**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 & CRIMINAL PROCEDURES LAW for LAWYERS WORKING WITH/FOR CHILDREN*** | **Ref: PRO/TURA/2024-H** |
| **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*’ who will assist the key experts in tailoring the theoretical information to legal practice in the modules. There will also be a ‘*Training Programming Consultant’* who will oversee the overall structure of the programme, as well as an ‘*online learning platform consultant’* who will support the adaptation of the online modules into the e-learning platform of UTBA.

Upon finalization of all modules, a ToT will be conducted (by key consultants and the training programmming consultant) 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 **key consultant** to develop online and face-to-face training modules (including for trainers and participants), and provide training of trainers on **Criminal and Criminal Procedures Law** for lawyers who are working with/for children.

1. **PURPOSE of the ASSIGNMENT**

The purpose of this assignment is as follows:

I) Development of “**Criminal and Criminal Procedures Law”** modules of the ÇABA Training Programme for Lawyers working with/for children.

Those modules will include the following components:

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

II) Conduct a Training on the Developed Modules in the ToT of the ÇABA Training Programme.

**IMPORTANT:**

The content of all modules and the ToT interventions should be developed according to the standardized structure that will be developed by the “Training Programming Consultant” and adopted by UNICEF and UTBA. This structure requires the consultant to also develop (including but not limited to) pre-post test questions, learning objectives, and exam/assessment questions, as well as to provide input for the audio-visual content, to finalize the training modules as per the feedback gathered, and to adopt the narrative as per the developed structure.

The programme will also be heavily based on case examples, so the consultant is expected to enrich all the modules with case examples and the most up-to-date jurisprudence where possible.

**Hence, the consultant is expected to work closely with the ‘Training Programming Consultant’, ‘subject matter lawyer’, ‘online learning platform consultant’ and other key consultants who will develop subsidiary training programme modules 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 and Development of Outline of the Modules**
   * Conduct regular meetings with UNICEF, UTBA, the Training Programming Consultant, the Online Learning Platform Consultant, the Subject Matter Lawyer, and other key consultants when and where available.
   * Draft an **inception report** including:

*a. the outline of the Trainers’ and Facilitator’s Module and*

*b. the outline of the ToT content.*

1. **Development of the Training Programme for Lawyers and (face to face) Facilitators’ and Participants’ Modules**
2. Development of **Criminal & Criminal Procedures** schedule of the ÇABA Training Programme for Lawyers
   * The **Criminal & Criminal Procedures Module** of the ÇABA Training Programme will be developed based on (including but not limited to) the following principles and topics.
   * The duration of the Criminal & Criminal Procedures Module will be agreed upon (with UTBA and Training Programming Consultant at the inception phase), but it is initially planned to be a 1.5-day session.
   * The topics will include:
     1. Introduction to the overall Juvenile Justice System (including the structure and mandates of child courts and their role & functions),
     2. Provisions concerning children in conflict with the law (including investigation, trial and enforcement phases) and
     3. Provisions concerning child victims and witnesses of crime (including special testimony procedures such as ÇİMs, AGOs).
3. Development of Facilitators’ Module

Based on the agreed upon methodology with the ‘Training Programming Consultant’ as well as the programme developed under Task 2, the facilitators’ module should primarily focus on the training programme and provide information how the related topics will be best conveyed to the participants during the training.

* + The content will include the aforementioned topics.
  + As well as the material law, the modules should pay a particular focus **on the role of lawyers in due process.**
  + In consultation with the ‘Training Programming Consultant’, the trainers’ module should also include:
    - Visually engaging presentations, relevant videos, and infographics and other relevant visual materials for use in the face-to-face training sessions.
    - Group activities and discussions to enhance participant engagement.
    - Case-based examples as much as possible.
    - Pre-post test, quiz and assessment questions.
  + There should be references to the participant’s module and suggestions for further reading where applicable.
  + Ensure that all materials align with the learning objectives and are suitable for a face-to-face training session with UNICEF.
  + The consultant will work very closely with the ‘subject matter lawyers’ and ‘training programming consultant’ in developing the facilitator’s guide.

1. *Development of Participants’ Module:*

The participants' module should cover at least the foregoing topics.

**However, the participants’ module should also include broader information as this module will serve as a reference book for all lawyers (including the trainers). Therefore, the consultant is expected to enrich the content with the most up-to-date data, legal discussions and regulations, primary and secondary legislation, national and international guidelines, national and international jurisprudence, academic discussions, case studies, potential vocational dilemmas and solutions, and further reading suggestions.**

1. *Provide Inputs to other Modules Where Necessary*

The consultant may be asked—where relevant—to provide brief input on her/his subject area for other training modules.

1. **Development of Online Modules for the ToT**
   * Work with UNICEF, UTBA, Training Programming Consultant, Online Learning Platform Consultant on the agreed-upon methodology for the ToT Online Modules.
   * Upon the agreed methodology, develop an online module on “*Legal Definitions of Child Neglect and Abuse”.*
   * Prepare the video lecture content as agreed with the Project partners and consultants.
   * Based on the needs, the consultant may be asked to provide input for other online training modules in her/his subject matter.
2. **Deliver ToT Sessions & Assessment of the Candidate Trainers:**

* The consultant should deliver sessions in the ToT for the candidate trainers.
* This session will cover comprehensive information on Criminal and criminal **procedures for all children in the justice system, based on the aforementioned topics.**
* One session is planned to take 1 full day on this subject matter, and in total 5 sessions will be conducted for 125 participants (25 persons/per session).
* Based on the agreed-upon methodology, the consultant should also prepare assessments for the candidate trainers, including (pre-post tests, quizzes, and final assessment exam).

1. **Finalization of the Programme and the Modules**

* Based on the ToT and feedback by the Project partners and candidate trainers, the consultant will finalize the modules & the programme.

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| **Tasks** | | **Deliverables** | **Language** | **Estimated time of delivery** |
| **1** | Inception and development of the Outline of the Programme | Inception Report (including the outlines of the modules and the ToT) | TUR/ENG | 15 November 2024  (10 person/days) |
| **2** | Development of (face-to-face) Facilitators’ and Participants’ Modules | Final Draft Participants’ Module | TUR/ Brief summary in ENG | 31 January 2025  (15 person/days) |
| 31 January 2025  (15 person/days) |
| Final Draft Facilitator’s Module |
| **3** | Development of Online Modules for the ToT | Final Online Module Content for the ToT | TUR/ Brief summary in ENG | 15 February 2025  (7 person/days) |
| **4** | Deliver ToT Sessions & Prepare Assessment of the Candidate Trainers | Delivery of 5 ToTs in total | TUR Brief summary in ENG | March/April 2025  (10 person/days) |
| Final assessment questions | TUR/Brief summary in ENG | 01 March 2025  (3 person/days) |
| **5** | Finalization of the Programme | Final Training Modules | TUR | 30 April 2025  (5 person/days) |
| Total number of person/days | | | | 65 |

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

1. **DUTY STATION**

This consultancy is largely home-based with online meetings, and frequent travels 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 65 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 Assoc. Prof. degree in Law; possession of a higher degree will be considered a significant asset.
* A Minimum of 10 years of experience in criminal law, children's rights, 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 training programmes and modules.
* A minimum of 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.
* A minimum of 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.
* Being a registered lawyer will be considered an asset.

**Skills and personal traits:**

* Sensitivity to ethics regarding 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 interpersonal skills.
* Ability to work closely with national and international actors under tight deadlines and to facilitate the coordination of a process.
* Computer literacy.

*\*After the selection process the consultant will be expected to complete the mandatory 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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