



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
The European Union

TERMS OF REFERENCE FOR NON-KEY EXPERT

SUMMARY

CATEGORY	NON-KEY EXPERT (Senior)
NAME OF THE CONSULTANCY	Review the First-Year Implementation of the Malawi Human Rights Commission's Strategic Plan
PURPOSE OF THE CONSULTANCY	<p>Conduct an independent review of the first-year implementation of MHRC's Strategic Plan and assess the extent to which planned activities were implemented, outputs delivered, and results achieved, in alignment with the strategic objectives.</p> <p>After review, the consultant will provide actionable recommendations for improving implementation in subsequent years.</p>
EXPECTED OUTPUTS	<ul style="list-style-type: none">• Assess the implementation status of the Strategic Plan during the first year (assess the alignment of the planned activities implemented in the first year with the MHRC Strategic Plan) .• Analyze the effectiveness and efficiency of implementation strategies and mechanisms put in place for the Strategic Plan.• Identify key achievements, challenges, and gaps in the implementation of the first year.• Review the adequacy of institutional capacity and resource utilization. Evaluate the strategic objectives' relevance in light of emerging human rights issues.• Provide actionable recommendations for improving implementation in subsequent years.
EXPECTED DELIVERIES	<ul style="list-style-type: none">• Inception Report: Detailing methodology, work plan, and data collection tools• Draft Review Report: Presenting preliminary findings for validation by MHRC and key stakeholders.• Final Review Report: Incorporating feedback and including executive summary, key findings, and recommendations.• Presentation: Deliver a presentation of findings to MHRC leadership and partners.
LOCATION	Lilongwe, MALAWI
INPUT	WORKING DAYS



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TIMEFRAME	
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1. BACKGROUND

The European Union is funding the Technical Assistance Project to provide technical and administrative assistance to the Government of the Republic of Malawi in implementing the Chilungamo Programme II.

The Malawi Human Rights Commission (MHRC) is a constitutionally mandated independent national human rights institution established to promote and protect human rights in Malawi. In line with its mandate, the MHRC developed its Strategic Plan 2024 - 2028 to guide its programming, institutional development, and resource mobilization.

As the Strategic Plan enters its second year, MHRC seeks to assess progress made during the first year of implementation. This review aims to evaluate achievements, challenges, lessons learned, good practices, and the effectiveness of implementation mechanisms, to propose adjustments and strategic decisions moving forward.

2. CURRENT SITUATION OF THE MALAWI HUMAN RIGHTS COMMISSION

The Malawi Human Rights Commission is an independent National Human Rights Institution (NHRI) established by the Constitution of the Republic of Malawi under section 129 with the primary function of protecting and investigating violations of the rights accorded by the Constitution or any other law. The mandate of the Commission is to promote and protect human rights in Malawi in the broadest sense possible and to investigate violations of human rights on its own motion or upon complaints received from any person, class of persons or body.

Recently, the amendment of the Gender Equality Act, 2013, and the Access to Information Act, 2017, have given the Commission added responsibilities to ensure enforcement of the Gender Equality Act and to have oversight over the implementation of the Access to Information Act. In present, MHRC is also the lead institution to implement the gender equality pool fund, funded by Chilungamo II.

The Commission comprises nine (9) Commissioners and is supported by a Secretariat, which is headed by the Executive Secretary appointed in terms of section 28 of the Human Rights Act. The Executive Secretary, attends and serves the meetings of the Commission. Apart from the Executive Secretary, the Secretariat comprises other management, professional, research, technical, administrative, and other support staff that are organised into six (6) directorates, with each Directorate headed by a Director. The directorates are as follows:

- Directorate of Civil and Political Rights
- Directorate of Economic, Social and Cultural Rights
- Directorate of Gender and Women's Rights
- Directorate of Child Rights
- Directorate of Disability and Elderly Rights, and
- Directorate of Corporate Services



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In order to enhance its outreach, the Commission opened one regional office in Blantyre in the Southern Region. The Regional office is headed by the Regional Human Rights Officer.

3. 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.

4. 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.

- Specific Objective 1: Enhance effectiveness and legal 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

5. DESCRIPTION OF THE INSTITUTIONAL NEED FOR THIS CONSULTANCY

It is recommended that the Malawi Human Rights Commission (MHRC) conducts a review of its strategic plan after the first year. This is an important checkpoint to assess the plan's relevance, effectiveness, and achievability. Additionally, it is crucial to ensure that the four-year direct grant from the EU Program Chilungamo II is aligned with the strategic plan and supports the Commission in achieving its institutional outcomes.

The other key reasons for the review:

- A one-year review helps assess whether the Commission is on track to meet the goals and objectives outlined in the strategic plan. It allows for an evaluation of what has been achieved and what still needs attention.
- A one-year review helps identify challenges, such as resource constraints, political dynamics, and institutional bottlenecks, before they escalate.
- A review provides an opportunity to adjust, revise targets, timelines, or approaches based on what is actually happening on the ground.



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- Regular reviews demonstrate commitment to transparency and accountability to stakeholders, including the public, government, and international partners.
- A one-year review fosters a culture of learning and improvement within the Commission, promoting better decision-making and efficiency in future activities.
- Reviewing implementation allows MHRC to better allocate financial, human, and technical resources for the remaining years of the strategy, taking account to all external funding.

6. THE OVERALL OBJECTIVE OF THE CONSULTANCY

Conduct an independent review of the first-year implementation of MHRC’s Strategic Plan and assess the extent to which planned activities were implemented, outputs delivered, and results achieved, in alignment with the strategic objectives. After review, the consultant will provide actionable recommendations for improving implementation in subsequent years.

6.1. SPECIFIC OUTPUTS OF THE CONSULTANCY

- Assess the implementation status of the Strategic Plan during the first year.
- Analyze the effectiveness and efficiency of implementation strategies and mechanisms.
- Identify key achievements, challenges, and gaps in implementation.
- Review the adequacy of institutional capacity and resource utilization.
Evaluate strategic objectives' relevance in light of emerging human rights issues.
- Provide actionable recommendations for improving implementation in subsequent years.

6.2. SCOPE OF THE ACTIVITIES

The consultant will undertake the following key tasks:

- Review relevant documents, including the Strategic Plan, annual work plans, reports, budgets, monitoring and evaluation tools, and stakeholder feedback.
- Conduct interviews and focus group discussions with MHRC management, Commissioners, staff, development partners, and stakeholders.
- Assess performance indicators and data availability across all strategic pillars.
- Analyze institutional and operational frameworks that supported or hindered implementation.
- Produce a comprehensive review report with findings, conclusions, and recommendations.

6.3. METHODOLOGY TO BE USED

To review the implementation of the Malawi Human Rights Commission’s (MHRC) strategic plan after one year, a mixed-methods approach is ideal—combining both qualitative and quantitative data collection and analysis. Here’s a breakdown of a recommended methodology:



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Document Review (5 days)

- A desk study to assess what activities have been undertaken versus what was planned (comparison of planned vs. actual progress).

Sources: Strategic plan, annual reports, reports for the development partners, activity logs, budget reports, and monitoring and evaluation (M&E) tools.

Key Informant Interviews (5 days)

- To gain insights into implementation challenges, successes, and areas for improvement, the consultant should organise semi-structured interviews for MHRC leadership, program managers, frontline staff, development partners, and relevant government officials.

Focus Group Discussions (5 days)

- To collect perceptions on the impact and relevance of MHRC’s work from a grassroots perspective, the consultant should organise focus group discussions with the beneficiaries, civil society representatives, human rights advocates, or community-based organizations.

Performance Indicator Analysis (2 days)

- The consultant should measure progress against set Key Performance Indicators (KPIs), using the M&E framework or logframe from the strategic plan to determine whether targets for year one have been met.

Stakeholder Validation Workshop (2 days)

- To present findings and get feedback to refine the final review report, the consultant should organise the stakeholder validation workshop to get recommendations and plan necessary adjustments.

Final Deliverable (10 days)

A comprehensive final review report should include:

- Overview of year-one achievements
- Gaps and challenges
- Stakeholder feedback
- Recommendations for course correction
- Adjusted implementation timeline



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6.3.1 DELIVERABLES BY THE CONSULT

- **Inception Report:** Presentation of detailed approach, methodology, data collection tools, work plan, and initial findings after the kick-off meeting.
- **Draft Review Report:** Presenting preliminary findings for validation by MHRC and key stakeholders (recommendations and adjustments)
- **Final Review Report:** Incorporating feedback and including executive summary, key findings, and recommendations.
- **Presentation:** Deliver a presentation of findings to MHRC leadership and partners.

7. NON-KEY EXPERT REPORTING REQUIREMENTS

The expert will report to the Winston Mwafulirwa and the Team Leader for the Chilungamo II Programme.

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 the 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 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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8. USE OF INCIDENTAL FUNDS

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

9. SUPERVISION OF THE CONSULTANCY

The consultant must deliver all the results to the beneficiary institutions and get their approval of the quality. 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.

10. 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 29 working days over 2 months.



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11. QUALIFICATIONS REQUIRED — DEMOCRATIC GOVERNANCE EXPERT

11.1. QUALIFICATIONS AND SKILLS:

- Advanced degree in Public Administration, Development Studies, Human Rights, Strategic Management, or related field.

11.2. GENERAL PROFESSIONAL EXPERIENCE:

- Minimum of 7 years' experience in strategic planning, M&E, or organizational reviews, preferably in governance or human rights sectors.
- Demonstrated experience conducting similar reviews or evaluations for public institutions or CSOs.
- Demonstrated experience on data collection, analysis, and reporting.

11.3. SPECIFIC PROFESSIONAL EXPERIENCE

- Demonstrated understanding on human rights and gender equality
- Strong analytical, facilitation, and report writing skills.
- Demonstrated experience on stakeholder engagement and participatory evaluation methodologies.
- Knowledge of Malawi's human rights landscape and institutional frameworks is an asset.