

TERMS OF REFERENCE

Post: Türkiye

Description of the Position: Expert

Reference Number: Uzman2025-01

Project Title: “Enhancement of Access to Justice by IP Applicants, Status Holders and Persons under TP”

The applications must be submitted to utba@barobirlik.org.tr by **24 January 2025** together with the documents to be submitted along with the application, indicating the **reference number.**

1. Background

As a result of the influxes of migration caused by the humanitarian crises in the neighbouring region, our country has had to host a large number of temporary and international protection status holders and applicants.

The pressure on the legal aid system caused by these persons, most of whom need assistance, combined with the current budget insufficiency, gives rise an unresolvable problem.

The second paragraph of Article 81 of the Law No. 6458 on Foreigners and International Protection on ‘Legal services and counselling’ contains the following mandatory provision: “(2) Legal service shall be provided in accordance with the provisions of the Law No.1136 related to legal aid, to an applicant or a beneficiary of international protection who is unable to afford a lawyer with regard to proceedings stated in this Chapter.”

Since the legislator has not foreseen a special budget for the execution of this mandatory provision, it does not seem possible for our country's legal aid system to implement it with its limited budget.

The Project "Enhancement of Access to Justice by IP Applicants, Status Holders and Persons under TP" (Legal Aid Joint Project), which was designed in order to ensure that the international community fulfils its obligations in solving this problem, which cannot be undertaken by our country alone, has been carried out through the Project Implementation Agreements signed between the Union of Turkish Bar Associations (UTBA) and the United Nations High Commissioner for Refugees (UNHCR) every year since 2018.

Within the scope of the project, activities are carried out under three components in order to support the target group's access to justice, which are summarised below:

Component 1: Legal Aid

Within the scope of this component, the expenses related to the legal aid activities carried out by Bar Associations in line with the project priorities, such as lawyers' fees, litigation expenses, notary expenses including issuance of powers of attorney, translation costs and transportation costs regarding lawyers' client visits, including those in removal centres, are covered.

Lawyers to be involved in the proceedings that will be covered within the project must complete the trainings specifically designed for the project. Over 10,000 lawyers are expected to take part in the project, which will continue its activities in 57 Bar Associations as of 2025.

Component 2: Legal Counselling

Legal Clinics were established in Şanlıurfa, Gaziantep, Hatay, Kilis, Malatya, and Van in order to provide information, raise awareness and conduct advocacy activities regarding legal disputes faced by temporary protection status holders and international protection status holders/applicants in our country.

Through the Legal Clinics, various activities are carried out, such as informing the target group about the legislation in our country, supporting their access to public institutions and organizations and courts through language support.

Component 3: Interpretation Support Line

The interpretation support line, which was established to provide interpretation services during legal aid applications to Bar Associations and lawyer-client meetings in order to support the target group's access to justice, provides services in Arabic, Farsi, French and Dari.

2. Purpose

This activity will be carried out in order to review the services carried out under the legal aid joint project by an independent expert, and to determine the strengths and weaknesses of the project by laying out the actual situation.

3. Responsibilities of the Expert

The expert will compile an independent evaluation report in English assessing the effectiveness of the project, in liaison with the Union of Turkish Bar Associations and the United Nations High Commissioner for Refugees. The report must include the analysis of the current situation, problem analysis, impact analysis, intervention framework and recommendations. In order to prepare this report, the expert is expected to visit the project office in Ankara, the office of interpretation support line, UNHCR Ankara office, as well as legal clinics, bar associations, NGOs, civil society organizations, public institutions and organizations involved in the project activities in at least four provinces, namely Şanlıurfa, Malatya, Hatay, Gaziantep, Kilis, and Van.

4. Institutional Framework

The expert will sign a contract with the Union of Turkish Bar Associations and will be independent in the organizing his/her activities and preparing the report. The business relation will be in the nature of service procurement.

Under the contract to be signed, the expert will be expected to perform the following tasks:

- Carrying out the relevant visits (including all scheduling, ticketing, accommodation, etc.),
- Conducting the interviews (including all secretariat works, such as drafting interview minutes, reporting, obtaining approvals regarding the Personal Data Protection Law from the relevant persons regarding their participation, etc.), and
- Preparing the impact analysis report (including all secretariat work).

The quotations to be submitted are expected to include all costs relating to the aforementioned works, organizing visits, transportation, accommodation, etc.

5. Required Qualifications

Mandatory qualifications for application:

- Being a practising lawyer
- At least 10 years of professional experience
- Full command of English and Turkish

The following qualifications are desirable:

- Having a Master's degree and/or PhD
- Having previously worked for the United Nations
- Having worked on legal aid
- Possessing knowledge in the field of migration law
- Having prepared an internationally recognized report

6. Documents to Be Submitted Along with the Application

- ANNEX A: Application Form
- ANNEX B: Quotation Form
- ANNEX C: CV containing relevant work experience
- ANNEX D: One-page letter of intent explaining why you are suitable for the position

N.B. All application documents must be prepared and submitted in English and Turkish. Applications with missing documents will not be considered.

7. Evaluation Procedures

Evaluation will be made based on the files containing the required documents (application form: 50 points, quotation: 30 points, CV: 10 points, letter of intent: 10 points)

The quotation will be evaluated using the following calculation:

The applicant submitting the lowest quotation will be awarded 30 points. The scores of the other applicants will be calculated using the formula below.

$$\text{Quotation Score of the Expert} = \frac{[\text{Lowest quotation submitted}] \times [30]}{\text{Quotation submitted by the expert}}$$

The scores from all applications will be totalled, and the applicant with the highest score will be invited to sign the contract.

Candidates with a Master's degree and/or PhD will be preferred among candidates with equal scores.

Women candidates will be preferred among candidates having equal scores.

8. Payment Procedures

Payments will be made in three stages and as specified below:

- I. 30% of the total amount within 10 days following submission and approval of the work plan;
- II. 30% of the total amount within 10 days following the completion of the visits and submission of the draft report;
- III. 40% of the total cost within 10 days following the submission and approval of the final impact analysis report.

No price difference will be applied and payment will be made on the price submitted and approved in the quotation. No additional payment will be made for any name or reason.

Payment will be made upon submission of the self-employment invoice.