

Terms of Reference
for
Trainer of Trainers Consultant
within the scope of

**Support to the Improvement of Legal Aid Practices for Access to
Justice for All in Turkey Phase II Project (ILAP)**



1 Background

Turkey's efforts to improve access to justice for all have been given impetus since 2000 and providing better functioning legal aid system has been seen an important means for attaining that goal. 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. Further Ministry of Justice took important steps via its Department of Victims' Rights. However, 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 needs to be further supported and improved in terms of its procedures, quality and impacts on citizens together with the coordination among all actors involved and further improvement of quality of legal-aid services provided by lawyers.

By considering all these circumstances and 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", 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 (Union of Turkish Bar Associations, Bar Associations and lawyers), women NGOs and civil society, as well as increased capacity of lawyers through an online training. 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 that are introduced to ensure an effective, coordinated and monitored legal aid system in Turkey.

The Second Phase 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 have access to legal aid services. The project aims to achieve the following results for enhancing the efficiency of the legal aid system in Turkey:

➤ **Result I: COORDINATION**

Output: Enhanced coordination between women NGOs, civil society organizations, public bodies, lawyers and bar associations to improve the legal aid system in Turkey.

➤ **Result II: SYSTEM DEVELOPMENT**

Output: Development of a systematic and structured approach for legal aid services via implementing and further improving best practices in pilot Bar Associations: Poppy Project Practices

➤ **Result III: CAPACITY DEVELOPMENT**

Output: Enhanced capacities of lawyers practicing legal aid through a tailor-made training programme

➤ **Result IV: AWARENESS RAISING**

Output: Awareness rising among bar associations in Turkey on the performance criteria and evaluation mechanism for legal aid services and automation system for appointment of CCP lawyers

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 consultants will be established within the scope of the Project. Trainer of trainers Consultant (ToT) will be engaged for the period in between May 2020 and December 2020. The Consultant will be responsible for delivery of specific project outputs detailed throughout this Terms of Reference, in close cooperation and communication with UNDP Project Team (PT).

2 Objective(s) of the Assignment

The objective of the assignment is to provide technical inputs for the planning, conduct and reporting of mainly the below specified component of the Project and to contribute to the effective preparation and delivery of related Project outputs, in a high quality and timely manner, under Support to the Improvement of Legal Aid Practices for Access to Justice for All in Turkey Phase II Project.

The Consultant will take part in the following outcome of the Project, along with its activities:

Outcome II - Development of a systematic and structured approach for legal aid services via implementing and further improving best practices in pilot Bar Associations: Poppy Project practices.

The mentioned activities will be planned and conducted in several provinces of Turkey, with the coordination of Union of Turkish Bar Associations (UTBA). The Consultant will provide expertise in planning, conducting and delivering trainings of trainers (ToT) in coordination with UTBA, MoJ, pilot bar associations and lawyers.

3 Duties and Responsibilities

The Consultant will be mobilized for the Project in between May 2020 and December 2020 with Individual Contract (IC) modality and is expected to perform the following tasks:

- Take part in the preparation and delivery of ToT.
- Provision of technical inputs to design, execution and monitoring of ToT in Ankara and collaborating with other consultants.
- Ensure smooth implementation of ToT defined within the scope of the Project Document.
- Specifically, the Consultant will be responsible for:
 - Contributing to planning, conducting and reporting **Activity 2.2** ToT Training Programme under Component II of the project.

- Ensuring cooperation with the Gender Equality Consultant on training design on approaching disadvantaged groups who are subjected to violence, especially gender-based violence.
- Provision of support on awareness raising planning and conducting of ToT Programme under Component II of the Project, in collaboration with other consultants and UNDP Project team.
- Ensuring design/drafting/production of comprehensive training modules and delivery of trainings with specific focus on including but not limited to; approaching to victims, effective communication, understanding the victims, what lawyers might face during the delivery of legal aid services in Violence Prevention Centers (VPCs), coping with stress under difficult circumstances and paying special attention to stop the continuation of traumatization.
- Provision of necessary inputs for the work of other consultants of the Project, as and when needed by UNDP.
- Preparation of ad-hoc reports, briefs and/or presentations on demand by UNDP.
- Working effectively and in collaboration with other consultants, the UNDP Project Team and Legal and Human Rights Specialist of UNDP, in order to ensure the smooth implementation of ToT within the scope of the Project Document.

The Consultant's functions do not include managerial, supervisory and/or representative functions. The Consultant shall work in close cooperation with the UNDP Project Team, Legal and Human Rights Specialist of UNDP and will report to the Project Manager of Support to the Improvement of Legal Aid Practices for Access to Justice for All in Turkey Phase II Project. The Consultant will also be closely working with Focal Points designated by UTBA and MoJ, in design and implementation of the project activities.

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 her/his competencies and expertise, in line with the Duties and Responsibilities stipulated in this Terms of Reference.

4 Expected Outputs and Deliverables

The Consultant shall deliver below listed deliverables/outputs to the satisfaction of UNDP:

| Deliverables/Outputs | Estimated Number of Person/days to be Invested by the IC* | Due Dates | Review and Approvals Required |
|--|--|------------------|---|
| 1. Preparation of ToT Programme | 5 Days | 29 May 2020 | UNDP Project Manager, in consultation with UTBA and MoJ |
| 2. Delivery of ToT Trainings** | 5 Days | 30 June 2020 | UNDP Project Manager, in consultation with UTBA and MoJ |
| 3. Contingency (if needed by UNDP)*** | 2 Days | 31 December 2020 | UNDP Project Manager, in consultation with UTBA and MoJ |
| Total Maximum Estimated Number of Person/days | 12 Person/days | | |

*The "Estimated Number of Person/Days" indicated herein represent the maximum person/days that will be the basis of the payment to the Individual Consultant (IC) throughout the contract validity. The payments to the IC

will be based on the actual number of person/days invested for the development of each specific deliverable. The total person/days of the IC (consecutive or non-consecutive person/days) dedicated to the assignment shall be at a maximum of 12 person/days between May 2020 and December 2020. Payments to the IC within the scope of this Assignment cannot exceed equivalent of 12 person/days.

****Investment of the person/days allotted to this Deliverable may be requested at the sole discretion of UNDP. The Due Date of this Deliverable may be revised by UNDP.**

*****Investment of the person/days allotted as “Contingency” may be requested at the sole discretion of UNDP.**

5 Timing and Duration

The assignment is expected to start on 21 May 2020 and is expected to be completed by 31 December 2020.

6 Institutional Arrangement

UNDP is not required to provide any physical facility for the work of the IC. However, depending on the availability of physical facilities (e.g. working space, computer, printer, telephone lines, internet connection etc.) and at the discretion of UNDP, such facilities may be provided at the disposal of the IC.

The Consultant will be working in coordination with the Project Team. Approvals will be required for the deliverables from UNDP upon submission of the deliverables stipulated in Article 4.

UNDP will provide project documents and background information including the legislative framework, previous works conducted in the field of legal aid and principles and guidelines on access to legal aid in criminal justice systems. The meetings planned for the assignment will be organized by the Project Team.

After submission of the deliverables listed in Article 4, UNDP may have some comments and revision requests on the deliverables. The Consultant shall address the comments of UNDP and shall revise the deliverables as per the comments within at most 10 calendar days following notification of comments by UNDP to the Consultant.

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.

All reports should be submitted in English and Turkish.

7 Place of Work

The place of work will be Ankara, Turkey. The costs to arise regarding flight tickets to be acquired by the Individual Consultant in order to join and leave the Duty Station shall be borne by the Individual Consultant. The prospective Individual Consultant is expected to take this into consideration whilst determining her/his Daily Fee. The Assignment may require several travels/missions to other provinces in Turkey, with respect to project needs and the duties and responsibilities of the Consultant.

Any kind of travel, accommodation costs (bed and breakfast) and living costs (intra-city travel costs, lunch, dinner, terminal, etc.) of the missions which are pre-approved by UNDP, will be borne by UNDP. UNDP will arrange economy class roundtrip flight tickets through its contracted Travel Agency.

In case of need of additional travels that are unforeseen in the ToR, the costs of the respective travels of the Consultant may either be:

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- 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 as 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 | |

8 Required Qualifications

| | Minimum Qualification Requirements | Assets |
|---|---|---|
| General Qualifications | <ul style="list-style-type: none"> ▪ Bachelor's Degree in educational sciences, social sciences or any other relevant field ▪ Good command of spoken and written Turkish and English ▪ Full computer literacy | <ul style="list-style-type: none"> ▪ Master's or Ph.D. Degree in educational sciences, social sciences or any other relevant field |
| General Professional Experience | <ul style="list-style-type: none"> ▪ Minimum 10 (ten) years of professional experience ▪ Experience in drafting reports | <ul style="list-style-type: none"> ▪ Experience in working in development projects |
| Specific Professional Experience | <ul style="list-style-type: none"> ▪ Minimum 3 (three) years of experience in designing, planning and delivering trainings ▪ Experience in working with public institutions, international organizations and/or civil society organizations | <ul style="list-style-type: none"> ▪ Experience in taking part in vocational trainings for human rights, rule of law and/or access to justice ▪ Experience in working with legal practitioners, psychologists and/or social workers |

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.*

9 Competencies

Individual Consultant needs to have below competencies:

- Ability to design and develop time plans and resource schedules for complex tasks and task groups.
- Ability to work in multi-disciplinary and multi-cultural teams.
- Ability to work under pressure against strict deadlines.
- Ability to think out-of-the-box.
- Ability to present complex issues persuasively and simply.
- Ability to contextualize global trends in accordance with the dynamics of the operating (working) environment.
- Ability to collaborate with UNDP Turkey CO Inclusive and Democratic Governance Portfolio and the Project Team and work closely and in collaboration with the other consultants of the Project.
- Ensure use of gender responsive language in written and oral presentations, reports and handout etc.
- Ensuring human rights standards are applied, and gender equality is prioritized as an ethical principle within all actions.

10 Payments

Payments will be made within 30 days upon the approval of each deliverable and UNDP Certification of Payment Form (COP) by UNDP on the basis of actual number of person/days invested by the Individual Consultant for the respective deliverable and pertaining payment documents signed by the Consultant and approved by the responsible Project Manager. While the Consultant may invest less or more than the 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 12 person/days throughout the contract validity.

Consultant will be engaged under an Individual Contract (IC). The price proposal will be given in TRY and the Consultant will be paid upon submission of the deliverables as detailed above. If the Consultant resides in a country other than Turkey, the payment shall be realized in USD through conversion of the TRY amount by the official UN Operational Rate of Exchange applicable on the date of money transfer.

If the deliverables are not produced and delivered by the consultant to the satisfaction of UNDP, no payment will be made even if the consultant has invested person/days to produce and deliver such deliverables.

The daily fee to be paid to the IC 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. UNDP will not make any further clarification on costs related to tax, social security premium, pension, visa, etc. It is the applicants' responsibility to make necessary inquiries on these matters.

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.