

TERMS OF REFERENCE

Support to National Institute of Justice in developing Initial Training Curricula and Practical Guide for Court Clerks

- A. Job Title:** A pool of legal consultants
- B. Duty Station:** Chisinau, Moldova
- C. Project Reference:** "Strengthening Institutional Capacity of the National Institute of Justice"
- D. Duration of Employment:** November 2008 – March 2009
- 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.

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, for newly recruited bailiffs and court clerks and in-service training for these categories of legal specialists. 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.

In 2007 UNDP Moldova provided assistance to NIJ in developing a major part of initial training curricula for judges and prosecutors. Currently there is an urgent need to further develop training curricula for other groups of NIJ beneficiaries, and namely for the court clerks. Due to insufficient resources to develop it and in order to ensure timely and qualitatively implementation of its objective, NIJ requested UNDP to provide assistance and support in developing training curricula and training materials for this group of beneficiaries (trainees).

According to the Law, the court clerks have a positive obligation, upon their recruitment by the Ministry of Justice, to pass an initial training within the National Institute of Justice. Their initial training has a total length of 3 months and is composed of 2 blocks of theoretical courses of 2 weeks each, separated by a traineeship period of 2 months. Their final enrolment within a court depends on the successful completion of these courses.

NIJ estimates at 40 the number of beneficiaries of this type of training per year due to the high turnover of this type of administrative staff.

Objective: To develop NIJ Curricula for Initial Training of Court Clerks in compliance with best international and national legal and education standards, develop training materials and develop a practical guide for Court Clerks to be used in their work.

- F. Organizational Setting:** In order to achieve the given objective, the team of consultants shall comprise **specialists** in various fields of law (civil, criminal and administrative), related to the position of the court clerks. A **Team Leader** shall be appointed prior to implementation of the assignment. The Consultants will work under direct supervision of the NIJ Executive Director, in collaboration with the National Consultant responsible for the methodology of the training programme (methodist) and UNDP Project Manager. The assignment foresees group or individual work. The consultants will work at NIJ premises and participate in all working meetings directly related to his/her activity, as well as outside NIJ premises.
- G. Scope of work and expected output:** In order to achieve objectives the **team of consultants** will:
- Study the legal framework on NIJ and training of Court Clerks; NIJ regulations;
 - Study the international relevant experience (of similar institutions) in developing curricula and training programmes/materials (including relevant samples) for initial and continuous training for judges, prosecutors and court clerks etc.; UN/EU relevant conventions, the recommendations of the international treaty bodies, best legal education practices (advanced education and adult teaching);
 - Study the already developed training curricula and materials for judges and prosecutors
 - Given the approved methodology, to develop the content of the initial training curricula of Court Clerks for all specialisations (civil, criminal and administrative) and levels (Court of first instance, Courts of Appeals and

¹ The Law on National Institute of Justice (Nr.152-XVI) was approved by Parliament on 08.06.2006 and is available on www.parlament.md

- Supreme Court of Justice);
- Develop training materials, including study cases, teaching aids and hand-outs etc.;
- Develop a practical guide for Court Clerks to be used in their daily work which would include both theoretical part as well as samples of legal documents;
- Submit the draft products to NIJ Executive Director, Methodist and Project Manager;
- Participate in joint consultation meetings to discuss and collect the feedback/recommendations for improvement of the draft initial training curricula, materials and practical guide with NIJ representatives, methodist, consultants, representatives of the Ministry of Justice, Supreme Court of Justice and Superior Council of Magistracy and UNDP relevant staff;
- As result of the meetings, introduce the necessary amendments, conclude and prepare the materials for the publication;
- Pilot the products developed at the training sessions organized by NIJ, collect the feedback/recommendations and introduce the necessary amendments;
- Submit the final versions of the products to be approved by NIJ Council (in both hard and soft copy), as well as the assignment report to NIJ and UNDP.

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

H. Qualifications:

Education: University or Higher Degree (MA and Ph.D.) in Law.

Experience:

- ú Proven experience of working in justice system and/or legal education;
- ú Extensive knowledge of international and national legal framework related to the functioning of the courts and the position and status of the court clerks, including of standards, systems, instruments and mechanisms etc. in this field;
- ú Experience in developing methodical, informative and didactical materials;
- ú Have publications in law/justice field (preferably).

Abilities:

- ú Ability to analyze and generalize, to develop methodical and training materials;
- ú Ability/capacity to provide consultancy services;
- ú Ability to work in a team;
- ú Efficient communications and writing skills in legal area;
- ú Extensive PC skills, ability to use Internet;
- ú Fluent in State Language. Knowledge of Russian and English is an asset.

Personal qualities: responsibility, creativity, promptness and punctuality.