



In partnership with the  
Republic of Malawi

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

Non-Key Expert No. 06 & 07

Terms of Reference – Non-Key Expert



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## TERMS OF REFERENCE TO REVIEW THE MALAWI JUDICIARY 2019 – 2024 STRATEGIC PLAN AND DEVELOP THE MALAWI JUDICIARY STRATEGIC PLAN FOR 2025 – 2030

### SUMMARY

<b>CATEGORY</b>	SENIOR NON-KEY EXPERT AND NON-KEY EXPERT
<b>POSITIONS</b>	<ul style="list-style-type: none"> <li>• <b>Senior Expert on Judiciary processes and support on the Institutional Strategies (Activity Lead)</b></li> <li>• <b>Expert in Evaluation and Institutional Strengthening</b></li> </ul>
<b>PURPOSE</b>	<p>The Judiciary has requested technical assistance to review its current strategic plan for 2019–2024, which expires this year, and develop its new strategic plan for 2025 – 2030. This ToR outlines the framework for reviewing the Malawi Judiciary's current strategic plan and technical assistance to draft a new one. The review aims to assess the execution, impact, and continued relevance of the strategic initiatives designed to enhance justice delivery and administrative efficiency.</p> <p>The technical assistance in drafting a new institutional strategy supports the Judiciary in developing a comprehensive, forward-looking strategy that enhances its role in delivering justice and maintaining public confidence. The new strategic plan contains recommendations supporting the Judiciary's new digital transformation strategy. It provides a roadmap for the future, allowing the Judiciary to set long-term goals and prioritize initiatives that enhance the administration of justice and reaffirm its legitimacy in the eyes of the public.</p>
<b>EXPECTED OUTPUTS/ DELIVERABLES</b>	<p><b>Inception Report:</b> Detailed methodology to implement the review and the drafting of the Institutional Strategy, tools to be used, and a work plan.</p> <p><b>Interim Progress Report:</b> Preliminary findings of the review presented to the Judiciary and a draft version of the Institutional Strategic Plan.</p> <p><b>Presentation of the Strategy:</b> PowerPoint presentation to Judiciary and other key stakeholders of the results of the review and the new Strategic Plan.</p> <p><b>Final Report:</b> A comprehensive report of the process and Institutional Strategic Plan</p> <p><b>Product:</b> Institutional Strategic Plan for 2025-2030 drafted and approved and then printed and delivered to the Judiciary to be distributed to all the court and other stakeholders.</p>
<b>EXPECTED OUTCOME</b>	The judiciary has a strategic and work plan from 2025/26 to 2029/30 fiscal years to promote an effective, accountable, and public-orientated judiciary that will lead to better outcomes for individuals and society as a whole.
<b>LOCATION</b>	Blantyre, MALAWI
<b>INPUT</b>	80 WORKING DAYS (40 days for both experts)
<b>TIMEFRAME</b>	January 2025 – April 2025

## Background

The Malawi Judiciary is one of the critical institutions in the Democratic Governance sector. It is one of the three branches of Government under the Constitution in Malawi's governance structure. It is constitutionally mandated to interpret, protect and enforce the Constitution and all laws under the terms of governance articulated in the Constitution. There are three levels of courts within the Malawi Judicial system bearing varying duties in the execution of this mandate. First is the Malawi Supreme Court of Appeal, which is the highest appellate court. It hears appeals from the High Court and other Tribunals. The Supreme Court is headquartered and primarily sits in Blantyre. However, it sits in assizes (visiting sessions) in Lilongwe, Zomba and Mzuzu. Second is the High Court of Malawi. It has established premises in Blantyre, Lilongwe, Mzuzu and Zomba. The High Court is granted unlimited original jurisdiction under Section 108 of the Constitution to hear and determine controversies and cases, both criminal and civil. It also hears intermediate appeals from courts of inferior jurisdiction. Again, the High Court sits in assizes in all other districts where it does not have established presence. The High Court has six Divisions namely: Civil Division, Criminal Division, Commercial Division, Family and Probate Division, Financial Crimes Division and Revenue Division. The third component in the structure of courts comprises several subordinate courts with limited and specialized jurisdiction over civil, criminal, labour and child justice cases. These courts include the Industrial Relation Courts (IRC), Magistrates courts and Child Justice Courts.

The Malawi Judiciary is one of the key institutions in the Democratic Governance sector. The vision of the sector is to ensure a Malawi that is truly democratic, just, safe, secure and prosperous, in which everyone enjoys their human rights and lives a life of dignity. The sector's vision is to ensure Malawi is genuinely democratic, safe, secure, and prosperous, in which everyone enjoys their human rights and lives a life of dignity.

Chilungamo I had technical assistance for the Judiciary to draft its Institutional Strategic Plan for 2019-2024. The strategy aimed to address current challenges, leverage opportunities, and ensure the governance of the Judiciary aligns with national and international best practices. As Chilungamo II builds on previous interventions in the justice sector, it will give technical assistance to review the result of the last plan and offer technical support to draft a new one, which will guide efforts toward;

- **Enhanced Efficiency:** A clear strategic plan helps streamline processes, reducing delays in case handling and improving overall efficiency within the judicial system.
- **Improved Accountability:** Strategic planning establishes specific goals and benchmarks, making it easier to assess the performance of judicial personnel and the effectiveness of the system.
- **Resource Allocation:** A well-structured plan allows for better allocation of resources, ensuring that courts have the necessary staffing, technology, and support to handle their caseloads.
- **Improved Public Trust:** When the Judiciary operates transparently and effectively, public confidence in the legal system increases, fostering greater respect for the rule of law.
- **Adaptability:** A strategic plan enables the Judiciary to adapt to changes in society, technology, and legal standards, ensuring it remains relevant and responsive to the needs of the community.
- **Stakeholder Engagement:** Having a plan encourages collaboration and communication among stakeholders, including legal professionals, government bodies, and the public, resulting in a more holistic approach to justice.
- **Long-term Vision:** A strategic plan provides a roadmap for the future, allowing the judiciary to set long-term goals and prioritize initiatives that enhance the administration of justice.
- **Consistency in Decision-Making:** A strategic framework can help ensure that decisions are made consistently and equitably, supporting fairness in the legal process.

## European Union – Malawi Cooperation

The European Union is a longstanding leading development partner in the democratic governance sector (DGS) in Malawi. The Multiannual Indicative Programme to Malawi (MIP) includes Democratic and Economic Governance as Priority Area 2. Under this Priority area, the MIP includes 'advancing democracy, human rights and the rule of law' as Specific Objective 1 to address challenges related to human rights

violations, gender inequality and gender-based violence, violence against children and limited access to justice for the marginalised and vulnerable groups.

Specific Objective 1 has two expected results linked to rule of law, human rights and access to justice:

- Expected result 2.1.2: Universal values of human rights for all, women and girls' rights, including tools for the effective exercise of human rights such as civil registration and civic education, promoted.
- Expected result 2.1.3: Provision of fair justice, including access to legal assistance enhanced.

## Overall Objective of Chilungamo II

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

To contribute to the Overall Objective, Chilungamo II (Access to Justice) includes the following two Specific Objectives (dealt in more detail below):

- 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.

## Description of this Consultancy

For the Judiciary to operate effectively and efficiently, the strategic plan is the guiding document that facilitates this. Strategic planning is a rigorous and delicate process that requires expertise since the Strategic Plan provides focal direction for the institution. The Strategic Plan is an excellent avenue to promote interventions that address barriers to access to justice. The new plan, like the just expired one, will aid in translating the Judiciary's mission and vision into specific and measurable results. Notably, the Strategic Plan will be a crucial yardstick for measuring the implementation progress, ensuring accountability and transparency.

## The Overall objective of the Consultancy

The judiciary will have a strategic and work plan for the next five fiscal years (2025/26-2029/30) for promoting an effective, accountable, and public-orientated judiciary, leading to better outcomes for individual and society as a whole.

## Specific objectives

### 1. Objectives of the Review of the previous Strategic Plan

- Assess the effectiveness of implemented strategies and initiatives (Performance Evaluation).
- Identify Strengths and Weaknesses: Highlight successful aspects and areas of underperformance within the strategic plan.
- Recommendations for Future Planning: Provide actionable recommendations to inform the next phase of strategic planning based on findings.
- Stakeholder Participation: Engage with relevant stakeholders to gather diverse perspectives.

## 2. Support the drafting of the new Institutional Strategy 2025 - 2030

- Facilitate the update of a clear strategic vision, mission, and objectives for the Judiciary
- Promote inclusive participation among judiciary personnel, and key stakeholders including Malawi Law Society.
- Enhance the skills and competencies of Judiciary staff in strategic planning and implementation .
- Incorporate the lessons learnt from the review of the previous Strategy and from the actual Digitalization Strategy.
- Incorporate relevant best practices and lessons learned from other jurisdictions into the new strategy.

## Scope of the activities

### 1. Scope of the Review of the previous Strategic Plan

- Achievement of Strategic Objectives
- Analyze the extent to which the strategic objectives have been met.
- Evaluate the execution of key strategic initiatives
- Assess the adequacy and effectiveness of resource allocation in achieving objectives
- Investigate the impact of technology adoption within judicial processes
- Collect insights from various stakeholders, including justice system practitioners, users, and the community

### 2. Scope of the technical assistance will encompass the following areas:

- Needs Assessment: Conduct a detailed analysis of the current judicial landscape, identifying needs, challenges, and opportunities.
- Stakeholder Consultations: Organize workshops and focus groups to gather input from diverse stakeholders.
- Drafting the Strategy: Support the drafting of the new Institutional Strategy, including action plans.
- Implementation Framework: Develop a clear implementation roadmap with timelines, responsible parties, and resource allocation.
- Resource Mobilization Strategy: Design a mechanism for raising funds for the implementation of planned activities
- Monitoring and Evaluation Plan: Create a comprehensive framework to monitor progress and measure the success of the strategy against defined indicators.

## Methodology to be used

The selected Experts will be required to prepare a methodology during the inception phase, which includes the work plan and specific methods and tools for reviewing the previous Institutional Plan and drafting the new one. The detailed methodology should combine reviewing the existing institutional strategy with preparing a new strategy for the Malawi Judiciary. The integrated methodology ensures that the review of the existing Institutional Strategy informs and enriches the development of the new approach. By engaging stakeholders throughout the process, the Judiciary can create a strategic plan that is responsive to current needs and capable of enhancing its effectiveness in delivering justice.

Methodology for Combining Review and Preparation of the Institutional Strategy should at least include:

### 1. Initial Engagement and Planning

- **Kick-off Meeting:** Organize a meeting with the Task Team on the Development of the Strategic Plan from the Judiciary to outline the objectives, processes, and expected outcomes of the combined review and preparation.

### 2. Document Review and Analysis

- **Collect Existing Documents:** Gather all relevant documents, including the current Institutional Strategy, performance reports, impact assessments, and any relevant studies or surveys.
- **Performance Data Analysis:** Examine available performance indicators to measure success.
- **Conduct a SWOT Analysis:** Evaluate the strengths, weaknesses, opportunities, and threats related to the current strategy to identify what has worked and what hasn't.

### 3. Stakeholder Consultation and Engagement

- **Workshops and Focus Groups:** Conduct sessions with judiciary personnel, key stakeholders in the justice system, community representatives, and other stakeholders like Malawi Law Society to gather feedback on the current strategy, including its relevance and implementation challenges.
- **Distribute surveys** to collect quantitative data on perceptions regarding the current strategy and areas for improvement.

### 4. Identifying Key Themes and Insights

- **Data Analysis:** Analyze qualitative and quantitative data collected from consultations and surveys to identify recurring themes and insights on the strengths and weaknesses of the existing strategy.
- **Prioritization Matrix:** Develop a prioritization matrix to rank issues based on their impact on the Judiciary's goals and mission.

### 5. Integrating Review Findings into New Strategy Development

- **Setting Strategic Objectives:** Based on the insights from the review, facilitate a collaborative process to establish clear objectives for the new strategy that address identified challenges and leverage strengths.
- **Vision and Mission Refinement:** Use stakeholder feedback to refine the vision and mission statements to ensure they align with current needs and aspirations.

### 6. Drafting the New Institutional Strategy

- **Collaborative Reviewing Sessions:** Organize workshops with key stakeholders to review the new strategy, incorporating feedback from the review and visioning exercises.
- **Action Plans Development:** Create action plans that detail the steps required to achieve each objective, including timelines, responsibilities, and required resources.

### 7. Monitoring and Evaluation Framework

- **Develop Key Performance Indicators (KPIs):** Establish metrics to evaluate the success of both the current and new strategies. Incorporate lessons learned from the review to ensure the new strategy has a robust evaluation component.
- **Implementation Support:** Identify potential challenges in implementing the new strategy and develop frameworks for ongoing support and adjustment.

## 8. Feedback and Finalization

- Draft Review: Present a draft of the new strategy to the Steering Committee and other stakeholders for feedback.
- Iterative Refinement: Use the feedback to revise and finalize the strategy. This may include multiple rounds of revisions to ensure buy-in from all stakeholders.
- Final Strategy Presentation: Conduct a presentation workshop to discuss the final Institutional Strategy, ensuring clarity on its goals, expectations, and implementation plans.

## 9. Implementation Planning

- Action Plan Development: Create a detailed action plan for the rollout of the new strategy, including timelines, resources, and responsible parties.
- Capacity Building: Design training sessions for Judiciary personnel to enhance understanding and effective implementation of the new strategy.

## 10. Resource Mobilization Planning

- Resource Needs Assessment: Conduct an analysis to identify the resources required to implement the strategic plan and determine any funding gaps.
- Donor mapping and matching: Identify potential partners, donors, and funding sources and explore funding options to support the strategy's goals and objectives.

## 11. Documentation and Reporting

- Comprehensive Report: Prepare a report summarizing the review of the old strategy, the process of developing the new strategy, stakeholder feedback, and the final outcomes.
- Publish the new strategy to be delivered to all the stakeholders
- Communication Strategy: Develop a communication plan to disseminate the new strategy among all stakeholders and the wider public.

## Deliverables of the Consultant

EXPERTS	TASK	TIMELINE
<b>The senior Expert (Activity Lead) and Expert will work together as a team, and the Activity Leader is responsible for sharing the burden of the work.</b>	<b>Inception Report:</b> Presentation of detailed approach, methodology, work plan and initial findings after the kick-off meeting.	10
	<b>Findings on the review</b> of the previous Institutional Strategy and its outcomes and conduct a workshop to present findings and engage stakeholders in discussions.	12
	<b>Draft Institutional Strategy:</b> Present a comprehensive draft of the new Institutional Strategy for review.	14
	<b>Final Institutional Strategy:</b> Deliver a polished version of the strategy, incorporating feedback from stakeholders after the workshop.	22
	<b>Presentation of Implementation and Monitoring Plan:</b> Develop a detailed plan for implementation and measuring success.	10
	<b>Presentation of Resource Mobilization Strategy/Plan:</b> Develop a Comprehensive plan for securing funds to implement planned activities.	
	<b>Distribution:</b> Deliver the final printed copies of the Plan to the Judiciary, which is responsible for distributing internally and to other external key stakeholders.	2
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## Non-Key Expert Reporting Requirements

The expert team shall report to the Registrar for the technical aspects of the assignment; the Registrar shall be responsible for the overall coordination to facilitate the work of the NKE. For the contracting and overall supervision of the deliverable, the team shall report to the of the Chilungamo Programme. The Judiciary and the Team Leader of the Chilungamo II are responsible for providing the NKEs with the necessary background material.

Inception and Completion 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 Inception and Completion 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](mailto:elisenda.comadran@dt-global.com)) or Project Administrator ([gnhlema.consultant@dt-global.com](mailto: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.

## Use of Incidental funds

The consultant is expected to present a work plan as part of the Inception Report. For the visits outside Blantyre, 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.

## Supervision of the deliverables

For the formal approval of the deliverables, the Expert team shall report to the Team Leader, who shall be responsible for the overall coordination of the Non-Key Expert (NKE) work. In the Judiciary, the focal point for the mission will be the Registrar of the Malawi Judiciary, a key figure who will provide crucial support to the NKE mission. The Registrar will support the NKE mission during all the meetings and help them coordinate different meetings. The focal point of the Judiciary will also help the NKE team with operative issues, the necessary materials, and access to documentation.

## Location and Duration of the assignment

Experts will work with the DT-Global support team to provide logistical support under the Technical Assistance to the Chilungamo II Programme. The work will be done mainly in the Judiciary in Blantyre, Malawi, with necessary meetings in Lilongwe. The duration is 70 working days (35 working days for each expert).



## QUALIFICATIONS REQUIRED for TWO EXPERTS

### Activity Lead - Senior Expert on Judiciary processes and support on the Institutional Strategies

#### Qualifications and Skills

- At least a Master's degree in areas such as Public Administration, International Law, Human Rights Law, or a related field. A Doctorate will be an added advantage.

#### General Professional Experience:

- A minimum of 10 years of professional experience in the Governance Sector, including in the Justice System
- Demonstrated experience on the work in Strategic Planning
- Demonstrated experience in developing legal policies, particularly in a judicial context

#### Specific Professional Experience

- Demonstrated knowledge of international legal standards, best practices in judicial administration, and human rights norms.
- Strong analytical skills to assess existing judicial structures, performance metrics, and identify areas for improvement.
- Proven experience in strategic planning processes, including goal setting, stakeholder engagement, and performance measurement.
- Experience in managing projects related to legal or institutional reform, ensuring effective planning, execution, and evaluation.

### Expert in Evaluation and Institutional Strengthening

#### Qualifications and Skills

- Master's degree or higher in fields such as social sciences, public administration, international development, or evaluation studies.
- Additional qualifications in evaluation or social science research methodologies are beneficial

#### General Professional Experience:

- A minimum of 7 years of professional experience in evaluation, especially related to institutional strengthening projects.
- Direct experience working within or closely with judicial institutions, such as courts, legal aid organizations, or government justice departments.
- Demonstrated experience of monitoring and evaluation (M&E) frameworks specific to judicial systems to integrate lessons learned into practice.

## Specific Professional Experience

- At least five (5) years' experience in institutional development interventions and in designing and assessing strategic plans for public institutions;
- Expertise in both qualitative and quantitative evaluation methodologies, which can be tailored to the judicial context
- A solid understanding of legal principles, judicial processes, and the role of the judiciary in governance and human rights.