Terms of Reference
for
Content Development Consultant for Preparation of "Being an Effective Criminal Defense Attorney in Practice" Module for Learning Management System 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 raising 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 Training Needs Assessment (TNA) Consultants will be established within the scope of the Project. Content Development Consultant for Preparation of "Being an Effective Criminal Defense Attorney in Practice" Module for Learning Management System will be engaged for the period between July 2022 and May 2023. 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). In this regard, the Team of TNA Consultants will be as follows:

1. Content Development Consultant for Preparation of Human Rights Module for Learning Management System
2. Content Development Consultant for Preparation of Notion of Legal Profession Module for Learning Management System
3. Content Development Consultant for Preparation of Using E-Applications for Lawyers Module for Learning Management System
4. Content Development Consultant for Preparation of "Being an Effective Criminal Defense Attorney in Practice" Module for Learning Management System
5. Content Development Consultant for Preparation of Office Management for Lawyers Module for Learning Management System

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.

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

> **Outcome III** – Enhanced capacities of lawyers practicing legal aid through a tailor-made training programme; specifically, ***Activity 3.2: Preparation of Priority Modules on Legal-Aid for Online Training***

The activity will be planned in consultation with Union of Turkish Bar Associations (UTBA). The Consultant will work together with a Team of Distance Education Experts (DEE Team) mobilized through a professional company hired by UNDP, in order to provide expertise in planning and preparing of training modules. The modules will address critical practical skills and theoretical concepts for strengthening capacities of lawyers. The distance learning module will be complementary to the in-service trainings provided by UTBA and in line with the international principles and standards.

3 Duties and Responsibilities

The Consultant will be mobilized for the Project in between 1 July 2022 and 31 May 2023 with Individual Contract (IC) modality and is expected to perform the following tasks:

- Develop content and support developing the script of the module for the learning management system of UTBA.
- Write approximately 15-20 pages long (3500-5000 words) content for each of the 6 sub-modules (90-120 pages in total); drafting the content of video scenarios (approximately 800 words for each sub-module); and writing at least 20 questions for each of the 6 sub-modules (at least 120 questions in total) regarding the guidelines provided by the DEE Team.
- Ensure smooth implementation of the priority modules defined within the scope of the Training Needs Assessment (TNA) document.
- Produce a comprehensive module with specific focus on, including but not limited to; providing effective defender courses that will be beneficial in increasing legal aid in criminal law in accordance with the general objectives of the project by creating two modules, namely, effective defender in law enforcement and effective defender in courts, so that new lawyers who have little experience can also be better supported in this field where they face most challenges.
- Work together with a team of experts, providing expertise in practical skills and theoretical concepts for strengthening the capacities of lawyers.
- Prepare ad-hoc reports, briefs and/or presentations as and when demanded by UNDP.
- Work in collaboration with the Team of TNA Consultants, who will also be developing modules for UTBA's learning management system.
- Write learning objectives for the module of Effective Criminal Defense; Write the main learning material content for the module of Effective Criminal Defense; Write a draft for the video scenario of the module of Effective Criminal Defense; Write questions assessing the capabilities covered in the content of the module of Effective Criminal Defense.
- Participate in meetings as deemed necessary by UNDP.

Originality will be sought in the content to be written. Full compliance with copyrights (use of images, use of text, etc.) is expected in the content to be written.

Apart from all these, the Consultant is expected to fully comply with the DEE Team that will guide developing the content (participate in the 5-day (possibly 3+2 days method) training program on writing e-learning content, scenario, and assessment items); attend one-on-one meetings with distance education experts on time; comply with the scheduled feedback phases; make the requested corrections on time) and comply with the schedule to be presented in accordance with the assignment period. Following participation in the training program, the Consultant is expected to produce the first chapter of e-learning content.

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 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. 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 (Indicative)	Due Dates	Review and Approvals Required
First chapter of e-learning content	5 Person/days	25 July 2022	UNDP Project Manager, in consultation with UTBA
Learning objectives for the module of Effective Criminal Defense	1 Person/day	1 August 2022	
The main learning material content for the module of Effective Criminal Defense	20 Person/days	15 September 2022	
A draft for the video scenario of the module of Effective Criminal Defense	2 Person/days	30 September 2022	
Questions assessing the capabilities covered in the content of the module of Effective Criminal Defense	2 Person/days	31 October 2022	
Estimated Total Number of Person/days (Indicative)	**30 Person/days**		

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 invested by the IC for the completion of each respective deliverable.

The Consultant will not be entitled to any payment for work which have not been accepted by UNDP.

- ***Reporting Line***

The IC shall be responsible to the Project Manager for the completion of the tasks and duties assigned in Article 3 and 4 of this ToR. The reports shall be submitted to the Project Manager for approvals.

- ***Reporting Language and Conditions***

The reporting language shall be English and Turkish. 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.

5 Timing and Duration

The assignment is expected to start on 1 July 2022 and is expected to be completed by 31 May 2023.

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 Financial Proposal. 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:

- 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	▪ Bachelor's Degree in Law ▪ Good command of spoken and written Turkish and English ▪ Full computer literacy	▪ Master's or Ph.D. Degree in Law and/or any other relevant field
General Professional Experience	▪ Minimum 10 years of professional experience ▪ Knowledge of Turkey's judicial and legal system ▪ Professional knowledge about the legal aid system in Turkey ▪ Active practice of law as defense lawyer, with experience in providing legal aid in criminal cases	▪ Experience in preparing law enforcement or code of criminal procedure related trainings ▪ Experience in collaborating with public institutions, international organizations and/or civil society organizations within the context of judicial and/or legal subjects
Specific Professional Experience	▪ Practical and theoretical knowledge about implementation of legal aid in Turkey ▪ Experience in preparing training modules on Legal Aid and Code of Criminal Procedure of Republic of Turkey ▪ Experience in providing training at continuous professional development centers and/or training centers of bar associations and/or UTBA	▪ Collaborative experience with IT experts and/or IT companies for production of content for digital platforms ▪ Experience in production of scenarios and/or scripts for trainings and/or modules

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 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 4, 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 4 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 amount to be paid to the IC is fixed regardless of changes in the cost components. The financial proposal 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.