**UNICEF-TÜRKİYE**

**TERMS of REFERENCE (ToR)**

**SHORT-TERM INDIVIDUAL NATIONAL CONSULTANCY**

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| ***Improving the Capacity of Lawyers and Bar Associations on Promotion, Protection and Monitoring of Children’s Rights***  ***(ÇABA PROJECT)***  **SHORT-TERM INDIVIDUAL NATIONAL CONSULTANCY for**  **TRAINING and CONTENT DEVELOPMENT ON CRIMINAL LAW AND CRIMINAL PROCEDURE LAW for LAWYERS WORKING WITH/FOR CHILDREN** | **Ref: PRO/TURA/2024-P** |
| **Program/Activity Work Plan Code and Title:**  ***UNICEF Country Programme Document (2021-2025)***  ***Output 3.3. - Justice For Children***  ***Union of Turkish Bar Associations & UNICEF 2023-2024 Rolling Work Plan (RWP)***  ***Act.1.1*** ***Enhanced professional capacity and skills of lawyers on promoting children’s rights and applying child-sensitive procedures during legal and administrative proceedings)***  ***Grant Code: SC 230019 (expiry date:28.02.2026)*** | |

1. **BACKGROUND**

Access to justice is the ability to seek and obtain a just, equitable and timely remedy for violations of rights. It includes the right to be recognized before the law and to a fair trial, including equal access to courts and equality before the law. It is also a fundamental right for children, which requires the legal empowerment of every child. They should be enabled to access relevant information and effective remedies to claim their rights. With this perspective, UNICEF’s Reimagine Justice for Children agenda identifies legal empowerment as an underpinning principle and commits that UNICEF will increase investment in child-friendly legal assistance, legal aid, and legal rights awareness.

Therefore, all lawyers, mostly those working directly with children, should have a specific understanding of the fundamental rights and protective means concerning children who encountered the justice system. In this vein, UNICEF ECA Regional Office developed *“Guidelines on Child-Friendly Legal Aid”* (GCFLA) in order to provide a practical tool to support both experienced and newly qualified legal practitioners in their daily work on the frontline of children’s rights. Thanks to the ongoing fruitful partnership,

Moreover, in 2018, a needs analysis was conducted by the Union of Turkish Bar Associations (UTBA) and UNICEF which demonstrated systematic quality issues regarding legal assistance to children, including the lack of standard operating procedures and training programmes for lawyers. Despite the high percentage of child-related cases in the system, the quality of legal assistance provided to children under the legal aid system, as also pointed out by the Committee on the Rights of the Child in its concluding observations over Türkiye, remains to be improved. The lack of a structured training programme (professional qualification) and supervision are also among the main reasons for this issue.

With an aim to address those challenges and to strengthen the child-friendly legal aid in Türkiye, UNICEF and UTBA developed the EU-funded project entitled *“Improving the Capacity of Lawyers and Bar Associations on Promotion, Protection and Monitoring of Children’s Rights”* or shortly the “ÇABA Project”. Among many others, one of the aims of the Project is to increase the capacity of lawyers who are working with/for children through a full-fledged training programme to be adopted by UTBA.

The training programme to be developed for lawyers under ÇABA Project will consist of various modules on different areas of justice for children (such as criminal law, private law, communication with children, forensic medicine, skills on child-friendly legal aid, etc.). All modules will be developed by different *‘key consultants’* in each subject matter and will be supported by *‘subject matter lawyers*’ (on the same topics) who will assist the key experts in tailoring the therotical information to legal practice in the modules. There will also be a ‘*Training Programming Consultant’* who will oversee the overall structure of the programme.

Upon finalization of all modules, a ToT will be conducted for at least 120 trainers, who will then provide pieces of training to 2000 lawyers across Türkiye.

With regards to the foregoing aims of the ÇABA Project, UTBA and UNICEF seek a competent **subject matter lawyer to provide support to the ‘key consultant’ (no:1) who will develop the Criminal Law and Criminal Procedure Law modules.**

1. **PURPOSE of the ASSIGNMENT**

The purpose of this assignment is as follows:

**I) Provide support the key consultant (no:1) in development of the** **Criminal Law and Criminal Procedure Law modules of the ÇABA Training Programme for Lawyers working with/for children**

In collaboration with the ‘Training Programming Consultant’ and other stakeholders, the ‘key consultant’ will develop the following modules.

1. *Trainer’s Module,*
2. *Participants’ Module and*
3. *Online Training Modules (tailored separately for ToT and General Training).*

**The subject matter lawyer on Criminal Law and Criminal Procedure Law is expected to assist this key consultant in the development of those modules through the following approach:**

1. **Identify and guide the key consultant on the training needs as well as the roles and functions of lawyers in child justice and all legal matters included in the modules,**
2. **Review the draft modules and make suggestions,**
3. **Inform the key consultant on the persistent issues in practice and make sure that they are addressed in the training programme**
4. **Assist the key consultant in drafting case-based examples.**

**II) Provide support the ‘Training Programming Consultant’ in the development of the methodology and the agenda of the ÇABA Training Programme**

The ‘training programming consultant’ is the consultant responsible for overseeing the overall methodology and design of the ÇABA Training Programme, including the modules, ToT and lawyer’s training.

**The subject matter lawyer on Criminal Law and Criminal Procedure Law is expected to assist this Training Programming Consultant in the development of the overall design through developing suggestions and providing inputs, where necessary, on the needs and expectations of the lawyers.**

**III) Conduct Training on the Developed Modules in the ToT of the ÇABA Training Programme**

* Based on the developed methodology and the modules, the subject matter lawyer on Criminal and Criminal Procedures Law is also expected to deliver trainings of the Criminal and Criminal Procedures Law modules during the ToT.

**IMPORTANT:**

**The subject matter lawyer is expected to work closely with the ‘Training Programming Consultant’, ‘online learning platform consultant’, and key consultants who will develop subsidiary training programme modules and other ‘subject matter lawyers’ as described in the background section.**

**ALL INPUTS SHOULD BE DEVELOPED IN LINE WITH INTERNATIONAL CHILD JUSTICE STANDARDS.**

1. **DESCRIPTION of the ASSIGNMENT**

The Assignment will be composed of the following tasks:

1. **Inception Phase**
   * Work in close coordination and develop a plan of action with the Key Consultant.
   * Conduct regular meetings with UNICEF, UTBA, the Training Programming Consultant, the Online Learning Platform Consultant and other key consultants when and where available.
   * Provide support to drafting of the **inception report** by the Key Consultant.
2. **Provide Support to the Development of the Facilitators’, Participants’ and Online Modules**

*The subject matter lawyer is expected to conduct the below task for ALL THREE MODULES which will be primarily developed by the key consultant:*

* + Guide the key consultant on the training needs as well as the roles and functions of lawyers in child justice and all legal matters included in the modules,
  + Prepare and suggest case studies on the legal matters included in the modules,
  + Assist the key consultant in including the recent and relevant court order examples and jurisprudence in the modules,
  + In coordination with the key consultant, regularly review the written modules and develop recommendations where necessary.

1. **Deliver Trainings and Guidance During the ToT**
   * Participate in the testing training for the modules, to be conducted prior to the ToT.
   * Participate and assist in the lectures which will be delivered by the key consultant in the first phase of the ToT.
   * Based on the developed training methodology and programme **deliver the Criminal Law and Criminal Procedure Law Module** in the second phase ToT for the candidate lawyers.
   * **The training provided by the subject matter lawyer should be strictly in line with the facilitators’ module and should set an example for candidate facilitators on how they will deliver the training to the participants.**
   * The module is tentatively planned for 2 days in the ToT; however, it may be subject to change as per the final ToT programme.
   * More than one session might be needed based on the planning of the ToT.
   * Attend the third phase of the ToT, where the candidates will simulate the training, assist the key consultant and the training programming consultant, and provide feedback as necessary.
   * Perform the duties in the examination & scoring for the candidate trainers, as per the developed methodology.
   * Develop a ToT report based on observations.
2. **Providing Guidance to the Facilitators**
   * Participate in the ÇABA Lawyers’ Trainings, as required.
   * Provide guidance to trainers, as needed.
   * Develop a comprehensive training report based on observation.
3. **Proofreading, Revision & On-Demand Support to the Training Programming Consultant**
   * Conduct thorough proofreading of the training materials.
   * Provide support to the Training Programming Consultant where necessary.

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| **Tasks** | | **Deliverables** | **Language** | **Estimated time of delivery** |
| **1** | Inception Phase | Inception Report | TUR | 15 November 2024  (5 person/days) |
| **2** | Provide support to the Development of the Facilitators’, Participants’ and Online Modules | Developed Modules | TUR | 31 January 2025  (10 person/days) |
| **3** | Deliver Trainings and Provide Guidance During the ToT | ToT Report | TUR | 31 January 2025  (8 person/days) |
| **4** | Provide Guidance to the Facilitators | Training Report on Observations and Needs | TUR | 30 April 2025  (5 person/days) |
| **5** | Proofreading, Revision & On-Demand Support to the Training Programming Consultant | Report on the undertaken tasks on this component throughout the consultancy | TUR | Throughout the Consultancy – Final Deliverable on 30 April 2025  (5 person/days) |
| Total number of person/days | | | | 33 |

\*Delivery dates are tentative. Detailed time plan is required together with the technical proposal.

1. **DUTY STATION**

This consultancy is largely home-based with online meetings, and frequent travel to Ankara, dates to be confirmed as per ÇABA Project’s timeline.

1. **SUPERVISOR**

Child Protection Officer, UNICEF Türkiye Country Office

1. **DURATION, PAYMENT SCHEDULE and RESERVATIONS**

* **Duration:** The contract shall commence on the date of signing and remain in effect until the successful submission of all deliverables. The consultancy is expected to require a total of 33 working days, which will be scheduled during the initial phase of the assignment. The consultancy period will span from **1 November 2024** to **30 April 2025.**
* **Estimated Cost of Consultancy:** Applications shall include a detailed financial proposal that elaborates on daily costs based on the completion of above-mentioned deliverables, including a total sum demanded. All costs, including travel, accommodation, administrative costs, etc. shall be covered by the contractor and should be included in the financial proposal as a separate heading and broken down into details of accommodation and travel costs in line with UN DSA rates. The candidate is required to specify their daily rates and the total amount as per the number of anticipated working days for each deliverable in the financial proposal and provide the breakdown of the lump sum amount as well as incidentals of each deliverable in TRY.
* **Payment:** UNICEF will issue a contract in TRY. The payment will be done in instalments upon submission of the deliverables as per the above list and will be executed in TRY.
* **Payment Schedule:** UNICEF will issue a contract in Turkish Lira (TRY). The payments will be made according to the payment schedule noted in the financial proposal template, upon UNICEF's approval of requested outputs as specified in the contract *(please see financial proposal template*).
* **Reservations:** UNICEF reserves the right to terminate the contract without a prior notice and/or withhold all or a portion of payment if performance is unsatisfactory, if the rules and the regulations regarding confidentiality, ethics and procedures of UNICEF and the relevant partners are not followed, if work/outputs are incomplete, not delivered or for failure to meet deadlines.

All relevant intellectual property rights in the developed materials/products/documents and associated tools will, upon their development, vest in UTBA and UNICEF. UTBA and UNICEF will be free to adapt and modify them in the future. The selected service provider shall not use the data for their own research purposes and shall not license the data to be used by others, without the written consent of UTBA and UNICEF.

1. **QUALIFICATIONS and SPECIALIZATION REQUIRED FOR THE ASSIGNMENT**

**Qualifications:**

* A minimum of an undergraduate degree in law; possession of a higher degree will be considered a significant asset.
* Master’s degree on Criminal Law will be an asset.
* Being a registered lawyer is a precondition.
* At least 10 years of experience in Criminal Law and Criminal Procedure Law, children's rights, child protection and human rights, women’s rights related activities, Projects, etc.,
* Experience as a consultant on EU/UN-funded projects is an asset, particularly with UN experience. Familiarity with UNICEF programming and reporting processes is especially beneficial.
* Solid expertise in developing and delivering trainings.
* At least 5 years of experience in working, managing, collaborating and networking with Bar Associations and UTBA.
* Awareness about human rights and rights of the child, different cultures, local traditions, religious beliefs and practices, personal interaction, genders, disability, age and ethnic origins will be an asset.
* At least 5 years of experience in working with lawyers, social workers, psychologists and other relevant actors on children’s rights.
* Good command of Turkish and English.

**Skills and personal traits:**

* Sensitivity towards ethics with regards to human and child rights issues, different cultures, local customs, religious beliefs and practices, personal interaction and gender roles, disability, age, and ethnicity.
* Strong analytical, organizational, and inter-personal skills.
* Ability to work closely with national and international actors with tight deadlines, and to facilitate coordination of a process.
* Computer literacy.

*\*After the selection process the consultant will be expected to complete the mandatory English UNICEF AGORA Trainings.*

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| **Child Safeguarding**  Is this project/assignment considered as “[Elevated Risk Role](https://unicef.sharepoint.com/sites/DHR-ChildSafeguarding/DocumentLibrary1/Guidance%20on%20Identifying%20Elevated%20Risk%20Roles_finalversion.pdf?CT=1590792470221&OR=ItemsView)” from a child safeguarding perspective?       YES       NO     If YES, check all that apply:      **Direct contact role** YES       NO   If yes, please indicate the number of hours/months of direct interpersonal contact with children, or work in their immediately physical proximity, with limited supervision by a more senior member of personnel:   |  | | --- | |  |   **Child data role** YES      NO   If yes, please indicate the number of hours/months of manipulating or transmitting personal-identifiable information of children (name, national ID, location data, photos):   |  | | --- | |  |   More information is available in the [Child Safeguarding SharePoint](https://unicef.sharepoint.com/sites/DHR-ChildSafeguarding/SitePages/Amendments-to-the-Recruitment-Guidance.aspx) and [Child Safeguarding FAQs and Updates](https://unicef.sharepoint.com/sites/DHR-ChildSafeguarding/DocumentLibrary1/Child%20Safeguarding%20FAQs%20and%20Updates%20Dec%202020.pdf) |

1. **APPLICATION AND SELECTION CRITERIA**

 Please note that the assignment can only be held **by an individual consultant**. Applications should be submitted in English and should include:

* **Financial proposal** using the Financial Proposal Template,
* **Most recent CV** and
* **Sample of relevant work** developed by the consultant.

**The submission deadline is 30 October 2024 by 23:59 hrs Türkiye time.** Financial proposals should be submitted in separate folders from the remaining documentation. After the technical evaluation, the financial proposals of qualified candidates will be evaluated. The technical evaluation will be completed based on the attached technical evaluation criteria.

The applications will be evaluated from the technical and financial point of view. Technical aspects will be evaluated using the criteria outlined in the below matrix:

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| **Criteria for technical evaluation** | **Max points** |
| Having the required academic qualifications as indicated above | Max. points: 10 |
| Having the required proven experience in the relevant field as indicated in the minimum requirements | Max. Points: 15 |
| Having familiarity with human rights frameworks, child rights, and experience working with bar associations in the aforementioned areas | Max. Points: 20 |
| Having UN experience, especially EU/UN funded projects and UNICEF Programming & Reporting | Max. Points: 10 |
| Having at least 5 years’ experience in working with lawyers, social workers, psychologists and other relevant actors on children’s rights | Max. Points: 15 |
| **Maximum total points** | **Max points: 70** |

The financial proposals will be opened only for the candidates that reach or exceed forty-nine (49) points out of maximum seventy (70) points. Thirty (30) points will be awarded to the candidate that presented the lowest fee for the services requested. The remaining financial offers will receive proportional points ([lowest bid/bid] x 30 points).

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|  | **PREPARED** | **REVIEWED** | **APPROVED** |
| **BY** | İlayda Önal Toprak  *Child Protection Officer* | *Göktan KOÇYILDIRIM*  *Child Protection Specialist* | Malti Gandhi  *Deputy Representative* |
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