

**Terms of Reference for Legal Consultant (Assessor)  
within the scope of  
Enhancing Access to Public Services and Recourse for  
Violence Against Women (VAW) Survivors Project**

## **1. BACKGROUND**

Violence against women (VAW) is still among the most significant challenges every day, everywhere in the world, including Turkey, and remains as one of the most persistent human rights violations. VAW is systematically violating women's rights to live in security and restricting their equal participation in various aspects of social life. Currently, the COVID-19 pandemic may be exacerbating the problem, as women and girls are confined indoors under lockdowns and quarantines for extended periods of time, often with the men who are perpetuating the violence against them.

Significant progress has been made in Turkey regarding the improvement of legal regulations on VAW and implementation of policies developed for the elimination of the VAW. These include, among others, the enactment of Law No. 6284 on the Protection of Family and Prevention of Violence against Women, the launch of legislative reports, the establishment of specialist offices within law-enforcement agencies and prosecution services to deal with cases of VAW, the rise in the number of shelters. However, despite all the efforts, it is observed that VAW continue throughout Turkey -as it is in the other countries in the world- and women are subject to violence at any point in their lives.

UNDP is committed to continuing to provide support to the Government of Turkey and other partners to eliminate VAW and empower women in Turkey. UNDP, with experience in managing projects, key partnerships and programmes on legal aid service provision and access to justice, is well positioned to provide technical assistance on legal aid for VAW survivors. In this regard, "Enhancing Access to Public Services and Recourse for Violence Against Women (VAW) Survivors Project" is designed to lay the foundation for a solid engagement in equality, rule of law, access to justice and human rights area that responds to immediate needs emerging from the COVID-19 pandemic and addresses longer-term recovery.

The Project has 4 outputs:

- 1) Recommendations report produced for strengthening VAW response mechanisms
- 2) Enhanced capacities of CSOs which provide tailored services to VAW survivors
- 3) Awareness raised about VAW response mechanisms among justice sector actors
- 4) Bar Associations supported for improved legal aid service delivery and coordination

A Legal Consultant (Assessor) will be recruited within the scope of the first output (Recommendations report produced for strengthening VAW response mechanisms) of the Project. The Individual Consultant (IC) will be engaged for the period between **15 March 2021** and **30 May 2021**. The IC engaged with this Terms of Reference will be responsible for supporting the delivery of the first output detailed throughout this Terms of Reference, in close cooperation and communication with UNDP Project Team (PT).

## 2. OBJECTIVE AND SCOPE

The objective of the assignment is to produce a needs assessment and a recommendations report based on the findings of the assessment under the below specified output of the Project, with a view to strengthen legal aid service provision and opportunities for better access to justice in local VAW referral and coordination mechanisms. The IC is expected to contribute to the effective preparation and delivery of related outputs in a high quality and timely manner.

The IC will take part in and contribute to realization of the following output:

**Output 1** - Recommendations report produced for strengthening VAW response mechanisms

The output will be planned and conducted for several provinces with the coordination of Ministry of Justice (MoJ). The IC will provide technical inputs and expertise in planning, conducting and reporting of all related activities, in coordination with MoJ.

## 3. DUTIES & RESPONSIBILITIES OF THE INDIVIDUAL CONSULTANT (IC)

The IC is expected to perform the following tasks:

- Design and conduct a needs assessment for examining the institutional referral and coordination mechanisms and their efficiency with regards to the legal aid service provision and access to justice for VAW survivors in pilot provinces. This will include:
  - Assessing the efficiency of the implementation of inter-ministerial protocol and circulars of Ministry of Interior and MoJ on VAW with specific focus on legal aid service provision and access to justice practices
  - Assessing the need for legal aid and access to justice practices within local VAW response network, in terms of solutions provided after injunction decisions (examining solutions provided by the provincial directorates of related Ministries such as Health; Family, Labour and Social Services; Interior and Justice and cooperation and coordination mechanisms among referred institutions)
  - Assessing the problems in legal aid service provision and access to justice that institutions and organizations encountered during the COVID-19 pandemic
- Contribute to identifying the pilot provinces where the needs assessment is to be conducted, in consultation with the MoJ
- Design the methodology and questionnaires for the interviews
- Contribute to identifying the eligible respondents to conduct the interviews
- Provide support for arranging the interview schedule with the respondents
- Keep interview materials safe and secure
- Analyze the interview responses and results
- Draft the recommendations report based on the findings of the assessment that includes:
  - Solutions for strengthening the capacities of and coordination among organizations responsible for providing services to VAW survivors including the most vulnerable
  - Recommendations for policy coherence among actors and supporting them for generating durable solutions for VAW survivors
- Participate in and contribute to meetings with project partners including MoJ, UTBA, civil society organizations (CSOs), etc.

The IC's functions do not include managerial, supervisory and/or representative functions. The IC shall work in close cooperation with the UNDP Project Team and Legal and Human Rights Specialist of UNDP and will report to the Project Manager of "Enhancing Access to Public Services and Recourse for Violence Against Women (VAW) Survivors Project". The IC will also collaborate with the Project focal points designated by MoJ in designing and implementing Project activities.

The above listed activities are subject to further revision with the consent of UNDP, in coordination with 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. DUTIES AND RESPONSIBILITIES OF UNDP

UNDP will provide background materials, for the IC's review, reference and use. Neither UNDP nor any of the Project partners are required to provide any physical facilities 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 in consultation with relevant stakeholders, such facilities may be provided at the disposal of the IC. UNDP and/or the relevant Project partners will facilitate meetings between the IC and other stakeholders, when needed.

The Legal Consultant (Assessor) will be reporting to "Enhancing Access to Public Services and Recourse for Violence Against Women (VAW) Survivors Project" Project Manager and will work in close coordination and collaboration with other Consultants of the Project. Approvals will be required for the deliverables from UNDP, upon submission of the deliverables stipulated in Article 5.

After submission of the deliverables listed in Article 5, 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 purpose or shared with a third party without any written approval from UNDP.

#### 5. EXPECTED OUTPUTS AND DELIVERABLES

The IC is expected to invest (at maximum) **30 person/days in total** throughout the contract duration. The table below outlines the number of person/days that are allocated to the Individual Consultant to carry out the assignment.

The **Legal Consultant (Assessor)** is expected to deliver the below outputs/deliverables 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. Assessment methodology and strategy	5 Person/days	26 March 2021	UNDP Project Manager, in consultation with MoJ
2. Needs Assessment	20 Person/days	23 April 2021	UNDP Project Manager, in consultation with MoJ
3. Recommendation Report	5 Person/days	30 April 2021	UNDP Project Manager, in consultation with MoJ
<b>Estimated Maximum Total Number of Person/days</b>	<b>30 Person/days</b>		

#### ▪ **Reporting Line**

The IC shall be responsible to the Project Manager for the completion of the tasks and duties assigned in Article 3 and 5 of this ToR. The reports shall be submitted to the Project Manager for approvals.

#### ▪ **Reporting Language and Conditions**

The reporting language shall be in Turkish and English. All information shall be provided in electronic versions in word and PDF format. The IC shall be solely liable for the accuracy and reliability of the data provided and links to sources of information used.

#### ▪ **Title Rights**

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

### **6. TIMING AND DURATION**

The IC is expected to invest (at maximum) **30 person/days** to fulfill the required tasks stated in Article 3 and 5, throughout the contract validity.

In order to fulfill required tasks for the development of deliverables as defined and listed in the table above in Article 5, the **estimated** number of person/days to be invested is also provided. The number of days presented as ‘estimated number of person/days to be invested’ is **indicative**. The IC may invest less/more than the estimated number of person/days for each deliverable and finalize the respective deliverable.

The payment for each deliverable will be made on the basis of the actual number of person/days invested for that respective deliverable; however, the overall number of person/days to be invested for all deliverables cannot exceed **30 person/days** throughout the contract period.

### **7. PLACE OF WORK**

Place of work for the assignment will be Ankara, Turkey. The IC may be requested to travel in Turkey. 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 of Turkey will be borne by UNDP. UNDP will arrange economy class round-trip 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 IC may either be:

- Arranged and covered by UNDP from the respective budget without making any reimbursements to the IC, through UNDP’s official Travel Agency or,
- Reimbursed to the IC upon the submission of the receipts/invoices of the expenses by the IC 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 IC 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	

As per UNDSS rules, the IC is responsible for completing necessary online security trainings and submitting certificates and travel clearance prior to assignment-related travels.

## 8. REQUIRED QUALIFICATIONS

The qualification requirements and/or experience for “**Legal Consultant (Assessor)**” are presented below:

	Minimum Qualification Requirements	Assets
<b>General Qualifications</b>	<ul style="list-style-type: none"> <li>Bachelor's Degree in law</li> <li>Good command of spoken and written Turkish and English</li> </ul>	<ul style="list-style-type: none"> <li>Advanced Degree in law, international relations, political science, sociology, economics and/or any other related discipline</li> </ul>
<b>General Professional Experience</b>	<ul style="list-style-type: none"> <li>Minimum 7 (seven) years of general professional experience</li> <li>Experience in conducting research and interview techniques</li> <li>Experience in writing reports</li> </ul>	<ul style="list-style-type: none"> <li>Academic studies conducted in the field of VAW (such as a Master's Degree, Master's or Doctoral thesis, publications and/or certificate programme)</li> </ul>
<b>Specific Professional Experience</b>	<ul style="list-style-type: none"> <li>Minimum 2 (two) years of professional experience in data analysis</li> </ul>	<ul style="list-style-type: none"> <li>Experience in working for projects in the field of human rights and rule of law</li> </ul>
<b>Notes:</b> <ul style="list-style-type: none"> <li>Internships (paid/unpaid) are not considered professional experience.</li> <li>Obligatory military service is not considered professional experience.</li> <li>Professional experience gained in an international setting is considered international experience.</li> <li>Experience gained prior to completion of undergraduate studies is not considered professional experience.</li> </ul>		

UNDP is committed to achieving workforce diversity in terms of gender, race, ethnicity, indigenous identity, disability and culture. Individuals from all genders, minority groups, indigenous groups and persons with disabilities are equally encouraged to apply. All applications will be treated with utmost confidentiality.

The consultant should avoid any kind of discriminatory behavior 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
- 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.

## 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,
- Ensure use of gender responsive language in written and oral presentations, reports, handouts, 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 deliverables by UNDP, along with the Certification of Payment Form (COP) on the basis of the actual number of person/days invested by the IC for development of that respective deliverable and pertaining payment documents signed by the IC and approved by the responsible Project Manager. While the IC 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 5, the total amount of payment to be affected to the IC within the scope of this Assignment cannot exceed equivalent of **30 person/days** throughout the contract validity.

If any of the deliverables stipulated in Articles 3 and 5 of this Terms of Reference are not produced and delivered by the IC in due time and to the satisfaction of UNDP, no payment will be made even if the IC has invested working/days to produce and deliver such deliverables.

The IC 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 Operational Rate of Exchange applicable on the date of money transfer.

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.