

**Terms of Reference for Legal Consultant (Counsel)  
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 Civil Society Organizations (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 (Counsel) will be recruited within the scope of the second output (Enhanced capacities of CSOs which provide tailored services to VAW survivors) of the Project. The Individual Consultant (IC) will be engaged for the period between 2 August 2021 and 31 December 2021. The IC will be responsible for providing legal counselling and support to VAW survivors, supporting the services provided by the Women's Solidarity Foundation (Kadın Dayanışma Vakfı) and the delivery of related Project outputs as 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 provide legal counseling and support to VAW survivors under the below specified output of the Project, with a view to enhance the capacity of CSOs in their service delivery. The IC is expected to support the activities undertaken by the Women's Solidarity Foundation, as well as contributing to the effective delivery of related Project outputs in a high quality and timely manner.

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

**Output 2** - Enhanced capacities of CSOs which provide tailored services to VAW survivors

The output will be planned and conducted with the coordination of the Women's Solidarity Foundation. The IC will provide expertise in planning, conducting and reporting of all related activities, in coordination with the Foundation.

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

The IC is expected to perform the following tasks:

- Providing legal counselling to women applying to the women counselling centre for legal support and managing the support process in coordination with the Social Work Consultant.
- Examining the relevant documentation and supporting petition writing in order to support the judicial process of applicants when necessary.
- Following up the legal and political developments about combating VAW.
- Participating in workshops, meetings, etc.; making presentations and providing information on subjects such as combating VAW, legal rights, support mechanisms etc.
- Providing input to the activity reports that are prepared on women counselling centre related work.
- Making content-based contributions for informative publications and visual materials.
- Contributing to the Foundation's activities and policy making related studies focused on gender mainstreaming and VAW.
- Regularly attending team meetings for the coordination of the women counselling centre related work.
- Ensuring the active participation of voluntary legal support team to the Foundation's activities.
- Preparing ad hoc reports, briefs and/or presentations, as and when demanded by UNDP.

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 will report to the Project Manager of "Enhancing Access to Public Services and Recourse for Violence Against Women (VAW) Survivors Project". The IC will collaborate with the Project focal points designated by the Women's Solidarity Foundation in designing and implementing Project activities.

The above listed activities are subject to further revision with the consent of UNDP, in coordination with the Women's Solidarity Foundation, 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 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 IC and other stakeholders, when needed.

The IC 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 IC 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 IC.

All documents and data provided to the IC 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 **Legal Consultant (Counsel)** is expected to deliver the below outputs/deliverables:

<b>Deliverables/Outputs</b>	<b>Estimated Number of Person/days to be Invested by the IC (Indicative)</b>	<b>Due Dates</b>	<b>Review and Approvals Required</b>
Report about legal counselling services provided to applicants (minimum 25 applicants should be counselled and the report should include violence types such as physical, psychological or sexual violence)	25 Person/days	21 December 2021	UNDP Project Manager, in consultation with Women’s Solidarity Foundation
Report containing the developments in the justice sector and legal policies, in the field of preventing VAW	5 Person/days	22 November 2021	UNDP Project Manager, in consultation with Women’s Solidarity Foundation
<b>Estimated Total Number of Person/days (Indicative)</b>	<b>30 Person/days</b>		

The number of person/days are solely provided to give the IC an idea on the work to be undertaken. The payment for each deliverable will be made in accordance with the lump-sum price of each deliverable, irrespective of the number of person/days to be actually invested by the IC for the completion of each respective deliverable.

▪ **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 Assignment is expected to start on **2 August 2021** and be completed by **31 December 2021**.

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 solely as indicators. 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 person/days will not be linked with the payments.

The payment for each deliverable will be made on the basis of the lump-sum price of the respective deliverable.

## 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	

Accommodation	Up to 50% of the effective DSA rate of UNDP for the respective location	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.
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 (Counsel)** 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> <li>Full computer literacy</li> </ul>	<ul style="list-style-type: none"> <li>Advanced degree in law or any other relevant field</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 drafting reports</li> <li>Experience in providing legal counselling services</li> </ul>	<ul style="list-style-type: none"> <li>Experience in working with institutions responsible for preventing violence in Turkey</li> <li>Knowledge on the work and activities of non-governmental organizations working in the field of women's rights in Turkey</li> </ul>
<b>Specific Professional Experience</b>	<ul style="list-style-type: none"> <li>Knowledge on the legislation regarding preventing violence against women</li> </ul>	<ul style="list-style-type: none"> <li>Knowledge on international legal instruments</li> <li>Experience in providing policy recommendation</li> <li>Experience in and/or knowledge on subjects such as gender mainstreaming, gender equality, gender-based violence and/or other related fields</li> <li>Knowledge on and experience in providing counselling to people subjected to violence and/or members of vulnerable groups</li> </ul>
<p>Notes:</p> <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 IC 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

The IC 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 gender disaggregated data and gender analysis which will be conducted in gender responsive research methods and technics,
- Ensure use of gender responsive language in written and oral presentations, reports and handouts etc.,
- Ensure 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 lump-sum price 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, nevertheless the payment to be affected to the IC for each deliverable will be based on the lump-sum price of the respective deliverable.

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 person/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.