



In partnership with the
Republic of Malawi

“CHILUNGAMO II (Justice & Accountability) Programme
Lilongwe, Malawi”

Service Contract No. **XX**

Terms of Reference – Non-Key Expert



This project is funded by
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TERMS OF REFERENCE

TO REGULATE THE NEW PRISON BILL FOR ITS IMPLEMENTATION

CATEGORY	NON-KEY EXPERTS
POSITION	<p>The successful regulation and implementation of the new Prison Bill in Malawi require a multidisciplinary team with a wide range of professional expertise and qualifications. This diverse team will ensure that all aspects of the correctional system are considered, from legal compliance and human rights to practical implementation and public engagement, ultimately contributing to a more effective and rehabilitative prison system.</p> <ul style="list-style-type: none"> • Senior Legal Expert (Team Leader) • Senior Correctional System Specialists • Senior Human Rights and Gender Specialist
OBJECTIVE/ PURPOSE OF THE CONSULTANCY	<p>The Parliamentary Committee on Defence and Security recommended regulations to enhance the enforcement of the Prison Bill implementation on April 3, when it approved the new Prison Bill. This mission will regulate all the issues recommended by the commission to get the implementation of the law applicable and compliant with international standards. All the recommendations will take into account the socio-economic situation of Malawi.</p>
EXPECTED OUTPUTS/ DELIVERABLES	<p>The mission will deliver a comprehensive document that permits the criminal justice sector to have clear orientations of each actor's institutional mandate and to start fully implementing the new Bill with all the recommendations made by the defense committee.</p>
EXPECTED OUTCOME	<p>Malawi's criminal justice system can begin to implement alternative sentences such as parole, probation, and community service. These alternatives are expected to promote rehabilitation, reduce recidivism and prison overcrowding, and enhance community safety. By adopting these recommendations, the justice system can become more effective and humane, focusing on rehabilitation rather than punishment.</p>
LOCATION	Lilongwe, MALAWI
INPUT	<p>146 WORKING DAYS</p> <p>Senior Legal Expert 53 d/p</p> <p>Senior Correctional Systems Specialist 53 d/p</p> <p>Human Rights and Gender Specialist 40 d/p</p>
TIMEFRAME	June – September 2025



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BACKGROUND

The new Prison Bill was passed on April 3, 2025. The previous Prison Act, which dated back to 1957 and was established during the colonial era, has now been replaced. The proposal for the new Prison Bill had been in discussion since the early 2000s.

Malawi required an updated Act to align its prison system with international human rights laws and standards. The focus needed to shift from punishment and retribution to a rehabilitative approach, similar to practices in other regional jurisdictions, such as South Africa

1. CURRENT SITUATION

The parliamentary Committee observed that the spirit of the Bill is to transform Malawi Prisons Service into a correctional service. Therefore, the Committee strongly recommends that the Constitution be amended to reflect the transformation of the Prison service into a correctional service.

That in order to enhance the enforcement and implementation of the Bill, the Committee recommends that among others the following issues be considered for inclusion into the regulations governing the implementation of the Bill:

- Clear definition of the role of prisons inspectorate that includes powers to investigate, report and enforce changes;
- With regard to the Parole Board, the regulations should specify the Ministry responsible for budgets in order to avoid overreliance on external donations;
- On alternative sentences and community services, the regulations should include standardized assessment tools to evaluate an offender’s suitability for alternative sentencing;
- A clear definition of alternative sentences such as probation or community service;
- In terms of the labour board, the board should include prisoners’ representatives or an external person to provide checks and balances for the fund; and
- An explicit provision for adequate nourishment for all prisoners.

2. EUROPEAN UNION – MALAWI COOPERATION

The European Union is a longstanding leading development partner in Malawi's Democratic Governance Sector (DGS). The European Union's Multiannual Indicative Programme (MIP) includes Democratic and Economic Governance as a Priority Area.

3. OVERALL OBJECTIVE OF CHILUNGAMO II

The Overall Objective of Chilungamo II (Access to Justice) is to **improve the humane and effective delivery of justice for all, especially those living in marginalised and most vulnerable situations**. The programme also seeks to contribute to achieving the objectives of Malawi’s rule of law and justice reform agenda and Democratic Governance Sector Strategy and build on successes and lessons from previous programmes and strategies.

To contribute to the Overall Objective of the Chilungamo II (Access to Justice), the technical assistance should contribute to one of the following objectives.



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- Specific Objective 1: Enhance effectiveness and legal and coordination frameworks of the key justice institutions.
- Specific Objective 2: Improve access to justice for all, especially for the population living in the most vulnerable situations and women

4. DESCRIPTION OF THE INSTITUTIONAL NEED FOR THIS CONSULTANCY

A new Bill has been approved, but it has only been drafted in principle, and certain details still need to be defined clearly before the Criminal Justice Institutions can begin implementing it. There is a pressing need to regulate the new Bill, and specific guidelines must be established for each institution concerning its responsibilities.

One urgent issue is the regulation of alternative services, such as Parole, Probation, Open Prison and Community Service, to ensure their effective implementation. Prison Management has already allocated a budget of €228,000 to implement these alternative sentences using direct grant funds from Chilungamo II. The following activities will be undertaken once the Bill is fully regulated:

- Improved staff knowledge in community services
- Improved institutional capacity to deliver community services
- Strengthened coordination with communities and other stakeholders to facilitate implementation of alternative sentences.
- Strengthened institutional capacity to facilitate implementation of alternative sentences.

5. THE OVERALL OBJECTIVE OF THE CONSULTANCY

The Parliamentary Committee on Defence and Security recommended regulations to enhance the enforcement of the Prison Bill implementation on April 3, when it approved the new Prison Bill. This mission will regulate all the issues recommended by the commission to get the implementation of the law applicable and compliant with international standards. All the recommendations will take into account the socio-economic situation of Malawi.

5.1. SPECIFIC OBJECTIVES OF THE CONSULTANCY

The Parliamentary Committee on Defence and Security recommended regulations on six specific issues. Here are the outputs for each issue.

- 5.1.1. Clear definition of the role of prisons inspectorate that includes powers to investigate, report and enforce changes.
- Clearly outline the mandate, goals, and responsibilities of the Prisons Inspectorate in overseeing the prison system.
 - Establish the extent and limitations of the inspectorate's powers to conduct investigations and inquiries into prison conditions, management, and operations.
 - Design protocols for the reporting structures, including what data should be collected, analyzed, and communicated to stakeholders.
 - Identify the legal powers of the inspectorate to enforce changes and recommendations based on findings from investigations and reports.



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- Specify the engagement mechanisms with stakeholders, including prison management, government agencies, and civil society organizations.
 - Ensure that the role of the Prisons Inspectorate is in line with national laws, international human rights obligations, and best practices in prison management.
- 5.1.2. With regard to the Parole Board, the regulations should specify the Ministry responsible for budgets in order to avoid overreliance on external donations.
- Create a clear and operational framework for the parole system that aligns with national laws and international human rights standards.
 - Define explicit and fair criteria for selecting inmates eligible for parole, ensuring a focus on rehabilitation, risk assessment, and community reintegration.
 - Establish robust mechanisms for monitoring parolees and ensuring compliance with parole conditions.
 - Designate a specific government ministry to oversee the Parole Board, ensuring accountability and budgetary control.
 - Implement a budget management strategy to sustain the Parole Board and associated programs without overreliance on external donations.
- 5.1.3. On community services, the regulations should include standardized assessment tools to evaluate an offender’s suitability for alternative sentencing.
- To establish a clear framework for the implementation of community service in Malawi.
 - To enhance the efficiency and effectiveness of community service as a rehabilitative measure.
 - To transfer the operational responsibility of community service from the Judiciary to the Prison Management.
 - To ensure a standardized approach to community service across Malawi.
- 5.1.4. A clear definition of alternative sentences such as probation or community service.
- Provide clear definitions of alternative sentences: parole, probation, and community service.
 - Assess the relevance and necessity of these alternatives given the socio-economic conditions in Malawi.
 - Recommend the implementation and expansion of these alternatives as effective measures for reducing prison overcrowding and promoting rehabilitation.
- 5.1.5. In terms of the labour board, the board should include prisoners’ representatives or an external person to provide checks and balances for the fund
- Define the parameters of labour performed by prisoners, including types of work and their conditions.
 - Establish guidelines for fair compensation for prisoner labour.
 - Create a Labor Board responsible for overseeing work permits and addressing disputes related to prisoner labour.
 - Promote the rehabilitation of prisoners through meaningful work while ensuring their rights and dignity.



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5.1.6. An explicit provision for adequate nourishment for all prisoners.

- Regulate the provision of adequate, safe, and nutritionally balanced food options for all prisoners.
- Ensure that dietary provisions respect the cultural, religious, and personal preferences of prisoners.
- Establish standards and guidelines for food procurement, preparation, and serving processes within correctional facilities.
- Implement monitoring and evaluation mechanisms to assess compliance with nourishment standards and identify areas for improvement.

5.2. SCOPE OF THE ACTIVITIES

The Parliamentary Committee on Defence and Security recommended regulations on six specific issues. Here is the scope of activities for each issue.

5.2.1. Clear definition of the role of prisons inspectorate that includes powers to investigate, report and enforce changes.

5.2.1.1. Research and Analysis

- Conduct a comprehensive review of existing legal frameworks governing prison oversight in the jurisdiction.
- Analyze best practices from other jurisdictions with established prison inspectorates.
- Consult with experts, stakeholders, and organizations involved in prison oversight and reform.

5.2.1.2. Drafting Role Definition

- Draft a detailed document outlining the powers and responsibilities of the Prisons Inspectorate.
- Include specific sections on investigation procedures, report generation, and enforcement authority.

5.2.1.3. Consultation with Stakeholders

- Organize consultations with relevant stakeholders including:
 - Government representatives
 - Prison authorities
 - Human rights organizations
 - Former inmates and advocacy groups
 - Gather input and feedback on the proposed role and powers of the inspectorate.

5.2.1.4. Independent Prison Visitors

- Include Terms of Appointment of the Independent Prison Visitors, and matters concerned with “Prison Visitors Committee”.

5.2.1.5. Final Report and Recommendations

- Compile findings, analyses, and stakeholder feedback into a comprehensive report.
- Provide clear recommendations for embedding the new definition into law or policy



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5.2.2. With regard to the Parole Board, the regulations should specify the Ministry responsible for budgets in order to avoid overreliance on external donations.

5.2.2.1. Research and Benchmarking

- Conduct a comprehensive review of existing laws, policies, and practices related to parole in Malawi.
- Analyze successful parole systems in other jurisdictions to identify best practices that can be adapted for Malawi.
- Consult with experts, stakeholders, and civil society organizations to identify current gaps and challenges in the parole system.

5.2.2.2. Development of Selection Criteria

- Define criteria for parole eligibility, focusing on:
 - Behavioural assessments
 - Completion of rehabilitation programs
 - Risk assessment and community safety considerations
 - Input from prison staff and community stakeholders
 - Ensure the criteria are transparent, fair, and inclusive, addressing the diverse needs of inmates and communities.

5.2.2.3. Establishment of Monitoring and Control Mechanisms

- Develop a comprehensive monitoring framework to track the progress and compliance of parolees.
- Create protocols for regular reporting on the status of parolees to relevant authorities and stakeholders.
- Design interventions for managing non-compliance to enhance accountability and facilitate rehabilitation.

5.2.2.4. Ministry Regulation of the Parole Board

- Identify and designate a specific ministry (e.g., Ministry of Justice) to oversee the Parole Board, including its operations and budget.
- Define the roles and responsibilities of the Ministry in the context of the Parole system, ensuring it has the authority to make necessary adjustments and improvements.
- Establish a governance structure for the Parole Board that ensures fair representation and oversight from various stakeholders.

5.2.2.5. Budget Management and Financial Independence

- Develop a sustainable budget proposal for the Parole Board, outlining operational costs, rehabilitation programs, and monitoring activities.
- Propose a funding strategy that draws from national budget allocations while minimizing reliance on foreign aid and external donations.
- Explore potential partnerships with local organizations and businesses to supplement funding while maintaining independence.



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5.2.3. On alternative sentences and community services, the regulations should include standardized assessment tools to evaluate an offender’s suitability for alternative sentencing.

5.2.3.1. Definitions and Legal Framework:

- Clearly define community service and outline its legal basis as well as the rights and responsibilities of offenders, community organizations, and relevant bodies.

5.2.3.2. Implementation Guidelines:

- Develop guidelines for the selection of community service placements, monitoring and evaluation processes, and reporting mechanisms.

5.2.3.3. Community Engagement:

- Establish protocols for engaging community stakeholders, including local government, NGOs, and community organizations, in the identification of suitable projects for community service.

5.2.3.4. Oversight and Accountability:

- Define the oversight role of the Prison Management, including monitoring compliance with community service orders and evaluation of program effectiveness.

5.2.3.5. Training and Capacity Building:

- Identify training needs for staff involved in managing community service related to supervision, evaluation, and rehabilitation practices.

5.2.3.6. Roles and Responsibilities

- Define the roles and responsibilities under the new framework
- Define the responsibilities of Prison Management with following assumptions:
- Oversee the implementation and administration of community service programs.
- Ensure effective monitoring and evaluation of community service placements.
- Collaborate with local authorities and community organizations for project identification.
- Define the responsibilities of Prison Management with following assumptions:
- Retain the authority to issue community service orders as part of sentencing.
- Provide guidelines for the range of offenses eligible for community service.

5.2.3.7. Orientation of the prison management to identify implementors of the Community Service

- Elaboration of a contract model with communities, public administration and NGOs.



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5.2.3.8. Elaboration of the Amendment to the Community Service Order Act 2000

- In a new proposal the implementation of Community Service Orders shall be the responsibility of Prison Management, and Prison Management shall administer and supervise community service projects, ensuring compliance and assessing the effectiveness of such program.
- The Judiciary shall retain the authority to sentence offenders to community service and shall issue community service orders in accordance with guidelines established by Prison Management.

5.2.4. A clear definition of alternative sentences such as probation or community service.

Prepare clear definitions of alternative sentences for Malawian socioeconomic reality, using the international models.

5.2.4.1. Parole

- Parole is a conditional release of a prisoner before the completion of their sentence, allowing individuals to serve the remainder of their sentence in the community under specific conditions. Parole serves as a mechanism to encourage rehabilitation and reintegration into society while maintaining oversight.

5.2.4.2. Probation

- Probation is a court-ordered period of supervision in the community that replaces a prison sentence. Offenders remain in the community but are subject to conditions set by the court, such as maintaining employment, abstaining from criminal activity, and attending counselling. Probation aims to rehabilitate offenders while protecting public safety.

5.2.4.3. Community Service

- Community service is a non-custodial sentence where offenders perform a specified number of hours of unpaid work for the community as a form of punishment and rehabilitation. Community service aims to encourage accountability and reintegrate offenders into society by contributing positively.

5.2.4.4. Open Prison

- An open prison represents a progressive approach within the correctional system, tailored to the country's unique socioeconomic context. It seeks to balance the dual objectives of public safety and rehabilitation, ultimately aiding in the reintegration of offenders as productive members of society. In countries, characterized by high rates of poverty, limited resources, and challenges within the criminal justice system, the implementation of open prisons can serve multiple purposes:

5.2.4.5. Community correctional sanctions

The work should not be restricted to Parole, Probation, Community Service and open prison but should extend to all community correctional sanctions listed under Section 25 as read with section 29 of the Penal Code which are:



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-
- Finding security to keep peace and be of good behavior
 - To come up for sentence
 - Liability for police supervision
 - Suspended sentence (2011)
 - Public work (2011)
 - Weekend or public holiday (2011)
 - Attendance centre order (2011)
 - House Detention (2025).

And the post-sentence dispositions of

- Parole
- Halfway house
- Compassionate Release – Terminally prisoner’s release
- Chronically ill prisoners placed on home-based care.

Cost-Effectiveness:

Open prisons may reduce the financial burden on the state by decreasing overcrowding in traditional facilities, which often lack adequate resources and infrastructure.

Support for Rehabilitation:

Open prisons enable inmates to develop marketable skills and gain work experience, which is crucial in a country with high unemployment rates. This promotes self-sufficiency and helps reduce recidivism.

Community Resilience:

By engaging inmates in community-focused projects, open prison programs can foster social cohesion and contribute positively to local communities, thus addressing some of the socioeconomic challenges faced in a country.

5.2.4.5. Assessment of Socio-economic Context

Current Challenges:

Overcrowding: Malawian prisons are often overcrowded, leading to deteriorating living conditions and increased tension among inmates.

Economic Constraints: Limited government resources constrain the ability to support a large prison population, making it imperative to explore cost-effective alternatives.

Recidivism Rates: High recidivism rates indicate a need for more effective rehabilitation strategies that provide offenders with the skills and support necessary to reintegrate successfully into society.

5.2.4.6. Potential Benefits of Alternative Sentencing

Cost Savings: Implementing alternatives to incarceration can reduce the financial burden on the government by lowering prison operating costs. Implementing alternative prison sentences such as open



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prison, parole, probation, and community service can provide significant cost advantages for Malawi compared to traditional prison systems. Below are several issues that the mission can consider to be potentially more cost-effective:

Reduced Overcrowding and Infrastructure Costs

Traditional prisons in Malawi often face severe overcrowding, requiring substantial investments in infrastructure, maintenance, and security. Alternatives can alleviate pressure on the prison system by reducing the inmate population.

Open prisons and community-based alternatives typically require fewer resources in terms of physical infrastructure, as they may utilize existing community facilities or reduce the need for extensive security measures.

Decreased Operational Costs

Maintaining inmates in traditional prisons incurs daily costs related to food, healthcare, and security personnel. Alternatives, such as parole and probation, allow individuals to live at home or in the community, significantly lowering these ongoing expenses.

Efficient Resource Allocation: Shifting resources from traditional prisons to alternative sentencing programs can lead to a more efficient allocation where funds can be redirected towards rehabilitation services, vocational training, and mental health support.

5.2.5. In terms of the Prisoners Labour Fund Committee, the committee should include prisoners' representatives or an external person to provide checks and balances for the fund.

5.2.5.1. Prisoner Labour Fund Committee definition

Prisoner Labour Fund Committee refers to any work carried out by incarcerated individuals within a correctional facility or external work assignments. The labour may be in sectors such as agriculture, manufacturing, services, and community projects.

5.2.5.2. Payment of prisoner's labour Fund Committee

Propose a model of payment which is in line of the Rules to the Convicted Persons (Employment on Public Work) Act, Cap 9:03 of Laws of Malawi. The rates must be fixed within a reasonable framework and will reflect the nature of the work performed.

5.2.5.3. Establishment of the Labour Fund Committee

A Labour Fund Committee will be established under the auspices of the Ministry of Homeland Security to oversee all issues related to prisoner labour, including work permits, compensation rates, and dispute resolution.

5.2.5.4. Composition of the Labor Fund Committee

The mission should make recommendation of the composition of the Labour Fund, which might include some of the following representatives:

- A representative from the Prisons Management
- A representative from the Ministry of Home Affairs
- A legal expert in labour law
- A representative from civil society organizations focusing on human rights
- An occupational health and safety expert
- Representatives from the prisoners (or former prisoners) as deemed appropriate



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5.2.5.5. Roles and Responsibilities of the Labour Fund

The mission should propose the Labour Board's roles and responsibilities, considering the cost-effectiveness of its functions. The following issues can be considered.

Regulation of the Work Permits: Review and issue work permits for prisoners engaged in labour, ensuring compliance with safety, legal, and ethical standards.

Set Compensation Rates: Establish a standard framework for compensating prisoners for their labour, ensuring it is fair and reflective of the work performed.

Handle Disputes: Address grievances and disputes related to prisoner labour and working conditions, offering a fair and transparent resolution process.

Monitor Compliance: Ensure compliance with labour regulations, safety standards, and prisoners' rights.

Establish a Compensation Structure: Prisoners shall be compensated with a small, reasonable amount for their labour, based on established guidelines by the Labor Board. A portion of their earnings may be allocated toward savings for post-release support, family assistance, or funding educational and vocational training programs.

5.2.6. An explicit provision for adequate nourishment for all prisoners.

The mission has to take into account all correctional facilities under the jurisdiction of the Prison Management and involve all personnel in food procurement, preparation, and serving within these facilities as well as external stakeholders, including healthcare providers and nutritionists, who may contribute to policy development and implementation.

5.2.7 Separation and classification of prisoners

The new Prison Bill (section 70) propose that male and female prisoners shall be kept apart and confined in separate parts of the prison and persons confined in prison shall be classified as follows;

- (a) remandees;
- (b) prisoners;
- (c) young prisoners;
- (d) old prisoners;
- (e) prisoners who are vulnerable to abuse and intimidation;
- (f) high-risk prisoners;
- (g) prisoners in need of special protection;
- (h) first offenders;
- (i) recidivists; and
- (j) such other classes as the Chief Commissioner may, in consultation with the Minister, determine.

The mission should propose a practical model that meets international standards to separate inmates based on gender, age, crime type, sentence length, health status, or security risk. The idea isn't about discrimination but creating a safer, more effective correctional system. The segregation or classification model should allow for tailored rehabilitation programs, such as education, vocational training, or counselling, specific to an inmate's background or offence and help prison officials focus resources more effectively on those likely to benefit from intervention.



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5.3. METHODOLOGY TO BE USED

The consulting mission will adopt a participatory and inclusive approach, emphasizing collaboration with stakeholders, data-driven decision-making, and adherence to best practices from both national and international standards.

The consultancy will be divided into five key phases:

Preparatory Phase (approx. 3 days)

- Conduct a thorough review of the New Prison Bill, existing prison policies, and relevant laws.
- Gather background information on the correctional system's challenges in Malawi.
- Identify key stakeholders including government officials, prison authorities, NGOs, community organizations, legal experts, and advocacy groups.

Stakeholder Engagement and Data Collection and Analysis (approx. 12 days)

- Organize meetings with stakeholders to explain the objectives and significance of the consulting mission. Utilize this opportunity to gather initial feedback and insights.
- Facilitate workshops and focus groups with diverse stakeholder groups to explore their perspectives on the new Prison Bill and its implications for prison management and rehabilitation.
- Distribute surveys and conduct interviews with key stakeholders, including prison staff, legal experts, and community leaders, to gather qualitative and quantitative data.
- Evaluate the existing correctional practices in Malawi, focusing on their alignment with the new Prison Bill.

Development of Regulatory Framework (approx. 19 days)

- Draft regulatory guidelines, based on data collected, draft a comprehensive set of regulatory guidelines and standard operating procedures for implementing the New Prison Bill.
- Integrate best practices from other jurisdictions that have successfully implemented similar legislation. Ensure that the guidelines promote rehabilitation, human rights, and community engagement.

Review and Validation (5 days)

- Organize workshops to present the draft regulatory framework. solicit feedback and facilitate collaborative discussions to refine the guidelines.
- Conduct validation sessions with key stakeholders to ensure consensus on the proposed regulations and recommendations.

Finalization and Reporting (approx. 10 days)

- Incorporate feedback and finalize the regulatory framework and recommendations. Compile a detailed report summarizing the methodology, findings, stakeholder input, regulatory framework, and recommendations for the implementation of the New Prison Bill.
- Present the final report to the relevant government authorities and stakeholders, advocating for the adoption of the proposed regulatory measures.



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6. NON-KEY EXPERT REPORTING REQUIREMENTS

The mission will report to the Bazarial Chapuala of Prison Management, who is focal point of this consultancy and for the Team Leader for the Chilungamo II Programme. The mission will work closely with the Malawi Homeland Security and the drafting department of the Ministry of Justice.

For the contracting and overall supervision of the deliverable, the consultant shall report to the Team Leader of the Chilungamo Programme. The beneficiary institution and the team leader of Chilungamo II are responsible for providing the NKEs with the necessary background material.

Reports must be brief documents (less than 30 pages) explaining how the work was developed, the results, and how the activity was carried out. Furthermore, the reports must showcase the achievement of the specific objectives and expected results/outputs of the mission. All reports must have an Executive Summary. The different products established in the ToR will be presented as annexes and must be submitted in separate documents and in Word format.

1. The consultant must use the Template “NKE Reporting Activities”, which will be provided to the consultant by either the Project Manager (elisenda.comadran@dt-global.com) or Project Administrator (gnhlema.consultant@dt-global.com).

At the beginning of each report, the following pages must be filled out:

- Cover page
 - Disclaimer
 - Author's name
 - Executive Summary
2. Indexes should be automatic.
 3. All documents, including annexes, must bear the DITISA logo and the contract number.
 4. Reports must have the pages numbered.
 5. Uniformity of the report in terms of font, size and spacing. The font must be either Cambria or Calibri
 - Title: Cambria or Calibri 14
 - Sub-Title: Cambria or Calibri 12
 - Report body: Cambria or Calibri 11
 - Line spacing: 1.15
 6. The headings of the different sections should be numbered.
 7. The annexes must be separated with the same headers and footers except for the ToR approved by the DUE.



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7. USE OF INCIDENTAL FUNDS

The mission is expected to present a work plan as part of the Inception Report. For the visits outside the principal, a car with a driver

will be hired, and the workshops will be financed by Incidental funds, ensuring adequate use of resources. The incidental report has to include a budget for the workshops, which has to be approved. Additionally, the printing cost of the plan will be paid from the incidental funds.

8. SUPERVISION OF THE CONSULTANCY

The mission must deliver all the results to the beneficiary institutions and get their approval of the quality. A special reference group will be created for this mission, which will include representatives from EUD, Judiciary, Homeland Security, Prison Management, Ministry of labour, MHRC and IRLI. The objective of the steering committee is to give guidance and guarantee the coordination of all the activities. For the formal approval of the deliverables, the expert shall report to the Team Leader, who shall be responsible for the overall coordination of the Non-Key Expert (NKE) work. The beneficiary institutions and the Project team are responsible for providing the NKE with the necessary background material.

9. LOCATION AND DURATION OF THE ASSIGNMENT

This assignment will be implemented in Lilongwe, Malawi, with possible missions outside the assigned area. The duration of the assignment is 146 working days over 4 months.



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10. QUALIFICATIONS REQUIRED FROM THE EXPERT

10.1 LEGAL EXPERT (SENIOR)

10.1.1. QUALIFICATIONS AND SKILLS:

- Law degree (LL.B.), preferably with specialized training in criminal justice or human rights law.
- Experience in legislative drafting and policy analysis.

10.1.2. GENERAL PROFESSIONAL EXPERIENCE:

- At least 7 years of experience in Public Administration.
- Experience in policy analysis, program evaluation, and strategic planning.
- Understanding of the local legal framework, specifically regarding correctional systems.

10.1.3. SPECIFIC PROFESSIONAL EXPERIENCE

- Demonstrated experience as a team leader for the similar missions.
- Excellent understanding and experience of the current environment of justice, justice sector reform and role of independent or oversight institutions in Malawi or in other developing countries.

10.2. SENIOR CORRECTIONAL SYSTEM SPECIALISTS

10.2.1. QUALIFICATIONS AND SKILLS:

- Degree in criminology, criminal justice, or a related field.
 - Experience working within correctional institutions, preferably in reform programs or administration.
- Familiarity with best practices in prison management and rehabilitation.

10.2.2. GENERAL PROFESSIONAL EXPERIENCE:

- At least 7 years of experience in correctional systems and alternative sentences
- Practical hands-on experience on alternative sentences
- Familiarity with best practices in prison management and rehabilitation.

10.2.3. SPECIFIC PROFESSIONAL EXPERIENCE

- Capacity to provide insights into the functioning of the current prison system, suggesting reforms, and offering recommendations on the practicalities of implementing the new bill.

10.3. HUMAN RIGHTS AND GENDER SPECIALIST (JUNIOR)

10.3.1. QUALIFICATIONS AND SKILLS:

- Relevant degree in human rights, social justice, or a related field.
- Specialized certifications in gender analysis, human rights law would be beneficial



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Lilongwe, Malawi”

Service Contract No. **XX**

Terms of Reference – Non-Key Expert



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10.3.2. GENERAL PROFESSIONAL EXPERIENCE:

- At least 4 years of experience in Human Rights and Gender Equality
- Experience working with NGOs, government bodies, or international organizations focused on human rights and gender equality
- Working experience on gender mainstreaming, human rights advocacy, and legal frameworks concerning gender and social justice.

10.3.3. SPECIFIC PROFESSIONAL EXPERIENCE

- Analyzing the legal implications of the Prison Bill, ensuring compliance with human rights standards, advising on regulatory frameworks, and assisting in drafting legal documents.
- Familiarity with international human rights instruments and national laws related to gender and human rights.