

**THE AICHR THEMATIC STUDY ON THE RIGHTS OF ACCUSED PERSONS IN CRIMINAL CASES
IN ASEAN
TERMS OF REFERENCE FOR REGIONAL RESEARCH TEAM**

1. General Background

- 1.1 The AICHR Thematic Study on the Rights of Accused Persons in Criminal Cases in ASEAN is a follow up program and complement to the AICHR-CACJ High Level ASEAN Dialogue on the Rights of Accused Persons in Criminal Cases, held on 10-11 December 2018 in Malaysia.
- 1.2 The study will encompass a mapping of the legal framework related to the rights of accused persons in ASEAN Member States (AMS), with analysis of areas of commonality, strengths and areas for improvement in the region. The Thematic Study will include a regional overview, national reports from each AMS and will conclude with recommendations.
- 1.3 This study aligns with the AICHR Terms of Reference by aiming to:
- Develop strategies for the promotion and protection of human rights and fundamental freedoms to complement the building of the ASEAN community.
 - Promote capacity building for the effective implementation of international human rights treaty obligations undertaken by ASEAN Member States.
 - Obtain information from ASEAN Member States on the promotion and protection of human rights.
 - Develop common approaches and positions on human rights matters of interest to ASEAN.
 - Prepare studies on thematic issues of human rights in ASEAN.
- 1.4 This project will be led, implemented and managed by AICHR Malaysia.

2. The Objectives of the Terms of Reference

- 2.1 The objective of this TOR is to appoint the Regional Research Team (RRT) members that will undertake the AICHR Thematic Study. The total number of the researchers is five (5), including the Lead Member.

3. Responsibility of RRT Members

- 3.1 The RRT members will be collectively responsible for undertaking all tasks necessary to achieve the goals and objectives of the Thematic Study and to complete the final Thematic Study report as outlined in the Concept Note. The tasks will include:
- Discussing, agreeing and preparing an overall research design, including identifying the scope of the study, specific research objectives, research questions and methodology.
 - Designing, assisting, discussing, drafting, editing and collating all the relevant information, inputs and documents (including the national reports, regional synthesis and recommendations) and to have them published in the Thematic Study.
 - Attending and contributing to Coordination Meetings and their follow up tasks.
 - Liaising and cooperating with other RRT members and the National Focal Points (NFPs) appointed by each AICHR Representative, as well as other interlocutors.
 - Adhering to project management arrangements and agreed timelines.
- 3.2 The tasks of the RRT will be coordinated by the Lead Member, who will:
- Divide and assign agreed work among the RRT members.
 - Coordinate, supervise and oversee the work of the RRT members.
 - Consolidate preliminary studies conducted by the RRT and NFP members.

- Ensure national and regional reports are presented in a clear, consistent and coherent manner.
- Ensure that the RRT adhere to project management arrangements and agreed timelines for the Thematic Study.
- Work closely with and regularly update Malaysia's Representative to the AICHR on the progress of the RRT.

3.3 The RRT is expected to submit an initial draft of the Thematic Study to the Representative of Malaysia to the AICHR, and then to the AICHR for consideration and comments before resubmitting to the AICHR for approval and adoption. Depending on the content of the research and comments from the AICHR, this process may involve multiple revisions. The outcome will be in a form of a comprehensive Thematic Study that will include:

- The background to the Thematic Study.
- A compilation of national laws and practices from the AMS, based on the national reports.
- A regional synthesis of information, data, best practices and other findings from an analysis of the national reports.
- Recommendations based on the research findings with regards to the promotion and protection of the rights of accused persons in criminal cases.

4. Expertise required

4.1 RRT members must possess the following qualifications and experience including (but not limited to):

- At least a university degree in human rights, law, criminal justice, or equivalent professional experience in related fields of a minimum of 10 years' working in an ASEAN nation.
- Extensive experience working in the field of human rights, criminal law and criminal justice in an ASEAN nation.
- Familiarity with international and regional human rights instruments and policies.
- Experience in conducting research and/or assessments, preferably on human rights and criminal justice.
- Excellent analytical skills.
- Can work well independently and in a team.
- Cultural sensitivity to deal appropriately with interlocutors across all ASEAN nations.
- Ability to deliver quality output on time while working under tight deadlines.
- Good verbal and written command of English is essential.

5. Timeline and Remuneration

5.1 The assignment will tentatively take place from 1 March 2021 until 31 December 2021, or until such a time that the Thematic Study is complete. In view of the Covid-19 pandemic, all meetings will be carried out online, until and unless the situation recovers and allows for travelling abroad. Specific deadlines of work progress will be set later by the Representative of Malaysia to the AICHR and/ or Lead Member of the RRT in discussion with the RRT. In consideration and subject to funding, we intend to allocate a sum of **USD 4,000** as fee for each RRT member to undertake this work.

6. Submission Requirement

6.1 Interested candidates are required to submit their CV and information about previous publications and/or research work related to human rights, law, criminal justice or other related areas. The application should be submitted by **14 February 2021** to Eric Paulsen, the Representative of Malaysia to the AICHR, email: ericpaulsen.aichr@gmail.com with the subject of the email: AICHR REGIONAL RESEARCH TEAM, with copy email: myaichr@kln.gov.my