



The Government of the Republic of Malawi



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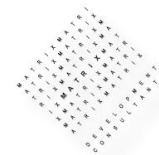
## THE DEMOCRATIC GOVERNANCE PROGRAMME (DGP)

*10<sup>th</sup> European Development Fund – MAI/002/10*

### SHORT-TERM EXPERTS (STE) TECHNICAL ASSISTANCE PROVISION PLAN (TAPP)

*30 November 2011*

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## 1. INTRODUCTION

Funded by the 10<sup>th</sup> European Development Fund (EDF) to the value of Euro 30 million over 5 years (2011-2016), the Democratic Governance Programme (DGP) has an overall objective to *“Contribute to the reduction of poverty through improved Democratic Governance, including access to quality justice, greater participation of all Malawians in democratic decision-making, and increased democratic accountability”*.

The purpose of the Democratic Governance Programme is to *“Contribute to improved Democratic Governance by ensuring access to quality justice for all in Malawi through a more effective and responsive Judiciary, increased restorative and victim-friendly approaches in both the formal and informal systems, improved democratic accountability and oversight, and to ensure that all Malawians know and understand, and are able to claim, their rights and the services to which they are entitled”*.

The DGP seeks to achieve three major results through the implementation of the activities in consecutive Programme Estimates, as follows:

- Result 1:** Improved access to quality and responsive justice for all.
- Result 2:** Enhanced democratic accountability, human rights observance and civil society empowerment.
- Result 3:** Progressive realisation and implementation of a better coordinated Governance Sector.

Through the support provided to the following beneficiary institutions, it is expected that the results of the programme will impact on the condition of all Malawians, namely:

- the Ministry of Justice & Constitutional Affairs (MoJCA) and its constituent departments,
- the Judiciary,
- the Malawi Electoral Commission (MEC),
- the Law Commission,
- the Malawi Human Rights Commission (MHRC),
- the Malawi Police Service,
- the Malawi Prison Service,
- the National Registration Bureau (NRB) and
- the Paralegal Advisory Service Institute (PASI).

The Ministry of Justice & Constitutional Affairs is responsible for the supervision and coordination of the programme with a view to enhance leadership for the broader Democratic Governance Sector. The DGP beneficiary institutions are responsible for the planning of activities in line with their mandates, their strategic plans and the overall objective of DGP Financing Agreement.

## 2. BACKGROUND

In July 2011 a service contract for the provision of *Technical Assistance to the 10<sup>th</sup> EDF Democratic Governance Programme in Malawi (EuropeAid /130375/D/SER/MW)* was awarded to a consortium of companies under the leadership of the Bureau for Institutional Reform and Democracy (BiRD). The service contract contains the provision of a Technical Facilitation Unit (TFU) for the Democratic Governance Programme (DGP) comprising two key experts (a team leader and financial expert). The primary task of the TFU is to support the MoJCA with the management and coordination of the implementation of the DGP. In addition to the provision of the two key experts, the service contract also includes the provision of 2,200 working days (roughly 100 working months) of short-term experts (STE) support to the DGP and its beneficiary institutions.

At a meeting of the DGP Programme Steering Committee (PSC) in August 2011, the TFU was requested to develop a Technical Assistance Provision Plan (TAPP) that would guide the provision of short-term expertise spanning an initial first phase of roughly 30 months (2012 to mid-2014). During the months of October and November 2011, the TFU conducted a TAPP needs assessment in close liaison with the nine DGP beneficiary institutions, consisting of an extensive desk review of relevant literature, site visits to all beneficiary institutions, consultation meetings with technical staff, as well as one-on-one interviews with other key informants. The STE-TAPP for phase I was approved by the DGP Programme Steering Committee on 30 November 2011.

It is foreseen that a TAPP for a second phase (mid-2014 to mid-2015) will be developed towards the end of 2013. Due to the length of time available for the implementation of STE support the first phase TAPP only covers around 65 working months of the available 100 working months, while the second phase will cover the remaining 35 working months. See Annex 1 – TAPP Summary Table.

The process to be followed in order to mobilize an STE mission relies on very close liaison between the respective beneficiary institution(s) and the TFU. See Annex 2 for a summary of the steps in the STE process.

### 3. CONSOLIDATED TAPP

This section of the document contains a consolidated summary of the 16 short-term expert missions to be implemented during phase one of the STE Facility. Each section contains a tabular outline of the proposed mission, including brief references to the gap/issue to be addressed, the profile of the expert(s) required, team composition, the scope of the work to be performed by the experts as well as the timing and duration of the mission, as follows:

#### 1) *Strengthening Human Rights Professional Skills*

As part of ongoing capacity building and institutional strengthening, this mission will provide technical assistance to the MHRC and MoJCA based on an earlier Training Needs Assessment (TNA) conducted during the predecessor Rule of Law project. The capacity building effort will focus on the fields of advanced and specialized human rights, investigating potential human rights abuses (incl. conducting hearings/inquiries), human rights research, documentation and reporting, as well as human rights reporting requirements against international obligations. This support will target both core staff and Commissioners of the MHRC, relevant MoJCA staff and NSA's.

Category	Profile	Scope of Work	Issue/Gap to be addressed by the mission	Timing/ STE
Human rights policy and practice	<p>Experience in high level advisory positions</p> <p>Experience in developing both policy and practical approaches with National Human Rights institutions (NHRIs)</p> <p>Experience in HR investigations, hearings and research</p> <p>Experience and knowledge of International Human Rights Instruments and reporting requirements</p>	<p>Conduct a brief needs assessment and update earlier MHRC TNA</p> <p>Design and develop learning materials</p> <p>Provide facilitation and training service to run the training modules</p> <p>Develop appropriate guidelines for core areas tailored to the needs of MHRC</p>	<p>Inadequate of professional human rights knowledge, skills and attitudes</p> <p>Inadequate state party reporting against international HR obligations</p>	<p><b>STE Time Input</b></p> <p>4 months</p> <p><b>Timing</b></p> <p>Aug – Nov'12</p> <p><b>Team Composition</b></p> <p>1 National</p> <p>1 International</p>

**2) Training Needs Assessment (TNA) for Law Commission, Malawi Prison Service and National Registration Bureau (NRB)**

The target beneficiary institutions require support with the identification and prioritisation of capacity building interventions to address pressing gaps in existing knowledge, skills and attitudes amongst its staff. In addition to conducting a TNA, this mission will also produce an outline of suitable training plans. The work of this mission will take cognisance of the capacity assessments recently conducted in the Justice and Democratic Accountability sub-sectors.

Category	Profile	Scope of Work	Issue/Gap to be addressed by the mission	Timing/ STE
Training needs assessment	<p>Experience in training needs assessment</p> <p>Experience in human resource planning, training and development</p> <p>Experience in working in public service and Justice sector institutions</p>	<p>Identify the competency profiles (knowledge, skills and attitudes) required for the accomplishment of the objectives institutions</p> <p>Analyse the organisational mission, goals and objectives;</p> <p>Identify the main occupational categories and the competency levels of current employees (or sample of employees);</p> <p>Specify training needs Based on the results of the TNA, prepare an outline of a training plan that would address the training needs of the target institutions over the medium term;</p>	Inadequate of expert review of the training needs of the institution.	<p><b>STE Time Input</b></p> <p>6 months</p> <p><b>Timing</b></p> <p>Apr-Jul'12</p> <p><b>Team Composition</b></p> <p>1 National</p> <p>1 International</p>

**3) Strengthening Professional Skills for the Law Commission and the Directorate of Public Prosecutions (DPP)**

Both the Law Commission and the Directorate of Public Prosecutions employ various professional and legal staff who require a high level of competency in core subject areas, including basic research methods, legal advocacy, drafting of legal documents and legislative drafting. This mission will design and develop core modules, each of which will be presented to a specific target group amongst the institutions.

Category	Profile	Scope of Work	Issue/Gap to be addressed by the mission	Timing/ STE
Legal Education	<p>Experience in legal research and experience in legislative drafting</p> <p>Knowledge of law reform</p> <p>Experience of prosecutions policy and practice</p> <p>Sound understanding of the common law criminal justice system</p>	<p>Conduct brief training needs assessment.</p> <p>Design and develop learning materials/modules.</p> <p>Train officers in core modules</p>	Inadequate professional skills	<p><b>STE Time Input</b></p> <p>4 months</p> <p><b>Timing</b></p> <p>Sept- Dec'12</p> <p><b>Team Composition</b></p> <p>2 International</p>

**4) Development of the Communication Strategy for MEC, NRB, Law Commission Prisons & Admin. General**

The target institutions do not have clear strategies for both external and internal communication, negatively affecting relationships with stakeholders and staff alike. In addition, these institutions have key reform initiatives and programmes that affect the public directly, but for which very little information is available or accessible. This state of affairs does not only negatively affect perceptions on accountability and transparency of these institutions, but also raises concerns about broader service delivery in Malawi.

Category	Profile	Scope of Work	Issue/Gap to be addressed by the mission	Timing/ STE
Communication Strategy Development	<p>Expert in Communication Strategy Development</p> <p>Experience in democratic governance sector institutions</p> <p>Proven track record of working with the public sector in Africa</p>	<p>Review existing legislations, goals, communications patterns and audiences</p> <p>Develop Communications Strategy and implementation plan</p>	Lack of accountability and transparency due to poor communication	<p><b>STE Time Input</b></p> <p>4 months</p> <p><b>Timing</b></p> <p>Mar-Jul'13</p> <p><b>Team Composition</b></p> <p>1 International</p> <p>1 National</p>

**5) Development of Lay Visitors’ Scheme policy and guidelines**

Section 124 of the Police Act provides for the establishment of the Lay Visitors Scheme (LVS). At the core of the scheme is the Rights Based Approach to policing by ensuring that members of the community are empowered to participate in issues of policing and the protection of rights of persons who come into contact with the police, in particular rights of detained persons and adherence to rule of law. Therefore the police seek to secure public confidence through the performance of its responsibilities in a transparent and accountable manner by developing the lay visitors’ scheme policy and guidelines to direct operational practice.

Category	Profile	Scope of work	Issue/gap to be addressed by mission	Timing/STE
Police Accountability	<p>Experience in police policy review and implementation</p> <p>Knowledge of police accountability mechanisms in Africa</p>	<p>Review current documentation and legislation</p> <p>Participate in the consultations with stakeholders</p> <p>Development of policy and guidelines</p> <p>Develop materials for orientation of police and community groups</p> <p>Liaise and coordinate closely with the MHRC</p>	<p>There is a legislative requirement for LVS to be established in Malawi.</p>	<p><b>STE Time Input</b></p> <p>3 months</p> <p><b>Timing</b></p> <p>Apr –Jun’12</p> <p><b>Team composition</b></p> <p>1 International</p>

**6) Village Mediation Programme: Training of Trainers**

The activity seeks to strengthen the Village Mediators facilitation and training skills, coordinated by the Paralegal Advisory Service Institute (PASI). The Village Mediation Programme (VMP) targets the poor and vulnerable who have poor access to justice in their communities. The Village Mediation Programme complements the formal justice system by tackling disputes at the early stages before they escalate and become criminalised and by helping to reduce case backlogs in the court while increasing restorative and victim-friendly approaches in both the formal and informal systems.



Category	Profile	Scope of Work	Issue/Gap to be addressed by the mission	Timing/ STE
Training Alternative Dispute Resolution  Mediation  Training of Trainers	Experience in ADR/Mediation in Africa both in the formal and informal setting.  Training skills on ADR, mediation, conflict management and resolution  Practising mediator and arbitrator	Review of training materials and other programme documents  Conducting training of trainers  Conduct refresher course for village mediators  Liaise and coordinate closely with the MHRC	Consolidation and increasing the coverage of village mediation programme in Malawi	<b>STE TIME Input:</b> 2 months  <b>Timing:</b> Feb-March'12  <b>Team Composition:</b> 1 International

**7) Develop Offender Rehabilitation and Re-integration Strategy**

Despite the fact that the Malawi Prison Service Policy document makes a clear commitment to rehabilitation and reintegration of offenders, there are no frameworks or strategies that specifically guide the Department in implementing this task. Thus there are no mechanisms and tools for assessment, sentence planning, placing offenders on suitable treatment, monitoring and post release evaluation.

Category	Profile	Scope of Work	Issue/Gap to be addressed by the mission	Timing/ STE
Penal Reform Rehabilitation, reintegration	Experience of policy and practice in correctional service developing countries  Experience, knowledge of international prison reform standards	Conduct document review and research  Data gathering, consultations with key stakeholders  Development of the strategy document	Ineffective offender rehabilitation and reintegration	<b>STE Time Input</b> 3 Months  <b>Timing-</b> Jun-Aug'12  <b>Composition</b> 1 International

**8) Basic Training materials development and Train-the-Trainers Programme**

During the predecessor Rule of Law project a new basic training curriculum was developed for the Malawi Prison Service. However, there were no mechanism to make this new curriculum be put to use i.e. no training manuals and no training of trainer capacity building. Hence the current mission seeks to address this gap.

Category	Profile	Scope of Work	Issue/Gap to be addressed by the mission	Timing/ STE
Human Resource Development Penal Reform Training of Trainers	International penal reform expertise  Demonstrated experience in training needs for prisons' staff  Prison training curriculum development  Training of Trainers	Review basic training curriculum  Development of learning materials  Develop Train the trainers programme and materials  Facilitate the train the trainer programme  Liaise and coordinate closely with the MHRC	Basic training curriculum not operational	<b>STE Time Input</b> 5 Months  <b>Timing-</b> Nov'12 – Apr'13  <b>Composition</b> 1 International 1 National

**9) Develop an automated Case Administration System (CAS) for the Judiciary and Directorate of Public Prosecutions (DPP)**

In 2010 a feasibility study was conducted for an automated CAS, which found weak and poorly maintained paper-based systems across the entire Democratic Governance sector in Malawi. The study recommended that the paper based systems should be strengthened, after which a CAS could be piloted in a target institution and later possibly rolled out to other institutions. While work on improving the paper based systems is underway, the new Judiciary complex in Blantyre housing the High Court and Supreme Court offers an ideal environment for piloting CAS together with the Directorate of Public Prosecutions.

Malawi DGP – Short-Term Experts (STE) – Technical Assistance Provision Plan (TAPP)

Category	Profile	Scope of Work	Issue/Gap to be addressed by the Mission	Timing/STE
Judicial Case Administration	<p>Experience in the common law justice system</p> <p>Experience in integrated case administration systems</p> <p>Experience in institutional development</p> <p>Understanding of courts administration</p> <p>Specific experience in case flow management</p>	<p>Comprehensive desk review of EU RoL STE 8 CAS Feasibility and CAS Business Case Reports</p> <p>Assessment of the manual Case Management System of the Supreme Court and High Court (Principal Registry)</p> <p>Design an appropriate automated Case Administration System</p> <p>Hardware and software needs assessment complete with specifications and costing</p> <p>Develop tender dossiers for the system to include the development, supply, installations, commissioning, user and maintenance training, equipment warranties and back up support services</p>	Improved administration of Justice	<p><b>STE Time Input</b></p> <p>9 Months</p> <p><b>Timing-</b></p> <p>Feb-Aug'12</p> <p><b>Composition</b></p> <p>2 International</p> <p>1 National</p>

**10) Editing of the Malawi Law Reports (2005-2009)**

The institutionalisation of law reporting in Malawi is a clear priority of the DGP programme, as is the eradication of the backlog of law reports. Under the predecessor Rule of Law project a similar STE mission was implemented which produced law reports covering the period from 1998 to 2004.

Category	Profile	Scope of Work	Issue/Gap to be addressed by the mission	Timing/ STE
Law Reporting	Legal background  Experience in producing and editing law reports  Comparative experience of different relevant models	Edit the Malawi Law Reports for 2005, 2006, 2007, 2008, 2009	Reference material	<b>STE Time Input</b> 5 Months  <b>Timing-</b> Mar – Jun’12  <b>Composition</b> 4 National

### 11) Training on Deceased Estates Management

Under the predecessor RoL project a training manual for deceased estate management was developed, which was based on the proposed new legislation. In the meanwhile the new legislation has been passed and is being implemented, but the training manual is not 100% in line with the new legislation.

Category	Profile	Scope of Work	Issue/Gap to be addressed by the mission	Timing/ STE
Deceased Estates Training  Access to Justice	Training Expertise  Demonstrated understanding of administration and management of deceased estates  Writer with legal background in particular the Wills and Inheritance Act and the Deceased Estates (Wills, Inheritance and Protection) Act	Updating the Training Manual  Incorporate the new legislation on deceased estates into the Training Manual  Train Administrator General staff and District Commissioners using the updated training manual	To ensure the Training Manual is in line with the current legal framework governing the administration and management of deceased estates.	<b>STE Time Input</b> 3 months  <b>Timing</b> Apr – May’12  <b>Team Composition</b> 1 International 1 National

**12) Develop a Strategy and Implementation Plan for the new Legal Aid Act**

A key component in enhancing access to quality justice is the ability to provide legal assistance to ordinary citizens as they interact with the justice sector institutions. Malawi recently passed a progressive legislative framework that sets a new landscape for the provision legal aid in Malawi. However, the operationalisation of the new Act is being hampered by a lack of clarity insofar as its implementation implications are concerned. The newly created Legal Aid Bureau remains poorly equipped to spearhead the implementation of this new legislation.

Category	Profile	Scope of Work	Issue/Gap to be addressed by the mission	Timing/ STE
Legal Aid	<p>Experience of legal aid reform in the developing country context</p> <p>Sound understanding of common law justice systems</p>	<p>Develop a Strategy to guide the implementation of the new Legal Aid Act</p> <p>Develop an Implementation Plan that will determine how the Part II of the Legal Aid Act, 2010 will be implemented.</p> <p>Costing of the full implementation of the new Act.</p>	Lack of an implementation framework for the new Legal Aid Act	<p><b>STE Time Input</b></p> <p>4 Months</p> <p><b>Timing-</b></p> <p>Mar – Jul’12</p> <p><b>Composition</b></p> <p>1 International</p> <p>1 National</p>

**13) Strategic Planning for MEC**

The Commission Strategic Plan expired after the 2009 elections. The MEC is committed to development of a new strategic plan to provide strategic direction from 2012 to 2016. As such MEC initiated the ground work for the strategic planning process. The expert will work with MEC Commissioners, Management and Stakeholders in this strategic planning process.

Category	Profile	Scope of Work	Issue/Gap to be addressed by the mission	Timing/ STE
Strategic Planning Elections	Institutional development  Change management  Strategic planning experience  Strong implementation skills in an EMB setting	Develop a strategic plan in consistence with MGDS II  Impart skills to MEC staff in strategic plan development	Lack of reference material for strategic decision making	<b>STE Time Input</b>  4 months  <b>Timing</b>  Feb-Jun'12  <b>Team Composition</b>  1 National  1 International

**14) Strengthening ICT skills in management of Electronic Voters Register**

The Commission has since 2009 adopted a computerised voters’ register. However, MEC staff in the ICT unit lack capacity in certain areas to maintain the voters’ register. The STE mission will be expected to impart skills on the job through training of the existing staff in the ICT department who have limited skills and knowledge in the mentioned areas.

Category	Profile	Scope of Work	Issue/Gap to be addressed by the mission	Timing/ STE
ICT  On the job training	Experience and proven track record in: network administration, database Administration,  web application development and maintenance,  ICT Policy development,  Website updating	Conduct brief training needs assessment  Provide on the job training to existing ICT staff  Include main focus areas: network administration, database administration, web and application development and maintenance  Assist in the development of ICT Policy.	Limited skills and knowledge in network administration, data base administration, web application development and maintenance.	<b>STE Time Input</b>  3 months  <b>Timing</b>  Jan-Mar'13  <b>Team Composition</b>  1 International

**15) Facilitation of SWAP leadership forums for sector leaders/managers**

The development of a sector-wide approach (SWAP) to reforms in the democratic governance sector in Malawi has gained momentum in the recent past. As preparations are underway to develop a 5 year strategy for the sector, it is crucial that the knowledge, skill and attitude gaps that exist amongst various levels of sector leadership (policy, strategic, middle, operational) be addressed as a matter of urgency.

Category	Profile	Scope of Work	Issue/Gap to be addressed by the mission	Timing/ STE
Sector wide approaches (SWAP)	Extensive experience of the policy and strategic issues relevant to democratic governance in the developing country/Africa context  Working experience of SWAP approaches	Conduct brief knowledge, skills, attitude and needs assessment.  Design and develop leadership discussion forum/modules at the various levels.  Conduct the leadership forum at policy, strategic, middle and operational levels across sector institutions to target group.  Document the discussion forum process, lessons and way forward	SWAP knowledge, skills and attitudes lacking	<b>STE Time Input</b>  3 months  <b>Timing</b>  Jun-Aug'12  <b>Team Composition</b>  1 International  1 National

**16) Monitoring and Evaluation (M&E) capacity building for sector institutions**

In follow-up to the recommendations contained in the Rule of Law STE Mission 13, this new mission will seek to enhance M&E capacity across the entire democratic governance sector at various managerial levels.

Malawi DGP – Short-Term Experts (STE) – Technical Assistance Provision Plan (TAPP)

Category	Profile	Scope of Work	Issue/Gap to be addressed by the mission	Timing/ STE
Monitoring and Evaluation	<p>Experience in the design and operation of M&amp;E systems</p> <p>Experience of doing M&amp;E work in the democratic governance sector in other developing countries</p>	<p>Conduct brief M&amp;E knowledge, skills, and attitude needs assessment.</p> <p>Design and develop learning materials/modules</p> <p>Facilitate capacity building sessions across sector institutions to target group.</p> <p>Document the learning process and key lessons</p>	Acute lack of M&E capacity across the democratic governance sector	<p><b>STE Time Input</b></p> <p>3 months</p> <p><b>Timing</b></p> <p>Oct-Dec'12</p> <p><b>Team Composition</b></p> <p>1 International</p> <p>1 National</p>



**ANNEX 1: TAPP SUMMARY TABLE**

NR	TITLE	BENEFICIARY INSTITUTION	RESULT AREA	TIMING	COMPOSITION (number of STEs)		TOTAL PERSON MONTHS (per mission)	National STE Person Months (per mission)	International STE person months (per mission)
					National STEs	Intl STEs			
1	Strengthening Human Rights professional skills	MHRC, MOJCA	2	Aug-Nov'12	1	1	4	1.5	2.5
2	Training Needs Analysis (TNA)	Law Comm, NRB, Prisons	1&2	Apr-Jul'12	1	1	6	3	3
3	Strengthening professional skills for Law Comm & DPP	Law Comm and DPP	1&2	Sept-Dec'12	0	2	4	0	4
4	Development of Communication Strategy and Impl Plan	NRB, Prisons, MEC, LawComm and Admin General,	1&2	Mar-Jul'13	1	1	4	2	2
5	Lay Visitors Scheme Policy and Guidelines	Police	2	Apr-Jun'12	0	1	3	0	3
6	Village Mediation Programme - Train the Trainers (ToT)	PASI	1	Feb-Mar'12	0	1	2	0	2
7	Development of offender Rehabilitation and Reintegration Strategy	Prisons	1	Jun-Aug'12	0	1	3	0	3
8	Basic Training Curriculum Materials Development and Training of Trainers (ToT)	Prisons	1	Nov'12-Apr'13	1	1	5	1.5	3.5
9	Development of an automated Case Administration System (CAS) for the Judiciary	Judiciary/DPP	1	Feb-Aug'12	1	2	9	4	5
10	Editing of the Malawi Law Reports (2005-2009)	Judiciary	1	Mar-Jun'12	4	0	5	5	0
11	Training on Deceased Estates Management	Adm Gen.	1	Apr-May'12	1	1	3	1.5	1.5
12	Development of a Strategy and Impl Plan for the new Legal Aid Act	Legal Aid Bureau	1	Mar-Jul'12	1	1	4	2	2
13	Development of Strategic Plan for MEC	MEC	2	Feb-Jun'12	1	1	4	2	2
14	Strengthening ICT skills in Electronic Voters Register	MEC	2	Jan-Mar'13	0	1	3	0	3
15	Facilitation of SWAP Leadership Fora	MoJCA/Sector	3	Jun-Aug'12	1	1	3	0	3
16	Monitoring and Evaluation (M&E) Capacity Building	All BIs - Generic	3	Oct-Dec'12	1	1	3	1.5	1.5
<b>CUMULATIVE TOTAL</b>					<b>14</b>	<b>17</b>	<b>65</b>	<b>24</b>	<b>41</b>



**ANNEX 3 – STE MISSION STEPS SUMMARY**

