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**IRLI Legal Consultant (Office of the Directorate of Public Prosecutions)**  
**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 in 2007, and were joined by the Law Society of Northern Ireland and the Bar of Northern Ireland in 2015. 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.

<b>Programme Title</b>	IRLI Malawi 'Access to Justice' Programme
<b>IRLI Position Title</b>	IRLI Legal Consultant within the Office of the DPP
<b>Location, Country</b>	Lilongwe, Malawi
<b>Start Date</b>	Immediately
<b>Length of Contract</b>	Until 31 August 2021
<b>Days per week</b>	5

**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. The position of DPP Legal Consultant will assist IRLI in meeting its targets for our current access to justice programme which ends on 31 August 2021.

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 the 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 Consultant will be seconded to the Office of the Directorate of Public Prosecutions (DPP) in Lilongwe. The Consultant will work within the Ministry of Justice in the office of the DPP, alongside Malawi State advocates. The Consultant 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.

Under the direct supervision of the Programme Manager in Malawi, the Consultant in the DPP will undertake activities to strengthen the capacity of the DPP paralegals; providing training to Police Prosecutors, finalise and providing trainings on vulnerable victims guidelines; review homicide files; provide legal opinions; liaise with the Judiciary, LAB and MPS PLs to provide assistance with outstanding homicide or sexual offence matters.

This will involve work with the following partners: The Ministry of Justice and Constitutional Affairs (MoJCA) - including the Legal Aid Department 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, European Union and other local/international stakeholders and partners as the need arises.

### **5. Roles and Responsibilities**

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

- Facilitate advocacy training for Police Prosecutors, who are largely in charge of prosecutions in Malawi and often have no legal training.
- Facilitate development of an audio programme for police officers to receive training on bail.
- Work to finalise guidelines for working with vulnerable victims developed by previous DPP PL, and conduct a training on the guidelines
- 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 MPS.
- Provide support to the DPP as requested for the training needs of support staff, including training of State Advocates.
- Maintain homicide statistics for the Central Region.
- Review current homicide and sexual offences cases and write legal opinions to advise on the merits of the case and the appropriate next steps, as requested.
- Support cooperation between the DPP Office and other criminal justice system actors (including the MPS, judiciary and LAB), through coordination of a stakeholder meeting biannually.

- Liaise with the DPP to release wrongfully detained persons who have had their cases committed to the High Court.
- Assist the IRLI team in general in the organisation and implementation of general project activities where the need arises.
- Perform other duties as necessary

## **6. Qualifications, skills and personal characteristics**

- Bachelors' degree in law, human rights, development or similar field
- Experience working in criminal law
- Experience working on rule of law initiatives in a development/human rights context
- 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. Fluency in Chichewa is an asset.
- 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.
- 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 is essential

## **7. Submission of Applications**

Applicants should submit a Curriculum Vitae and Cover letter by **5pm (Central Africa Time) on Monday 10<sup>th</sup> May** to the Country Programme Manager – [programmemanager@irishruleoflaw.ie](mailto:programmemanager@irishruleoflaw.ie)