

**Scottish Government International Development Programme
End-Year Report**

1. General project information		
1.1	Project reference Number	MAL 18/10
1.2	Name of organisation	Mwai Wosintha Kwathu
1.3	Lead partner(s) organisation	Chance For Change
1.4	Project title	Access to Justice
1.5	Reporting period	From: 01/04/2019 To: 31/03/2020
1.6	Reporting year	2
1.7	Project start date	1/10/2018
1.8	Project end date	31/03/2023
1.9	Total project budget*	£1,304,863
1.10	Total funding from Scottish Government*	£1,265,759
1.11	Provide a brief description of the project's aims, highlighting which of the Sustainable Development Goals (SDGs) your project is working towards? (200 words)	<p>The project aims to support child justice services in Malawi by working with statutory agencies towards a child-welfare centred child justice system, and by advocating for and supporting the full implementation of the Child Care Protection and Justice Act (2010). The project will also offer direct support to the Child Case Review Board (CCRB), the National Child Justice Forum, and the Ministry of Gender.</p> <p>A2J aligns with almost all of the UN Global Goals, but will contribute specifically as follows:</p> <ol style="list-style-type: none"> 1. SDG (1) Poverty, SDG (2) Hunger, SDG (8) Work and Economic growth (through vocational training and providing business start-ups for participants) 2. SDG (3) Good health and well-being; (taking malnourished and sick prisoners through therapeutic feeding, medical, and health provision, and bringing them back to health. 3. SDG (4) Quality education (through training and education programmes) 4. And finally; SDG (16) Peace, Justice, and Strong Institutions (increased access to justice for participants, and advocacy activities for their human rights, particularly in supporting the full implementation of the CCPJA)

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		<p>5. Contributing indirectly through eg SDG (7) Affordable Clean Energy through solar businesses, or SDG (15) Life on Land with sustainable agriculture training.</p>
<p>2. Project progress and results</p> <p><i>Please use this section to give an update on the progress the project has made during this reporting period.</i></p>		
<p>2.1</p>	<p>Provide an update on the progress your project has made over the past 12 months. Use this space to update us on what has gone well and any challenges you have experienced, detailing how you have overcome these. (Max 500 words)</p> <p>There is no question that this has been a challenging year for A2J. The political situation, the disruption to travel, and to the statutory mechanisms of the judiciary, police and prison services, all of whom we are reliant on, have altered the pace of our progress. As a result, some of the project's targets have been slightly lower than expected, but this has been offset by high scores in other areas.</p> <p>Factors of significance this project year;</p> <ol style="list-style-type: none"> 1. The political unrest and disruption. This has restricted movements, including assessing and picking up referrals, similarly, Court visits for files and recommendations/orders have also been severely affected, as have all reintegration activities, and outreach programmes in prisons. This has also resulted in many office and business closures, particularly in city centre, where damage was at its most concentrated. As well as official demonstrations, there were a number of illegal roadblocks, which controlled some of the main routes that our operations need to connect operational activities between regions, and prisons and courts. Finally, police operations have been dominated by the need to manage civil unrest and associated criminality, therefore police referrals have also been affected. 2. Court operations have been severely affected. This was either because courts were dealing with matters arising from the political situation, or they have been closed due to the demonstrations. This was further exacerbated by judges being called upon to travel at short notice. Appointments with judges were regularly broken as judges were called away often immediately prior to a meeting. In addition, there have been no judges caucus meetings this year, often our greatest source of referrals. 3. There have been no CCRB meetings during this period. As the CCRB are required to formalise release orders for juvenile cases, this has meant that many reintegrations have not been legally able to take place. Normally we could ask the vice chair to sign and later ratify, this option has not been 	

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available to us in recent times. Fortunately, the boys who were due for early reintegration have been patient and pragmatic.

4. Earlier in the project year, there was a ruling that incarcerations at Kachere prison were unlawful. This of course is procedurally correct, unfortunately though, this decision was given before all other factors were considered, and Kachere prison management have experienced some disruption as a result. This has slowed down the outreach programme to a degree. All has returned to normal now.

All of these factors have presented challenges, but as all of the factors are temporary, major adjustments to operational plans are not appropriate as we expect normal service to resume at some point. We have however, managed to be flexible enough to mitigate most of these challenges.

Notwithstanding these difficulties, outcomes have been consistently high, and our participants have continued to reach high standards in training and behaviour modification. Although from a quantitative viewpoint, we have been slightly down in some areas, from a qualitative point of view, we have maintained a very high standard.

2.2

Has the focus or plans for delivery changed significantly during the last year? Please highlight what issues or challenges prompted this change and how you anticipate any changes in focus will impact on the previously agreed outcomes (Max 500 words)

The focus and implementation plans have not changed during the past year. All of the challenges we have faced, have been as a result of us being in the middle of a “chain of child justice” that stretches from police, through the judiciary, and into home communities, the indirect beneficiaries of the project. This means that we are reliant on others for inputs and outputs. The element we are in full control of; the outcomes, continue to be consistently of a high standard.

As we become more and more embedded in the overall provision of child justice, we are becoming more and more a solution to gaps in statutory provision. Despite the problems that Malawi have been facing, C4C and A2J have never been in a stronger position in terms of effecting positive change in welfare-based child justice initiatives.

One example of this is the judges caucus; a closed meeting group that meets to review cases and set sentencing policies. The fact that our legal team was invited into the most recent judges caucus to advise on child justice provision, to organise pre-sentence review assessments, and to take part in discussions on sentencing recommendations, was a significant development for the project. No non-statutory bodies have been in this position before, and as a result of this meeting, we were able to secure the transfer of a large number of children in high security prisons to community-based environments such as our reformatory centre. Consultations of this kind are significant; they demonstrate acceptance of complementary expertise into the justice system.

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	<p>Another example is that A2J have a very strong Board of Trustees, who are able to mobilise support for the project within civil society structures when the project meets structural problems. A good example is negotiating workarounds for the production of court orders when the CCRB is not sitting.</p> <p>We don't anticipate any major changes in focus or operational delivery plans in the near future, as maintaining consistency within the statutory judicial structures will be a priority.</p>
2.3	<p>Taking into consideration what you have achieved during the last 12 months, along with any challenges you have experienced, please highlight to us what lessons you have learned, and how these will be applied in the project in the future. (Max 500 words)</p> <p>From the point of view of the implementation of the project, this year has been very stable. Apart from the disruption caused by the political situation slowing throughput slightly, our participants and our relationships, our outcomes and qualitative results have been very encouraging.</p> <p>Notwithstanding this, we have made some slight operational changes due to lessons learned from our internal review processes.</p> <p>The first changes we have made is to instigate an integration of our criminal justice services under one person. During our reviews, we had discovered that our external networks interfaced with a number of our staff on closely related matters. For instance, court reports are compiled by key workers, finalised by their manager, but submitted to the court by the legal team. This meant that if the courts had specific questions arising during a hearing or review, it would have been difficult to clarify immediately.</p> <p>Another instance could be that a court assessment may have been carried out by reformatory centre staff but submitted in person to the court by a member of the legal team that may not have been present at the assessment. On these occasions, judges may want to consult with the assessor in order to prescribe conditions for the order. It is not routine but does happen. Again, this could result in a time delay, which in turn would be likely to prevent the order being issued (it is a difficult process to change an order once issued).</p> <p>Taking this experience forward, we have nominated one contact person as Head of Criminal Justice, who will coordinate all liaisons. This effectively means that judges, court clerks, prison authorities, police etc. will only need to carry one contact for all external matters. This movement has largely eliminated wasted time by the courts chasing information from a range of contacts.</p> <p>The second area of work we have incorporated learning into, is the area of pre-order assessment. In our previous year, we gained hard won experience of the value of pre-assessment before an order is issued. We have been further refining our assessment process and have worked hard to improve it. This has paid dividends during this project year, as absconders and breaches have become</p>

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much rarer events than the previous year. Staff are able to recognise situations earlier and make good preparations for breaches. In time, we would hope to develop this further into a Social Enquiry Report that is recognised by judicial services.

3. Partnerships and collaboration

This section allows you to discuss how partnership working is progressing on the project, as well as wider collaboration and sharing of learning.

3.1

Provide an update on how partnership working has gone in the past 12 months. Let us know about any highlights, challenges or changes to roles and responsibilities. (Max 350 words)

CCRB; our relationship with the CCRB is very much improved. This has been significantly helped by support from the Mwai Wosintha Board of Trustees. Support is still strong from the wider Board and we have recently hosted another successful visit. Despite the Board being currently inactive, the leadership will soon change due to end of tenure, and we are confident that this will further improve our working relationship. Despite court activity being very much affected in the recent period, we are very pleased with our partnerships with the judiciary.

Malawi Police; our relationship with Malawi Police remains good. Despite disruption to our referral relationships due to deployment decisions (because of the civil unrest) levels of referrals are still very good in the circumstances. It is still worth noting that public confidence in Police is still very low in some geographical areas, it is likely this will take some time to improve.

Malawi Prisons; again, relationships remain good at local level and our legal team are enjoying good relationships with MPS and good access to prisons. Outreach projects are going well but have been slightly affected by disruption and legal status of juveniles under sentence.

OCG; no longer operating

WOJAM; We have had little contact with WOJAM, due to them being inactive during the recent legal disputes in government and subsequent demonstrations.

Family of Hope; replaced by services from KCH and ABC clinic to supplement our own in-house services.

CHREEA; we have had no contact since the last report

Byounique; we have resumed our working relationship with Byounique, but activities have been limited due to disruption.

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	Irish Rule of Law ; we have had very sporadic contact – largely due to their high staff turnover												
3.2	<p>Have any Scotland-based staff visited the project in the past 12 months? Give details including key activities and outputs of these visits.</p> <p>Yes. The C4C CEO has visited the project in order to supervise some minor restructuring, and also to conduct staff meetings.</p> <p>The restructuring took place without any problems, and staff meetings were productive</p>												
	<table border="1"> <thead> <tr> <th>Date of visit</th> <th>Key achievements / outputs of visit</th> <th>Follow-up actions</th> </tr> </thead> <tbody> <tr> <td>Aug 2019</td> <td>Restructuring</td> <td>All new responsibilities to be in place by end of January 2020</td> </tr> <tr> <td>Aug 2019</td> <td>Staff meetings</td> <td>All meetings/consultations completed by end August 2019</td> </tr> <tr> <td>Feb/ March 2020</td> <td>Routine supervision/ Board meeting</td> <td>N/A</td> </tr> </tbody> </table>	Date of visit	Key achievements / outputs of visit	Follow-up actions	Aug 2019	Restructuring	All new responsibilities to be in place by end of January 2020	Aug 2019	Staff meetings	All meetings/consultations completed by end August 2019	Feb/ March 2020	Routine supervision/ Board meeting	N/A
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3.3	<p>Please tell us about any dissemination and learning throughout this reporting period. How have you promoted effective learning across the project? Please explain what processes you have used both internally and externally to share learning from the project so far, and how this learning is being used. (Max 500 words)</p> <p>As the only private reformatory centre in Malawi, and as the only direct programme community disposal in use by the courts, our influence is significant within the child justice sector. We are regularly consulted by a number of actors in the sector, particularly when it comes to rehabilitation methods, and reintegration systems. Internally, we hold regular training sessions to reinforce our methodology, and often invite external people to attend. In addition, we hold internal process review meetings, case conferences, and strategy reviews.</p> <p>Externally, we continue to be contributors to the wider sector, within both statutory and voluntary sector groups. We sit on the Southern African Network of Prisons, a national level steering committee of prisons. Our role is to help with strategy for capacity building within southern African prisons. Our particular expertise is in rehabilitation programmes, and our methods are available to all. We are also members of the International Detention Coalition.</p>												
3.4	<p>Has the project completed a mid-term project evaluation in the past 12 months (or is one planned for the next 12 months)? Please provide detail of the outcome of the evaluation. (Max 500 words)</p>												

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	<p>No mid-term evaluation has taken place in the last 12 months. There is one planned to take place in 2020/21. It was anticipated that this would start in August 2020, however at the present time, it is unclear what if any effect Covid-19 will have on the scheduled plan.</p> <p>If the situation clears, the data collection is expected to take place in the 3rd quarter of 2020/21, and the report will be compiled in quarter 4.</p>
3.5	<p>With reference to Q39a & 39b in your original application form, please highlight how you are maintaining an awareness of others working in this region, giving details of collaboration, joint working or partnerships with others. (Max 500 words)</p>
	<p>As we are fairly unique in our field, awareness of the sector is relatively simple. We do however collaborate closely with the judiciary, the CCRB, the police, and the Malawi Prison Service. We also work closely with the child courts, Central High Court, and regional courts. We also are part of the voluntary sector support networks such as those sponsored by UNODC, and SANOP.</p>
<p>4. Safeguarding and fraud</p> <p><i>Please ensure you complete questions 4.1 and 4.2 even if you have no incidents to report.</i></p>	
4.1	<p>Have there been any safeguarding incidents, either relating to staff/volunteers or beneficiaries of the Grant or the Project, in the last 12 months?</p>
	<p>There have been no safeguarding incidents relating to staff/ volunteers or beneficiaries in the past 12 months</p>
4.2	<p>Have these incidents reported at 4.1 been reported to relevant authorities, and if so, to whom?</p>
	<p>N/A</p>
4.3	<p>Describe what action has been taken, and highlight any lessons learned.</p>
	<p>N/A</p>
4.4	<p>Have there been any incidents in the last 12 months of financial mismanagement, theft, fraud etc, either relating to the Grant or the Project or which affects the organisation?</p>
	<p>There have been no incidents of financial mismanagement, theft, or fraud in the past 12 months.</p>
4.5	<p>Have these incidents reported at 4.1 been reported to relevant authorities, and if so, to whom?</p>

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	N/A		
4.6	Describe what action has been taken, and highlight any lessons learned.		
	N/A		
5. Risk assessment			
5.1	<p>Have any issues materialised during this reporting period? If so, how were they addressed?</p> <p><i>Please refer to risk assessment provided at application stage.</i></p>		
Assumption	Risk	Action taken	Was this included in the Risk Assessment Table in your application?
Political unrest/ civil instability	Civil unrest	We took all measures necessary to keep staff from dangerous situations. We restricted all but strictly necessary travel. Arranged for staff to sleep in at the centre when necessary. We posted daily updates on the situation on Whatsapp and held extra planning meetings where appropriate. Food supplies were stockpiled	Yes
Coronavirus Pandemic	Outbreaks of illness within staff or inmates at the centre	We are following guidelines as set out by the Malawi Government. In addition to this, we are trying to develop supplementary protocols to mitigate infection. Access to the reformatory centre is currently restricted, and we are trying to organise sleeping in arrangements for staff if necessary. We are also taking legal advice from the courts.	No
		<p>The current measures we have in place are;</p> <ol style="list-style-type: none"> 1. We have established a contact person at 	

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		<p>Kamuzu Central Hospital for up to date advice on dealing with the virus.</p> <ol style="list-style-type: none"> 2. We are consulting the courts about policies/ arrangements for early release of inmates if outbreaks happen in prisons. 3. Staff are not reporting as usual; we have reduced the number of staff shifts to cope with potential self-isolation. 4. We are providing masks and hand sanitizer. 5. We have stopped parent visits to inmates. 6. We have established a limited quarantine facility 7. We have secured a quarantine space off site as a precaution. This will be used to quarantine staff 	
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6. Inclusion & accountability

With reference to question 38 in section E of your original application and thinking specifically about the past 12 months, please use this section to tell us how you are mainstreaming through your project, ensuring that you are aware of and actively working to reach vulnerable and marginalised groups.

6.1

Is the project still relevant for the beneficiaries you are working with? Please highlight how you ensure accountability on the project, ensuring beneficiaries have the opportunity to feedback on the project and influence its development? (max 350 words)

The project remains relevant for the beneficiaries. There are still children in adult prisons, still children being sentenced contrary to the Child Care Protection and Justice Act, and still children in conflict with the law eligible for Diversion to non-custodial sentences. Child justice in Malawi, is still evolving, and will continue to evolve for some time to come. Provisions such as “Access to Justice” are catalysts in that evolution and will eventually provide the evidence base for policy change.

Our primary operational accountability is to the state of Malawi, and our accountabilities to the Malawi government are monitored through statutory

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	<p>mechanisms such as the CCRB, the High Court, and the Ministry of Gender. Although under the law, inspection rights fall to the Ministry of Gender, we encourage inspection by all stakeholders, and receive regular inspection visits particularly from members of the judiciary who use us as a sentencing option. This also extends to private sector parties with whom we hope to leverage support for the Malawi Prison Service to improve conditions within the existing prison estates.</p> <p>In terms of beneficiary influence, even though our inmates are under Supervision Orders of the court, and are wards of the State, they still get opportunities to feedback in both one-to-one keywork sessions, and in all-inclusive issue raising meetings. These meetings are an integral part of the rehabilitation programme and provide opportunities for negotiation and personal responsibility.</p> <p>Our non-custodial programme participants undergo full consultation on the terms of their individual programmes and are fully involved in reviews.</p>
<p>6.2</p>	<p>Do you have an awareness of particularly vulnerable or marginalised groups within the community in which your project is working? Please give details on how you are disaggregating data to recognise these groups across the project. (Max 350 words)</p>
	<p>All of our participants can be categorised as both vulnerable and marginalised. In our reformatory centre, the vast majority of inmates have been malnourished, mistreated, or abused, virtually all of them have been sick, and many carry serious and incurable illnesses such as HIV or Hepatitis B or C. There are many who are without family, or fixed places of abode.</p> <p>Many of the Diverted children have been engaged in prostitution (with its associated risks to health and risks of abuse) and many have been living on the streets. There are a number with no guardians or fixed home.</p> <p>We disaggregate data in relation to all of our participants to differing degrees depending on their offending history or status as victims. Inmates all have a personal file; non-custodial participants' data are recorded on tracking sheets. If there are legal issues such as police referral or victim support, a full file may be kept.</p> <p>We have no participants who are not categorised as at least "at-risk".</p>
<p>6.3</p>	<p>How is your project working to actively meet the needs of these vulnerable and marginalised groups, ensuring they are benefiting from the project? Please outline any mechanisms you are using. (Max 350 words)</p>
	<p>This project is <i>for</i> vulnerable and marginalised children. All of our resources, our methodology, and our expertise is directed at meeting their needs.</p> <p>Our cognitive behavioural programmes meet their needs with regard to finding a way to take their place in society both in safety, and in a personally responsible way. Our vocational and enterprise components help to ensure that they have a</p>

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	<p>good chance of becoming financially sustainable, and our health screening, treatment programmes and therapeutic feeding programmes ensure a return to health of those who have been malnourished. Those participants with either terminal illnesses or serious medical problems are supported on an individual basis.</p> <p>We support access to screening and testing for those involved as non-custodial participants, and provide some support with child-care when appropriate. This is especially relevant to those girls whose own children are preventing them from completing primary education certificates and need special income-generation coaching.</p>
6.4	<p>Taking into consideration some of the challenges of mainstreaming, please describe any challenges you have faced in reaching vulnerable and marginalised groups, how you have overcome these or plans you have developed to support inclusion on the project. (Max 350 words)</p>
	<p>We have not yet experienced any challenges reaching the vulnerable and marginalised groups we are targeting. The prisons are overcrowded, and so are the police cells. The only challenge has been to process court orders in a timely fashion. This has been difficult at times with the current disruption to civil society posed by the ongoing political situation.</p> <p>In terms of inclusion to groups not in conflict with the law, we have a drop-in provision, to which groups can self-refer in order to meet or get support for personal problems. Here they can access counselling etc. this facility has been used by a local group of LGBT teenagers amongst others. It is also open to parents who might require mediation or support dealing with difficulties at home. This facility also has close links with police victim support services (for domestic and child abuse support), and the child court. We also have relationships with some local clinics for access to pregnancy testing, HIV/STD testing etc.</p>
<p>7. Financial information</p> <p><i>This section will be reviewed alongside your budget report, which should be included alongside your narrative and logframe. Please ensure this spreadsheet is completed with both a detailed breakdown of expenditure for this financial year, along with your projected spend for the next financial year.</i></p> <p><i>Please note carry-over of funds to the next financial year should have been agreed with the Scottish Government by January 31st of the current financial year.</i></p>	
7.1	<p>With reference to your budget spreadsheet, please give a detailed explanation of any variances between planned and actual expenditure, including reasons for the variances and whether these are as a result of timing issues, price achieved, quantity etc. If these are temporary variances, please outline plans for expenditure. (Max 500 words)</p>

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	<p>We have no significant variances in this financial year. We are showing a slight underspend on rentals, this is simply due to a change in billing. We are also due an increment on the rentals in April.</p>
7.2	<p>Please give details of any capital expenditure in this reporting period. (Max 350 words)</p> <p>We have a rolling replacement of beds and bedding. This is due to recent problems with bedbugs. Wooden bunkbeds are being replaced with metal-framed beds. We have also replaced some laptop computers.</p>
7.3	<p>Please explain how you have worked to ensure cost effectiveness on the project in the past 12 months, whilst maintaining the quality of delivery. (Max 350 words)</p> <p>During the past year, we have invested much in monitoring, and quality control measures. Our Director of Finance has placed strict controls on spend, and all spend is made in accordance with budget.</p> <p>Most of our savings can be made in procurement, and we have been extremely careful also in terms of procurement, following best practice advice and feedback by auditors. There is clear demarcation of duties on payments and approvals, and all payments by cheques are approved at Director level.</p>
<p>8. Any other information</p> <p>Use this section to tell us any other relevant information regarding your project. (Max 500 words)</p>	
<p>The effects of the chaotic nature of this project year are documented elsewhere in this report. I would use this section to offer some narrative explanation of the results detailed in the logframe. In most areas we have exceeded our targets slightly. This is due to two major factors.</p> <p>Firstly, there is the matter of timing. At the close of the previous report period, we had a number of participants straddling the reporting timetable, and a number of live recruits just starting their programmes. Most of these participants finished in this PY, and a number of new participants are starting their programmes. If you take the targets cumulatively, we are back on schedule in all of the important areas.</p> <p>The second factor in higher than average performance indicators is that to offset lower targets elsewhere, we have diverted some staff time to ensure that we are supporting the court system effectively.</p> <p>The major factor in areas where we are low on quantitative targets, is entirely due to difficulties with travelling and picking up files, and also the schedule of reintegrations adversely affected by reduced court function.</p>	

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Addressing the first target area (on files for confirmation). When it became obvious that our reduced ability to travel, and also to access judges and registrars for processing of orders, we targeted prisoner assessments and file recommendations; an area that we had capacity to step up activity. The end result of this targeted activity is that a reduced number of processed file confirmations, were offset by a higher than targeted number of recommendations and prisoner assessments. This has undoubtedly been a help to a court system with a growing backlog, and a reaction to changed circumstances at the courts.

The second lower than expected performance against target is with reintegrations. Because termination of court orders and release orders must be approved by either the High Court or the CCRB, we have a backlog of inmates awaiting processing for reintegration. What this does in effect, is create a blockage, where occupancy is slowed.

Both children in and children out, require approval by the court. When the court timetable is reduced in such a manner, and when judges' timetables are affected at short notice, throughput slows. At the time of writing this report, we have recently met with judges, who have agreed to speed up the process in order to clear the backlog. It is expected that the system will be functioning as normal by mid-April notwithstanding any anti-coronavirus measures that affect court function.

In addition to this, the elections will be re-run in May.