



## TERMS OF REFERENCE

<b>A. Job title:</b>	International Consultant on developing a curriculum on “Legal English” for the National Institute of Justice (NIJ)
<b>B. Reference to the project:</b>	“Support to Justice Sector Reform in Moldova – Reinforcing the National Capacities Skills – Based Training for Legal Professionals” Project” (NIJ2 Project)
<b>C. Contract type:</b>	Individual Contract (IC)
<b>D. Expected duration of the assignment:</b>	July 2021 – December 2021 (up to 40 working days)
<b>E. Starting date:</b>	July 2021

### I. Background

A well-functioning justice sector is critical for good governance, reducing corruption and efficient delivery of public services. Although important efforts have been deployed during the last years to improve the efficiency, transparency, fairness, and accessibility of the justice sector,<sup>1</sup> the justice system still fails to deliver at the level of users’ expectations. Even though justice reform is ranked the fourth in importance by citizens (after healthcare, pension, and education reforms),<sup>2</sup> results matching this expectation are not achieved yet.

Quality and professionalism of justice sector personnel is an issue requiring specific attention. 45% of court users believe that justice professionals are not sufficiently qualified,<sup>3</sup> while the quality of judicial acts is assessed to be the weakest point of Moldovan judiciary.<sup>4</sup> The causes of these shortcomings are varied, but the most significant factor is a lack of capacity. As a result, the justice professionals are ill-equipped to deliver the kind of judgments that might comply with the international standards, and to respond to the demands for efficient justice for all.

The National Institute of Justice (NIJ) plays the central role in training Moldovan judges and prosecutors (providing both initial and in-service training). Therefore, through its training activity,

<sup>1</sup> Introduction of a redesigned legal aid system, optimization of court map, implementation of Integrated Case Management System (ICMS), audio recording of court proceedings, reform of prosecution service, etc.

<sup>2</sup> World Bank, Moldova - Improving Access to Justice: From Resources to Results. A Justice Sector Public Expenditure and Institutional Review (Report No. 124516-MD), 2018, <http://documents.worldbank.org/curated/en/683491537501435060/pdf/Moldova-JSPEIR-English-Version-Sep-13-2018.pdf>

<sup>3</sup> 2018 Survey on Public Opinion about the Justice System in Moldova (Romanian), available at <https://www.justitiatransparenta.md/rezultatele-sondajului-privind-opinia-publica-despre-sistemul-judecatoresc-din-moldova/>

<sup>4</sup> Soros-Moldova. Assessing the First Year of Moldova’s Implementation of the Association Agenda – Progress and Opportunities in the Political Sphere. Working paper. Chisinau: Soros-Moldova, 2016.

the NIJ can directly influence the quality of judicial acts, the reform of the justice system and ultimately the trust of people in justice institutions and processes.

The NIJ has been consistently developing its capacities to ensure that the trainings provided are up-to-date and the training activities are organized in adequate training facilities. During the 2015-2017 the NIJ with UNDP's support implemented a series of transformations aimed at developing the institution and improving the quality of trainings provided. As a result, the new practices-oriented and simulations-based training curricula has been introduced in 2017, which has completely rethought the training process at the NIJ. However, additional interventions are required to further improve institutional capacities, training facilities and approaches to the training processes, as well as to expand the integration of technologies with the NIJ's business processes.

Building on the previous collaboration, the NIJ2 Project is designed to foster a more efficient justice system accessible to all by reinforcing national capacities and structures to provide efficient skills-based training for legal professionals in Moldova.

Nowadays, delivering justice has gone beyond the borders of a particular jurisdiction. National justice systems are influenced by various factors and phenomena, including transborder crime, free movement of people and capital, migration, existence of supranational jurisdictions, etc. Therefore, mastering a foreign language and its legal terminology is important and should form part of the continuous training of legal practitioners. It is a precondition to effective contacts across the states, which are in turn the cornerstone for judicial cooperation. It is essential that all stakeholders pay attention to training on legal terminology of foreign languages.<sup>5</sup>

Legal English plays a key role in ensuring cooperation and understanding among justice actors coming from different jurisdictions. Therefore, the Project will work with the NIJ to develop a Legal English curriculum to be integrated with the legal professionals training program and contribute to nurturing next generation of legal professionals with relevant knowledge and skills.

The "Legal English" course will have a professional use purpose and will be addressed to NIJ trainees and other professionals trained at the NIJ to develop their linguistic skills in an international legal environment, combining English lexicon, grammatical constructions and legal terminology.

Language awareness focuses on the internalization of grammar areas such as verb tenses, active and passive voice, the system of modal verbs, conditionals, determiners, and quantifiers, linking devices, formal and informal register markers, alongside law-specific and workplace-related vocabulary and terminology.

Focusing the Project activities on this area is since the „Legal English” plays a key role in ensuring cooperation and understanding among justice actors coming from different jurisdictions. Therefore, the Project will address this knowledge gap by working with the NIJ to conceptualize a “Legal English” curriculum in its training program for its trainees. The „Legal English” course aims to be more precise and consistent than ordinary language. The course will have as a primary goal training the NIJ beneficiaries in view of the need for language skills and knowledge of legal language for legal professions.

## **II. Objective and expected outputs**

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<sup>5</sup> European Commission – Communication of 13 September 2011 on Building trust in EU-Wide Justice, A new dimension to European judicial training (COM (2011) 551), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0551&from=en>

The expected output of the assignment is to develop a “Legal English” curriculum to be integrated with the NIJ’s training program for legal professionals and to build the NIJ capacities to deliver the Legal English training through a Training-of-Trainers type of intervention.

The Legal English program will be developed as a professional toolkit that both local (for instance, the NIJ trainers or local legal professionals fluent in English) and international trainers (for instance, guest trainers from the U.S. Embassy or international community) can use for training. The curriculum will include all assigned readings, exercises, presentations and testing materials, with clear learning and instructional objectives set forth in detailed, timed lesson plans for every module. The lesson plans and related curricular materials will be sufficiently detailed to allow the trainer to deliver the module by following the lesson plan, without further assistance or supervision. The training instructions and materials will be structured in two handbooks: one for the trainers and one for the trainees.

The course will be built as an English-language immersion course, intended for Moldovan legal professionals with a reasonable level of English (~A2/B1), aligned with international language standards. The course will aim at developing both the legal and linguistics skills of the participants by combining legal information and language exercises in a practical and dynamic way.

The target course would tentatively contain the following components:

- 20 modules of 90 min each;
- Geared towards all legal professionals: judges, prosecutors, lawyers;
- Interactive exercises;
- Practice tests to reinforce learning;
- A final test to pass in order to receive the course certificate.

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

To achieve the objective, the International Consultant shall perform the following tasks:

- Develop the methodology and action plan for the assignment, highlighting the specific objectives and competences to be achieved, milestones and timelines to be followed;
- Conduct a desk review on good practices referring to “Legal English” training programs, showcasing new and innovative examples that could facilitate language acquisition and continuous long-life learning process;
- Conduct a needs assessment on implementing “Legal English” training program, including a series of meetings and discussions with the NIJ representatives, trainers and trainees and other relevant stakeholders;
- Develop and coordinate with the NIJ and other stakeholders the concept of the “Legal English” training program and establish relevant training materials;
- Draft the “Legal English” training program with course outlines, lesson plans, classroom activities and instructions, accompanied by relevant training materials (i.e. textbooks, guidelines, case-studies, glossary, etc.);
- Coordinate and ensure consistency between the methodological, pedagogical and legal sides of the assignment;
- Organize the training materials and instructions in two distinct handbooks: one for the trainers and one for the trainees;
- Conduct a Training-of-Trainers workshop for the NIJ on “Legal English” program, materials and teaching methodologies;

- Produce and submit a final progress report that would provide details on the progress of the assignment, activities performed, any issues and problems identified, and solutions proposed;
- Perform other assignment related tasks.

#### IV. Key deliverables and tentative timeframe

No.	Key Deliverables	Indicative timeline
1.	Methodology and Action Plan for the assignment submitted and approved by the Project	by August 6, 2021
2.	Desk review on good practices referring to “Legal English” conducted and presented	by August 30, 2021
3.	Needs assessment on implementing “Legal English” training program, including a series of meetings and discussions with the NIJ representatives, trainers and trainees and other relevant stakeholders conducted, brief on findings prepared and presented	August 25, 2021
4.	Concept of the “Legal English” training program developed and coordinated with the NIJ	September 15, 2021
5.	“Legal English” training program developed and structured in trainer’s handbook and trainee’s handbook	November 10, 2021
6.	Training-of-Trainers workshop on “Legal English” organized	November 25, 2021
7.	Final report submitted	December 10, 2021

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

#### V. Institutional arrangements:

This is a part-time consultancy. The International Consultant will team up with a local consultant, who will assist him/her in conducting the assignment. The International Consultant will work under the direct supervision of and in cooperation with the NIJ management and UNDP Project Manager.

The NIJ and Project staff will provide the International Consultant with the information and materials available for the fulfilment of tasks, facilitate meetings and provide other reasonable logistic support when necessary. The International Consultant will also receive necessary support on Moldovan legislation, Moldovan legal system, and other related issues from the local consultant.

All deliverables and documentation related to the assignment will be submitted in English, in electronic format. Before submission of final deliverables, the consultant will discuss the draft documents with the parties involved, so that the final products reflect their comments.

Two working missions (up to three days each) to Chisinau, Republic of Moldova, may be considered under this assignment, depending on the evolution of the COVID-19 epidemiological situation and eventual restrictions imposed by the national authorities, and if such missions are possible within the assignment's schedule. The International Consultant shall reflect in his/her financial proposal two missions to Moldova as specified above.

### COVID-19 implications

All activities under this assignment shall be conducted in accordance with the COVID-19 health safety measures. Except the eventual field missions to the Republic of Moldova, priority shall be given to remote collaboration and online meetings/interaction. Therefore, the consultant should develop a flexible methodology to conduct the assignment virtually and remotely, using teleconferencing equipment and tools, including the use of remote interview methods and extended desk reviews, data analysis, surveys and evaluation questionnaires.

Should the circumstances allow conduct of workshops/meetings with physical presence of participants, the consultant shall abide by the safety rules and regulations set by the Moldovan authorities in regard to gatherings/meetings at that particular time, ensuring the safety of its staff and those they shall interact with.

## **VI. Financial arrangements**

The payment will be disbursed in three instalments upon submission and approval of deliverables by the Project Manager, certifying that the services have been satisfactorily performed.

## **VIII. Qualifications and skills required:**

### a) Academic Qualifications:

- Master's Degree or equivalent (5-year university education) in Foreign Languages, Law, Education, Pedagogy, or another relevant field.

### b) Work experience:

- At least 7 years of proven professional experience in developing and delivering initial and continuous training programmes. Developing training curricula for legal professionals is an advantage;
- Proven experience in developing English language training for specific purposes;
- Previous experience of conducting trainings of trainers;
- Previous working experience related to professional legal training issues in Eastern European and/or CIS countries is an advantage;
- Experience in similar positions with UN entities, EU or other international organization is an advantage.

### c) Competencies:

- Proficient knowledge in international and local standards in curriculum;
- Strong knowledge of interactive and applied teaching methods and techniques in professional training;
- Ability to analyse, plan, communicate effectively orally and in writing, draft reports, solve problems, organize and meet expected results, adapt to different environments (cultural, economic, political and social);
- Strong sense of initiative and ability to work independently;

- Proficiency in English language. Knowledge of Romanian and/or Russian is an advantage.

d) 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 are particularly encouraged to apply.