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## **IRLI Programme Lawyer** **Terms of Reference**

### **1. Overview**

Irish Rule of Law International is a project-orientated, non-profit rule of law initiative established by the Law Society of Ireland and the Bar of Ireland. Originally founded in 2007, the charity has collaborated with academics, judges, legal practitioners, policymakers and civil society around the world to advance collective knowledge of the relationship between rule of law, democracy, sustained economic development and human rights. We believe that members of the Irish legal profession have a significant role to play in enhancing the rule of law and shaping the progress of fragile societies.

### **2. Background**

Since August 2011, IRLI has been working in Malawi to address capacity challenges within the criminal justice sector with the overall aim of improving access to justice for unrepresented vulnerable persons. Volunteer programme lawyers are positioned strategically alongside the principal institutional actors in the criminal justice system: the Legal Aid Bureau, the Office of the Director of Public Prosecutions, the Judiciary and the Malawi Police Services. Their work is also supplemented by volunteer lawyers who provide short term intensive training for partners.

IRLI's work in Malawi 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 society.

In tackling access to justice for the poor, IRLI seeks to implement mechanisms in partnership with local actors to remove obstacles to free legal aid in the short-term (such as capacity constraints and shortage of lawyers) in order to bring about direct change at beneficiary level, while developing systemic, sustainable interventions aimed at providing long-term benefits to the wider criminal justice sector.

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| <b>3. IRLI Assignment Title:</b>  | IRLI Volunteer Programme Lawyer  |
| <b>4. Type of Assignment:</b>     | International Volunteer Programme Lawyer   |
| <b>5. Programme Title:</b>        | Strengthening the work of the Office of the Director of Public Prosecution (DPP) in IRLI's 'Access to Justice' Programme |
| <b>6. Duration:</b>               | 12 months with possibility of extension  |
| <b>7. Location, Country:</b>      | Lilongwe/ Malawi   |
| <b>8. Expected Starting Date:</b> | May 2016   |

## **9. Brief Programme Description:**

- to ensure that prisoners and those in police custody are ensured of their due process rights and given greater access to restorative justice practices; and
- to ensure that knowledge of due process rights, human rights compliance and legal skills amongst criminal justice stakeholders is increased and applied.

In order to attain the programme's goals, the programme focuses on a number of interventions, including:

- Capacity building and work on discrete projects within the Office of the Director of Public Prosecutions;
- Facilitating camp courts and legal literacy programmes in prisons;
- Providing legal assistance to individuals in prison or in police custody in conjunction with the Legal Aid Bureau;
- Capacity building within the Judiciary through the facilitation of workshops and visiting Magistrates' Courts;
- Liaising with key stakeholders in the criminal justice system in order to progress criminal cases to their conclusion;
- Capacity building of the Malawi Police Services and establishing diversion programmes in identified stations within Malawi;
- Facilitating a Child Diversion Programme;
- Developing procedures and best practice guidelines;
- Facilitating community sensitisation workshops on issues relating to criminal law; and
- The general strengthening of linkages amongst key stakeholders in the Malawian criminal justice system.

The programme places significant focus on the capacity building of local stakeholders especially through the training of police, magistrates, lawyers and prisoners themselves. Furthermore, there is particular concentration on child protection, restorative justice and diversion which allows children to be diverted from the formal justice system.

## **10. Organisational Context**

The Programme Lawyer (PL) in the Office of the Director of Public Prosecution (DPP) will be on placement for 12 months commencing the middle of May 2016. IRLI's office is based in the LAB and the PL in the DPP will be required to work independently for most of the time, while attending team meetings in LAB as well as other programme related meetings as required and requested by the Programme Manager (PM).

Working together with IRLI's PL and Programme Officer (PO) in the Legal Aid Bureau and IRLI's PLs in the Malawi Police Services and Malawi Judiciary, and under the direct supervision of the PM in Malawi, the PL in the DPP will undertake activities to strengthen the capacity of the DPP advocates and paralegals; improve case management systems; review and progress homicide files; assist in preparation for homicide trials; provide legal opinions; and assist in capacity building for prosecution of sexual offences.

This will involve work with the following partners: The Ministry of Justice and Constitutional Affairs, the Legal Aid Bureau, the Judiciary, the Malawi Police Services, the Malawi Prisons Service, the Department of Social Welfare, PASI (Paralegal Advisory Service Institute), Irish Aid, EU and other local/international stakeholders and partners as the need arises.

## **11. Scope of the Work**

Under the direct supervision of the Programme Manager, the PL in the DPP will undertake the following tasks:

- Draft Internal DPP Best Practices Handbook on how to deal with homicide cases;
- Provide support to DPP advocates, paralegals and administration systems through capacity building;
- Identify ways in which case management and filing systems can be strengthened;
- Provide support to the DPP as requested for the training needs of support staff;
- Undertake a review of homicide files to progress to conclusion, liaising with police to conduct further investigations where necessary;
- Assist in preparing for homicide trials, including travelling for witness tracing;
- Assist DPP's office in its commencement of prosecuting a specified number of sexual offence cases;
- Liaise with DPP's office in Ireland in order to arrange placement of DPP advocate from Malawi;
- Assist LAB PL to progress awaiting judgment and adjourned cases;
- Assist the IRLI team in the organisation and implementation of general programme activities where the need arises;
- Grant/proposal writing and report writing for IRLI activities within DPP;
- Budget management of IRLI activities within DPP;
- Maintaining Log Frame and keeping M&E up to date where required.

## **12. Qualifications/Experience:**

- A qualified solicitor/barrister with minimum 1 year post-qualification practicing experience (essential);
- Fluency in spoken and written English (essential);
- Computer skills (i.e. Word, Excel, PowerPoint etc.) (essential);
- Full Driving Licence (essential);
- Experience in proposal and report writing (essential);
- Professionally qualified in or currently practicing in Ireland (desirable);
- Experience working in criminal law (desirable);
- Experience working in an international development/human rights context (desirable);
- Experience working with and preparing budgets (desirable);
- Experience in office management and/or in the implementation of filing systems (desirable);
- Monitoring and Evaluation (M&E) Experience (desirable);
- Practical experience working in the Global South (desirable);
- Previous volunteer engagement (desirable).

## **13. Essential Skills:**

- Strong interpersonal, networking and communication skills;
- Flexible and open to learning;
- Adaptable to a continuously changing environment;
- Respect for diversity and can adapt to a new culture, environment and living conditions;
- Excellent organisational skills;
- Ability and willingness to manage a varied and heavy workload with a variety of players and stakeholders;
- Ability to work in an extremely challenging environment;
- Ability to think both rationally and strategically with strong planning capacity;
- Excellent drafting skills;
- Self-starter with the ability to think creatively; and
- Strong team player but with the ability to also work independently.

## 14. Conditions of Service

Travel expenses (one return flight from point of departure to Lilongwe), International Health Insurance and a monthly Volunteer Living Allowance (VLA) of €1500 will be provided. The VLA assists the volunteers to meet living costs in Malawi, including accommodation and utilities. These expenses shall not be construed as remuneration.

It will be the successful candidates' responsibility to obtain any vaccinations required before travelling. An amount of €300 for pre-departure expenses (such as medical examination fees, vaccinations and related expenses) will be provided.

The programme is based mainly in the capital city of Lilongwe within the Central Region of Malawi but some travel into surrounding districts will be required. It is necessary therefore that the successful candidate has a full driving licence.

## 15. Applications

The deadline for submission of applications is **Friday 26<sup>th</sup> February 2016**.

With reference to the position you are applying to, please e-mail:

1. A curriculum vitae
2. A cover letter describing why you are interested in the position and summarising your relevant experience and suitability for the role (no more than 2 pages in length).

Only applications received through [applications@irishruleoflaw.ie](mailto:applications@irishruleoflaw.ie) will be considered.

Any queries should be directed to IRLI's Charity Coordinator Emma Dwyer at [edwyer@irishruleoflaw.ie](mailto:edwyer@irishruleoflaw.ie).

For more information on the programme in Malawi and the work of IRLI please visit [www.irishruleoflaw.ie](http://www.irishruleoflaw.ie).

This project is funded by Irish Aid and Human Dignity Foundation with support from the Law Society of Ireland and the Bar of Ireland.

*February 2016*