



Terms of Reference
for
Gender Expert
within the scope of
Human Rights and Rule of Law Projects

1. Background

Human rights and rule of law is one of the key programmatic areas of United Nations Development Programme's (UNDP) Inclusive and Democratic Governance (IDG) Portfolio, in which interventions on rule of law, access to justice and legal-aid, fundamental rights and freedoms are clustered. The projects in this field aim to promote an environment conducive to the rule of law and the enjoyment of human rights, which would support an inclusive, people centered development agenda, through strengthening (a) the systems for access to justice and legal empowerment for people to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable, (b) the efficient functioning of the human rights mechanism, (c) oversight and anti-corruption efforts for efficient, responsive, transparent and accountable systems at local, regional and national levels.

Access to justice is one of the fundamental conditions for the establishment of the rule of law and it has increasingly been accepted as a basic social right in modern societies. The focus on access to justice by all is a recent approach in development cooperation. It supports a human rights-based approach to development: access to justice is a fundamental right, as well as a key means to defend other rights. Access to justice is as much about enhancing access to the courts and legal representation as strengthening the human capabilities in seeking and obtaining remedies for their grievances through formal or non-formal institutions in line with international human rights framework. Access to justice is of critical importance, especially when it comes to vulnerable and disadvantaged groups. Disadvantaged groups are groups of persons who are denied free access to the rights they are entitled with and who are subject to greater risk of poverty, social exclusion, marginalization and violence when compared with the general population. UNDP has two projects in the field of justice in Turkey, namely 'Improvement of Legal Aid Practices' (ILAP) and 'Enhancing Access to Justice and Legal Aid for Refugees in Turkey' (UNJP on SGBV and Legal Aid).

'Improvement of Legal Aid Practices' (ILAP)

Turkey's efforts to improve access to justice for all have been given impetus since 2000 and providing a better functioning legal system has been important. Looking at all national level plans and programs, it is all visible that more systematic, accessible, well-known and institutionalized legal aid system which also gives priority to create responsive systems to disadvantaged groups is given special importance. In parallel to this framework, lawyers and bar associations have been dedicated to the provision of legal aid services and better assistance for disadvantaged groups. Furthermore, Ministry of Justice took important steps via establishing the Department of Victims' Rights. Despite these initiatives, in EU Progress Reports and other analysis reports, the legal aid system in Turkey needs to be further supported and improved.

Based on the achievements and results of the "Support to the Improvement of Legal Aid Practices for Access to Justice for All in Turkey Phase I" (SILA I), this project aims to develop more coordinated, qualified and systematic approach into legal aid practices in Turkey and build awareness on the operationalization of performance management tools and mechanisms to enhance the efforts to ease access to justice. This will be achieved through developing mechanisms towards gaps for better coordination and improving networks among legal aid service providers such as Union of Turkish Bar Associations (UTBA), bar associations and lawyers, women NGOs and civil society. With the aim to develop a systematic and structured approach, the project will implement pilot practices for specialized legal aid services towards gender-based violence victims. The project

will also address the implementation of the policy recommendations for improved legal aid services generated in phase I and will further support the institutional needs of bar associations through the dissemination of performance criteria and evaluation mechanisms which were introduced to ensure an effective legal aid system in Turkey.

Phase II focuses on institutional and individual level capacity enhancement activities for Union of Bar Associations of Turkey, local bar associations and lawyers practicing legal aid as well as enhanced cooperation and coordination with NGOs and civil society organizations. Recalling from the experiences and findings of Phase I, Phase II of the project will implement pilot practices for specialized legal aid services towards gender-based violence victims, especially women. Through the evaluation of Poppy Project practices and development of a more consolidated and structured system of legal aid provision, more citizens will be able to access legal aid services.

‘Enhancing Access to Justice and Legal Aid for Refugees in Turkey’ (UNJP on SGBV and Legal Aid)

Enhancing Access to Justice and Legal Aid for Refugees in Turkey Project (UN Joint Programme) which is being carried out in cooperation with the Ministry of Justice (MoJ), UNDP (United Nations Development Programme) and UNHCR (United Nations High Commissioner for Refugees) prioritizes the rule of law, justice security and human rights by putting forward responding to urgent needs and long term goals. With high-level consensus on the strategic frame of strengthening the rule of law, the Ministry of Justice targets establishing Victim Rights Units in all courthouses around Turkey. Steps taken towards the protection and enhancement of victim rights allows the opportunity of cooperation between stakeholders.

The Syrian conflict has generated the largest refugee movement in the world. Turkey hosts the largest number of refugees in the world. According to official figures of the Directorate General for Migration Management (DGMM), currently there are 4 million refugees in Turkey. 3.6 million of these refugees are Syrians and the remaining are Iraqis, Afghans, Iranians, Somalians, and others who have been forced to leave their countries.

Turkey continues to provide refugees with access to national systems such as health, education, employment and social services via its Foreigners and International Protection Law. Institutions, United Nations (UN) and Civil Society Organizations work in cooperation in order to provide refugees with these services. Informing host communities, service provider institutions and refugees about rights, obligations and responsibilities, enhancing their access to justice and legal aid through improving services offered both nationally and locally are targeted in order to achieve the social cohesion of refugees in society.

With a view to implement the project activities in an effective and efficient way and achieve the expected results of the Project, a team of experts will be mobilized within the scope of the Project. The gender expert will provide technical inputs and gender perspective while implementing the project activities and reporting, in close cooperation and communication with UNDP Project Team (PT) composed of a Project Manager, a Project Associate and a Project Assistant, along with project partners. The gender expert will be responsible for delivery of outputs, in a timely and effective manner, which will be specified within specific service requests to be issued by UNDP.

2. Scope of Work

The Gender Expert will provide his/her expertise in all related activities in coordination with project partners and pilot bar associations. The Gender Expert is expected to provide technical inputs by using gender perspective for the planning, conducting and reporting of related project outputs. The requested reports should be in high quality and delivered in a timely manner in line with projects’ activity time plans.

3. Duties and Responsibilities

Gender Expert will be mobilized by UNDP with Individual Contract (IC) modality and is expected to perform the following tasks for each project:

Improvement of Legal Aid Practices

- Participate in and contribute to meetings with project partners including Union of Turkish Bar Associations, Ministry of Justice, Swedish International Development Cooperation Agency (SIDA), UNDP and other stakeholders as and when needed by UNDP
- Provide support to baseline studies for establishment (preparation of legislative framework and coordination board of pilots)
- Provide gender based technical inputs to training content, materials, reports, etc. provided within the scope of the project
- Provide support to communication and outreach for pilot bar associations
- Provide support to monitoring and review of local Poppy Practices
- Provide inputs to preparation of priority modules on legal aid for online training
- Ensure gender disaggregated data and gender analysis which will be conducted in gender responsive research methods and technics
- Ensure use of gender responsive questions and gender responsive language in written and oral presentations, reports, handouts, etc.
- Ensure human rights standards are applied, and gender equality is prioritized as an ethical principle within all actions

Enhancing Access to Justice and Legal Aid for Refugees in Turkey

- Contribute to the planning of trainings and awareness raising events in pilot provinces
- Produce reports where gender analysis is made for trainings and awareness raising events
- Write the gender equality section of the final project report
- Produce a comprehensive gender analysis report considering the overall scope & goals of the project for future implementation
- Ensure gender disaggregated data and gender analysis which will be conducted in gender responsive research methods and technics
- Ensure use of gender responsive questions and gender responsive language in written and oral presentations, reports, handouts, etc.
- Ensure human rights standards are applied, and gender equality is prioritized as an ethical principle within all actions

The above listed activities are subject to further revision with the consent of UNDP, in coordination with UTBA and MoJ in line with the emerging requirements of the Project. If required by UNDP, the IC may provide additional consultancy services related to his/her competencies and expertise, in line with the duties and responsibilities section in the terms of reference.

The Gender Expert's functions do not include managerial, supervisory and/or representative functions. The expert shall work in close cooperation with the UNDP project teams. The Gender Expert will report to the Project Manager of "Enhancing Access to Justice and Legal Aid for Refugees in Turkey" and "Improvement of Legal Aid Practices" Projects. The expert will also collaborate with the project focal points designated by UTBA, MoJ and UNHCR in designing and implementing project activities.

4. Expected Outputs and Deliverables

The Gender Expert will be contracted through a framework based Individual Contract, in which the services will be requested through specific service requests. The deliverables will be identified by UNDP Turkey CO in multiple service requests.

5. Specific Service Requests

The framework Individual Contract will be executed based on assignments detailed in each specific service requests to be made by UNDP. Service requests will be developed by UNDP in close coordination with the UTBA. The time schedule for each assignment will be determined by UNDP. The service request will be effective upon signature by the consultant.

6. 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,

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 of “Enhancing Access to Justice and Legal Aid for Refugees in Turkey” and “Improvement of Legal Aid Practices” Projects.

7. Timing and Duration

The assignment is expected to start on 28 October 2019 and be completed by 28 June 2022. The consultant is estimated to invest (at maximum) 50 person/days to fulfil the required tasks as per specific service requests to be made by UNDP throughout the contract validity.

8. Place of Work

The place of work will be Ankara, Turkey and the Assignment will require travels/missions to pilot provinces with respect to project needs and responsibilities of the consultant stated in Article 3. The travel costs, accommodation costs (bed and breakfast) and living costs (terminal expenses, intra-city travel costs, lunch, dinner, etc.) of the missions to other provinces will be borne by UNDP. UNDP will arrange economy class flight tickets through its contracted travel agency.

In case of need of additional travels that are unforeseen in the terms of reference, 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	

9. Required Qualifications

The consultant should have the following experience and qualifications:

	Minimum Qualification Requirements	Assets
General Qualifications	<ul style="list-style-type: none"> • Bachelor's degree in law, sociology, economics, social sciences or another related field. • Good command of both written and spoken English and Turkish. 	<ul style="list-style-type: none"> • Advanced university degree (i.e., Master's and/or Ph.D.) in gender studies, sociology, anthropology or economics.
Professional Experience	<ul style="list-style-type: none"> • Minimum ten (10) years of professional experience. • Proven experience in working with public institutions and/or international organizations. 	<ul style="list-style-type: none"> • Proven experience in working for projects about human rights, rule of law and/or gender equality.

Specific Experience	<ul style="list-style-type: none"> • At least five (5) years of proven professional experience in gender studies. • Proven experience in writing reports and conducting analyses. 	<ul style="list-style-type: none"> • Professional experience in designing projects. • Former professional experience in gender mainstreaming. • Former professional experience in working with refugees and/or people subjected to violence. • Former professional experience in design and delivery of trainings.
<p>Notes:</p> <ul style="list-style-type: none"> • 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 are 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 diversity based on ethnicity, age, sexual orientation, disability, religion, class, gender is 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. are introduced.

10. Payments

Payment terms and conditions will be specified in the specific service requests. Payments will be made within 30 days upon acceptance and approval of the corresponding services resulting from the service request made by UNDP, on the basis of actual number of days (not to exceed the maximum number of days stipulated in the service request) invested for that respective service request and the pertaining Certification of Payment document signed by the expert and approved by the responsible Project Manager. Payment terms and conditions along with the daily fee rate (indicated in the contract) and number of days invested (not to exceed the maximum number of days stipulated in the service request) will be the basis of payment to the IC. Payments will be made against submission of the deliverable(s) in the specific service requests by the IC and approval of such deliverables by UNDP.

Without submission of and approval of the deliverables, the IC holder shall not receive any payment even if he/she invests time for this assignment. The consultant shall be paid in USD 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 USD amount by the official UN exchange rate valid on the date of money transfer.

The amount paid shall be gross and inclusive of all associated costs such as social security, pension and income tax. The maximum total amount to be paid to the Consultant within the scope of this assignment cannot exceed equivalent of 50 person/days.

The contract to be signed between UNDP and the consultant will not entail a financial commitment from UNDP. UNDP's financial commitment will be established on an ad-hoc basis every time as services are officially requested by UNDP.

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.