



## TERMS OF REFERENCE

- A. Job Title:** National Consultant on legal training methodology for the National Institute of Justice
- B. Duty Station:** Chisinau, Republic of Moldova
- C. Project reference:** Strengthening Technical Capacities of the National Institutions for the Human Rights Protection and Promotion
- D. Contract type:** Individual Contract (IC)
- E. Duration of assignment:** November 2016 – June 2018 (up to 150 working days)

### F. Background:

The **Strengthening Technical Capacities of the National Institutions for the Human Rights Protection and Promotion Project**, financed by the Ministry of Foreign Affairs of Denmark and implemented by **UNDP Moldova**, is seeking to support the implementation of the human rights reforms, plans and commitments in Moldova by ensuring that the capacities of the national institutions with a mandate in human rights field are strengthened, so that they are able to perform their key functions on the human rights monitoring, reporting, promotion and protection. The overall objective of the project is to improve human rights protection and rule of law, including effective national implementation of European and international instruments in the Republic of Moldova, and in-line with the national priorities, strategies and plans.

For these purposes the Project also seeks to develop the capacities of the National Institute of Justice (NIJ)<sup>1</sup> in the provision of the up to date training services for future and actual judges and prosecutors and other actors of the justice sector, to ensure curricular correspondence with the substantive and procedural international and national human rights law; to mainstream the international and regional human rights instruments and standards (including on gender equality, equality and non-discrimination, racism, intolerance and hate speech, anticorruption and professional ethics) into the NIJ curricula.

In 2016 a report was prepared by an international consultant with the evaluation of the existing NIJ's training programmes and educational activities. The report provided a number of suggestions and recommendations as to reforming the NIJ's curriculum, strengthening the practical character of NIJ's training programmes and further mainstreaming of human rights therein. It was concluded

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<sup>1</sup> The National Institute of Justice of Moldova was founded in 2007 as a centre for the initial training of candidates for positions of judges and prosecutors as well as continuous/in-service training for the judges and prosecutors holding the office and representatives of other professions involved in the delivery of justice in Moldova.

that the effective development of human rights training is impossible without implementing and developing new teaching methods at the NIJ.

The practical value of the initial training should be enhanced by clearly distinguishing it from the studies at the university level. In order to achieve this goal, the initial training should focus on the development of practical skills of future judges and prosecutors relying on moot court/simulation techniques and practical tasks. Therefore, more case-scenario based trainings and assignments should be introduced into the curriculum and more interactive methods employed in order to enforce ethics and anticorruption standards and to teach practical legal skills to the NIJ trainees. For continuous/in-service training the amount of practical training activities should also be increased.

International human rights standards should also be integrated into the practical scenarios rather than taught separately. It is important to show human rights in action through their application in national legal framework and legal practice. Therefore, it is important to include human rights issues and standards into practical tasks, moot trials/simulations of the substantive legal disciplines, thus reducing the theory of human rights to the necessary minimum. That way the attendees will clearly see how human rights can be applicable in practice.

In addition to this, the UN-Moldova Partnership Framework 2013-2017 (UNPF)<sup>2</sup> sets the target of amending the NIJ's curriculum with modules on each of the international treaties, mechanisms and instruments (ICESCR, ICCPR, CAT, ICERD, CEDAW, CRC, CRPD and 1951 Refugee Convention) by 2017.

In order to achieve the aforementioned tasks UNDP will hire an international consultant who will identify key competences that should be developed at the NIJ, design and test 2 complex simulation modules (covering the main stages of criminal and civil procedures), and work with NIJ's trainers and management in order to enable them to use effectively applied and interactive teaching and training methods and techniques in their activities. To support the activities of the International Consultant UNDP will hire a national consultant with whom they will work together to accomplish the set tasks.

#### **G. Objective:**

The main objective of this consultancy is to provide support to the international consultant whose task will be to implement interactive and practical methods of training at the National Institute of Justice (NIJ) aimed at developing practical skills of the NIJ's trainees, to develop and test complex pilot training modules based on simulation and mooted methods, and to act as a mentor for the NIJ trainers and management on issues of training methodology.

#### **H. Scope of work and expected outputs:**

The support provided by the National Consultant will consist of performing the following tasks:

- 1) Provide analytical support (provide analysis of the relevant Moldovan legislation and case law, collect the data relevant for the assignment, identify and provide inputs on specific problems, particularly referring to human rights situation and national standards, diversity, gender issues,

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<sup>2</sup> <http://www.un.md/publicdocget/44> (see Outcome 1.2, p. 26).

etc.);

- 2) Provide assistance to the International Consultant during his/her working missions to Moldova;
- 3) Participate in and facilitate the activities performed by the International Consultant while in mission in Moldova;
- 4) Act as liaison and ensure effective communication between the International Consultant, the NIJ and its staff involved in the project, as well as other relevant institutions;
- 5) Provide relevant inputs for the reports and other documents prepared by the International Consultant;
- 6) Perform other assignment related activities.

The National Consultant will work with and assist an International Consultant. The **International Consultant** will do the activities listed below. The task of the National Consultant will be to provide support and assistance to the International Consultant in these activities:

**1) Preliminary desk review:**

- Review the available studies and reports on the activity of the NIJ with the relevant suggestions and recommendations regarding training programmes and curriculum at the NIJ, review other information relevant for the purpose of the assignment;
- Prepare a detailed plan of the activities within the assignment;

**2) Determining the competences for future judges and prosecutors to be developed as a result of the initial professional training:**

- Determine the basic set of key competences and skills for future judges and prosecutors (that are required for the exercise of their professions in the context of the Republic of Moldova) that the NIJ trainees should obtain by the end of the initial training stage (hereinafter – key competences). The set of key competences should lay the basis of further work on integrating practical training methods into the NIJ's curriculum and should be the aim of all training activities at the NIJ;
- Conduct an assessment of the current NIJ's initial training curriculum in order to establish whether it allows to develop the defined key competences of the NIJ's trainees;
- Provide recommendations on potential modifications into the NIJ's initial training curriculum and/or legislative amendments so as to develop and put in practice the key competences of the trainees more effectively;

**3) Integrating interactive and applied methods of teaching and vocational legal training into the NIJ's initial and continuous/in-service training activities:**

- Analyse how interactive and applied methods of teaching and vocational legal training (moot-trials, simulations, case-method and case studies, discussions, etc.) are currently used by the NIJ at the initial and continuous training levels;
- Identify ways for improvement in the use of interactive and applied teaching methods that can be effectively employed by the NIJ in its training activities;
- Conduct training needs assessment for the NIJ staff on the use of interactive and applied teaching methods;

- Produce recommendations for the NIJ as to the implementation of interactive and applied methods of teaching and legal training that can be employed by the NIJ in order to increase the efficiency of their legal trainings, develop practical legal skills and human rights application, and ensure that the key competences are developed by the NIJ trainees, particularly at the level of initial training;
- Deliver trainings to the NIJ's trainers on the effective use of interactive and applied teaching methods and techniques in vocational legal training. The trainings shall, among others, include practical exercises to develop effective teaching skills with the NIJ trainers, methodology on how to develop effective training case studies, scenarios, simulations, moot trials and moderate discussions, mainstreaming at the same time the relevant human rights standards, communicate effectively with trainees, etc;
- Assist and mentor the NIJ trainers in their use of the new teaching and training methods and techniques during working missions to Moldova;
- Prepare guidelines for NIJ's trainers on the use of practical legal teaching and training methods, elaboration of practical training modules, effective instruction of trainees, elaboration of training materials mainstreaming relevant human rights standards, etc.;

**4) Develop complex simulation and mootings-based training modules:**

Develop two pilot practical training modules based on simulation and mootings methods that would meet the following criteria:

- 4.1) The main objective of the modules is to teach the trainees practical professional skills with the aim of developing the key competences. The trainees should learn how to use their theoretical knowledge in real-life situations;
- 4.2) The modules should (among others) consolidate theoretical knowledge in criminal and civil law, criminal and civil procedure, human rights and other related areas of law through practical exercises, teach practical skills to future judges and prosecutors, teach legal writing through drafting specific procedural documents, teach pre-trial and trial skills, develop communication skills of the trainees necessary to exercise the professions of judges or prosecutors, teach how to deal with human rights issues in practical situations, etc.
- 4.3) The duration period of the modules will be up to one NIJ's semester;
- 4.4) The modules will be taught by the selected team of NIJ's trainers assisted by the International Consultant. The selected International Consultant will have to develop all necessary instructions for the trainers to conduct effectively this module;
- 4.5) The 2 modules should be based on one criminal case scenario and one civil case scenario based on Moldovan legislation and shall include all main stages of criminal and civil procedure and relevant human rights issues and standards (starting with the launch of criminal investigation and, respectively, the preparation of the claim and finishing with the appeal stages);
- 4.6) The case scenarios should have one detailed main line with additional sub-scenarios that would develop the case and introduce various topics into it. The scenario(s) should not only include all stages of a criminal and a civil case, but also integrate a wide range of human rights issues and problems (both material/substantive and procedural; e.g., rights of persons belonging to minorities, rights of minors, rights of

persons with disabilities, protection of personal data, right to a fair trial, non-discrimination, prevention of torture, arrest/detention, freedom of assembly and association, etc.) that the trainees should solve while going through the module at various stages of the case;

- 4.7) The modules should include preliminary individual reading and preparation sessions assisted by the trainers preceding practical tasks and assignments;
- 4.8) The trainees should have the possibility to change their roles and have an opportunity to play most of professional roles in a criminal case during the course (criminal investigation officer, prosecutor, defence lawyer, a lawyer representing parties in a civil case, investigative judge, judge at the trial and appeal stages);

**5) Develop an Action Plan to implement the recommendations made and assist the NIJ in its implementation**

On the basis of the recommendations made regarding the development of key competences of the NIJ trainees, resulting modifications into the NIJ curriculum, and the integration of the interactive and applied training methods, the Consultant will elaborate an Action Plan to implement the relevant recommendations. After the Action Plan is coordinated with the NIJ management, the Consultant will provide advisory support to the NIJ staff in implementation of the Plan;

**6) Produce regular progress reports;**

The Consultant will submit regular progress reports that would provide details on the progress of the assignment, activities performed, any issues and problems identified and solutions proposed. Unless other timeframes for presenting progress reports are specified in the table of deliverables or agreed with UNDP, they should be submitted by the completion of each of the deliverables.

**7) Produce a detailed and comprehensive final report on the relevant findings, respective recommendations and all assignment related activities performed;**

**8) Perform other assignment related tasks.**

**I. Deliverables:**

	<b>Deliverables (to be accomplished together with the international consultant)</b>	<b>Estimated timeframe</b>
1.	<b>Desk review</b> conducted and a preliminary detailed working plan presented	November 2016
2.	<b>Assistance provided to the International Consultant during the first fact-finding mission to Moldova</b>	November 2016
3.	<b>First comprehensive progress report</b> that shall specify: <ul style="list-style-type: none"> <li>1) Key findings of the first mission;</li> <li>2) Preliminary analysis and identification of the key competences for</li> </ul>	November-December 2016

	<p>the trainees of the National Institute of Justice;</p> <ol style="list-style-type: none"> <li>3) Detailed training needs assessment of the NIJ staff on legal teaching and training methods and techniques;</li> <li>4) Outline of the trainings for the NIJ staff on the use of interactive and applied vocational legal training methods following the training needs assessment</li> </ol>	
4.	<p><b>Assistance provided to the International Consultant during the second working mission to Moldova.</b></p> <p>The following activities are expected to be performed:</p> <ol style="list-style-type: none"> <li>1) Presentation of the conclusions made following the first working mission and the training needs assessment analysis for the NIJ staff;</li> <li>2) Discussions regarding the key competences and their relation with the training activities at the NIJ;</li> <li>3) Consultations on the existing forms and methods of professional legal training used by the NIJ;</li> <li>4) Preliminary trainings for the NIJ trainers on the use of interactive and applied vocational legal training methods according to the needs assessment;</li> <li>5) Preliminary discussions regarding the development of the two simulation modules</li> </ol>	December 2016
5.	<p><b>Report on the results of the second working mission to Moldova:</b></p> <ol style="list-style-type: none"> <li>1) Key findings of the second mission;</li> <li>2) Detailed analysis of the key competences of the NIJ trainees that should be developed as a result of the initial training at the NIJ;</li> <li>3) Recommendations regarding the implementation of the applied legal training methods, identification of the key competences of the NIJ trainees and the related modifications into the NIJ curriculum;</li> <li>4) Recommendations regarding the modifications into the forms and methods of continuous trainings provided by the NIJ;</li> <li>5) Detailed plan of trainings for the NIJ staff on the use of legal training methods and techniques (with the related recommendations)</li> </ol>	January 2017
6.	<b>Preliminary outline of the two simulation modules</b>	February 2017
7.	<b>Preliminary Action plan</b> for the implementation of the recommendations made by the Consultant	February 2017
8.	<p><b>Assistance provided to the International Consultant during the third working mission to Moldova.</b></p> <p>The following activities are expected to be performed:</p> <ol style="list-style-type: none"> <li>1) Trainings for the NIJ trainers on the use of interactive and applied vocational legal training methods according to the needs assessment made;</li> <li>2) Presentation of the recommendations made by the Consultant and related consultations;</li> <li>3) Discussions and consultations regarding the proposed Action Plan;</li> <li>4) Start of the work on the elaboration of the two simulation modules</li> </ol>	February-March 2017

9.	<b>The final version of the Action Plan</b> for the implementation of the recommendations made	April 2017
10.	<b>Draft Guidelines for NIJ trainers</b> on the effective use of interactive and applied methods and techniques in vocational legal training	April 2017
11.	<b>First working draft of the curriculum and training materials</b> for the two simulation modules (one criminal and one civil case)	June 2017
12.	<b>The final version of the Guidelines for NIJ trainers</b> on the effective use of interactive and applied methods and techniques in vocational legal training is provided	June 2017
13.	<b>Assistance provided to the International Consultant during the fourth working mission to Moldova.</b> The following activities are expected to be performed: <ol style="list-style-type: none"> <li>1) Advisory support to the NIJ staff in implementing the recommendations made by the Consultant and the related Action Plan;</li> <li>2) Advising and mentoring the NIJ trainers and management on the use of interactive and applied training methods;</li> <li>3) Continue work on the preparation of the two simulation modules;</li> <li>4) Providing necessary trainings to the NIJ trainers who will be involved in the simulation modules;</li> <li>5) Other planned trainings to the NIJ staff on the use of legal training methods and techniques</li> </ol>	October-November 2017 (up to 20 w/d)
14.	<b>The final version of the materials for the simulation modules</b> are submitted, including: <ul style="list-style-type: none"> <li>- curriculum;</li> <li>- learning materials and instructions for trainees;</li> <li>- detailed instructions for trainers</li> </ul>	December 2017
15.	<b>Assistance provided to the International Consultant during the fifth working mission to Moldova.</b> The following activities are expected to be performed: <ol style="list-style-type: none"> <li>1) Start of the simulation modules;</li> <li>2) Assisting the trainers who conduct the simulation modules;</li> <li>3) Advisory support to the NIJ staff in implementing the recommendations made by the Consultant and the related Action Plan;</li> <li>4) Advising and mentoring the NIJ trainers and management on the use of interactive and applied training methods</li> </ol>	January-February 2018 (up to 20 w/d)
16.	<b>Assistance provided to the International Consultant during the sixth working mission to Moldova.</b> The following activities are expected to be performed: <ol style="list-style-type: none"> <li>1) Continuation of the simulation modules;</li> <li>2) Assisting the trainers who conduct the simulation modules;</li> <li>3) Analysis of the issues arisen during the implementation of the modules and debriefing sessions on them;</li> </ol>	April-May 2018 (up to 15 w/d)

	5) Advisory support to the NIJ staff in implementing the recommendations made by the Consultant and the related Action Plan; 6) Advising and mentoring the NIJ trainers and management on the use of interactive and applied training methods	
17.	<b>Draft version of the final report</b> that will include: 1) Detailed account of all activities performed during the assignment; 2) Detailed conclusions and recommendations made	May 2018
18.	<b>The final version of the report</b> is submitted	June 2018
19.	<b>Regular progress reports</b>	quarterly (apart from the first two reports for which specific deadlines are provided)

Deliverables (and the respective timeframes) can be further amended or modified for the purpose of the assignment.

#### J. Organizational Setting:

This is a part-time consultancy. The National Consultant will work with and assist an International Consultant and under the direct supervision of and in cooperation with the NIJ management and UNDP Project Manager.

#### K. Inputs:

The NIJ and Project staff will provide the National Consultant with the information and materials available for the fulfilment of tasks, facilitate meetings and provide other reasonable logistic support, where necessary. However, collecting all relevant information on Moldovan legislation, Moldovan legal system and other related issues will be the sole responsibility of the National Consultant.

#### L. Qualifications:

##### I. Academic Qualifications:

- Master's Degree or equivalent (5-year university education) in Law, Human Rights, Pedagogy, Social Sciences, or other relevant field; PhD degree is an asset;

##### II. Years and sphere of experience:

- At least 3 years of proven professional experience in developing and delivering professional legal training programmes (initial or continuous), developing training curricula for legal professionals;
- Previous experience of working as a legal professional (judge, prosecutor, or lawyer);
- Previous experience of conducting trainings for trainers and/or acting as a mentor is an asset;
- Previous working experience related to the National Institute of Justice of Moldova is an asset;



### III. Competencies:

- Knowledge of interactive and applied teaching methods and techniques in professional legal training, understanding of the specific nature of such training;
- Knowledge of the human rights situation and human rights, diversity and gender related problems and challenges in the Republic of Moldova and the region;
- Proven knowledge of the UN human rights protection mechanisms and standards is an asset;
- Knowledge of Romanian and English languages for the purposes of the assignment;
- Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Russian, Ukrainian or sign language is an asset;

### IV. Personal qualities:

- Proven commitment to the core values of the United Nations, in particular, respecting differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Responsibility, creativity, flexibility and punctuality.

The UNDP Moldova is committed to workforce diversity. Women, persons with disabilities, Roma and other ethnic or religious minorities, persons living with HIV, as well as refugees and other noncitizens legally entitled to work in the Republic of Moldova, are particularly encouraged to apply.