**TERMS OF REFERENCE**

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| Service | Development of a training module on adversarial skills for students |
| Consultancy | Two national legal consultantsOne international legal consultant  |
| Duty station: | Ha Noi and home based |
| Expected Duration  | From September 2020 to March 2021 |
| Supervision: | The three consultants will work in a team under the supervision of the Program Officer in charge in the UNDP Governance and Participation Unit and the Hanoi Procuratorate University (HPU) of the Supreme People’s Procuracy of Vietnam (SPP) |

1. **BACKGROUND**

Assurance of adversarial principle in adjudication is the new principle that is first stipulated in a separate provision of the 2015 Criminal Procedure Code (CPC). According to the Article 26 of the CPC, investigators, prosecutors, defendants, defense counsels and other persons participating in the criminal proceedings are equally entitled to present and evaluate evidences and make requests for clarification of objective truths of the cases. The courts are responsible for supporting prosecutors, defendants, defense councils and other participants in criminal proceedings to exercise all their rights and duties for ensuring adversarial principle before the court.

Even though the CPC has provided clearly the requirements for adversarial principle, in practice, the implementation of adversarial principle in criminal proceedings is still limited. One of the reasons is that trainings on adversarial skills for both students and judicial officials at legal training institutions have not been given adequate attention.

In this context, Hanoi Procuratorate University (HPU) has requested UNDP to support for developing a training module on adversarial skills for students of the HPU, who will be prosecutors in the future.

The EU Justice and Legal Empowerment Programme (EU JULE), implemented by UNDP and UNICEF together with relevant State agencies, is designed to strengthen the rule of law through a more reliable, trusted and better accessed justice system, and specifically to increase access to justice for women, children and those groups which face the greatest obstacles in using the justice system to invoke their rights, including ethnic minorities and poor people.

The objectives of the programme are to be achieved through a number of interventions, including increased public awareness and understanding of rights and how to invoke those rights according to principles enshrined in Vietnamese law, mechanisms and procedures for how to use the law, and options for seeking legal advice, assistance and representation.

Under the EU JULE, one of the key areas of intervention is to enhance integrity and transparency in the justice sector. Thus, development of a training module on adversarial skills for students of the HPU will contribute to one of the expected results of the Programme.

1. **OBJECTIVES OF THE ASSIGNMENT**

The assignment aims to support Hanoi Procuratorate University (HPU) in developing a training module on adversarial skills for students that can be integrated into the training program of the HPU.

1. **SCOPE OF WORK**

The activity will be carried out by two national legal consultants and one international legal consultant hired by UNDP in consultation with the HPU.

The three legal consultants will work together in a team. The scope of work for this assignment is as follows:

**a. National legal consultant – team leader (26 days)**

***Take a leading role in the team (1 day)***

***-*** Take ultimate responsibility for the final training module;

***-*** Take the lead in discussion with the two other consultants, UNDP and HPU on implementing the assignment;

- Discuss with the two other consultants to develop a workplan with clear deadlines for each activity and send to UNDP and HPU for approval;

***Develop the training module (25 days)***:

- Draft an outline of the training module and share the draft with other team members and UNDP for inputs/comments (1 day);

*-* Revise the draft outline based on the inputs from the other members (1 day);

- Based on the guidance and materials provided by the international consultant and materials collected by the other national consultant, develop a training module which includes a trainees’ handbook and a trainers’ guide (please see more details in section 4) (8 days)

- Share the draft training module with team members, UNDP and HPU, and revise the draft according to their comments (4 days)

- Prepare and deliver presentation on the draft module to seek inputs from participants at a half day faculty level technical meeting in Hanoi, one day university level consultation workshop outside Hanoi, and a half-day final evaluation and approval workshop in Hanoi organized by UNDP and HPU (3 days);

- Revise and finalize the training module based on the inputs/comments from participants at the technical meeting and each consultation workshops (4 days);

- Prepare a three-day (30 hours) training of trainers organized by HPU and UNDP in Hanoi and act as a trainer at the event using the approved training module (4 days).

**b. *National legal consultant – team member: 16 days***

- Collect and analyse existing training materials on adversarial skills in criminal proceedings for prosecutors and students who will become prosecutors; collect and analyse the legal framework relating to adversarial skills of prosecutors in criminal proceedings (2 days);

 - Provide inputs/comments to the draft outline of the training module prepared by the team leader (1 day);

 - Collect and develop case studies, that involve vulnerable groups, for the training module (2 days);

 - Support team leader to develop training module, including by providing inputs/advice (4 days);

 - Attend a half day faculty level technical meeting in Hanoi, one day university level consultation workshop outside Hanoi, and a half day final evaluation and approval workshop in Hanoi organized by UNDP and HPU to support team leader to collect comments from participants to the draft training module (2 days)

 - Support team leader to revise and finalize the module (2 days)

 - Support team leader who will work as a trainer at the 3-day (or 30 hours) training of trainers organized by HPU and UNDP in Hanoi, using the approved training module and prepare a training report to submit to UNDP and HPU (3 days)

**c. International legal consultant – team member (11 days)**

- Collect and analyse existing international training materials on adversarial skills in criminal proceedings for prosecutors and students who will become prosecutors to provide relevant examples/best practices for developing similar materials in Viet Nam (3 days);

 - Provide inputs to the draft outline of the training module prepared by national consultants (0.5 day);

- Provide continuous guidance and support to the national consultants on the methodology and content of the training module, including ongoing comments/inputs to the draft training module prepared by national consultants, for the entire period of the module development (6 days);

- Prepare and attend online the university level one-day consultation workshop to present the international best practices for developing training materials on adversarial skills for students (1.5 days).

1. **FINAL PRODUCTS**

The final products of the three consultants are:

(1) A training module in Vietnamese and English, including a basic students’ handbook (maximum 30 pages excluding annexes) and a basic trainers’ guide (maximum 40 pages excluding annexes) for 30 hours face-to-face training on adversarial skills in criminal proceedings for students of HPU, who will become prosecutors in the future.

The students’ handbook should include a detailed lesson plan, learning objectives, the content and reference materials relevant to the module, presentation slides – with blank spaces that students can take notes and self – study questions, case studies.

The trainers’ guide should include a goal and learning objectives, detailed lesson plan, contents and reference materials relevant to the module, as well as learning exercises, case studies, presentation slides, trainer’s methodologies, and trainer’s notes.

The key contents of the module should include, but are not limited to:

- New CPC and other legal provisions on adversarial principles and on the protection of the rights of vulnerable groups, such as children, ethnic minorities, people with disabilities, in criminal proceedings;

- Basic theoretical issues on adversarial principles in criminal proceedings;

- Adversarial skills required for prosecutors to implement the adversarial principles provided by the new CPC;

- How to apply these skills in handling case studies;

- Learning exercises including moot court;

It is recommended that the case studies involving vulnerable groups, such as children, ethnic minorities, people with disabilities, be selected in the module.

The product is to be considered final upon approval by UNDP and HPU.

(2) 3-day (or 30 hours) training of trainers delivered based on the approved training module.

1. **DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL**

The assignment is expected to last approximately 6 months (September 2020 – March 2021).

Duty station: Hanoi and home-based

1. **PROVISION OF MONITORING AND PROGRESS CONTROL**

The consultants shall work collaboratively on this assignment, under monitoring of the Program Officer in charge in the UNDP Governance and Participation Unit and the HPU and deliver final product as described in Section 4 above.

Monitoring and progress control will follow the timeline below:

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| # | Activities | Deliverable | Timeline/Deadline |
| 1 | Submit a work plan with detailed timetable for each activity to UNDP and HPU | Workplan approved by UNDP and HPU | September 2020 |
| 2 | Develop an outline of the training module including a basic students’ handbook and a basic trainers’ guide | Outline approved by UNDP and HPU | October 2020 |
| 3 | Collect and analyse existing training materials on adversarial skills in criminal proceedings for prosecutors and students who will become prosecutors; collect and analyse the legal framework relating to adversarial skills of prosecutors in criminal proceedings  | Materials documented and submitted to team leader | October 2020 |
| 4 | Collect and analyse existing international training materials on adversarial skills in criminal proceedings for prosecutors and students who will become prosecutors to provide relevant examples/best practices for developing similar materials in Viet Nam | Materials documented and submitted to team leader | October 2020 |
| 5 | Develop a draft module including a basic students’ handbook and a basic trainers’ guide | Draft module reviewed by UNDP and HPU | December 2020 |
| 6 | Attend and deliver presentation at a half day faculty level technical meeting in Hanoi, one day university level consultation workshop outside Hanoi, and a half day final evaluation and approval workshop in Hanoi organized by UNDP and HPU  | Presentation delivered and comments collected | January 2021 |
| 7 | Finalize the module including a basic students’ handbook and a basic trainers’ guide according to the comments received at the meeting and workshops | Final module including a basic students’ handbook and a basic trainers’ guide approved by UNDP and HPU  | February 2021 |
| 8 | Act as trainers at a three-day (or 30 hours) training of trainers organized by UNDP and HPU in Hanoi, using the approved training module | Training delivered and pre and post assessment conducted | February 2021 |

1. **DEGREE OF EXPERTISE AND QUALIFICATIONS**

**a. National legal consultant – team leader:**

 - Master’s degree in law;

 - A minimum of 10 years of working experience relating to judicial sector;

 - Knowledge and working experience on criminal proceedings, especially on adversarial principle in criminal proceedings is a strong advantage;

 - Expertise in developing training materials in judicial matters, especially in criminal proceedings is essential;

 - Working experience in delivering trainings for students of legal training institutions;

 - Knowledge or working experience with vulnerable groups is preferable;

 - Experience working as a team leader of a consultant team, preferably of similar assignment(s);

 - Excellent spoken, report writing and presentation skills in Vietnamese;

 - Excellent report writing skills in English (one sample of the writing reports to be submitted); communication skills in English are essential.

**b. *National legal consultant - team member*:**

 - Master’s degree in law;

 - A minimum of 05 years of working experience relating to judicial sector;

 - Knowledge and working experience on criminal proceedings, especially on adversarial principle in criminal proceedings is a strong advantage;

 - Expertise in developing training materials in judicial matters, especially in criminal proceedings is a strong advantage;

 - Knowledge or working experience with vulnerable groups is preferable;

 - Demonstrated experience in conducting research and report writing.

**c. International legal consultant - team member**

 - Master’s degree in law;

 - A minimum of 5 years of working experience relating to judicial sector;

 - Knowledge and working experience on criminal proceedings, especially on adversarial principle in criminal proceedings is essential;

 - Expertise in developing training materials for justice professionals (judges, prosecutors, lawyers) is a strong advantage;

 - Knowledge or working experience with vulnerable groups is preferable;

 - Excellent spoken, report writing and presentation skills in English, one sample of the writing reports to be submitted.

1. **COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS**

All outputs produced in this action shall remain the property of UNDP, HPU who shall have exclusive rights over their use.

The consultants may not use, reproduce such works without prior consent from UNDP and MOJ.

1. **REFERENCE DOCUMENTS AND ADMINISTRATIVE SUPPORT**

UNDP and HPU will support the consultant team to complete this assignment, by providing available data, existing reports and research.

1. **CONTRACT PAYMENTS**
* 1st payment: 20% of the contract amount upon receiving and acceptance by UNDP of deliverables 1 and 2 specified in Section 6
* 2nd payment: 50% of the contract amount upon receiving and acceptance by UNDP of deliverables 3, 4, 5, 6 and 7 specified in Section 6
* Final payment: 30% of the contract amount upon satisfactory completion of all deliverables specified in Section 6
1. **EVALUATION CRITERIA**

**a. National legal consultant – team leader*:***

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| **Consultant(s)’ experiences/qualification related to the services** |
| **1.1**          | Master’s degree in law; | **150** |
| **1.2**    | A minimum of 10 years of working experience relating to judicial sector; | **150** |
| **1.3** | Knowledge and working experience on criminal proceedings, especially on adversarial principle in criminal proceedings is a strong advantage; | **150** |
| **1.4** | Expertise in developing training materials in judicial matter, especially in criminal proceeding is essential;  | **200** |
| **1.5** | Working experience in delivering trainings for students of legal training institutions; | **150** |
| **1.6** | - Knowledge or working experience with vulnerable groups is preferable;  | **50** |
| **1.7** | - Experience working as a team leader of a consultant team, preferably of similar assignment(s); | **50** |
| **1.8** | - Excellent report writing skills in English (one sample of the writing reports to be submitted); communication skills in English are essential. | **100** |
| **Total** |   |   |   | **1000** |

**b. National legal consultant – team member*:***

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| **Consultant(s)’ experiences/qualification related to the services** |
| **1.1**          | - Master’s degree in law | **200** |
| **1.2**    | - A minimum of 05 years of working experience relating to judicial sector;  | **200** |
| **1.3** | - Knowledge and working experience on criminal proceedings, especially on adversarial principle in criminal proceedings is a strong advantage; | **200** |
| **1.4** | - Expertise in developing training materials in judicial matter, especially in criminal proceedings is a strong advantage; | **200** |
| **1.5** | - Knowledge or working experience with vulnerable groups is preferable; | **100** |
| **1.6** |  - Demonstrated experience in conducting research and report writing. | **100** |
| **Total** |   |   |   | **1000** |

**c. International legal consultant - team member*:***

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| **Consultant(s)’ experiences/qualification related to the services** |
| **1.1**          | - Master’s degree in law; | **200** |
| **1.2**    | - A minimum of 5 years of working experience relating to judicial sector; knowledge and working experience on Vietnamese judicial system is an advantage | **200** |
| **1.3** | - Knowledge and working experience on criminal proceedings, especially on adversarial principle in criminal proceedings is essential; | **200** |
| **1.4** | - Expertise in developing training materials for justice professionals (judges, prosecutors, lawyers) is a strong advantage;  | **200** |
| **1.5** | - Knowledge or working experience with vulnerable groups is preferable; | **50** |
| **1.6** | - Excellent spoken, report writing and presentation skills in English, one sample of the writing reports to be submitted. | **150** |
| **Total** |   |   |   | **1000** |