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IRISH RULE OF LAW
INTERNATIONAL

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**IRLI LEGAL FELLOWSHIP:
Programme Lawyer seconded to the Office of the Director of Public
Prosecutions, Malawi**

Terms of Reference

1. Overview

Irish Rule of Law International (IRLI) 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 organisation 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 legal profession have a significant role to play in enhancing the rule of law and shaping the progress of developing societies.

Programme Title	IRLI Malawi 'Access to Justice' Programme
IRLI Position Title	IRLI Programme Lawyer, Office of the DPP
Duration	12 to 18 months
Location, Country	Lilongwe, Malawi
Expected Starting Date	ASAP

2. Programme Description

Since August 2011, IRLI has been working in Malawi to address capacity challenges within the criminal justice sector, with the overall aim of promoting the rule of law and improving access to justice for unrepresented and particularly vulnerable persons. One of the main barriers to access to justice in Malawi is that key institutions operating within the criminal justice sector lack the knowledge, capacity and resources to fulfil their roles and responsibilities in relation to accused persons. To address this, IRLI has developed a placement programme whereby Programme Lawyers (PLs) are strategically placed inside the key institutions in the Malawian criminal justice system: the Legal Aid Bureau (LAB) and the Office of the Director of Public Prosecutions (DPP); the Malawi Police Services (MPS) and the Judiciary.

PLs work directly to provide technical assistance to fill resource gaps, increase knowledge and capacity by providing workshop training and capacity building sessions as well as offering long-term day to day mentoring. In addition, PLs are supporting the institutions by influencing policies and practices according to human rights as well as supporting networking and stakeholders' alliances.

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.

3. Programme Objectives

The overall aim of the programme is to see improved access to justice for unrepresented vulnerable persons in the criminal justice system in the Central Region of Malawi.

There are two specific objectives:

- to increase the institutional capacity to provide sufficient services to people in conflict with the law according to principle of due process and human rights
- to ensure the enjoyment of due process rights including legal representation and restorative justice to persons held in police custody and detainees in the Central Region of Malawi

4. Organisational Context

The Programme Lawyer (PL) will be seconded to the Office of the Director of Public Prosecutions (DPP) in Malawi. The PL will work within the Ministry of Justice in the office of the DPP, working alongside Malawi State advocates. The PL will be expected to work independently for much of the time, but also to attend team meetings and other project related meetings and coordinate and collaborate with his or her IRLI colleagues on specific projects.

Working together with IRLI's other PLs, and under the direct supervision of the Programme Manager in Malawi, the PL in the DPP will undertake activities to strengthen the capacity of the DPP paralegals; improve case management systems; review homicide files; provide legal opinions; liaise with the Judiciary, LAB and Malawi Police Service PLs to provide assistance with outstanding homicide or sexual offence matters; support efforts to improve office management within the DPP; provide support to the Human Rights Section.

This will involve work with the following partners: The Ministry of Justice and Constitutional Affairs (MoJCA) - including the Legal Aid Department, the Human Rights Section and the Office of the Director of Public Prosecutions - and the Judiciary, as well as the Malawi Police Service, the Malawi Prison Services, the Department of Social Welfare, PASI (Paralegal Advisory Service Institute), Irish Aid, EU and other local/international stakeholders and partners as the need arises.

5. Roles and Responsibilities

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

- Provide support to DPP paralegals and administration systems through capacity building.
- Support cooperation between the DPP Office and other criminal justice system actors (including the police, judiciary and LAB).
- 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 historical homicide files to identify those cases that should be discontinued and those that should be prosecuted. This may include tracing

witnesses and accused persons with the assistance of DPP paralegals and the Malawi Police Service.

- Review current homicide and sexual offences cases and write legal opinions to advise on the merits of the case and the appropriate next steps.
- Provide support to the Human Rights Section of the Ministry of Justice, as directed by the Chief State Advocate of the Human Rights Section.
- Assist the IRLI team in general in the organisation and implementation of general project activities where the need arises.
- Grant/proposal writing and report writing for IRLI activities within DPP.
- Budget management with regard to IRLI activities for which the PL is responsible.
- Maintain organisational results-based framework, develop workplans, undertake data collection and analysis for M&E purposes.
- Submission of regular progress and activity reports to the DPP as well as contributing to IRLI donor reports.

6. Qualifications, skills and person characteristics

- Qualified solicitor/barrister with at least 1-year post-qualification experience practising criminal law.
- Experience conducting the prosecution or defence of a criminal trial.
- Experience working on rule of law initiatives in a development/human rights context.
- Experience working with legal aid services (desirable).
- Excellent interpersonal skills, including the ability to establish good professional relationships with key individuals.
- Strong sense of initiative and good problem-solving skills.
- Fluency in written and spoken English is essential.
- Excellent communication skills, written and oral.
- Experience preparing, working with and managing budgets.
- Monitoring and Evaluation (M&E) experience, including experience in proposal/report writing.
- Experience working in the Global South (desirable).
- Computer skills (i.e. Word, Excel, PowerPoint etc.).
- Exceptional time management and organisational skills.
- Strong ability to motivate others.
- Ability to work independently, with minimal supervision, but also as part of a team.
- Commitment to IRLI's values and human rights.
- Full driving license (essential)
- Respect for diversity and the ability to adapt quickly to a new culture, environment and living conditions

7. Conditions of service

Travel expenses (one return flight from point of departure to Lilongwe) every six months of service, International Health Insurance and a Monthly Living Allowance will be provided. The Living Allowance assists the PL to meet living costs in Malawi, including accommodation and utilities. These expenses shall not be construed as remuneration. Additional expenses will also be provided to cover project-related phone, fuel and internet usage as well as pre-departure costs. It will be the successful candidate's responsibility to obtain any vaccinations required before travelling. Accommodation will be arranged by IRLI for the first month after which the PL is responsible for organising his/her own living arrangements. The IRLI team on the ground will assist with this.

8. How to apply

Please submit a CV and Cover Letter (max 2 pages) describing how you meet the requirements set out above and why you wish to work with IRLI, to applications@irishruleoflaw.ie by **Friday 15th February 2019**.

It is expected that the interviews will take place the last week of February and ideally the selected candidate should be in a position to travel by mid-March.

For more information on the project please visit www.irishruleoflaw.ie.

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