Annual Report

Malawi
Access to Justice

Irish Rule of Law International
October 2013
## Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AG</td>
<td>Attorney General</td>
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<tr>
<td>DFID</td>
<td>Department for International Development (UK)</td>
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<td>DPP</td>
<td>Director of Public Prosecutions</td>
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<td>EU DGP</td>
<td>EU Democratic Governance Programme</td>
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<td>IMF</td>
<td>International Monetary Fund</td>
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<td>INGO</td>
<td>International Non Governmental Organisation</td>
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<td>IRLI</td>
<td>Irish Rule of Law International</td>
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<tr>
<td>LAB</td>
<td>Legal Aid Bureau</td>
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<td>LAD</td>
<td>Legal Aid Department</td>
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<td>LLP</td>
<td>Legal Literacy Programme</td>
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<td>MoJCA</td>
<td>Ministry of Justice and Constitutional Affairs</td>
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<td>MoU</td>
<td>Memorandum of Understanding</td>
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<td>NGO</td>
<td>Non Governmental Organisation</td>
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<td>OSISA</td>
<td>Open Society Initiative for Southern Africa</td>
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<td>PASI</td>
<td>Paralegal Advisory Service Institute</td>
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<td>PL(s)</td>
<td>Programme Lawyers</td>
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<td>PTD</td>
<td>Pre-trial Detention</td>
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<td>ROA</td>
<td>Rights of Audience</td>
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<td>SC</td>
<td>Senior Council</td>
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<td>VSU</td>
<td>Victim Support Unit</td>
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1. Project Details

Name of Organisation: Irish Rule of Law International (IRLI)

Project Name: Improved access to justice for unrepresented vulnerable persons in the criminal justice system.

Country: Malawi

Reporting Period: 1 September 2012 – 31 August 2013

Project Year: 1 September 2012 – 31 August 2013

2. Organisational Updates

IRLI appointed David Nolan SC, Chairman of the Bar Council of Ireland, as Director in December 2012 following the resignation of Turlough O'Donnell SC. The Board of Directors is currently composed of David Barniville, Michael Collins, Cillian MacDomhnaill, Michael Irvine, Mary Keane, David Nolan and John Shaw.

Rachel Power left her position as IRLI Coordinator in August 2013 and was replaced by the current coordinator, Emma Dwyer.

There were also changes in project personnel in Malawi during the project period, with two new programme lawyers (PLs) recruited in April 2013 to take up the positions based in the Legal Aid Department (LAD). Due to unforeseen and unavoidable circumstances, there was effectively no IRLI presence in the LAD for four months during the project year before the new PLs were recruited. Having completed a 6 month placement, one of those PLs finished at the end of October, leaving one PL in the LAD. The third PL position has been based directly in the Ministry of Justice and Constitutional Affairs (MoJCA) in the Office of the Director of Public Prosecutions (DPP) since September 2011, with an ongoing secondment at Lilongwe Police Station. This position will also be vacant in October as the PL who held the position for the last two years will return to Ireland. However, in order to minimise disruption to the project activities, a complete handover was conducted with the remaining PL, who assumed this role as well as overseeing activities in the LAD until new PLs are recruited.

(As of March 2014, the two new PLs are now in Malawi and we have returned to a full team of three)

Upon completion of this one year project period in August 2013, Irish Aid agreed to approve an additional 9 months project extension to May 2014 with the use of remaining grant funding from an IRLI project in South Africa in 2011. A submission to the Civil Society Fund was made in January 2014 for a three year project period in Malawi from June 2014 – June 2017 and we are currently awaiting a response from Irish Aid as to future funding. A second submission was also made to a private foundation, the Human Dignity Foundation, which is interested in supporting the project in Malawi.
3. Project Background

The Malawian criminal justice system is beset by a host of systemic problems including a lack of access to legal representation, insufficient funding for trials, an insufficient amount of prisons and not enough judges being available to hear applications and to preside over trials. In addition, there is a widespread lack of knowledge of the law, including the Constitution and relevant legislation, amongst both lawyers and the judiciary. These problems have culminated in defendants spending years in prison awaiting trial with little or no access to justice for those accused of committing criminal offences.

IRLI’s work targets the relationship between access to justice mechanisms for vulnerable people and a quality legal/judicial response based on the rule of law. Working to improve access to justice, using a human rights-based approach, is essential for bringing about positive social change for those persons who are amongst the most vulnerable and marginalised in Malawi.

The use of pre-trial detention (PTD), as part of the criminal investigative process, is used in most countries around the world and can be extremely useful, but only when it remains exceptional, respects strict conditions laid down by law and respects human rights as required by the rule of law. Unfortunately, in Malawi, PTD is nowhere near exceptional in its use: for example, a recent audit of pre-trial detainees in Malawi carried out by the Open Society Initiative for Southern Africa (OSISA) suggests that the yearly exposure of the population to prison on remand could be as high as 1 in 100. One of the key concerns highlighted by the audit was that a significant number of people were on remand for outdated or petty offences such as ‘rogue and vagabond’, touting or loitering. Even more concerning, IRLI has found that many people have committed no crime at all. Due to insufficient knowledge of the law as it pertains to due process, bail and unlawful detention, the default position is to remand an accused person to prison pending trial, even in cases where the offence is question is minor. The majority of these pre-trial detainees end up languishing in prison for extremely long periods without appearing in court or having access to prominent forms of primary justice such as bail.

As many remandees remain in prison beyond the legally permissible time limits, a significant amount of pre-trial detainees are being held in unlawful detention; a state of affairs which is extremely detrimental to the country’s progress not least in terms of its profound socio-economic impact, felt most acutely by the poor. The impact of PTD, even for

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2. The right to which is enshrined in the Constitution of Malawi (Section 42 (2) (e)), the Bail (Guidelines) Act 2000 and the Criminal Procedure & Evidence Code (Section 118)
3. For those accused of homicide, the maximum amount of time on remand that is legally permissible is ninety days (Criminal Procedure & Evidence Code, Section 161(f)). For lesser offences triable in the magistrates’ courts, the maximum period that an accused person accused of an offence triable in a subordinate court pending commencement of his/her trial is thirty days (Criminal Procedure & Evidence Code, Section 161(d))
short periods, reaches far beyond the individual concerned, affecting families and communities. A lack of legal knowledge and legal representation, poverty and unreasonable bail conditions prevent the poorest and the most vulnerable from securing their release. The end result is that Malawian prisons are seriously overcrowded with prisoners on remand, an issue which the recently-appointed Malawian Chief Justice, Anastasia Msosa, highlighted as being the major challenge in the Malawian criminal justice system.

In Malawi there are approximately 180 lawyers in private practice serving a population of nearly 16 million and it is estimated that only about 10% (18) appear regularly in the criminal courts. In addition, private representation is usually far beyond the reach of those individuals who find themselves in PTD in Malawian prisons. It is intended that free legal aid be provided by the LAD to those accused persons too poor to afford private representation however this is an impossible task given that the LAD in Lilongwe, which services the entire Central Region, currently employs only 5 lawyers (this was the figure in August 2013, by March 2014 this has been further reduced to 3). Given that Lilongwe city alone has a population of 781,538 persons and the entire Central Region has a population of 5,491,034 covering an area of 35,592km, it quickly becomes clear that the LAD is hugely understaffed. In addition, there is a high turnover of staff and the LAD is seriously under-resourced; there often being no money for paper, ink or fuel. Exacerbating the situation, there is, at present, a lack of effective leadership within the LAD. The previous Chief of LAD transferred into his new position as the Director of Public Prosecutions in June 2012, leaving the LAD without a leader until the end of March 2013. The new Chief of LAD, Mary Kachale, is based in the southern city of Blantyre and is only in a position to visit the Lilongwe office for a small number of days every month but she is hugely committed to improving the Department’s effectiveness in the face of limited resources and serious capacity constraints. The new Legal Aid Act, 2010 establishes a Legal Aid Bureau (“LAB”) and it is envisaged that the advent of the LAB will bring new managerial structures and increased resources but it is unclear when this new legislation will come into force. As a result, the LAD is currently in a state of structural ‘limbo’ with poor internal communication and low staff morale.

It is estimated that 90% of detainees in Malawi do not have access to legal representation. In tackling access to justice for the poor, IRLI seeks to implement mechanisms in partnership with local actors to remove some of the obstacles to free legal aid in the short-term (such as capacity constraints, skills deficiencies and the shortage of lawyers) and to bring about direct change at beneficiary level, while simultaneously developing systemic, sustainable interventions aimed at providing long-term benefits to the wider criminal justice sector.

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4 For example, the primary breadwinner of the family may be absent for a prolonged period of time resulting in increased poverty and food insecurity for family members. Pre-trial detainees are also exposed to higher levels of disease, such as HIV, tuberculosis and malaria.
5 http://timesmediamw.com/malawi-chief-justice-hits-at-police/For example, the total prison population in Maula Adult Prison on 26 August 2013 was 2364, the remand population being 468, and this is in a prison facility which was built to house a mere 700. 127 of those in remand were being held on expired warrants of detention, which means that those persons are now being detained unlawfully. Further, it is not unusual for those charged with the most serious of crimes to be remanded for over 5 years before they are brought to trial. In extreme cases, a person may be remanded for over 10 years before being brought to trial. IRLI is currently working on one of these cases, which unfortunately are not too uncommon, particularly in the rural districts.
6 Mc-Quoid-Mason, Assessment of Legal Aid in the Criminal Justice System in Malawi, 2006
7 Mc-Quoid-Mason, Assessment of Legal Aid in the Criminal Justice System in Malawi, 2006
4. Country Updates

The present social and political climate in Malawi is extremely tense. The ripple effects of the change of government in April 2012 are still being felt and there has been much civil unrest due to treason charges brought against Peter Mutharika, brother of the former Malawi leader Bingu wa Mutharika, and 11 other high-profile government figures. Large scale strikes and civil unrest are also extremely common. For example, in February 2013 over 100,000 civil service workers went on strike to protest at salary and working conditions. The strike commenced in a number of government offices in Lilongwe and developed into a sit-in, with police surrounding the seat of the government on Capitol Hill and firing tear gas and live ammunition at demonstrators. All airports in the country were closed as aviation workers joined the strike.

In terms of project implementation, the work of the IRLI PLs was significantly affected as the MoJCA, LAD and the court offices were either closed or operating on a “go-slow”. Legal documents could not be processed or served as civil servants refused to accept them and the PLs were unable to progress cases during this period. Even though the strike officially ended in February, for a number of weeks afterwards an un-official “go-slow” was still ongoing at the courts.

The political climate is expected to become increasingly tense in advance of general elections planned for May 2014. A significant aggravating factor has also been the recent revelations of widespread corruption scandals ‘Cashgate’ in government. On 10 October 2013, the President, Joyce Banda, fired her entire cabinet of ministers including the Ministers for Finance and Justice who have been implicated in corrupt practices within the Ministry of Finance. In connection to the scandal, a Ministry of Finance official was shot as he left his home in Lilongwe and was recovering in hospital in South Africa at the time that this report was written. The President has ordered a full investigation and financial audit following the revelations.

Recent events have significantly impacted upon donor support to Malawi. Norway has suspended its aid to the country as a result of the recent embezzlement, and the IMF has also delayed its upcoming board meeting until December where the decision will be taken whether or not to disburse the next tranche of funding to Malawi. In 2014, Malawi will hold parliamentary elections, with early campaigning and voter registration already underway. Following the controversial transfer of power to Joyce Banda following the death of Bingu wa Mutharika last year, it will be a testing time for Malawi’s political institutions as they undergo the next political transition.
5. Project Progress

Outcome 1: Prisoners and those in police custody are ensured of their due process rights and given greater access to restorative justice practices

Restorative justice is an approach to justice which focuses on the needs of victims and offenders, as well as the community, instead of satisfying abstract legal principles or punishing the offender in the criminal context. Malawian law allows for progressive restorative justice approaches although, due to a lack of widespread understanding, there has been a reluctance to implement them. In order to avail of the benefits of restorative justice it is necessary for key stakeholders to be sensitised in its use, legal basis (national, regional and international) and practical application.

5.1 Diversion Programme

Outcome 1 Output 1: Suitable accused and those in police custody are targeted for restorative justice practices in 6 police stations in the Lilongwe area.

Through participatory planning with criminal justice sector actors, IRLI identified that an emphasis on alternatives to incarceration, and particularly restorative justice practices, could bring about systemic change in the Malawian criminal justice system. Restorative justice is triggered on first contact with the law, does not require lawyers and allows police officers to deal with offenders in a more effective manner. Offenders are allowed to return to their lives and their livelihoods and family are not disproportionately affected. At the same time, the burden on the prisons and court system is lessened.

IRLI succeeded in establishing diversion programmes in 6 police stations during the project year (Area 3, Kanengo, Kawale, Zomba, Area 23 & Area 12) (Outcome 1 Output 1 Activity 1). This was achieved through the maintenance of a very strong relationship with the Malawi Police Services and the full support of the Inspector General, Commissioner of Police for the Central Region (now Deputy Inspector General) and the Officers in Charge at the targeted stations. IRLI provides additional follow up support through onsite visits by the PLs and regular meetings with each respective Officer in Charge to monitor progress and identify challenges, establish manual case registers and collect data on the number and types of cases diverted from the target stations. The IRLI intervention is unique in this aspect as other stakeholders currently deliver education workshops only and do not provide on-site follow up support.

IRLI also remains the only international non-governmental organization (INGO) which is granted unlimited access to police cells in Malawi. The importance of the ‘watch dog’ role undertaken by IRLI cannot be underestimated, particularly given the tense political climate and the upcoming elections in 2014.
Formal training and guidance on diversion (Outcome 1 Output 1 Activity 2) was provided by IRLI to 136 key personnel in the justice sector during the project year including police officers, magistrates, legal personnel and social workers. Fully functional, self-sustaining diversion systems are now in place in the five stations mentioned above, with 287 persons having been diverted to date.

This represents a significant behavioural shift on the part of the police officers, with officers themselves now propelling the initiative and conducting training. IRLI delivered 8 workshops over the course of the project year to raise awareness of and promote the concept of diversion, to promote positive attitudes towards restorative justice and to develop the skills of participants to enable them to identify suitable cases. As part of the planning phase for each workshop, the PLs met with senior members of the Malawi Judiciary and Police Services to ensure that the focus of the workshop matched the needs of the attendees. In addition, IRLI conducted a morning workshop for 6 paralegals from the Paralegal Advisory Service Institute (PASI) on the benefits of diversion.

In May 2013, IRLI was selected as an external consultant by the Chair of the Malawi Judiciary Training Committee, His Lordship Chifundo Kachale, to deliver a three day EU DGP-funded workshop on the ‘Promotion of Restorative Justice and Human Rights’. A delegation of 4 Irish lawyers, led by retired High Court Judge Mr. Roderick Murphy, travelled to Malawi and delivered the workshop in Blantyre to 43 magistrates from a cross section of districts within each region of Malawi. Then, in June 2013, IRLI was again selected by the Malawi Judiciary Training Committee to deliver a presentation on ‘Diversion and Sentencing Alternatives’ at a DFID-funded workshop in Lilongwe delivered to 39 magistrates. IRLI was also approached by a Dutch NGO, Byounique, to facilitate a workshop in Zomba on the use of diversion and the protection of children who come into conflict with the law.

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8 Diversion has been used extremely effectively in the case of juveniles, where for example some children have been given the opportunity to return to school rather than enter the criminal justice system for participating in a protest.
Follow up evaluations were conducted with 79% of all magistrates surveyed responding that there has been an increased use of diversion by them in their court rooms following the training received. A small minority stated that they had never used diversion with the reason being that no suitable cases had appeared before them. All magistrates responded that they had experienced a position change in their knowledge, skills and attitude towards diversion with 100% stating there had been ‘significant’ or ‘much’ change.

Follow up evaluations were also conducted with police officers from Area 3, Kanengo, Kawale, Area 23 & Area 12 police stations with an overwhelming 95% responding that there has been an increase in the use of diversion in their duty stations. All officers surveyed responded that they had experienced a positive change in their knowledge, skills and attitude towards diversion with 100% stating there had been ‘significant’ or ‘much’ change. A follow up face to face interview was also conducted with the Officer in Charge at Zomba Central Police Station who confirmed that there has been a large increase in the use of diversion at the police station for children in conflict with the law.

However, there is still a reluctance to embrace diversion when dealing with adults in conflict with the law and further sensitisation training is needed to ensure full support of the concept by officers and the community. (Note: these results reflect those trainings held within the first six months of the project year. Follow up evaluation forms have been sent to attendees who participated in IRLI workshops during the second half of the year but the results are still being awaited.)

There is a strong oratory culture in Malawi and, in designing our training programmes, IRLI incorporated panel and group discussions at each of the 8 workshops, chaired by senior members of the Malawi Police Services and the Judiciary (Outcome 1 Output 1 Activity 3). The magistrates workshop in November was officially opened by the Attorney General, Mr. Anthony Kamanga, with opening remarks from the President of the High Court, Mrs. Esme Chombo, and the Ambassador of Ireland, Ms. Liz Higgins; while the forum in in Blantyre in May was officially opened by Judge of the Supreme Court, Mr. Andrew Nyirenda, and the discussion forum was chaired by the Head of the Judicial Training Committee, Mr. Chifundo Kachale. 79% of attendees described the experience as ‘useful’ and 21% as ‘very useful’. IRLI has built significantly on past successes with the Malawi Police Services during the pilot year and two officers, Sub Inspector Fanny Chimbaya and Constable Yotamu Chaonaine, were selected to chair and facilitate the discussion fora for police.
5.2 Mwai Wosinthika – Life Skills Education Programme

IRLI continued its partnership with the Malawi Police Services and Venture Trust in the delivery of the ‘Mwai Wosinthika’ life skills reintegration programme (Outcome 1 Output 1 Activity 4). 42 young people who had come into conflict with the law had undertaken the Mwai Wosinthika programme by the end of the project year. 3 programmes have been completed: two at the Victim Support Unit with officers volunteering their time and one in Ngala village with the support of Chief Mkanga.

The PLs assisted in the establishment of the village programme, through sensitisation workshops with the Chief and Village Group Heads, and it was delivered by social worker, Elizabeth Banda. Programmes take place over 12 weeks and a full review of each individual programme is undertaken upon its completion. The ability to track the rate of recidivism amongst the participants remains a challenge however as there is a lack of co-ordination between the Malawi Police Services and the Social Welfare Department. Knowledge of recidivism is often down to the personal knowledge of the child by a police officer or social welfare officer.
5.3 Legal Aid

Outcome 1 Output 2: Pre-trial detainees are legally assisted in Kachere and Maula prisons

As highlighted earlier, the prospect of the provision of any effective legal aid service by the state alone is extremely challenging, if not impossible. Consequently, as part of IRLI’s efforts to increase access to justice for those within the Malawian criminal justice system, the PLs focus on ensuring increased access to free legal aid for pre-trial prisoners in Lilongwe District, specifically Maula Adult Prison and Kachere Juvenile Reformatory Centre.

During the course of the project year IRLI assisted 148 remandees from Maula and 24 from Kachere (Output 2 Indicator 1). Overall, the PLs assisted 201 individuals in the criminal justice system in Malawi; 172 of those being in PTD and out of which 85 were released on bail pending trial. Without the intervention of IRLI, it is almost certain that none of these individuals would have received legal assistance of any kind.

The longest serving pre-trial detainees in Maula are those accused of homicide. In September 2011, the PLs collated data for a baseline on homicide pre-trial detainees in Maula prison. It was recorded that the average amount of time a homicide pre-trial detainee was held in detention before trial was 531 days. On further analysis of the data, it was observed that the top ten longest serving pre-trial detainees had spent an average of 2,003 days on remand before trial. A lengthy judicial strike in 2012 which resulted in all 200 courts, from the Supreme Court to the Magistrates’ Courts, being non-operational from December 2011 until 26 March 2012 saw the average time spent in remand by a homicide remandee climb to 611 days. Conditions in the prisons deteriorated significantly and the level of overcrowding was greatly exacerbated.

Case Study: In September 2013, IRLI secured the release of a 54 year old man who had been incarcerated in Maula Adult Prison on suspicion of homicide since May 2007. No trial had ever been initiated and there was no indication of any trial happening in the near future.

By the end of the project year, August 2013, the average number of days spent in detention by homicide remandees in Maula had decreased to 469. IRLI was instrumental in this regard. Specifically, 33 homicide remandees were released from PTD due to IRLI’s intervention, which included 7 of the ‘Top 10’, and 15 of the ‘Top Thirty’, at it stood at the beginning of the project year. Comparatively, only 39 homicide remandees were released through private representation during the project year. IRLI has also now secured bail hearings for the remaining 15 of the ‘Top Thirty’ remandees. Unfortunately, while the PLs have been working to steadily reduce the amount of time spent on remand, there have been many challenges and the average number of days spent in remand by the ten longest serving remandees remains high in that it currently stands at 1792 days (Output 2 Indicator 2). The process of getting the longest serving homicide remandees released from PTD is particularly complex and it requires many stakeholders working together. Some of the challenges include the following:

- In homicide cases where bail has been granted, a remandee will not be released until independent sureties are located. Many long term homicide remandees have lost

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9 Data collated in November 2012
10 In October 2011, in Maula prison there were 481 persons being held in pre-trial detention. 70 of those were on expired warrants of detention. On 23 March 2012 there were 774 pre-trial detainees with 513 expired warrants. Suspects on remand in custody are legally supposed to have their detention warrants renewed or quashed by the courts of law at the expiry of a 14-day period (Criminal Procedure and Evidence Code of Malawi 2010)
11 A 23% reduction on November 2012 figure
contact with their families and it can be extremely difficult to locate sureties for the longest serving remandees.

- Currently the selection criteria for homicide cases which are set down for trial does not provide for those pre-trial detainees who have been in prison the longest or those who are the most vulnerable, such as juveniles, the ill and the elderly. Simple, straightforward cases, where it would be easier to obtain a conviction, are often selected for trial, leaving more complicated matters to remain inactive, potentially for years. Complicated matters usually involve cases where there is missing evidence (or no evidence at all) and no witnesses. This effectively means that the more tenuous the evidence or the weaker the case against the accused, the longer the PTD will be.

- There are very poor and weak administrative practices in the Criminal Registry at the High Court and, as a result, legal documents and complete files are often lost. For example, bail had previously been secured by IRLI for some of the longest serving homicide remandees but the files were mislaid by the Criminal Registry and the PLs had no option but to begin the process again.

Case Study: IRLI worked to secure the release of two men who had been held in Maula Prison since February and July 2007, respectively. Both had previously been granted bail but the files were lost by the Criminal Registry. These men had also lost contact with their families so it was impossible for them locate sureties. IRLI initiated new bail applications and went out into the rural districts in order to find their families. These men were finally released at the end of 2013.

Access to justice has been brought to the prisoners in two ways: LAD clinics (Output 2 Activity 1) and Camp Courts (Output 3 Activity 1).

LAD clinics (Output 2 Activity 1) provide one way in which the project seeks to reduce numbers in PTD through direct legal assistance. PLs hold regular bail clinics within both Maula and Kachere Prisons. In order to build capacity and ensure sustainability, the bail clinics are operated in conjunction with LAD interns and paralegals. As a result, those awaiting trial have access to first step legal advice, are made aware of their right to bail and learn the steps necessary to make such an application. LAD clinics did not exist prior to IRLI’s initial intervention in August 2011, and 115 clinics have been held to date (53 in this project year: 36 in Maula and 17 in Kachere).

IRLI works closely with the LAD and PASI in its works with remandees in Maula Adult Prison and Kachere Juvenile Reformatory Centre. This picture is from November 2013 in Kachere as IRLI and PASI present a legal education workshop.
5.4 Camp Courts

Outcome 1 Output 3: Increased Access to Camp (Prison) Courts for Pre-Trial Detainees

Often times, there are simply insufficient resources to bring accused persons to court. This may be because there is insufficient space to hold prisoners in cells at the courthouse or the Malawi Police Services may not have transport available to bring the prisoners to the courts. As a result, many of those in PTD are denied access to justice for long periods. Because of these resource constraints, magistrates are invited to establish ‘camp courts’ inside the prison, with a view to bringing justice directly to accused persons who are being held in pre-trial detention. A camp court is not designed to be a full hearing of case, rather, it is intended to progress the cases of detainees through primarily facilitating bail applications, or the variation of bail conditions, and setting down further dates for hearing. In some cases, however, sentences have been handed down and in other cases, charges have been dismissed. As the detainees are without formal legal representation on the day of the camp court, they are sensitised and educated on their legal rights and court procedure during a Legal Literacy Programme session facilitated by IRLI prior to the court sitting (see Output 5 Activity 1 below).

The chief benefits of camp courts are that prisoners are able to access justice and see the law in action while magistrates get to see inside the prisons and are put into a position where they can do something practical to alleviate the situation. It is hoped that magistrates will also become more cognisant of the utility of alternatives to prison in appropriate cases. Prison officers come to recognise that facilitating access to justice is part of their role, tensions in the prison are reduced and overcrowding is alleviated. Camp courts are looked upon extremely favourably by the key stakeholders involved in the criminal justice process, including prison authorities, police prosecutors, magistrates, court officials and, of course, the detainees themselves. It is hoped that regular camp courts will significantly increase access to justice for pre-trial detainees; they already having brought about a considerable change in attitude at a systemic level toward the rights of illegally held prisoners.

IRLI conducted 7 camp courts in Maula (Output 3 Activity 1). As part of the process, 69 pre-trial detainees were brought before a magistrate (Output 3 Indicator 1). While the majority of the camp courts facilitated during the project year focused on predominantly minor offences, IRLI did facilitate a camp court exclusively for homicide cases. As homicide remandees are the cohort in PTD the longest, and given that a homicide camp court was unprecedented in Malawi, this was a hugely significant event for both the state and IRLI. A total of 10 homicide remandees appeared during the sitting, with 7 accused persons being sentenced and 3 cases being adjourned for further hearing.

Case Study: A camp court was conducted in Maula Adult Prison on 13 May 2013, targeting remandees from Lilongwe Police Station. During the hearing, a total of 12 remandees came before the magistrate, the majority of whom were charged with theft-related offences. Of these 12, 7 were either granted bail or had bail conditions varied, 3 convicted persons were handed down suspended sentences and 2 had charges dropped as compensation either had been or would be paid to the victim in each case.
5.5 Human Rights, Due Process Rights and Legal Skills Training for Criminal Justice Stakeholders

Outcome 2: Increased and applied knowledge of due process rights, human rights compliance and legal skills amongst criminal justice stakeholders

A continuing challenge for the legal community in Malawi has been access to legislation. For example, in the pilot year IRLI identified that the majority of magistrates and all of the police prosecutors who attended IRLI workshops had no access to the Childcare Protection and Justice Act, 2010 and, as a result, were applying repealed legislation. A lack of knowledge of the provisions of the Criminal Procedure and Evidence Code was also identified as resulting in a low level of adherence to due process rights of accused persons. While many detainees have been released or brought before a court of law over the course of the project, people are continuously still being arrested and placed in prison illegally, ultimately replacing those who have left.

Therefore, to obtain long term and systemic change, it is necessary to focus on the primary cause of the problem: ignorance of the law and non-respect of detainees’ human rights by both judicial authorities and police services. It is only then that real progress will be made towards eradicating illegal detention and minimising incarceration. Realising human rights necessitates making it a priority to better understand the dynamics between detention, lack of access to justice, and situations of extreme poverty. Both the individual and collective human rights consequences of PTD must be taken into account, not only by policymakers, but also by those in charge of the various arms of justice (judges, magistrates and police).

With this in mind, IRLI workshops aim to increase the knowledge of key personnel of the law itself, human rights compliance and due process but also, and importantly, the workshops seek to create a space for dialogue aimed at challenging attitudes and perceived barriers hindering better compliance.

Outcome 2 Output 4: Improved understanding of human rights compliance and due process rights by police, legal personnel and magistrates

IRLI facilitates workshops to train police, legal personnel and magistrates in human rights compliance and due process rights (Output 4 Activity 1). However, IRLI strategically plans its workshops so that training on the concepts of diversion and restorative justice are also incorporated. Over the course of the project year, IRLI delivered 8 workshops attended by 166 participants; 3 with the Malawi Judiciary (98 participants) and 5 with the Malawi Police Services (68 participants). IRLI also delivered key elements of the DFID-funded workshop entitled ‘Human Rights Based Approach to Criminal Justice’ which had a strong focus on due process rights. The project has developed a strong reputation for the provision of high quality training, with an understanding of the local context and the challenges involved in implementation of the law.

Magistrates: The workshops were designed in collaboration with the Chair of the Judicial Training Committee, Justice Chifundo Kachale, and two coincided with rolling visits of lawyers from Ireland. In November 2012, Mr. Michael Irvine, Director of IRLI facilitated a joint magistrate and police training in Lilongwe and, as mentioned previously, in May 2013 retired High Court Judge Roderick Murphy facilitated a magistrates’ workshop in Blantyre. Through a series of questions, data was collated on the level of knowledge of participants with regard to mediation, pre-trial detention, bail, sentencing and children in conflict with the law both before and after the workshop. Across the board, the data indicated an increase in knowledge in over 75% of those surveyed (Output 4 Indicator 1). When asked whether there had been increased compliance with human rights and due process standards 6 months after training 85% responded positively (Output 4 Indicator 2). When asked if they had used the IRLI human rights manual in practice 93% responded that they had, with 43% indicating that they ‘sometimes’ used the manual in their case work and 43% indicating they ‘always’ used it.
Police: The workshops which were conducted with police officers placed a strong emphasis on due process, the right to bail and special protection of children who come into conflict with the law. An average of 20 officers from each of the target police stations attended workshops facilitated by IRLI. Building on the capacity of officers who attended our workshops in year one, peer to peer learning was an important element of the police trainings and Sub-Inspector Fanny Chimbaya and Constable Yotamu Chaonaine, two officers from the target stations, have begun to assist in delivering these workshops.

IRLI conducted post workshop evaluations with the attendees and tracked improvements in knowledge, skills and attitudes to human rights compliance and due process. All attendees recorded a positive improvement with over 75% indicating that there had been ‘significant change’ in these three core areas (Output 4 Indicator 1). Follow up evaluations were also conducted 6 months after training with 75% responding that there had been an increase in human rights compliance and due process (Output 4 Indicator 2).

In addition, interviews were conducted with the Officers in Charge of each of the targeted stations at the end of the project year. It was noted that there remain challenges with adhering to the due process rights of accused persons and further sensitisation of officers and the public is needed to ensure that the rights of accused are protected.

IRLI has also drafted, published and disseminated a wide variety of materials relating to human rights compliance and due process rights (Output 4 Activity 2):

- Drafted and published 180 copies of the IRLI Diversion Guidelines (as approved by the MoJCA)
- Hosted 7 workshops on diversion delivered to 180 attendees all of whom were provided with paper copies of the workshop material
- Hosted and participated in 8 workshops on human rights compliance and due process rights and delivered to 228 attendees all of whom were provided with paper copies of the workshop material
- Published and disseminated 50 copies of the IRLI authored booklet; ‘Children in conflict with the law – An overview of the Childcare Protection and Justice Act’
- Drafted, published and disseminated 100 copies of the IRLI human rights ‘Magistrates Manual’
- Drafted, published and disseminated 45 copies of the IRLI handbook on ‘Mediation and Alternative Dispute Resolution in Malawi’
- Drafted revised guidelines with regard to children in conflict with the law for the VSU of Kanengo police station
5.6 Legal Literacy Programme

**Outcome 2 Output 5: Pre-trial prisoners in Maula and Kachere prisons gain the knowledge to represent themselves before a court.**

The education level of those detained in Malawian prisons is usually extremely low and most remandees have not attended formal education beyond that of primary level. Many are illiterate and do not speak English, the language of the courts. More broadly, detainees generally lack basic civic knowledge about state institutions and the laws that govern Malawian society. Crucially, many detainees lack important knowledge pertaining to their own legal rights under Malawian legislation and the 1994 Constitution. This lack of basic legal knowledge, combined with a cultural deference to authority and a fear of speaking up, militates against a detainee fully exercising his or her rights. In order to address this knowledge gap, and enable persons appearing before a magistrate or judge to realise their rights, IRLI facilitated 7 Legal Literacy Programme (LLP) sessions in Maula Prison and 1 in Kachere Prison during the project year which targeted 442 detainees in total (Output 5 Activity 1).

IRLI designed the LLP to sensitise vulnerable defendants to the criminal justice system and court procedure while also increasing a defendant’s knowledge of his legal rights, including the right to be released pending trial. The LLP is aimed at demystifying the court process in itself thereby increasing the confidence of accused persons and enabling them to better represent themselves before a court of law. This is important as accused persons will usually not be legally represented before the court and it is the responsibility of the accused to vindicate his or her own legal rights. LLPs are usually held prior to a camp court in order to increase the likelihood of the detainees retaining and using the information during the court sitting. The session is primarily delivered by a PASI paralegal in the local language, Chichewa, with an IRLI PL assisting with facilitation and role plays.

Through a series of questions, data was collated on the level of knowledge of participants and all individuals surveyed indicated that their legal knowledge had increased after training. There remain challenges in terms of evaluation for Output 5 Indicator 2. It is difficult to evaluate the ‘use’ of the training through mere observation as in some cases remandees are not given an opportunity to speak before an IRLI-facilitated camp court. If they do get an opportunity to represent themselves, it is also difficult to know for certain whether they would have done so anyway had they not received IRLI training. In other cases, IRLI does not witness the remandees appearing before a court of law so the PLs cannot observe the use of legal literacy skills following training. In saying that, however, the PLs have observed a number of remandees successfully using legal literacy skills acquired after partaking in an LLP session. The improved ability of remandees to articulate themselves before the court, when given an opportunity, was particularly noteworthy in some instances. Small changes have also been introduced whereby remandees are no longer expected to sit on the floor during the camp court, as IRLI requested that they be allowed chairs or to stand to represent themselves. These minor changes make a huge difference to the confidence of the remandees.
5.7 Strengthened capacity of legal personnel within LAD and DPP

**Outcome 2 Output 6: Improved advocacy and legal skills of legal personnel within LAD and DPP**

IRLI aimed to train legal personnel in advocacy and related skills (*Output 6 Activity 1*). In the project period IRLI met only 30% of this target by providing training to 5 paralegals and 4 interns in the LAD specifically on the right to bail under Malawian law and how to make an application for bail on behalf of an accused. In particular, the PLs focused on how to complete a “Bail Questionnaire” and draft client statements and legal submissions, keeping the law and evidentiary requirements in mind at all times.

In a follow-up evaluation, 86% of those trained indicated that they use the knowledge gained during the training ‘a lot of times’ in their daily work. 100% reported that their advocacy and legal skills had increased ‘a lot’ since undergoing the training and 86% reported that their client representation skills improved ‘a lot’ after training, with 14% reporting that their client representation improved ‘a little’. Additionally, all individuals indicated that further training would be welcomed, particularly relating to file management, drafting and client care (*Output 6 Indicators 1 & 2*).

Unfortunately, IRLI faced a number of challenges with unrealistic targets having been set at the beginning of the target year, some internal resistance to the formal training of legal personnel and other logistical problems. In light of the same, the PLs have been working in a number of ways to try and tackle this activity. For example, a mentoring programme involving 3 LAD interns and the PLs was piloted during the second half of the project year, with the support of the Chief of the LAD, whereby it was intended that the PLs would mentor and support interns in client care, drafting, case management and advocacy on a weekly basis. Unfortunately, this programme became unsustainable after a number of weeks due to competing demands within the LAD. It has now been decided that a mentoring and support programme will be put in place with regard to one or two paralegals, with the hope that this will be rolled out to include all LAD paralegals as the project expands.

There has been a significant amount of informal training and ‘peer to peer’ learning with interns, paralegals and advocates. The holding of legal aid clinics, taking statements from clients, drafting court documents, appearing before the High Court to move bail motions, locating relatives of defendants and examining sureties are all activities in which the PLs work in partnership with LAD legal personnel. The project believes that this particular way of working is vital in order to train LAD legal personnel in advocacy and skills while also building capacity and ensuring sustainability into the future. This approach also allows for increased numbers of cases to be dealt with and it improves the efficiency with which they are handled.

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12 For example, setting a target of 30 legal personnel to be trained within LAD and DPP was found to be unattainable given that there are only 13 legal personnel (including interns) within LAD and 15 within DPP.
6. Sustainability

The benefits of IRLI’s work will be sustained in a number of ways. The PLs have been steadily working towards establishing the necessary capacities, structures and systems in order to ensure the sustainability of the project outcomes well into the future.

Memoranda of Understanding

IRLI intends to draft and agree upon supplementary memorandum of understanding between IRLI and its partners in Malawi. While there is an existing MOU with the MoJCA, the project would benefit from more detailed MOU’s with its various partners, including the LAD and the PASI Paralegal Service, particularly in terms of specific project activities and timelines in addition to what a future handover of the project would look like.

Legal Aid Department

IRLI intends that by the time the project departs from the LAD, there will be vastly improved professional standards and structures in place in addition to an internal peer to peer training programme. A primary focus of the project will continue to be capacity building and the up-skilling of LAD legal personnel, including both advocates and paralegals, through both formal structured training and more informal peer to peer learning. There will be a strong focus on advocacy, client care, drafting of legal documents, case management and file progression. While there continues to be a high turnover of advocates in the LAD, the majority of the paralegals are long term permanent members of staff, who are usually the first point of contact for members of the public who seeks legal aid assistance. They record statements, open files and refer cases onwards to the advocates. IRLI believes that establishing ‘mentoring relationships’ with paralegals will be of immense benefit to building and sustaining skill levels with paralegals who will remain with the LAD into the longer term. IRLI will also develop an internal procedures handbook for legal personnel which will outline the required procedures in various situations and best practice. It is further intended that, with IRLI’s assistance, strong internal work structures and systems will be put in place which will also go towards improving institutional knowledge, staff morale, team spirit and the general internal work culture/environment. In this way, it is also hoped that the high turnover rate of legal personnel, particularly advocates, will begin to subside.

Camp Courts

Given the systemic resource challenges within the criminal justice system, it is likely that there will continue to be insufficient resources to bring accused persons to court well into the future. It is also likely that there will be a backlog of cases and continued illegal detention of accused persons for some time to come. It is intended that, by the time the project departs Malawi, local actors will be trained fully in how to conduct regular camp courts. Magistrates, police officers and prison authorities will become fully cognisant of their duty to facilitate access to justice and to look at all alternatives means in order to bring this about. It is intended our current local partners will set up a system whereby regular camp courts take place within the prisons without IRLI’s assistance.

Legal Literacy Programmes

With the assistance of IRLI, a number of PASI paralegals have become excellent in their delivery and facilitation of the LLP. IRLI and PASI designed the LLP materials, including a step-by-step guide of key legal and practical information that the detainees should be sensitised on as well as role plays for the detainees to partake in. It is intended that all PASI paralegals will be fully trained in how to deliver the LLP by the time IRLI departs Malawi. Following our departure, PASI paralegals themselves will train up new recruits, encouraging ‘peer to peer’ learning within the organisation. The paralegals will continue to use IRLI materials and will make revisions as necessary. They will also partner with other local actors to ensure that LLP sessions continue to take place prior to camp courts.
Training on Diversion

IRLI has established diversion programmes in 6 police stations in Lilongwe. Police officers have been trained and sensitised on the importance and benefits of diversion. It is intended that the training will continue and further programmes established in stations throughout the country. IRLI will simultaneously train police officers themselves to carry out the trainings and assist with establishing diversion programmes. This has already begun in that Sub Inspector Fanny Chimbaya and Constable Yotamu Chaonaine now regularly facilitate the discussion fora during diversion training. IRLI training materials will also continue to be a valuable resource.

With regard to the training of magistrates, it is intended that all of the magistrates in the country will trained on diversion and restorative justice by the time IRLI departs Malawi. Magistrates who have already received training have indicated that they are now encouraging the use of diversion in the courts. It is hoped that this will continue and that the concepts of diversion and restorative justice will become entrenched in the minds of magistrates as an alternative to the formal criminal justice system and imprisonment. It is also intended that ultimately the judiciary themselves will take responsibility for training new magistrates on diversion and child justice. Further, the IRLI Magistrates Manual will continue to be a reliable tool for old and new magistrates alike.

Diversion and Mwai Wosinthika

IRLI, together with Venture Trust UK, jointly trained officers in Lilongwe Police Station in the facilitation of the 12-week Mwai Wosinthika (‘chance to change’) programme. The police officers now act as inspirational ‘ambassadors’ for the initiative, and there is comprehensive local ownership of the programme. Former young offenders also act as the primary facilitators of the course. They are fully equipped to carry out future programmes, which are held on the grounds of Lilongwe Police station, at a relatively low running cost, with stationary and lunches for the participating children being the main expenses. Over the forthcoming project year, IRLI will oversee and encourage trained police officers to train their colleagues, replicating the approach taken with juveniles in other areas of Malawi. IRLI will provide a briefing document to the police officers who will manage the initiative. This will outline how to effectively conduct future Mwai Wosinthika programmes and provide a reference for institutional and practical knowledge to be relied on into the future.
7. Lessons Learned

**Stakeholder Relationships:** More synergy is needed between the key stakeholders within the Malawian criminal justice system. The project needs to be more realistic in terms of what can be achieved within a given time frame and acknowledge that, often, the outcomes are not completely within our control.

**Institutional Challenges:** Relationships within the LAD are extremely complex and there is effectively no coordinated office management system in place which significantly impacts efficiency levels, staff morale and case management. There is also a lack of leadership within the office which is particularly challenging given the junior level of staff and the lack of institutional knowledge. IRLI underestimated the size of these institutional challenges and must be much more cognizant of the same going forward, particularly when formulating plans, activities and targets.

**LAD Paralegals:** To ensure the sustainability of the project outcomes and to build institutional capacity, a primary focus must be on the up-skilling and training of paralegals within the LAD, more so in fact than interns and advocates. Paralegals tend to remain in the LAD for much longer periods than either advocates or interns. It is intended that there will be regular training of paralegals going forward and a mentoring programme put in place. There must be more of a focus on teamwork and much better coordination between the advocates and paralegals within the LAD.

**Training of advocates:** IRLI underestimated the challenges which would be encountered in the training of advocates. The training of advocates by foreign lawyers is a sensitive issue and relationships with the advocates in the LAD need to be treated with care. There is no doubt that there are a lot of training needs but the way in which these needs are dealt with must be carefully considered. Ideally, IRLI would like to pursue a partnership with the Judiciary with regard to training advocates on a regular basis. Having the support of the Judiciary would be extremely beneficial in a number of ways. As IRLI has partnered with the Judiciary with respect to the training of magistrates and is now the preferred partner for such trainings, the PLs are hopeful that they will also be able to form a strong partnership with the Judiciary around advocates training.

**Community Sensitisation:** IRLI’s work over the project year focused on police, magistrates and legal personnel within the LAD and Office of the DPP, however, the project neglected to target the community itself. This gap became increasingly apparent throughout the project year and it was highlighted by magistrates and police during training workshops. The importance of targeting the community cannot be overstated. There is a lack of knowledge within the community with regard to due process, fair trial and fundamental human rights. There is a culture of ‘mob justice’ within Malawi and a trend to equate time spent in prison with guilt. There have been challenges during the project year in obtaining community acceptance for remandees to return to their villages pending trial and with regard to diversion. IRLI has recently been involved in discussions with local partners with regard to initiating village sensitisation workshops.

**Logistics within the project:** IRLI must be more realistic in terms of targets and what can be achieved within a certain time frame, particularly given the high level of follow up required and the level of civil and political unrest. More thought and consideration needs to go into the logframe activities and indicators.\(^\text{13}\) IRLI has a network of people on the ground that supports its work. Much of the work done with local partners is on the basis of goodwill. However, at this stage of the project, it is not sustainable to keep working on this basis. More formal arrangements and MOUs must be put in place so that work can be carried out more efficiently. Minor expenses incurred must also be reimbursed.

\(^{13}\) E.g. In Output 2 IRLI differentiated between the ‘longest serving pre-trial detainees’ (which are homicide remandees) and remandees in general. This impacted to such an extent that the results don’t always reflect the full impact which IRLI has had on PTD in the prisons.
5.8 Engagement with the Irish Public

Bar Council Human Rights Award

Programme Lawyers Ruth Dowling and Eithne Lynch were awarded the Bar Council of Ireland Human Rights Award as part of the Irish Law Awards where it was recognised that IRLI “has made a profound change in the rights and well-being of those without a voice”. In making the award the judging panel commended the PLs on showing “interminable commitment, ingenuity and tenacity” in their work. The awards ceremony, hosted by Miriam O’Callaghan, was held on 3 May 2013 in the Four Seasons Hotel, Dublin and was reported in the Sunday Business Post.

The Simon Cumbers Award – Clare Herbert

Clare Herbert was selected as a recipient of the Simon Cumbers media award and selected the IRLI ‘Access to Justice’ programme to highlight the important link between law and development. Clare will be putting together an online story book which will be available to the Irish public highlighting the work being undertaken by the PLs.

Public Presentations

IRLI engages the public through its website and through social media (Facebook and Twitter). IRLI is eager to promote the contribution rule of law can make to sustainable development among the wider community and newspaper articles were also featured in the Irish Times during the year as well as local newspapers and legal publications. In the forthcoming year IRLI intends to recruit a volunteer to assist with communications as well as developing contacts within universities and legal training institutions. IRLI’s PLs have given seminars to law students in UCC and UCD, as well as to PPC1 trainees in Blackhall Place, but it is an area we hope to expand upon. It is envisaged that IRLI will organise seminars in partnership with other NGOs and organisations working on human rights and justice issues in developing countries and in so doing, become more involved in development education and promoting the role of the legal profession in international development.

As the representative charity of the legal profession’s regulatory bodies in Ireland, IRLI seeks to highlight to Irish lawyers the relationship between rule of law, democracy, sustained economic development and human rights. We work at drawing together a network of engaged lawyers who have contributed, or wish to contribute, to the use of law as a tool in international development. Using this network, we promote awareness and learning to the wider legal community on how law and lawyers can support progress in developing countries. This is specifically done through quarterly public meetings, seminars, articles in the Gazette and Bar Review, a quarterly newsletter and a blog that discuss the work of our projects and areas of pressing international concern.

Fundraising Events

IRLI also organised a number of fundraising events during the year to raise awareness about the project in Malawi. These included a Christmas event in the Bar Council’s Distillery Building during which a presentation was given, a ‘Climb for Malawi’ which involved participants climbing the Black Stairs Mountains in Ireland and others climbing Mount Mulanje in Malawi and a ‘Malawi By The Sea’ gala in Dun Laoghaire Sailing Club in March 2013.

Examples of which can be found on http://irishruleoflaw.ie/129-2/press/irli-in-the-press/
## Results Framework

### (1 Sept 2012 - 31 Aug 2013)

**Overall Aim:** Improved access to justice for unrepresented arrested persons in the criminal justice system in order to reduce overcrowding in prisons in Lilongwe

**Impact:** Increased access to justice for those within the criminal justice system in Lilongwe

**Overall Risk:** Government of Malawi will not include Democratic Governance in its new Malawi Growth and Development Strategy (MGDS) once it is reviewed and replaced in 2012 (Low)

<table>
<thead>
<tr>
<th>OUTCOMES</th>
<th>OUTPUTS</th>
<th>INDICATORS</th>
<th>ACTIVITIES</th>
<th>RISKS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Outcome 1:</strong></td>
<td><strong>Output 1:</strong></td>
<td><strong>Indicator 1:</strong> Number of people diverted from the formal criminal justice system</td>
<td><strong>Activity 1:</strong> Preliminary assistance in the establishment of an operational diversion programme in 5 additional Police Stations in Lilongwe</td>
<td></td>
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<tr>
<td>Prisoners and those in police custody are ensured of their due process rights and given greater access to restorative justice practices</td>
<td>Suitable accused and those in police custody are targeted for restorative justice practices in 6 Police Stations in the Lilongwe area</td>
<td>Baseline:* 45  Target: 200  Result: 287</td>
<td>Baseline:* 1  Target: 6  Result: 6</td>
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<td></td>
<td></td>
<td><strong>Indicator 2:</strong> 50% of those trained report increased use of diversion 6 months after training</td>
<td><strong>Activity 2:</strong> Police officers, legal personnel and magistrates trained in diversion</td>
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<td></td>
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<td>Result: 79% (additional follow up evaluations remain)</td>
<td>Baseline: 74  Target: 150  Result: 136</td>
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<td><strong>Indicator 3:</strong> Number of juveniles who have undertaken life skills reintegration programme</td>
<td><strong>Activity 3:</strong> Number of discussion fora on restorative justice</td>
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<tr>
<td></td>
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<td>Baseline: 12  Target: 57  Result: 42</td>
<td>Baseline: 0  Target: 2  Result: 8</td>
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<td><strong>Activity 4:</strong> Life skills reintegration programme conducted for juvenile offenders</td>
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<td></td>
<td>Programme lawyers will not have access to target police stations (Low-Medium)</td>
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<td>Police officers and magistrates will not take ownership of the diversion programme’s operation (Low-Medium)</td>
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<td>There will not be suitable candidates for diversion (Low)</td>
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<td>The project will not be effectively monitored at police stations (Low-Medium)</td>
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<td>Stakeholders will not support discussion fora on restorative justice (Low)</td>
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<tr>
<td>Output 2: Pre-trial detainees are legally assisted in Kachere and Maula prisons</td>
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<td>---------------------------------------------------------------</td>
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<tr>
<td><strong>Indicator 1:</strong> Increase in access to free legal aid for pre-trial prisoners in Maula and Kachere</td>
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<tr>
<td>Baseline: 11%**</td>
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<tr>
<td>Target: 25%</td>
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<tr>
<td>Result: 25%</td>
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<tr>
<td><strong>Indicator 2:</strong> Reduction in time spent in pre-trial detention in Maula for longest serving pre-trial detainees</td>
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<tr>
<td>Baseline: 1417 days</td>
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<tr>
<td>Target: 900 days</td>
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<tr>
<td>Result: 1792 days (<em>Needs attention, see narrative for more details</em>)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Activity 1: Number of legal aid clinics held in Kachere and Maula prisons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baseline: 54</td>
</tr>
<tr>
<td>Target: 100</td>
</tr>
<tr>
<td>Result: 53</td>
</tr>
</tbody>
</table>

- Programme lawyers will not be given a right of audience (Low)
- Paralegals will not continue to provide assistance and at no cost (Low)
- Fuel will not be available for transport of prisoners, judges and representatives (Medium)
- Programme lawyers will not have enough resources and capacity to reach enough prisoners (Low)
- Programme lawyers will not continue to have access to the prisons (Low)
- Programme lawyers will not have access to the criminal courts registry (Low)
### Output 3:
Increased access to Camp (Prison) Courts for pre-trial detainees

<table>
<thead>
<tr>
<th>Indicator 1: Number of prisoners brought before a Camp Court</th>
</tr>
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<tbody>
<tr>
<td><strong>Baseline:</strong> 38</td>
</tr>
<tr>
<td><strong>Target:</strong> 80</td>
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<tr>
<td><strong>Result:</strong> 69</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Activity 1: Number of camp courts held</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Baseline:</strong> 4</td>
</tr>
<tr>
<td><strong>Target:</strong> 8</td>
</tr>
<tr>
<td><strong>Result:</strong> 7</td>
</tr>
</tbody>
</table>

- Programme lawyers will not have access to the prisons (Low)
- Justice stakeholders will not attend prisons (Low-Medium)
- Fuel will not be available for transport to prison (Medium)

### Outcome 2:
Increased and applied knowledge of due process rights, human rights compliance and legal skills amongst criminal justice stakeholders

<table>
<thead>
<tr>
<th>Indicator 1: 75% of those trained report increased knowledge of human rights and due process after training and materials</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Result:</strong> 79%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Indicator 2: 75% of those trained report increased compliance with human rights and due process standards 6 months after training and materials</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Result:</strong> 100%</td>
</tr>
</tbody>
</table>

- Funding will not be available for training sessions publications (Low)
- Fuel will not be available for transport to training sessions (Medium)
- Participants will not be willing to attend trainings (Low)
- Participants will not have an interest in CPD documentation (Low – Medium)

### Output 4:
Improved understanding of human rights compliance and due process rights by police, legal personnel and magistrates

<table>
<thead>
<tr>
<th>Indicator 1: 75% of those trained report increased knowledge of human rights and due process after training and materials</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Baseline:</strong> 37</td>
</tr>
<tr>
<td><strong>Target:</strong> 150</td>
</tr>
<tr>
<td><strong>Result:</strong> 166</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Activity 2: Drafting, publication and dissemination of IRLI materials on human rights compliance and due process rights</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Baseline:</strong> 2</td>
</tr>
<tr>
<td><strong>Target:</strong> 4</td>
</tr>
<tr>
<td><strong>Result:</strong> 7 (see narrative for more details)</td>
</tr>
</tbody>
</table>

- Programme Lawyers will not have access to the prisons (Low)
- Paralegals will not be available to teach prisoners (Low)
- Prisoners will not attend education programmes

### Output 5:
Pre-trial prisoners in Maula and Kachere prisons gain the knowledge to represent themselves before a court

<table>
<thead>
<tr>
<th>Indicator 1: 75% of those surveyed report increase in legal literacy after training</th>
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</thead>
<tbody>
<tr>
<td><strong>Result:</strong> 100%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Indicator 2: 35% of those trained and selected for Camp</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Result:</strong> 442</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Activity 1: Pre-trial prisoners undertake legal literacy programme</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Baseline:</strong> 0</td>
</tr>
<tr>
<td><strong>Target:</strong> 100</td>
</tr>
<tr>
<td><strong>Result:</strong> 442</td>
</tr>
<tr>
<td>Output 6: Improved advocacy and legal skills of legal personnel within LAD and DPP</td>
</tr>
<tr>
<td>---</td>
</tr>
</tbody>
</table>
| **Indicator 1:** 75% of those trained report increased advocacy and legal skills after training  
  **Result:** 100% |
| **Indicator 2:** 45% of those trained report improved client representation 6 months after training  
  **Result:** 100% (of those trained within the first half of the project year) |
| **Activity 1:** Legal personnel trained in advocacy and skills  
  **Baseline:** 0  
  **Target:** 30  
  **Result:** 9 (Needs attention, see narrative for more details) |

- Legal personnel will not attend trainings (Low)  
- Programme Lawyers will not have access to trainers (Low)
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BIC No: BOFIIE2D

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