

**TERMS OF REFERENCE
National Individual Consultant
UNICEF TURKEY**

“Review and Assessment of the Relevant Legislation, Policies and Reporting Channels for Sexual Exploitation and Abuse (SEA) Allegations in Turkey”	Ref: PRO/TURA/2020-E
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I. BACKGROUND

All forms of sexual exploitation and abuse (SEA) are a violation of human rights and an abuse of a position of power over a vulnerable population that the United Nations and other humanitarian and development actors have pledged to protect. SEA can lead to serious, sometimes life-long, adverse consequences for the survivors, particularly child survivors. Furthermore, SEA undermines the integrity and reputation of the UN and other humanitarian and development actors and can threaten the security of their personnel and operations.

UNICEF is fully committed to improving protection from sexual exploitation and abuse (PSEA) and takes a leadership role in addressing outstanding challenges. Notably, as the Inter-Agency Standing Committee (IASC)’s Principals’ Champion on SEA and Sexual Harassment for 2019/20, UNICEF’s Executive Director will focus on scaling up: (i) safe and accessible reporting mechanisms, (ii) quality, survivor-centered support, and (iii) accountability for every child and adult survivor in all humanitarian responses. Delivering on these commitments involves ensuring UNICEF and its partners have adequate safeguards and take appropriate action to tackle SEA.

In Turkey, SEA is criminalized under the Penal Code and a wide range of measures are put in place under Child Protection Law for those children who are in need of protection. In the last decade Turkey adopted new service models and important policy documents such as the Strategy Document for Coordination of Child Protection Services, which addresses issues like early warning systems, responding cases in coordination with related actors.

In addition to the criminal actions and the protection measures, SEA also requires administrative measures to be taken by the respective public institutions. In this sense, prevention, protection and investigation of SEA cases have administrative and judicial dimensions which are strongly linked with criminal and administrative legislation.

A review of the relevant legislation and reporting channels for SEA allegations in Turkey, including those involving public sector service providers, is important to understand what accountability measures and mechanisms for SEA survivors’ to access justice/redress are in place, and whether they are in accordance with the international standards. Analysis of the existent legislative measures, policies, mechanisms for effective and prompt recourse, remedy and child friendly-sensitive (judicial, administrative and other) processes are vital elements of this review.

Within this context, UNICEF Turkey is seeking the support of a national consultant or a team of national consultants to undertake a baseline review and assessment of the administrative and judicial legislation and policies, and to map out the existing reporting channels, available remedies and child-sensitive processes (including involvement of legal aid) on preventing and responding to cases of SEA in the country.

II. PURPOSE of the ASSIGNMENT

The purpose of the assignment is to review the national legislation, judicial, extra-judicial, public, administrative and ethical policies as well as processes for safe reporting, recourse and redress with an aim to map out the available mechanisms in place to prevent and respond to cases of SEA.

III. SCOPE OF WORK AND TENTATIVE WORK CALENDAR

The consultant(s) is/are expected to complete the following tasks and submit deliverables in line with the work calendar below:

- Review and analyze primary and secondary legislation in effect on SEA. This will include all the current laws, by-laws, administrative circulars, regulations and other policies in place,
- Review and analyze central and local (where relevant) strategies, action plans, policy documents, code of conduct examples and ethical standards put in place by line ministries and relevant actors (including measure to address disgraceful acts/offences of staff in private life),
- Review and analyze judicial (including civil/criminal law and supreme court judgements) and administrative jurisprudence (disciplinary decisions, decisions of the OI etc.) on SEA cases,
- Map the reporting channels, judicial, extra-judicial and administrative procedural rules, safeguards, referral systems.

#	TASK	DELIVERABLE	ESTIMATED WORKLOAD (Person/Days)	DELIVERY DATE
0	Completing UNICEF rules and procedures for consultants	Certification of compliance	2 days	May 2020
1	Inception meeting with UNICEF	Meeting minutes and action points (via e-mail)	1 day	May 2020
2	Part 1: Review and analyse the judicial and extra-judicial legislation, policies and procedures	Report on findings (ENG)	8 days	May-June 2020
3.	Part 2: Review and analyse the administrative legislation, policies & procedures	Report on findings (ENG)	8days	June 2020
5	Part 3: Review and analyse judicial (including civil/criminal law and supreme court judgements), extra-judicial and administrative jurisprudence (disciplinary decisions,	Report on findings (ENG)	8 days	July 2020

	decisions of the OI etc.) on SEA cases			
6	Map out the reporting channels, procedural rules, safeguards, referral systems (both at the judicial and administrative level)	Process Flows (ENG)	5 days	July 2020
7	Final report (overall assessment)	Final Report (ENG – TUR)	5 days	July 2020
8	OVERARCHING TASK: Coordination meetings with UNICEF following each report and also when deemed necessary	Meeting minutes and action points (via e-mail)	5 days	May-July 2020

The assignment should be undertaken in line with the targets and actions stipulated in the TCO PSEA Action Plan and will complement remaining Plan activities. The consultant is expected to undertake the activities also in close collaboration with the international consultant to be hired for coordination of the Action Plan.

IV. SUPERVISOR

Child Protection Officer of UNICEF Turkey Country Office (in close collaboration with Emergency Coordinator and PSEA Child Protection Coordinator).

V. PROFESSIONAL QUALIFICATIONS

Competencies required to carry out the tasks are as per below:

- Advanced university degree in law, preferably in public law
- Sound knowledge and experience on cases of sexual exploitation, abuse and harassment.
- Sound knowledge on judicial and administrative investigation processes.
- At least five years of experience on child rights, human rights, child protection-redress mechanisms;
- Sound knowledge on rights-based approaches and gender equality;
- Relevant experience in working with the UN agencies is an asset.
- Fluency in English and Turkish;
- Excellent oral and written English language;
- Strong analytical and conceptual thinking.

VI. DURATION, LOCATION, COSTS AND PAYMENT SCHEDULE

The assignment will cover an estimate of 42 to 45 person/days (**from May 2020 to July 2020**) and payments will be affected upon the delivery of outputs. In case of any unexpected delay in the estimated time frame

(approval process, force majeure etc.) the duration of the assignment might be extended subject to the same conditions and mutual will of the parties.

The selected consultant(s) is/are expected to complete all tasks and deliverables in line with the “Scope of Work and Tentative Work Calendar” section of this ToR. The contract will be effective from the date of signature until successful completion of services outlined in this ToR.

In principle, this is a desk-based consultancy. If needed, meetings will be based in Ankara and/or will be conducted on-line. In case of travel, UNICEF will cover the accommodation and travel expenses.

Estimated Cost of Consultancy: Applicants shall present a detailed financial proposal that elaborates daily costs on the basis of the above-mentioned programme and deliverables, including a total sum demanded. **All costs, including travel, accommodation, administrative tools, communications, etc. shall be covered by the consultant and should be included in the financial proposal as a separate heading, and broken down into details of accommodation and travel costs.**

Payment schedule: UNICEF will issue a contract in Turkish Liras (TRY). The payment will be done in installments upon deliverables as per contractual agreement and will be executed in TRY.

Candidates are 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 for each deliverable as well as incidentals of each deliverable in TRY. It is up to the team how to divide number of working days within the team.

VII. REMARKS and RESERVATIONS

UNICEF reserves the right to terminate the contract and/or withhold all or a portion of payment if the rules and the regulations regarding confidentiality, ethics and procedures of UNICEF and the partners are not followed, the performance is unsatisfactory, or work/deliverables are incomplete, not delivered or fail to meet the deadlines.

The consultant should comply with the ethics and visibility rules of UNICEF while preparing the documents, implementing the activities and particularly seeking and incorporating the opinions of children in the process.

The consultant must respect the confidentiality of the information handled during the assignment. Documents and information provided must be used only for the tasks related to these terms of reference.

All documents to be produced shall respect be in line with the UN Convention on the Rights of the Child and other human rights instruments.

The expert/researcher may not use the data for their own research purposes, not license the data to be used by others, without the written consent of UNICEF.

In case of submitting a proposal as a team with the participation of more than one consultant/expert, UNICEF will evaluate each team member separately and as per the rules will sign a separate contract with each team member.

The Consultant(s) are also expected to complete mandatory e-courses within the first 30 days of the assignment. Necessary guidelines will be provided by UNICEF on demand.

In the light of these principles, candidates are expected to submit their technical and financial proposals and CVs to UNICEF in compliance with the format attached to this ToR.

VIII. APPLICATION PROCESS

Applications should be submitted in English and should include:

1. Financial proposal as per the attached template
2. P-11 form and detailed CV (for all team members - if applicable)
3. Examples of analytical work conducted in the past by the team leader
4. Technical proposal. The minimum content for the technical proposal is:
 - Main objectives
 - Methodology and workplan, explaining how the content mentioned in the Scope and Focus section will be addressed
 - Risks and mitigating measures (with risks related to ethical issues clearly spelled out)

Technical and financial proposals should be submitted, in separate folders, by 10.05.2020, 23:59. After the technical evaluation, the financial proposals of qualified candidates will be evaluated. The technical evaluation will be completed based on the attached evaluation criteria form. UNICEF may hold a pre-bid meeting. Interested applicants are advised to check UNICEF website regularly for updates on the tender process.

The documents should be sent to ebozkurtsener@unicef.org and ekahramanoglu@unicef.org with “Ref: PRO/TURA/2020-E” in the subject line.

IX. CRITERIA FOR JUDGING THE PROPOSALS

Proposals submitted in response to this call will be evaluated in terms of technical quality and financial offer. Technical quality will be evaluated using the criteria outlined below:

	NON-COMPLIANT	POOR	GOOD	EXCELLENT
	The submission fails to address the criterion or cannot be assessed due to missing or incomplete information	The criterion is inadequately addressed or there are serious inherent weaknesses	The submission addresses the criterion well but with a few shortcomings	The submission successfully addresses all relevant aspects of the criterion
Proposal and letter of intent - A brief introduction and overview of the assignment showing knowledge and understanding of the programme.	0	1-4	5-7	8-10
Adequacy of the proposed work plan & approach - Approach	0	1-10	11-15	16-20

<p>-Scope of proposed methodology including tools/models/techniques/approaches/principles to be applied for above-mentioned tasks</p> <ul style="list-style-type: none"> - Proposed quality control mechanism for oversight & supervision - Risk management & back up plan - Work schedule and indicators 				
<p>Professional Qualifications</p> <ul style="list-style-type: none"> - Evidence/experience especially in criminal and administrative law, judicial processes. - Number of researches, studies, other related activities in the field of administrative/judicial legislation, criminal law (preferably with a focus on rights of the child). -Demonstrable experience and competency in working with large stakeholder groups (UN, international, government departments, NGOs, etc.) in relation to similar scope and complexity of this assignment. 	0	1-15	16-30	31-40

The financial proposals will be opened only for the technical proposals that reach or exceed fifty (50) points out of maximum seventy (70) points. Thirty (30) points will be awarded to the expert/researcher that presented the lowest fee for the services requested. The remaining financial offers will receive proportional points ([lowest bid/bid] x 30 points). The purpose of the evaluation of the expert/researcher's Financial Proposals is to verify that the costs itemized in the financial proposals adequately cover the services offered in the expert/researcher's Technical Proposals.

For further information

PROGRAMME CONTENT	TENDER PROCESS
<i>Ekin Bozkurt ŞENER</i> <i>Child Protection Officer</i> <i>ebozkurtsener@unicef.org</i> <i>(0 312) 454 8553</i>	<i>Evrin Kahramanoglu</i> <i>Child Protection Programme Assistant</i> <i>ekahramanoglu@unicef.org</i> <i>(0 312) 454 8509</i>