



Terms of Reference

for

Legal Expert

within the scope of

Support to the Improvement of Legal Aid Practices for Access to Justice for All in Turkey Phase II

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 experts is being established within the scope of the Project. The Legal Expert (ATT) will be mobilized for the entire duration of the project's implementation and delivery of specific project outputs in close cooperation and communication with UNDP Project Team (PT), as detailed throughout this Terms of Reference (ToR).

2. Scope of Work

The objective of the assignment is to provide technical inputs for the planning, conducting and reporting of mainly the two below-listed components and contributing to the effective delivery of related project outputs with high quality in a timely manner under Support to the Improvement of Legal Aid Practices for Access to Justice for All in Turkey Phase II Project.

Specifically, the Legal Expert will take part in project activities concerning:

Output I - Enhanced Coordination Between Women NGOs, Civil Society Organizations, Lawyers and Bar Associations to Improve the Legal Aid Provision in Turkey

Output 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 studies will be planned and conducted in several provinces with the coordination of Union of Turkish Bar Associations (UTBA). The Legal Expert (ATT) will provide expertise in planning, conducting, and reporting of all related activities in coordination with UTBA, MoJ, pilot bar associations, lawyers and NGOs.

3. Duties and Responsibilities of the Individual Consultant

Legal Expert (ATT) will be mobilized for the Project between 18 July 2022 and 31 May 2023 with Individual Contract (IC) modality and is expected to perform the following tasks:

- Provide inputs to the overall activity schedule, calendar, scope and methodologies of analyses, studies, surveys, field visits, trainings, regional and local meetings, workshops, events, written and visual materials, etc. of the Project both in Ankara and in the field and reporting outlines and formats in collaboration with other experts and UNDP Project Team and ensure smooth implementation of all activities of Component 1 and 2 of the Project.
- Provide technical inputs to (i) design, execution and monitoring of all Component 1 and 2 activities in Ankara and in the field, in collaboration with other experts; (ii) development of technical project reports; (iii) secure submission of all related reports/outputs in a quality and timely manner. Specifically, the Legal Expert will be responsible for:
 - o Providing support to planning, conducting and reporting of **Activity 1.1** Networking and Coordination Practices under Component 1 of the Project, and providing technical inputs for

networking and coordination strategy and identify partners for supporting the establishment and strengthening of local networks between VVSCs and NGOs, ministries and municipalities, along with developing tools and guiding notes for supporting facilitation of discussions during regional workshops.

- Revising training agenda and materials, along with delivering and reporting regarding training programme under **Activity 2.1** Tailor-made Training Programme under Component 2 of the Project.
 - Revising training agenda and materials, along with delivering and reporting regarding training programme under **Activity 2.2** ToT Training Programme under Component 2 of the Project.
 - Contributing to planning, conducting and reporting of **Activity 2.5** Monitoring and Review of Local Poppy Practices under Component 2 of the Project, and conducting visits to VVSCs and liaise with lawyers working in VVSCs to identify good practices and challenges in functioning of the centers. This will include identification of bottlenecks and proposing strategic solutions regarding the implementation of VVSC Directives and reporting of these to UNDP. Providing technical inputs to strategic, framework documents and evaluation reports on the functioning of VVSCs, with a view of ensuring that monitoring and reporting activities are well integrated into the operations of VVSCs and bar associations.
- Provide necessary inputs for the work of other experts of the Project when needed by UNDP.
 - Prepare ad-hoc reports, briefs and/or presentations, as and when requested by UNDP.
 - Ensure collaboration with UNDP Turkey CO Inclusive and Democratic Governance Portfolio and the Project Team and work closely and in collaboration with other experts of the Project.
 - Prepare protocols and follow up detailed explanatory reporting every 3 months through legal practitioners (from legal aid, children rights or refugee rights committees) for each established center, related to the structure of how these centers work and whether the implementation in centers are in accordance with the directive or not.

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.

The Legal Expert shall be responsible for providing technical inputs to the Project and its activities listed above, including related reporting and documentation. His/her functions do not include managerial, supervisory and/or representative functions vis-a-vis UNDP Staff/Personnel. The Legal Expert shall work in close cooperation with the Access to Justice and Human Rights Specialist, along with the 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. The Legal Expert will also be closely working with the Focal Points designated by UTBA and Ministry of Justice (MoJ) in design and implementation of the project activities.

4. Expected Deliverables and Outputs

The Individual Consultant 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 (Indicative)	Due Date	Review and Approvals Required
1. Revised concept note, report of the sessions facilitated/delivered during 2 regional workshops and supporting documents (such as briefs on potential partnerships, templates for protocols, draft SOPs for VVSCs, etc.) aimed at facilitating and framing the discussions developed, under Activity 1.1 of the Project	12 Person/days	31 August 2022	UNDP Project Manager, in consultation with UTBA
2. Revised training agenda and materials, along with facilitation of delivery and report of training programme under Activity 2.1 of the Project	11 Person/days	30 September 2022	UNDP Project Manager, in consultation with UTBA
3. Revised training agenda and materials, along with facilitation of delivery and report regarding training programme under Activity 2.2 of the Project	7 Person/days	31 October 2022	UNDP Project Manager, in consultation with UTBA
4. Reports on visits to VVSCs and communication with lawyers working in VVSCs where good practices and challenges in functioning of the centers are identified, analyzed and are accompanied by detailed recommendations and roadmaps, under Activity 2.5 of the Project	12 Person/days	30 November 2022	UNDP Project Manager, in consultation with UTBA
ESTIMATED TOTAL NUMBER OF PERSON/DAYS (INDICATIVE)	42 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 actually invested by the Individual Consultant 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 4 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/or English (as requested by UNDP). 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. 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,
- Give feedback to the draft, final reports and all other deliverables prepared by 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.

The Consultant will be under the direct supervision of the Project Manager of Support to the Improvement of Legal Aid Practices for Access to Justice for All in Turkey Phase II Project.

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.

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 reports should be submitted in English and/or Turkish (as requested by UNDP).

6. Timing and Duration

The assignment will start on 18 July 2022 and is expected to be completed by 31 May 2023.

7. Place of Work

Place of work for the assignment is Ankara, Turkey. The assignment may require travels to other provinces within Turkey with respect to project needs and the duties and responsibilities of the consultant stated above.

Travel, accommodation and living expenses (terminal, inter-city, intra-city travels, living costs such as breakfast, lunch, dinner, etc.) in Duty Station will be borne by the consultant and these expenses should be factored by the Consultant into his/her price proposal. No further payment will be affected to the Consultant within the scope of this Assignment for whatsoever reason (terminal, inter-city, intra-city travels, living costs such as breakfast, lunch, dinner, etc.) within the Duty Station.

Assignment-related/activity-related travel and accommodation costs, which are pre-approved by UNDP outside of the Duty Station will be borne by UNDP. The costs of respective travels of the IC may either be:

- Arranged and covered by UNDP CO from the respective project 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 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 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 Excellent command of both written and spoken English and Turkish 	<ul style="list-style-type: none"> Advanced Degree in law or social sciences
General Professional Experience	<ul style="list-style-type: none"> Minimum ten (10) years of professional experience Experience as a professional lawyer Experience in working with UTBA and/or bars 	<ul style="list-style-type: none"> More than ten years (10) years of professional experience Knowledge on international and national human rights legislation
Specific Professional Experience	<ul style="list-style-type: none"> Experience working in the field of gender-based violence, violence prevention and/or protection Knowledge on international and national legal-aid legislation Experience in working with justice and legal actors and stakeholders about human rights and/or women's rights 	<ul style="list-style-type: none"> Collaborative work experience with international organizations, civil society organizations and/or NGOs Work experience and/or knowledge on gender equality and gender mainstreaming in legal services
<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. Experience gained prior to completion of undergraduate studies is not considered professional 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 experts of the Project.
- Ensuring gender disaggregated data and gender analysis which will be conducted in gender responsive research methods and technics.
- Ensuring gender responsive questions, 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 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, the amount of payment to be affected to the IC within the scope of this Assignment will be based on the lump-sum prices of the deliverables.

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 time 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 price 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 ICs' 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.