



ORGANISATION OF EASTERN CARIBBEAN STATES

TERMS OF REFERENCE

**CONSULTANCY FOR DRAFTING OF REGULATIONS FOR THREE OECS FAMILY
LAW BILLS (Legislation or Acts)**

The Terms of Reference and Guidelines for the Submission of Expressions of Interest for this consultancy are provided below.

Terms of Reference

Drafting of regulations for Maintenance and Access to Children, Juvenile Justice/Child Justice and Children (Care and Adoption) Acts all part of the suite of legislation promoted by the OECS JJPR project

1. BACKGROUND

Juvenile Justice reform and the harmonisation of the family law legislation across the nine Member States and Territories (MST) of the OECS has been part of the major undertaking of the OECS Commission and the Eastern Caribbean Supreme Court for the past decade. These have been enthusiastically supported by the USAID and UNICEF through several initiatives funded through the Commission and the ECSC respectively resulting in major achievements like the review and enactment of legislation in select MST to wit: Juvenile Justice/Child Justice, Children (Care and Adoption), Maintenance and Access to Children, Status of Children Act and Regulations.

The Status of Children Act¹ is the only one of the Legislation which is supported by regulations. At the High Court level the proposed Family Proceedings Rules will cure the likely deficiencies in the Acts (and even proposed forms that can be used) which regulations purports to do however at the Magistrates Court level where most of these legislations will be tested and administered no such facility exists. Child Justice and Child Protection systems require the full complement of legislation and regulations to effectively respond to the range of child protection risks and child rights issues. This situation will create gaps in the effective implementation of these Legislation.

Using the OECS Model ,Antigua & Barbuda; Grenada and St Kitts & Nevis have passed the Juvenile Justice/Child Justice and the Children (Care and Adoption) legislation. Additionally Antigua & Barbuda have passed the Maintenance Legislation and St Vincent & the Grenadines have passed the Children (Care and Adoption) legislation. Dominica and St Lucia have advanced drafts of Child Justice and Children (Care and Adoption) bills while St Vincent & the Grenadines has a first draft for Juvenile/Child Justice.

2. OBJECTIVE OF THE ASSIGNMENT

¹ Status of Children Act and Regulation have been passed in Antigua/Barbuda, St. Kitts/Nevis and Grenada

The objective of this assignment is to engage a consultant to draft regulations for the implementation of the following Acts namely; Juvenile Justice/Child Justice, Children (Care and Adoption) and Maintenance (or in some jurisdictions Maintenance and Access to Children Act). Regulations under these Acts that will enable the Minister, the Board/Committee, and the governing body by legislative instrument to:

- make rules for the general application of the Act
- amend the Schedules to the Act
- amend and prescribe forms to be used in making applications and issuing orders
- make provision for notice as to requirement for payments and other notices
- set time goals for specific performance
- regulate the particulars and information to be furnished in the Maintenance Register
- provide for the manner, form, times, places and the persons to submit information
- detail the role of the collection officers under the maintenance Act
- make provision of the fees and charges to be paid by the Government for mediation and other services deemed necessary and essential to the rehabilitation of Children
- make provision of fees and charges to be paid to the government for special/certain information.
- provide generally for the effective implementation of these Acts.

2. SCOPE OF THE ASSIGNMENT

This assignment forms part of the strategic objectives in execution of the 2017-2021 Multi-Country Programme Cooperation Agreement between the OECS and USAID - Juvenile Justice Reform Project II for the Eastern Caribbean Area. The OECS being the executing agency is mandated to ensure the desired results for juveniles and children (including their protection) across the nine Member States of the sub-grouping. This assignment of drafting regulations for three major Acts forming part of the suite of family law legislation under the OECS family Law reform initiative in the Eastern Caribbean is part of a regional undertaking to review and harmonise legislation and procedures aim at expediting the delivery of justice and ensuring uniformity in the treatment of children and young persons in this region. These draft regulations are designed to:

1. Support the legislation, and in particular, prescribe procedures and forms to aid in the administration of these Acts,
2. Identify structural or systemic barriers to the effective implementation of the Acts and address those in so far as is possible,
3. Identify and highlight promising practices to ensure uniformity within the national legal systems in Family Law proceedings, and
4. Make viable recommendations for ways in which to improve the delivery of services for children and youth in the justice system.

4. COORDINATION AND SUPPORT

During the Assignment, the Consultant will work closely with the Social Development Unit (SDU). The Consultant will be administratively managed and supported by the Head of the Social Development Unit and the Project Coordinator, JJRP. The SDU staff will be available as required for discussions and providing information.

5. SCOPE OF SERVICES

The Consultant will:

- a. Prepare and submit for review and approval by the SDU, a work plan detailing all activities, methodological approaches to be undertaken and tools to be utilized as part of the assignment, and associated timelines.
- b. Undertake field visits within the study countries to collect and validate the required information, prepare field reports, consulting with the Judges/Magistrates, courts staff, legal practitioners, Social work practitioners, child rights committees and child advocates etc.
- c. Review and analyse the Regulatory powers under each of the three Acts
- d. Prepare desk review of the major areas in the Acts which require procedural guidelines. Survey the forms currently used in the system with a view to adopting those suitable with modifications where necessary.
- e. Conduct/participate in meetings with the relevant(or selected) stakeholders to understand the context and dynamics of the proposed regulations
- f. Prepare and submit draft regulations for the Juvenile Justice, Children (care and Adoption) and Maintenance Acts
- g. Produce an end of assignment report

The scope and focus of the assessment will take into consideration international standards and obligations for managing children in conflict with the law as well as the Implementation Checklist for the administration of juvenile justice according to the Convention on the Rights of the Child to be found in the [Implementation Handbook for the Convention on the Rights of the Child: Fully Revised Third Edition | UNICEF Publications | UNICEF](#)

Implementation Arrangements

The consultant will liaise with Senior Government Attorney, Chief Magistrate and Chief Parliamentary Drafter in the 6 independent Member States in fulfillment of this assignment.

6. EXPECTED TIMEFRAME and DELIVERABLES

The consultancy services are required for an estimated total of Forty-Five (45) working days over a five-month period.

1. Draft template and work plan within two weeks of signing the contract. (Timeframes for submission of other deliverables will be agreed with the consultant and should be in line with the time frame in 6 above).
2. Six (6) draft copies of field report (one per Member State) highlighting areas requiring regulations including /fees/forms/licencing etc
3. Draft copy of regulations prescribed under the Legislation per Member State
4. final copy of regulations prescribed under the legislation (two sets) and two copies of the final field report to address all 6 Member States requirements

7. QUALIFICATIONS OR SPECIALIZED KNOWLEDGE AND EXPERIENCE

The competencies required from the Consultant or members of the Consulting Firm are:

- An advanced University degree in law/ Legal drafting
- At least ten years working experience and knowledge of the legal system in the region
- Experience in other systems approaches in the area of child care, maintenance and juvenile justice
- Demonstrated technical expertise in juvenile justice, maintenance and child protection
- Proven experience conducting at least one successful similar activity in the CARICOM region
- Excellent knowledge of International Conventions, Protocols and Guidance with regards to justice and protection for children.
- Good understanding of Civil Law and Criminal Law and familiarity with application of the laws in the respective areas
- Good communication and presentation skills/ability to express concisely and clearly ideas and concepts in written and oral form
- Ability to keep with strict deadlines yet operate in national environments of uncertainty and ambiguity

8. OVERSIGHT OF OECS COMMISSION

The OECS Commission will:

- a. Review and provide feedback on consultancy deliverables;
- b. Provide the consultant with all necessary logistical support to ensure that the consultant(s) undertake the consultancy with reasonable efficiency;
- c. Assign point person(s) to support the Consultant during the process;
- d. Meet all the agreed cost related to the consultancy;
- e. Facilitate the access to relevant documents and make all necessary contacts that may be needed;
- f. Guide the consultancy as needed and necessary.

9. PAYMENT SCHEDULE

This assignment will commence in May 2018 and be completed no later than September 2018. The Consultant can assist in determining the order in which the regulations are submitted for approval.

Payments will be made on the following basis:

- 10% on submission and acceptance of inception report and work plan
- 20% on submission and acceptance of draft regulations inclusive of forms for the 1st Act
- 20% on submission and acceptance of draft regulations inclusive of forms for the 2nd Act
- 20% on submission and acceptance of draft regulations inclusive of forms for the 3rd Act
- 30% on submission and acceptance of finalised regulations

10. PROPERTY RIGHTS

All deliverables should be in both electronic and printed editable format. The OECS and UNICEF shall hold all property rights, such as copyright, patents and registered trademarks, on matter directly related to, or derived from, the work carried out through this contract with the OECS and the sponsoring agency UNICEF.

GUIDELINES FOR SUBMISSION OF EXPRESSIONS OF INTEREST

CONSULTANCY FOR DRAFTING OF REGULATIONS FOR THREE OECS FAMILY LAW BILLS (Legislation or Acts)

Consultants wishing to signify their interest in undertaking the prescribed services are to submit an Expression of Interest (EOI) to include:

1. Information on the Consultant's qualifications and technical competence relevant to the assignment, experience in undertaking similar assignments, including Curriculum Vitae of the Individual Consultant proposed for the assignment;
2. A concept note on the planned framework for undertaking the assignment and a breakdown of the number of days required for each task.

Consultants shall bear all costs associated with the preparation and submission of their Expressions of Interest.

The OECS is not bound to accept any Expression of Interest, and reserves the right to annul the selection process at any time prior to contract award, without thereby incurring any liability to the Consultants.

For more information please contact:

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Social Development Unit
Organisation of Eastern Caribbean States
Morne Fortune
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Castries
ST LUCIA
Fax: 758 452 2194 Phone: 758 455 6370

At the following email address:

procurement@oecs.int

Expressions of Interest can be submitted via email.

An Individual Consultant will be selected in accordance with the Consultant's Qualifications (CQS) Selection method as detailed in the procedures set out in the Procurement Manual of the OECS dated November 2013, revised June 2016.

Expressions of Interest will be evaluated and the Individual Consultant with the most relevant experience, qualifications and technical competence will be selected and requested to submit a proposal which will be the basis for negotiations leading to a contract.

The criteria to evaluate the Expressions of Interests submitted may include:

- 1) Qualifications of the Consultant
- 2) Technical competence in undertaking the assignment
- 3) Related Experience of the Consultant and experience in undertaking similar assignments
- 4) Planned framework submitted for undertaking the assignment

An electronic copy of the Expressions of Interest are to reach the OECS Commission by **May 17,2018**, addressed to:

Procurement Officer

At the following email address:

procurement@oecs.int

The email submissions should include the name and address of the Individual Consultant and shall be clearly marked in the subject line as “**Expression of Interest – Consultancy For Drafting Of Regulations For Three OECS Family Law Bills (Legislation or Acts)**”
