

TERMS OF REFERENCE

National Consultants/Trainers on Mediation for the National Institute of Justice (short-term job vacancy under SSA modality)

- A. Job Title:** A pool of consultants/trainers
- B. Duty Station:** Chisinau, Moldova
- C. Project Reference:** "Strengthening Institutional Capacity of the National Institute of Justice"
- D. Duration of Employment:** October – November 2008
- E. Context:** National Institute of Justice (NIJ) implements in partnership with UNDP Moldova the above mentioned project, which aims at strengthening NIJ institutional capacity to perform its legal functions in a more transparent and efficient manner, thereby increasing the education, training and competency of judges, prosecutors and other justice representatives. Among other activities, the project contributes to developing systematic curriculum development and effective training modules for candidates at the position of judges, prosecutor and other legal specialists, including mediators.

The National Institute of Justice was established by the Law nr. 152-XVI of 08.06.2006 on National Institute of Justice¹, which provides for NIJ mission to deliver initial training for candidates to the position of judges and prosecutors, and continuous training for a wide range of legal specialists (judges, prosecutors, enforcement officers and court clerks). The creation of an independent training institution constitutes an essential part of the National Human Rights Action Plan (NHRAP), Strategy for Consolidation of the Judiciary System and EU – Moldova Action Plan and is a key element in improving the overall performance of the judiciary staff thus contributing to the independence of justice.

The initial training of mediators falls in the competence of the NIJ according to the newly adopted Law on Mediation². However, due to insufficient resources to develop and deliver the initial training for mediators and to ensure timely and qualitatively implementation of its objective, NIJ requested UNDP to provide assistance and support. The initial training curricula for mediators was developed by the Mediation Council within MoJ. It includes the following subjects:

- Mediation's advantages comparing to other dispute settlement modalities;
- Legal framework;
- Stages of the mediation process;
- Methods, abilities and techniques;
- Mediation in criminal cases;
- Mediation in civil cases;
- Mediators' continuous and self training;
- Mediators' professional deontology.

The initial training programme for mediators is planned to be delivered by NIJ starting with October 2008 for two groups of 30 people each; it includes both theoretical and practical courses and has a total length of 80 hours. The training is being developed in collaboration with the Mediation Council within the Ministry of Justice and co-financed with the Joint Programme between the Council of Europe and European Commission for increased independence, transparency and efficiency of the justice system of the Republic of Moldova.

Objective: To develop and provide a training programme to candidates for certified mediators, thus increasing their knowledge and skills on application of mediation in compliance with the best international standards/practices and as per approved NIJ training curricula.

- F. Organizational Setting:** In order to achieve the given objective, the team of international and national consultants/trainers shall comprise specialists in fields of law/sociology/psychology. A **Team Leader** shall be appointed prior to implementation of the assignment. The Consultants will work under direct supervision of the NIJ Executive Director and UNDP Project Manager. The assignment foresees group and individual work. The consultants/trainers will work at NIJ premises as well as outside NIJ premises.

¹ The Law on National Institute of Justice (No.152-XVI) was approved by Parliament on 08.06.2006 and is available on www.parlament.md

² The law on Mediation (No. 134 – XVI) was approved by Parliament on 14.06.2007 and was published in the Official Monitor no. 188-191

Inputs: The NIJ Executive Director and UNDP Project Manager will provide the consultants with the necessary information and materials for fulfillment of tasks and will facilitate the necessary meetings.

F. Task and responsibilities: In order to achieve objectives the **team of consultants/trainers** will:

- Desk review on the best standards and practices in mediation, as well as legal framework and alternative dispute resolution forms in Moldova
- Together with the international consultant, develop training structure, programme and materials on mediation (in English/Russian/state language) using the interactive approach, study cases, adult teaching techniques;
- Deliver training sessions on various aspects of mediation (as per distribution of subjects);
- Present tools and mechanisms for effective mediation;
- support the mediation council, NIJ in developing a formal system of evaluation of the candidates to become mediators
- prepare a report on the training course, including the follow-up recommendations (in state language and English) and submit it to the UNDP project manager.

Note: Materials (prepared in state language) to be ready for the courses one week in advance before start up of the training.

G. Deliverables:

- A comprehensive training programme for mediators developed;
- Detailed training materials, developed and presented;
- Training and coaching for a pool of 60 candidates to become mediators delivered;
- An evaluation system of the candidates to become mediators developed and implemented;
- Report on the training and follow-up recommendations, as well as annexes (training evaluations, list of participants, training agenda, etc.) submitted.

H. Qualifications:

Education: University degree in Law, Sociology, Psychology and other related fields; an advanced degree is an asset.

Experience:

- Proven work experience in legal field/sociology/psychology;
- Experience of work with mediation NGOs and civil society sector is an asset;
- Experience in tutoring, facilitating trainings and presentations;
- Previous experience of working with international organizations, NGO, as a trainer is an asset.

Abilities:

- Proficiency in Romanian, excellent drafting and presentation skills;
- Preferably knowledge of written and spoken English;
- Excellent interpersonal and communication skills;
- Computer literacy (good knowledge of MS Office).

Personal qualities: responsibility, creativity, promptness and punctuality.

For further information please contact Sorin Hanganu by phone: 930 246, or e-mail: sorin.hanganu@undp.org