciplinary supervisors and boards, disciplinary inquiry procedures and other related matters.

Within this overall framework, the National STE will support the TAT to assist Ministry of Interior to establish an effectively functioning performance evaluation system of the internal security forces in line with the above-mentioned changes. The National STE is expected to take into account various dimensions of the service provided to the population in terms of citizen-focused and public safety-oriented performance with close cooperation of International STEs on the subject. Key points are to incorporate citizen satisfaction and citizen trust into police performance management system, together with more classic indicators to be identified. In addition, it is recommended that performance includes indicators such as transparent and efficient processing of complaints (to various organizations: police, prosecutors, Ombudsman, National Human Rights and Equality Institution and Parliamentary Human Rights Inquiry Commission) and also SDG 16.6.2 "Proportion of the population satisfied with their last experience of public services", and other comparable indicators.

There will also be a two-day workshop to be held in Ankara with the participation of the relevant stakeholders and the National STE is expected to contribute to the planning of this workshop.

3. DUTIES AND RESPONSIBILITIES

National STE is expected to perform the following tasks for realization of Activity A.2:

Under Component A:

- Supporting the International STE in the work of identifying the most relevant EU countries with the regards to the citizen-focused and public safety-oriented performance evaluation system.
- Supporting the International STE in developing comparative assessment report based on the results of the desk review and technical visits.
- Supporting the International STE in developing a gap analysis report on the current performance evaluation system of Turkey based on the review of the legislative framework and semi-structured interviews that will be made with the relevant authorities. EU best practices will also be taken into consideration in assessing gaps in the system.

- Supporting International STE in drafting a comprehensive recommendations report for an improved performance evaluation system of ISFs in Turkey.
- Contributing to the planning of and, if deemed necessary by UNDP, participating in a two-day workshop in Ankara to review and discuss the findings of the draft recommendations report (with approximately 80 participants) with close cooperation of International STEs.
- Drafting a workshop report and finalizing the recommendations based on the results of the workshop together with the International STEs.
- Supporting the TAT for the day to day business conduct of Project Activities such as:

  - Providing input for the Project Evaluation that will be conducted by independent Team of Experts.
  - Providing input for Progress and Final Reports.

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.

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
Initial desk review of Turkey's current performance evaluation legislation and structure along with best practices in EU countries which will be selected by UNDP, with regards to the performance evaluation systems	Comparative study of good practices in the selected EU countries	9 days (Home-based) 2 days (Ankara and/or other pilot provinces)	January 10th, 2020
Support to development of comparative assessment report based on the results of the desk review and technical visits	Comparative Assessment Report	6 days (Home-based)	February 10th, 2020
Support to development of a gap analysis report on the current performance evaluation system	Gap Analysis report of the performance evaluation model	6 days (Home-based)	March 10th, 2020
Support to drafting of comprehensive recommendations report for an improved performance evaluation system of ISFs	Draft Recommendations Report	6 days (Home-based)	March 15th, 2020
Organise a workshop to review and discuss the findings of the draft recommendations report	Workshop agenda, facilitation of the workshop	3 days (Ankara and/or other pilot provinces)	April 20th, 2020

Finalise recommendations based of the results of the Workshop	Final Version of the Recommendations Report	4 days (Home-based)	April 30th, 2020
Estimated Maximum Total		**36 Person/days**	

*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 36 person/days between October 2019 and May 2020. The Consultant is estimated to work at most 36 person/days.**

Without submission and approval (by UNDP) of all the above listed deliverables in due time and quality, the consultant shall not be entitled to receive any payment from UNDP even if he/she invests time in this assignment. In cases where the expert may need to invest additional person/days to perform the tasks and produce the deliverables listed and defined in this Terms of Reference, the expert shall do so without receiving any additional payment.

5. TIMING AND DURATION

The Assignment will cover the period in between 30 October 2019 and 29 May 2020 and the IC is expected to invest an estimated maximum of 36 person/days throughout this period. 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 36 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 5 person/days of this assignment are expected to be in Ankara or other provinces within Turkey and 31 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 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	1. Approval by UNDP of the cost items before the initiation of travel 2. Submission of the invoices/receipt, 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

	Minimum Qualification Requirements	Assets
Qualifications and Skills	• University degree in political science, international relations, public administration, law, security studies, human resources, sociology, or any other related field. • Excellent command of spoken and written English.	• Master's or Ph.D. Degree in public administration, security studies, or any other relevant field. • Training in human resources or any other relevant field. • Proven experience in writing policy reports.
General Professional Experience	• Minimum 10 (ten) years of professional experience.	• More than 10 (ten) years of professional experience. • Former experience in EU funded projects. • Former public or private professional experience in human resources and / or other performance evaluation tasks.
Specific Professional Experience	• Minimum 5 (five) years of professional experience in the fields of public administration, performance evaluation of the ISFs and control system. • Extensive knowledge and experience in democratic oversight of the ISFs.	• At least 1 (one) experience as a consultant in an internationally funded project. • More than 10 (ten) years of former professional experience in the fields of public administration, performance evaluation of ISFs and control system in Turkey.

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.

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 36 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.